

Consolidating peace in the DR. Congo

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This paper is written on my personal capacity and does not necessarily represent the position of the Forum of Congolese Organizations in South Africa

Three years after the historic elections in the Congo, the country is still marred in serious security and governance crisis despite efforts by the current government to stabilize the situation. The post-electoral period has been characterized by armed confrontation between forces loyal to the presidential candidate Jean Pierre Bemba and special guards of President Joseph Kabila in March 2007 in Kinshasa, the capital. Many civilians lost their lives. In the aftermath of this violence, the then senator Jean Pierre Bemba was forced out of the country for security concerns. The year 2007 was also marked by disproportionately waves of violent reprisal of a religious and political movement called “Bundu dia Kongo” by police forces. A report by the UN mission in the Congo has estimated at more than one hundred the number of civilians that were killed by state forces in addition to other casualties such as the destruction of houses. During that same period, Human Rights Watch and Amnesty International concurred in reporting state persecution of opposition members, especially members suspected close to Jean Pierre Bemba’s political party or province as well as journalists and human rights activists.

It is against this backdrop that the war in Eastern Congo resumed with the movement of Laurent Nkunda, called, National Convention for the defense of the people (CNDP) fighting against Congolese government forces (FARDC), hutu militias in the Congo (FDLR) and various local self defense militia groups (Mai Mai). It is important to note that after the Sun City peace agreement, Laurent Nkunda refused to take his position as general in the Congolese army and decided to form a militia group in the Kivu for, on his account, the protection of tutsi minority in the Congo and the containment of threats posed to Rwanda by active hutu militias. Later on, Laurent Nkunda would express ambitions of regime change in the Congo citing various failures of the existing government.

The war waged by forces of Laurent Nkunda had its most vicious moments in last quarter of 2007 and last half of 2008. In December and January 2007, the government of the Congo signed peace agreements with the CNDP movement, but this was not diligently implemented. From August 2008 to December 2008, the ceasefire was once more violated and intense fighting resumed causing catastrophic humanitarian crisis with more than 2 millions displaced civilians in North Kivu and many incidences of massacres, sexual violence, looting, burning of villages, destruction of property and environmental damages.

In the course of this war, it became clearer that access, control and trade of Congo minerals was a driving force of the violence with the involvement of many multinationals, helped by war lords and even army officials. It also transpired that the

Rwandan government was actively involved in arming the CNDP and facilitating the looting of Congo's minerals. The last UN report highlighted without equivocation this involvement of the Rwandan government as well as the periodic collaboration of the Congolese government with hutu militias.

While the Nairobi talks between the CNDP and the Congolese government under the facilitation of the former Nigerian president Olusegun Obasanjo were still under way, the Congolese government succeeded to negotiate the marginalization of Laurent Nkunda by his Rwandan sponsors and his colleagues in the CNDP. The "secret" agreement signed between Rwanda and Congo resulted in the arrest of Laurent Nkunda and the immediate deployment of a joint military operation of both countries in an effort to flush out hutu militias from the Kivus and curb the threat they pose to Rwanda.

This operation has raised a lot of opposition and interrogation from the people of the Congo for a certain number of reasons. Firstly, the agreement on which it is based has not been made public. Secondly, whereas Rwandan military officials were supposed to intervene as observers according to the 5th December 2008 agreement, they entered the Congo territory in thousands (more than 5 thousands) without a precise mandate and deadline. Thirdly, there was no measure taken to protect civilians in the course of the joint operation. There was then any reason to predict that the catastrophic attacks on civilians undertaken by LRA in North East of Congo would be replicated in the Kivu by FDLR(hutu militias). As a matter of fact, Human Rights Watch has recently reported killings of more than hundred of civilians by FDLR and displacement of thousands of civilians in the affected areas. Fourthly, the joint military operation is headed by Bosco Ntanganda, the former commander of CNDP militia group, who is currently under an arrest warrant of the International Criminal Court. The Congolese government has refused to hand him over to the ICC for the obvious reason that this individual has helped the Congolese government to sow division in the ranks of the CNDP and is now contributing to the dismantlement of hutu militias in the Kivus. Many diplomatic missions, civil society organizations and international organizations have criticized this position of the Congolese government as cautioning impunity and defeating the end of justice. As for Laurent Nkunda, the Congolese government has stated that it has negotiated his extradition to the Congo. However, it is not clear whether this will be materialized given the entrenched culture of finding political solutions to criminal matters especially when high profile politicians or army officials are involved.

How diplomatic missions and other influential organizations have reacted to the latest development in the Kivus? The UN mission in the Congo (MONUC) initially complained for not being included in the planning of the joint military operation in the Kivus. It later stated that it would accompany the operation but not actively participate in it. The MONUC has continued its DDRRR program that works on the voluntary repatriation of demobilized hutu soldiers back to Rwanda. It has announced that the program has repatriated a thousand of hutu soldiers and their dependants since the beginning of the joint military operation in January 2009. The African Union, the Southern Africa Development Community, and South Africa have looked at this joint operation as positive development in the resolution of the security crisis in the region of the great

lakes. The United States of America has likewise praised the operation. Countries of the European Union have also commended the operation. The French president Nicolas Sarkozy has gone as far as advocating for a joint management by Rwanda and Congo of natural resources in the Eastern Congo in an effort to curb illegal trafficking of Congo's minerals and other forms of wealth and ensure that the people of both countries benefit from their resources. However, his pro-Rwanda remarks were met with strong opposition from Congolese political circles.

To consolidate peace and good governance in the Congo, it is important that international, regional and national stakeholders join forces in ensuring that:

- The process of demobilization, disarmament, reintegration and reinsertion (DDRR) avoid past setbacks that contributed to its failure, the continuing weakening of the national army, and the manipulation of the defense force by Rwanda and Uganda. These problems were particularly poor funding of DDRR programs, misappropriation of funds dedicated to the program, integration of Rwandan soldiers in the Congolese army, the deployment in North Kivu of a politically or ethnically homogeneous brigade, the politicization of the army, etc. In this regard, the rapid integration of former CNDP soldiers into the national army is already a mistake that does not show commitment to learn from past mistakes.
- Measures are taken to protect civilians against possible attacks by hutu militia groups, LRA or other armed groups operating in the Congo.
- Pressure is exercised on the Rwandan government to open up political dialogue with hutu groups operating abroad. All hutus should not be labeled as having committed genocide. As long as a significant number of hutus will reside abroad and the Rwandan state and political space will remain mono-ethnic, there will be no lasting solution to the trouble in the region. Rwanda will then continue to take this as a pretext in order to either intervene in the Congo or sponsor militia groups in the Congo.
- The government of the Democratic Republic of Congo consults with the parliament before embarking on any military operations in which foreign countries are associated or before involving in any war in accordance with the constitution. In some instances, extended public participation is important for lasting peace and ownership of peace programs by communities. As for now, there has been very little public participation in the peace plan that is being implemented by the Congolese government.
- Exploitation and trade of Congo's natural resources is managed within a legitimate legal framework. There is still an unfinished process of revisiting mineral contracts. In addition, all the stakeholders have to work together to put in place mechanisms that trace minerals originating from troubled areas, impose

restrictions on such products, discourage buyer companies and hold accountable individuals and companies that continue to buy minerals or other forms of wealth from illegitimate bodies, be it a war lord or an official in the government.