

**POLICY OPTIONS IN THE DEMOCRATIC  
REPUBLIC OF THE CONGO (DRC):  
AN OVERVIEW FROM 1960 to 2006**

By

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## **Abstract**

This dissertation entitled: “Policy Options in The Democratic Republic of the Congo (DRC): An Overview from 1960 to 2006” entails to develop an analytical framework with the intention of looking at various policy options that could guide the leadership in mapping out a roadmap for sustainable development in the reconstruction of the Democratic Republic of the Congo (DRC). The research recognises that suitable policies which can provide solutions for the political and socio-economic problems of the DRC must be sought within the geographic, demographic, religious and ethnic context of that country. Hence, the dissertation departs from the premises that the diagnosis of the solution needed to remedy problems afflicting many African nations such as the Democratic Republic of the Congo begins with the inherent problem of governance. Consequently, the study investigates sources of bad governance and factors which have led to the collapse of a state beginning with the historical consequence of colonialism and the mismanagement by successive regimes. These factors are largely responsible for the decimation of potentially, Africa’s wealthiest nations, reducing them to being amongst the poorest in the world. Beyond the context of the continental policies, the dissertation examines the Democratic Republic of the Congo’s own Post Conflict and Reconstruction policy. Also for consideration is the areas of priority that needs focussing on if a post conflict and reconstruction policy is to be successful. This includes ensuring that peace and security prevails by stabilising the country through the reform of the security sector. Security in this context must be understood in its broad format which includes human security. On the other hand, the study also presents the argument that policies alone are not sufficient to create a functioning state that is of service to its people. For the future and prosperity of the Congo, it is essential not only to have the correct policies only, but also a leadership, at all levels, that will embrace and implement them.

## Acronyms

ACSA	Airport Companies of South Africa
AFDL	Alliance des Forces Démocratiques pour la Libération
AU	African Union
BNC	Bi-National Commission
CMT	Crowd Management Technique Training
DBSA	Development Bank of Southern Africa
DRC	Democratic Republic of the Congo
ENA	Ecole Nationale D'Administration (National School of Administration)
EU	European Union
FDD	Forces de Défense pour la Démocratie
FUNA	Former Ugandan National Army
HSGIC	Heads of State and Government of the Implementing Committee
ICTR	International Criminal Tribunal for Rwanda
JMC	Joint Military Commission
LRA	Lord Resistance Army
MDG	Millennium Development Goals
MLC	Mouvement de Libération du Congo (Movement for the Libération of Congo)
MONUC	Mission de l'Organisation des Nations Unies pour le Congo (United Nations Peacekeeping Mission in the DRC)
MOU	Memorandum of Understanding
NEPAD	New Partnership for Development
PCRD	Post Conflict Reconstruction and Development
RCD	Rassemblement Congolais pour la Démocratie
REC	Regional Economic Community
RSA	Republic of South Africa
SACAA	South African Civil Aviation Agency
SADB	South African Diamond Bond
SADC	Southern African Development Community

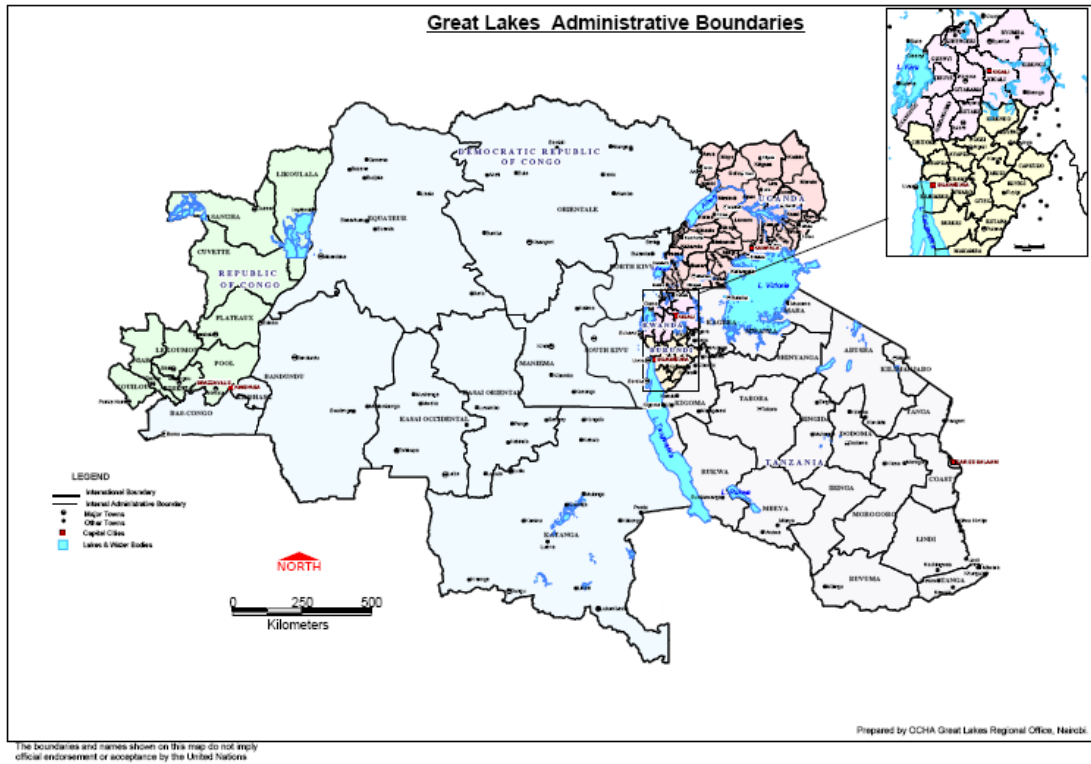
SDI	Spatial Development Initiative
SSR	Security Sector Review
WTO	World Trade Organization
UNITA	Union Nacional dela Independancia Total de Angola
UNRF	Uganda National Rescue Front
WNBF	West Nile Bank Front

## Figures

Figure 1.1: Maps



Figure 1.2: DRC's Administrative Boundaries





**Figure 1.3: Africa's Map**



Source: [www.worldatlas.com/webimage/countrys/africa/africaa.htm](http://www.worldatlas.com/webimage/countrys/africa/africaa.htm)

## Chapter One:

# Introduction and Historiography

The Democratic Republic of the Congo (DRC)'s area covers a total of two thousand three hundred and forty two (2 342) million square Kilometres. It is the second largest country (landmass) in the African continent surpassed only by the Republic of the Sudan. (Arnold, 2005).

[www.worldatlas.com/webimage/countrys/africa/africaa.htm](http://www.worldatlas.com/webimage/countrys/africa/africaa.htm)

The challenge facing the elected government of the Democratic Republic of the Congo is to strengthen the fragile peace existing in the country, deliver a strategy for sustainable growth, end poverty and produce a plan for economic recovery. Major General, Joseph Kabila, outlined some of the challenges in his speech delivered at his inauguration as the elected President of the DRC, and predicting a brighter prospect for his country he stated the following: "I see a Congo where, every day, the people are returning to work, transforming the parameters of poverty into a building site for prosperity. We must, in particular, start rehabilitating the infrastructure of communication such as roads, railways, waterways, ports, airports, we must undertake extensive agricultural projects, reform the education system, provide access to safe water and electricity, build health facilities and housing" (President Joseph Kabila, 2005).

Africa's development can only be realised in an environment of peace and stability. African leaders in their quest to unify the continent have recognised that the political and economic integration of the continent must begin with the strengthening of Regional Economic Communities (REC). The leaders also recognise the central to Africa's success is the trilogy: Peace, Security and Development. Without peace there can be no development and without development there can be no human rights.

President Kabila made the same observation when he stated in his speech that I have also asserted that there is a dialectical unity between good governance, democracy and the state of law (Joseph Kabila, 2005).

The Congolese leadership is faced with the challenge of developing a policy framework within the context of the African agenda as set out by the continental organisation, the African Union (AU) and its developmental programme the New Partnership for Africa's Development (NEPAD). The policy framework must take into account the specific conditions pertaining to the Democratic Republic of the Congo and the regional dynamics.

In a meeting of the Heads of State and Government of the implementing Committee (HSGIC) of NEPAD, held in Abuja - Nigeria in 2004, the leaders made the observation that NEPAD recognises that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development (NEPAD, Secretariat Report 2004).

Policy formulation in DRC is faced with the challenges in the following areas governance, security sector reform, humanitarian crisis, economic management and sustainable development. Cutting across all these sectors the biggest challenge are, personnel and institutional capacity building. Nevertheless, the DRC together with other African giants such as Angola, Sudan, which are largely endowed with huge deposits of natural and mineral resources have the potential of becoming the pulling locomotives in the battle for Africa's 'renaissance'. To win half the battle in the struggle for the renewal of the African continent, Africa's leaders are faced with the challenge of transforming these countries into stable and prosperous democracies to enable them to assume leadership roles.

## **Historical Overview**

Historical background and realities inform the current situation and helps to put into perspective the present difficulties confronting the DRC. It is imperative to go back in history and analyse conditions that were created over a period of time and which, to a large extent, accounts for the current state of affairs. Understanding these historical conditions enable analysts to be better able to get to the root causes of the problems and to have appreciation of the remedy that is required to formulate correct policies. The history of the Congo is characterised by slavery, brutal exploitation, dictatorship and ethnic conflicts. All these factors combined, contributed to the reversal of development in the Democratic Republic of the Congo.

## **An Overview of Africa's Anti-Colonial Struggle**

Congolese independence in 1960 was primarily an expression of the anti-colonial struggle that saw the emergence of new independent nations worldwide. Since World War II, millions of people had struggled to rid themselves of the yoke of colonialism through civil strikes, civil disobedience movements and full-scale wars. When Belgium officially granted the Congo (Kinshasa) its independence, already a number of former colonies had been freed. India gained its independence in 1947, China followed in 1949, Vietnam in 1954. Since 1954 a war of liberation had been raging in Algeria, the second war in Indochina broke out in 1957, and the Cuban people overthrew Batista's semi – colonial rule in 1959.

In Africa as well, the anti-colonial struggle was gaining momentum. In 1953 four African states namely Egypt, Ethiopia, Liberia and South Africa were members of the United Nations. And by the end of 1960 there were twenty-six African countries that became members of the United Nations. In 1960 sixteen more African countries gained their independence, most of these were

from francophone Africa. These countries are: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey (Benin), Gabon, Ivory Coast (Côte d' Ivoire), Madagascar, Mali, Mauritania, Niger, Sénégal, Togo, Upper Volta (Burkina Faso) and Nigeria. Also during the same period British Somaliland joined the former Italian Somaliland to form the Independent Republic of Somaliland. According to Arnold (2005), and from a historical point of view, The Congo, which is Africa's largest and potentially the richest country gained independence from Belgium in 1961 (Arnold, 2005).

It is clear, judging from the performance of these countries today, that when they gained independence they had fragile infrastructure and miniscule economies. The legacy they inherited indicate that on granting independence most colonial powers had clearly not focussed on developing infrastructure. The newly independent countries require, even today, political stability and economic growth. Most of these former colonial countries were starting from tiny under-developed economic bases. The independence of these emerging countries was as a result hollow and could therefore not secure sustainable development.

This desperate situation forced the leaders of these emerging states to seek compromises with their former colonial masters. The fragile so called independence demanded that for their own survival these countries must continue to be dependent on their former colonial masters. This has created an unequal relationship in which the former colonial masters continue to benefit from the beneficiation of the raw materials produced by the colonies simply by monopolising the capacity to develop expertise that adds value. In turn the colonies, having produced the raw material become dependent on the value added products sold back to them as finished goods.

In the same vein, Arnold (2005) argues that the policies of government, which were based on compromise was influenced largely by the state of poverty and underdevelopment and that this scenario made it possible for the

former colonial masters to pursue neo-colonial policies that enabled the transfer of political power while maintaining economic control of the emerging states. Arnold (2005) further stated that during the decade that followed the euphoria of 1960, two parallel searches took place. The first was for political stability, the best system to encompass the needs of the new societies; and the second was for economic growth and development, in most cases starting from tiny under-developed bases. The political leaders had, at once, to learn the art of compromise, both with the various forces that had been released in their new states and with the departing colonial powers (Arnold, 2005).

Another view on the art of compromise comes from Fanon (1993) who stated “that this idea of compromise is very important in the phenomenon of decolonization. For it is very far from being a simple one. Compromise involves the colonial system and the young nationalist bourgeoisie at one and the same time. The partisan of the colonial system discover that the masses may destroy everything. Blown up bridges, ravaged farms, repressions and fighting harshly disrupt the economy...” Compromise is equally attractive to the national bourgeoisie, who since they are not clearly of the possible consequence of the rising storm are genuinely afraid of being swept away by this huge hurricane and never stop saying to the settler. Fanon further reiterated that “we are still capable of stopping the slaughter; the masses still have confidence in us; act quickly if you do not want to put everything in jeopardy” (Fanon, 1993).

This view of Fanon on compromise is particularly instructive as it focuses on the collaboration of what he refers to as a ‘national bourgeoisie’ in the pacification of the masses. The arrangement hastily made between the colonisers and certain elements of the colonised societies who stood to benefit at the expense of the overwhelming majority created the foundation for the status core in many a developing country. This relationship is a precursor of the unjust, unfair and unacceptable world order in which the benefits of the process of globalisation is accrued largely by the developed

countries. The tendency to seek out collaborators capable of protecting one's interest is old and can be traced as far back as the period of slavery, where some chiefs sold their subjects in return of personal benefits.

Today, different researched statistical data demonstrates that the African continent has been increasingly marginalised since the end of the Cold War. Despite having gained political independence there are a lot of tell-tale signs that are indicative of problems afflicting Africa. Problems such as political failure, lack of good governance, civil unrest, feminine and the AIDS pandemic constitute serious challenge to the leadership of the continent. (Data Resources Online <http://www.data.org>).

Africa's biggest challenge, however, has been and remains the lack of total independence both politically and economically. The consequence of the compromise solution described in the above mentioned paragraphs has meant that Africa was never really given the opportunity to determine its own destiny. Despite Africa's natural and mineral wealth it continues to have little control over the pricing of its own products. Developed countries therefore continue to accrue more benefits out Africa's natural and mineral resources, much more than Africa itself.

Sub-Saharan Africa still remains one of the poorest regions in the world. During the 1990 it accounted for less than one per cent of world trade with approximately 12 per cent of the world's population. Moreover, even though sub-Saharan Africa remains mired in chronic poverty, the continent still experiences a net outflow of capital to its creditors. At present this deficit amounts to approximately two billion US dollars as Africa spends fourteen point five billion dollars (\$ 14.5 billion dollars) each year repaying debts and only receives \$ 12.7 billion in official aid. In essence the poorest region of the world is subsidising the nations of the developed world (Data Resources Online <http://www.data.org>).

Given the state of affairs Africa now need to rehabilitate and to work for genuine transformation if it is to avoid further marginalisation. The relative peace and stability that exists is testimony of Africa's determination to find solutions to the numerous problems that confronts her. Through continental institutions such as the African Union (AU), Regional Economic Communities (REC) and through developmental programmes such as the New Economic Partnership for Africa's Development (NEPAD), a solid foundation for Africa's recovery has been laid. Africa needs to review its policies continuously with a view to determine whether they are useful and to ensure that the strategies deployed deliver to bring about the desired changes in the fortunes of millions of Africa's inhabitants.

### **An Overview of the History of the Congo–Kinshasa (DRC)**

The early inhabitants of the Congo are said to be the pygmies who lived in small numbers in the equatorial forest of the north and east. Increasingly a number of Bantu speaking people began occupying the region from the North- West (present day Nigeria and Cameroon) and settled in the Savannah region of the South. The Bantus were armed with their vast knowledge of iron technology and agriculture. They soon started trading the copper deposits of South Katanga. (Hochschild, 2002).

The Bantu increased considerably in numbers and began occupying larger areas of the Congo region, thus reducing the area occupied by the pigmies, they coalesced into states some of which governed large areas and had complex administrative structures. Monarchs, whose authority although considerable, was checked by a council of high civil servants and elders, ruled most areas.



The notable Kingdoms during this period was the Kingdom of the Kongo founded in the 14<sup>th</sup> century what would be today modern Northern Angola but including areas of western Congo, and a Luba empire (founded in the early 16<sup>th</sup> century) and centred on Lakes Kirale and Upemba in central Katanga (Hochschild, 2002).

## **King Leopold II**

In the late 1870, the territory was colonised by King Leopold II (Who reigned from 1865 to 1909). Today the Democratic Republic of the Congo owes its present boundaries to the imperial aspirations of King Leopold II who obtained much of this vast territory in 1885. King Leopold set up his own colonial empire after realising that Belgium, as a country will not support his ventures. The King believed strongly that Belgium needed colonies to ensure its prosperity. (Hochschild, 2002).

In his book, entitled *King Leopold's ghost* the author Adam Hoschild writes:

*From the colonial era, the major legacy Europe left for Africa was not democracy as it is practised today in countries like England, France and Belgium; it was authoritarian rule and plunder. On the African continent, perhaps no nation has had a harder time than the Congo in emerging from the shadow of the past (Hoschild, 2002).*

Massive campaigns against the slavery practised in the Congo by the King, forced the Belgium government to step in and buy the Congo from Leopold in 1908. Belgium's take – over from the King was followed by the establishment of Private companies to exploit the mineral wealth of the Katanga and Kasai regions. A notable example was the 'Union Miniere du Haut Katanga' chartered in 1905." In the same text, Hochschild (2002) also observes that: "when independence came, the country fared badly...Some Africans were being trained for that distant day; but when pressure grew and independence came in 1960, in the entire territory there were fewer than 30 African

university graduates". Meredith (2006) noted that there were no Congolese army officers, engineers, agronomists or physicians. The colony administration had made few other steps toward a Congo run by its own people; of some 5,000 management-level positions in the civil service, Africans filled only three (Meredith, 2006).

### **Patrice Lumumba**

On the 30<sup>th</sup> June 1960, the independence day of the Congo, a representative of Belgium, King Baudouin – the firstborn son of King Leopold 11- extolled the role played by his father in the development of the Congo. He called on the Congolese to, as they begin to rule themselves, seek advice and not to venture into major changes without consulting Belgium, considering "their lack of skills and expertise" (Hoschild, 2002).

The elected Prime Minister Mr Patrice Lumumba, although not scheduled to speak asked for the floor to respond. He rose to deliver a tirade against Belgium. Patrice Lumumba denounced Belgium's colonialism and slavery and spoke of the historic struggle for liberation of the Congolese people. Lumumba's speech made it very clear that what Baudouin sought to glorify was nothing more than humiliating slavery that was imposed on the Congolese by force. Patrice Lumumba did not last long. In Belgium and the West, he was considered a dangerous extremist who threatened the interest of the Western civilisation. Lumumba was killed in January 1961. His death marked the end of the first phase of the Congo crisis. (Meredith, 2006).

The death of Lumumba demonstrates the extent to which the countries of the West were ready to go in maintaining control of the newly independent former colonies. Western countries employed any means within their disposal. They manipulated the United Nations, facilitated the deployment of mercenaries, and by threats bribes and overt political pressure they made

sure that a puppet system accountable to the West rather than any fully independent political leadership came to power.

Describing the behaviour of the western countries during this crisis ridden period in the Congo, Guy Arnold states that there were a number of excuses given to justify the behaviour of the west, the cold war was one – preventing the spread of Soviet or communist influence in the region; greed was another – the Congo was too rich to be allowed to escape from Western corporate controls; and deep resentment on the part of the Belgians at loss of control of their colonial in Africa was the third (Arnold, 2005).

Given the different and opposing perspective of Baoudouin and Lumumba, it becomes imperative to make an analysis of the policies pursued during Belgium's colonial rule in order to determine whether in fact the Congo did benefit during this period. The analysis should answer the question, should the Congo be grateful to colonialism? Considering that historical records indicate that the colonialism of the Congolese is almost comparable to slavery, it is safe to assume that Congo did not benefit during this period.

In the same token it becomes important to analyse Lumumba's response, which refers to the great movement for liberation of the Congolese people. What happened to this great movement for liberation during the crisis ridden period of the more than forty years that ensued following Lumumba's death?

### **Mobutu Sese Seko**

After the death of Lumumba the period of dictatorship of the Joseph-Desire Mobutu (Who later renamed himself as Mobutu Sese Seko kuku Ngbendu wa za Banga) era, appear to confirm the theory postulated by Franz Fanon and quoted above in relation to the collaboration of the colonialists and certain national elements.

The prolonged life span of this dictatorship underscores the power and strength of the collaboration. During this period for over forty years, Congolese never held democratic elections, Multi party democracy was not allowed. Joseph Mobutu, recorded by historians as one of the richest leaders of the world reigned over one of the poorest country. According to *Transparency International*, Mobutu embezzled over five billion USD from his country, ranking him as the third-most corrupt leaders in world history and most corrupt African leader ever.

Mobutu's rule earned a reputation as one of the world's foremost examples of kleptocracy and nepotism. Close relatives and fellow members of the Ngbandi tribe were awarded with high positions in the military and government, and he groomed his eldest son, Nyiwa, to one day succeed him as President. Despite his dictatorship and corruption, Mobutu successfully capitalised on cold war tensions and gained significant support from Western countries like the United States, Belgium, France and others and international organisations such as the International Monetary Fund. For the most part, Mobutu's Zaire enjoyed warm relations with the United States of America (USA) The USA was the third largest donor of aid to Zaire (After Belgium and France), and Mobutu befriended several U.S presidents, including Nixon, Reagan and George H.W. Bush ([http:// bookrags.com/Mobutu Sese Seko](http://bookrags.com/Mobutu%20Sese%20Seko) *quoting Young and Turner* ).

A logical conclusion that has to be reached is that the Mobutu regime, known to be one of the most corrupt and violator of human rights and operating completely against all norms of democracy and good governance, could not have survived this long without the support and backing of the Western democracies. Franz Fanon's theory makes this point.

### **Ethnic divisions: A source of conflict**

Historically, disputes over land tenure and ownership lie at the heart of most ethnic clashes in particular between the Banyarwanda and the indigenous

Hunde. Colonial powers settled Banyarwanda on vacant land, which belonged to the indigenous customary Hunde chiefs.

In 1981 The Zairian parliament passed decree law no 81-002, amending law no 71-020 of 26 March 1971, which had granted nationality on a collective basis to the Banyarwanda. The new law retroactively deprived many Banyarwanda of their Zairian nationality and hence property rights by conferring nationality only to those who could prove that their ancestors had lived in Zaire since 1885 (Arnold, 2005), ([http:// bookrags.com/Mobutu Sese Seko](http://bookrags.com/Mobutu%20Sese%20Seko) *quoting Young and Turner* ).

Following this decision, which is reflection of the historical dispute over territory along the Rwanda and Congo boarder: The Hunde, later aided by the presence of unpaid units of Zairian Soldiers, tried to drive the Hutu and Tutsi out of the region. Ethnic conflict between the Banyarwanda and Hunde peoples erupted repeatedly in the North Kivu/Masisi region from March to June 1993 and again in 1996.

The arrival, in 1994, of some 1,5 million Hutu refugees from neighbouring Rwanda, transformed an essentially local conflict into an international cross border war. Rwanda, which has had its own dynamics of ethnic conflict between the Hutu and Tutsi, accused the Zaire government of aiding the ex-FAR and Interhamwe militia to establish military basis of operations in the Masisi area, assisting them in the procurement of arms and the execution of cross-border attacks on targets in Rwanda (Arnold, 2005).

The genocide in Rwanda in 1994 led to a mass exodus of Tutsis into the Congo territory. The genocide itself was the culmination of bitter rivalry between the ethnic groups, but particularly between the Hutus and the Tutsis, that has embroiled the entire region in conflict and instability.

## **Laurent-Désiré Kabila**

It was at about this time that Laurent Desire Kabila, a non –Tutsi Zairian, emerged as the acclaimed leader of what he called the alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL). Kabila's forces, most of which were trained in the United Republic of Tanzania, aided by allied forces from the neighbouring countries, soon overcame the ill- equipped and indiscipline Zairian soldiers. Shortly thereafter, civil order was restored in the Kivus, with ADFL troops demonstrating a discipline not seen amongst Zairian soldiers. Civil servants' salary arrears were paid and commercial life resumed.

By May 1997 Kabila succeeded in driving out the Zairian dictator, Joseph Mobutu from Kinshasa, and took power as the new President of the Democratic Republic of the Congo. In the ensuing months, Kabila's promise to his allies, who helped him to gain power, namely Uganda, Rwanda and Burundi, to address the 'Banyamulenge – issue' as well as the Hutu militia problem on his eastern Border had come to nothing. Continued pressure from inside his alliance government, and a total lack of co-operation on Kabila's part, led to a renewed rebellion sponsored by his former allies – Uganda and Rwanda – in an attempt to remove him from power.

## **Evolution of the Conflict in the DRC**

On the 2<sup>nd</sup> August 1998 the Banyamulenge (ethnic Congolese Tutsi) troops along with the Rwanda's soldiers in military camps in Kinshasa clashed with DRC soldiers. Indications were that the attacks were a result of President Kabila ordering Rwanda soldiers to leave DRC territory. Rwanda and Uganda accused President Kabila of being unable to control and administer the Eastern DRC, the two countries complained about the continued attacks by various rebel groups such as the ex Rwandese Army (FAR) troops, and Interhamwe/Hutu groups, and Ugandan armed groups such as the Lord's

Resistance Army, Tabliq and the Nile West Bank front. (Human Rights Watch, 2004).

The dynamics of the conflict in the DRC was complicated by the military involvement of several other African states on both the side of the conflicting parties. Rwanda and Uganda are most of the time implicated. At some stage a number of African States namely, Uganda, Rwanda, Zimbabwe, Namibia and Angola were all engaged in intense conflict supporting one group or the other, and thus making the conflict, the first international war in Africa since decolonisation.

Rwanda and Uganda claim that their involvement in the DRC is motivated purely in the interest of their own national security as rebel movements use DRC territory as spring boards to launch attacks on their countries. Zimbabwe, Angola and Namibia justify their involvement in the DRC from the premises that they were acting in aid of a legitimate government that is defending its' sovereignty and territorial integrity.

This may be the case, there are however many who believe that these states are also acting out of economic self-interest and that their military involvement in DRC territory was in part an endeavour to exploit the mineral wealth of the DRC. There is not enough evidence to substantiate this claim.

There is however documented evidence that certain individuals and big corporations in some of the neighbouring states, benefit from exploiting the mineral wealth in the embattled areas of the Congo. Some of these elements operate in the conflict ridden areas of the Congo under protection, at a fee, from the rebel groups in captured territories. (Human Rights Watch, 2004).

The *Human Rights Watch* investigating the conflict in the northeast corner of the Democratic Republic of the Congo (DRC), one of Africa's richest goldfields, made the following observation in its report: "In 2003, an

estimated \$60 million worth of Congolese gold was exported from Uganda, much of it destined for Switzerland. One of the companies buying gold from Uganda is Metalor Technologies, a leading Swiss refinery. The chain of Congolese middlemen, Ugandan traders, and multinational corporations form an important funding network for armed groups operating in north-eastern Congo. Metalor knew, or should have known, that gold bought from its suppliers in Uganda came from a conflict zone in north-eastern DRC where human rights were abused on a systematic basis" (Human Rights Watch, 2004).

## **Negotiations for a Peaceful Settlement of the Conflict**

Several SADC summits and many ministerial consultations followed the outbreak of conflict in the DRC. One of the most important summits was the Pretoria Summit held on 23 August 1998. The then Chairperson of the SADC, President Nelson Mandela, convened an Extraordinary Summit of the SADC Heads of State to deliberate the situation in the DRC. The Summit called for a cease-fire, troop standstill and the initiation of a peaceful process of political dialogue. These aspects formed the framework within which the Lusaka Cease-fire Agreement was drafted and approved.

### **Case Study One: The Lusaka Cease-Fire Agreement**

The parties to the conflict signed the Lusaka Cease-fire Agreement on 10 July 1999 after extensive negotiations between all the belligerents with mediation by Zambia, South Africa and numerous other countries, which even included Libya. The RCD-rebel group did not sign the agreement on 10 July 1999. This resulted in the MLC being hesitant to sign immediately.



The MLC led by Jean P. Bemba signed on 1 August 1999 after being prompted by Uganda and South Africa. The August 1999 SADC Summit proposed that all founding members of the RCD be persuaded to sign the cease-fire. This eventually took place on 31 August 1999 in Lusaka after extensive mediation by the South African Minister of Foreign Affairs.

The most important aspects of the Lusaka Cease-fire Agreement can be summarised as follows:

### **Cessation of hostilities**

That ensured that hostilities come to an end. All parties to the conflict were ordered to cease hostilities within 24 hours of the signing of the Lusaka agreement. All air, land and sea attacks were to cease and the military forces were to disengage. All acts of violence against the civilian population were also to cease, while the parties were to facilitate the delivery of humanitarian assistance through the opening of aid corridors" (The Lusaka Ceasefire Agreement, 1999).

### **Joint Military Commission**

A Joint Military Commission (JMC) – composed of two representatives from each belligerent party under a neutral chairman appointed by the OAU – was established within one week of the signing of the agreement to oversee its implementation until the deployment of a UN peacekeeping force. The duties of the JMC, which operated under the responsibility of a separate ministerial-level political committee, was to include, among other things, investigating reported cease-fire violations, working out mechanisms to disarm militia groups, verifying the disarmament of Congolese civilians, and monitoring the withdrawal of foreign forces" (The Lusaka Ceasefire Agreement, 1999).

## **Deployment of peacekeeping force**

An “appropriate” force was subsequently deployed by the UN to ensure implementation of the agreement. The force was inter alia to take all necessary measures to ensure compliance, collect weapons from civilians, and schedule and supervise the withdrawal of all foreign forces, in collaboration with the JMC and the OAU. It was also tasked with providing humanitarian assistance to displaced persons, refugees and other affected persons and ensuring their protection.

## **Disarmament of militia groups**

The Agreement envisaged the tracking down and disarming of armed groups, the screening of mass killers and war criminals, and the handing over of suspected ‘genocidaires’ to the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. The countries of origin of members of armed groups were to take all necessary measures to facilitate their repatriation, which could include the granting of amnesty to non-genocidaires.

The “armed groups” are identified as the Rwandan ex-FAR and Interahamwe (Genociders), the Rebel Ugandan Allied Democratic Forces (ADF), Lord’s Resistance Army (LRA) and West Nile Bank Front (WNBF), the Uganda National Rescue Front I (UNRF II), the Former Ugandan National Army (FUNA), the Burundian Forces de defence pour la democratie (FDD) and Angola’s ‘Union Nacional de la Independencia Total de Angola “UNITA” (The Lusaka Ceasefire Agreement, 1999).

## **National reconciliation**

Forty-five days after the signing of the Lusaka agreement, the DRC government, the Rassemblement Congolais pour la Democratie (RCD), the Movement de Liberation Congolais (MLC), unarmed opposition groups and

Congolese civil society began political negotiations culminating in the setting up of a new political dispensation in the DRC.

The negotiations were held under the authority of a neutral facilitator acceptable to all Congolese parties, chosen within 15 days of the signing of the Lusaka agreement. The agenda for the dialogue included the organization of democratic elections. Following the negotiations, a restructured national army is to be formed, which would integrate the forces of the Congolese army, the RCD and the MLC.

Other provisions of the agreement included: the release of hostages and exchange of prisoner of war; the re-establishment of state administration over DRC territory; and the need to protect the rights of ethnic groups and to address the security concerns of the DRC and its neighbours.

The implementation of the Cease-fire has proved to be an arduous task, and it has constantly been on the brink of collapse. The Congolese Government and its allies as well as the rebel forces have made repeated allegations of cease-fire violations. None of the provisions of the Cease-fire have been implemented on schedule. Although the JMC has been established, it has struggled to perform its' tasks mainly due to a lack of funds. A facilitator to the internal dialogue in the DRC, Sir Ketumile Masire, former President of Botswana, was appointed on 15 December 1999, four months after the deadline set by the cease-fire agreement.

## **Conclusion**

The History of the Congo is a history of a people denied. This is a country that is blessed with abundant natural and mineral resources and yet it is today amongst the poorest in the world. History gives an account of the Congo's tragedy, what should now be a preoccupation, should be whether this can be reversed. The concern should to determine whether the present

efforts suffice to ensure that the Congo is well on its way towards recovery. Can the Congo now explore its full potential? What standard should be set to ensure that in the post-conflict, reconstruction and development era, the Congo does not slide back to anarchy and lawlessness?

Despite prolonged periods of disorder Congolese have continued to fight for peace and stability, assisted by the International community, their efforts produced a ceasefire agreement and a transitional government of one President and four deputies. The transition and the successful democratic elections have finally brought stability. The stage is now set for through going policies that should assist in Post Conflict Reconstruction and Development. South Africa that has so far played a leading role in the transitional period has to continue in the pursued of the best strategies and way forward.

## **Methodology Approaches**

The study utilises both quantitative and qualitative methods of analysis but relying more on the later. The study will utilize a critical approach, interpretive and explanatory methodology subsumed as the triangulation approach which compares and contrasts different experiences in order to provide varied clarifications of events

### **Research methodology**

The purpose of this section is to describe the research methodology used in this study. Bailey (1982: 32) described research methodology as the philosophy of the research process. This includes the assumptions and values that serve as a rationale for research and the standards or criteria the researcher uses for interpreting data and reaching conclusion. Mouton (1998: 39-40) makes it clear that the choice of methodology depends on the research problem and research objectives. Mouton (1998: 37) distinguishes between three levels of the methodological dimension of research, namely:

methodological paradigms, the most abstract level which include the distinction between qualitative and quantitative research. Secondly, research methods, which are those that are used in certain stages of the research process, for example sampling, data collection and data analysis. Thirdly, research techniques, which represent the most concrete level of the methodological dimension and include specific techniques related to sampling, data collection and data analysis. This distinction between paradigms, methods and techniques is helpful in forming a better understanding of the concept research methodology and thereby represented by a table below.

Table 1 Three levels in the methodological dimension

LEVEL	EXAMPLE
Methodological paradigms	Qualitative and quantitative research.
Research methods	Sampling, data collection, data analysis.
Research techniques	Sampling technique, data collection technique, data analysis technique.

*Adapted from Babbie and Mouton (1998).*

Other terms related to research methodology are “research strategy” and “research design”. Research strategy guides the research effort by defining the context within which it will be conducted. It also provides a link between research objectives and research activities. Research strategy is partly derived from the methodological paradigm-qualitative and quantitative-that fits a particular research problem. Research design, on the other hand, is defined as a plan of how a research project will be conducted, specifying who or what is involved and where and when it will take place (Du Ploy, 2001: 81). In other words research strategy indicates which “direction” will be taken, while research design indicates what needs to be done while heading in that specific direction.

## **Purposes of research**

Babbie (1998:79) distinguishes three most common and useful purposes of research, namely: exploration, description and explanation.

## **Exploratory research**

Exploratory research could be regarded as a first stage in a sequence of study because a researcher may need to conduct an exploratory study to explore a new topic or issues in which a little is known about it. In this case, the researcher's goal is to formulate more precise question that future research could answer. The exploratory research addresses the "what" question and as result exploratory researchers find it difficult to conduct because there are no or few guidelines to follow (Babbie, 1998:79).

## **Descriptive research**

Descriptive research presents a picture of the specific details of a situation. In this case, a researcher begins with a well-defined subject and conducts research to describe it accurately. This research will to some an extent use a descriptive study to describe it accurately because there are highly developed ideas

about transformation and service delivery in the public service. Transformation as a subject will be accurately defined, presenting basic background information so as to get a detailed picture of the subject. This will enable a researcher to measure the subject and provide an accurate profile of it (Babbie, 1998: 80).

## **Explanatory research**

The third general purpose of a research is to explain things. The aim of explanatory is to indicate causality between variables or events (Babbie, 1998:81). Going beyond the agenda of political transformation as a subject, it is also useful to engage into explanatory research to explain the need for

transformation in the DRC. This will advance a knowledge about an underlying processes suggested to transform the state of affairs in the DRC therein.

## **Types of research design**

Babbie (1998) classified research designs into: experiments, surveys, qualitative studies, participatory actions research, evaluation research and unobstructive research.

### **Experimental design**

The experimental design is mostly associated with structured science in general. It involves taking action and observing the consequences of that action (Babbie, 1998: 208). Experimental design is especially appropriate for hypothesis testing and also best suited to explanatory than descriptive purpose.

### **Survey research**

Survey research may be used for descriptive, explanatory and exploratory purpose. They are highly used in studies that have individual people as the unit of analysis. Survey research, a popular social research method, is the administration of questionnaires to a sample of respondents selected from some population (Babbie, 1998: 232).

### **Qualitative studies**

The primary goal of studies using qualitative is defined as describing and understanding rather than explaining. The main concern is to understand social action in terms of its specific context rather than attempting to generalize to some theoretical population (Babbie, 1998: 270).

## **Participatory action research**

This type of research is commonly used to “grassroots development” interventions and encountered especially in the so-called underprivileged rural setting in the so called Third World countries. Participatory action research can be used as a search to render development assistance more responsive to the needs and opinions of people. The researcher can be referred to as a change agent (Babbie, 1998: 314).

## **Evaluation research**

Evaluation research can be used to assess the implementation and usefulness of social interventions, for an example, the Reconstruction and Development Programme which will be explained in the following chapters. Evaluation research aims to test interventions to see how effective they are. This research may be used to identify neglected areas of need, target groups and problems within organizations and programmes. It can also be used to compare a programme’s progress with its original aims (Bless & Smith, 2000: 49).

## **Un-obstructive research**

Un-obstructive research is a way of studying social behaviour without affecting it in the process. This method of research does not establish a direct relationship or interaction with the research subject. Therefore, the subject cannot react to the fact that he or she is being investigated (Babbie, 1998: 374).

## **Data collection and analysis**

Multiple data collection strategies will be used in this research. This includes the literature review, interviews, observations, analysis of statistics already



produced by others, official publications and correspondence, discussion documents official papers presented at workshops and conferences, speeches and debates, newsletters and pamphlets, newspaper surveys, theses and dissertations as well as material from the internet. These qualitative methodologies will allow the researcher an opportunity to gain an in-depth understanding of transformation in the public service specifically looking at the case of service delivery.

Evaluative research will be used to measure and identify as to policy issues have been adhered to and the level at which they remained constant. According to Bless and Smith (2000: 49), evaluative research, which is a form of applied research, aims to evaluate the effectiveness of programmes and determine the extent to which they have met their aims and objectives. The study may be typified as being qualitative in character and also being longitudinal in nature.

### **Research Question:**

From a plethora of triangulated research approaches as identified in the study and from a series of problem issues, this study is guided by the research question:

*To what extent can diverse policies of post and present conflict resolutions address the essence of critical policy options in the Democratic Republic of the Congo DRC?*

### **Limitation:**

This is a futures science research which attempts to identify, promulgate and secure policy options in conflict areas. It is a new approach to scientific investigation and as such, it provides scenarios for utilization and implementation in conflict zones.

## Chapter Two: Review of Relevant Literature

### The Policy Formation Agenda

Despite the plethora of all the definitions given by different authors, Anderson (2000:4) is of the opinion that public policy seems to have common characteristics which are as follows:

- a. policies consists of courses or patterns of action taken overtime by government officials;
- b. public policies emerge in response to policy demand. In response to policy demands, public officials make decisions that give content and direction to public policy; and
- c. policy involves what governments actually do not just what they intend to do or what officials say are going to do.

For the purpose of this dissertation, it can be deduced that public policy is a declaration of a course of action that is taken by government to achieve societal aims and objectives. Policy provides a comprehensive framework of action and is thus goal oriented. The crisis in the DRC has been in existence for prolonged periods and has impacted negatively on the socio-economic situation confronting the Congolese.

The dissertation seeks to develop an understanding of the socio-political circumstances and situations to which the Congolese have been subjected to, and with a view to establish a base for future policy formulation and to address the DRC quagmire. Despite the prolonged effects of miserable conditions caused by poverty, lack of government and mismanagement, ordinary Congolese have, within the contest of a collapsing state, developed numerous survival strategies for food, water, healthcare and dealing with sickness and death of loved ones. This development is significant, their ability

to adjust and cope and underlines the centrality of the principle of ownership and accountability by communities.

Indeed in a remarkable manner, the Congolese have, in courageous and innovative ways created institutions, practices, networks and a way of living that has enabled them to survive. An interpretive analysis would help us understand these conditions and how they can be utilised to support new theories and policies.

An important principle of the qualitative interpretive research is the contextual nature of the studied phenomenon. By delving into history, and analysing the evolvment of the current challenges the study intends to develop an understanding of the social and historical context that has produced the crisis confronting the Congolese with a view to situate efforts deployed to provide solutions.

## **Policy-Analytic Methods**

Dunn (2004) postulates five methods of Policy analysis. This study in executing a futures research agenda and scenario relies heavily on the Dunn's five methodological frameworks. These methods are common to most social science research.

These are as follows:

- Monitoring (description) produces information about observed outcomes of policies.
- Forecasting (prediction) produces information about expected outcomes of policies.
- Evaluation (appraisal) produces information about the value or worth of observed and expected outcomes.

- Recommendation (prescription) produces information about preferred policies; and
- Problem structuring (definition) produces information about what problem to solve.

Dunn (2004) describes the last method as being about other methods and refers to it as a 'meta-method' (method of methods). It is important to note that these methods are interdependent and are utilised together to obtain the preferred results.

## **Policy Inquiry**

The methodology will also involve a process of inquiry, designed to determine solutions to practical problems. William Dunn refers to inquiry as a process of probing, investigating, or searching for solutions. This approach recognises that policy analysis is based on scientific methods, however it also takes cognisance of the fact that 'policy analysis also rests on art, craft and persuasion (Dunn, 2004).

Policy analysis is based on a combination of ordinary common sense and specialised forms of knowing associated with the sciences, professions and humanities. It is a pragmatic enterprise because it involves human understanding in solving practical problems.

The data collected for this research is mainly from government reports particularly emanating from the bi-lateral work between South Africa and the Democratic Republic of the Congo. Each year the DRC and South Africa Bi National Commission produces a comprehensive report on the progress achieved in the collaboration of the two countries The dissertation relies in particular on the 2007 report of the Bi National Commission to analyse South Africa' s involvement in the Post Conflict Reconstruct and Development of the DRC.

Other sources such as European Union reports were also helpful in providing information; this is important considering the contribution of the International Community to peace and development in the DRC. The research utilised also a lot of Internet sources.

Data for the section dealing with the historical review is collected from historical books. The importance of the historical review is in providing background and explanation to the miserable conditions of poverty the DRC is confronted with despite her potential wealth.

## **Policy Implications**

### **Public Policy**

In a complex changing world, governments and institutions are constantly accepting or rejecting new courses of action or maintaining or forsaking old courses. Today emerging governments of developing countries have to formulate policies in an increasingly, uni-polar world, where power is concentrated in only in one super power, the United States of America (USA). These emerging states are faced with an environment in which the balance of forces is tilted heavily in favour of the developed nations. Globalisation in the world although positive in general, is at the moment not benefiting the poor and the underdeveloped. Efforts at an international level should be made to ensure that the poor nations benefit from the positive effects of Globalisation. The battle for a just economic and social order at an international level has been raging for a long time already. This is illustrated by the numerous high profile conferences such as those of the World Trade Organisation – the Doha round and others – the United Nation Summit on the Millennium Development Goals (MDGs).

The DRC and other states emerging from conflict have to formulate new policies taking into account the international climate mentioned above. This

factor coupled with the continued involvement of the former colonial masters at every stage of development in these countries, must imply that policy making is not entirely free and independent on the part of those in the corridors of power. The former colonial countries become involved in one form or the other but mostly as part of the international community assisting in the evolution from crisis to development.

Despite the international climate the responsibility to formulate coherent policies lies with the nation state. Professor Wayne Parsons states: Whatever the influence of 'international' or 'global' agenda-setting, the locus of decision-making remains the nation state (Parsons, 1995).

## **Policy Making and Policy Analysis**

To be absolutely certain that the Democratic Republic of the Congo is on a sustainable path towards recovery, it is imperative to utilise a scientific tool that will contribute to a well defined programme. A Public Policy based on policy analysis informed by a multi-disciplinary scientific inquiry that critically assesses and at the same time draws in the culminate experiences of the Congolese.

Although policy analysis builds on political science, economics and other social sciences, disciplines and social professions, it also seeks to transform them into a new multidisciplinary inquiry that creates, critically assesses, and communicates information that is useful for understanding and improving politics (Dunn, 2004).

The Democratic Republic of the Congo is a multi-faceted country that requires a multi - disciplinary approach to solutions. The post conflict reconstruction and developed solutions would need to cut across and weave through the entire fabric of society represented by all the social sciences, professions and disciplines. An integrated policy analysis is required.

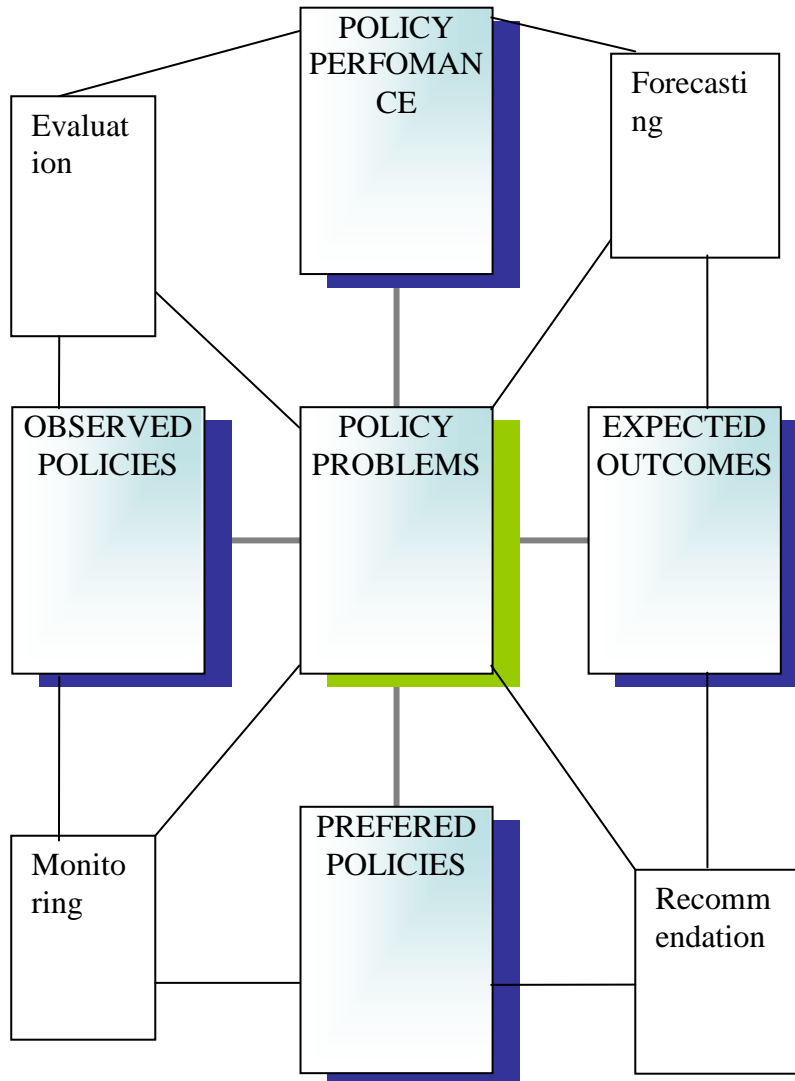
Policy analysis is partly descriptive and partly normative. Descriptive because 'it relies on the social and behavioural sciences, and normative because it draws on ethics and other branches of social and political philosophy, as well as normative economics and decision analysis (Dunn, 2004).

## **Policy – Relevant Information**

Dunn (2004) refers to five types of questions that need addressing in the process of developing policy analysis, which he states as:

- The nature of the problem for which a solution is sought.
- Courses of action two or more that should be chosen to find a solution.
- The outcomes of choosing that particular course of action.
- Determining whether achieving outcomes contributes to solving the problem
- And if the course of action is not taken what future outcomes can be expected?

According to Dunn (2004), response to the above yield five type of policy – relevant information or what he refers to as policy – informational components. These components represent information about policy problems, policy performance, expected policy outcomes preferred policies and observed policy outcomes.



Configured From Dunn (2004)



## **Forms of Policy Analysis**

According to Dunn (2004), policy analysis has accumulated a multidisciplinary stock of knowledge, most of that knowledge is methodology, a term that refers not only to the method and technique but also standards, rules and principles that guides their use.

Policies based on knowledge from multi disciplines and professions will be more effective than from single discipline in responding to real world problems. Dunn (2004) also refers to 'retrospective and prospective analysis in which the later would refer to the production and transformation of information before policy actions are taken and the former involves the production and transformation of information after policies have been implemented.'

## **Integrated Analysis**

Dunn (2004) describes Integrated Policy analysis as a process that links segments such as retrospective and prospective forms of analysis in one continuous process. In addition, descriptive and normative forms are linked, as methods designed to find as well as solve problems.

## **Public Policy and the Policymakers**

Lindblom (1993) argues that there is obviously the need to use social scientist in government to conduct analyses of national economy and social trends At the same time an application of this approach towards the development of a Public Policy, must take into account a national programme that is suitable to the nation's need. Such a process might be suitable to the Congolese conditions and its people. Public Policy analysis will bisect and have two broad branches. One that is substantive, deals with processes is descriptive and objective. This approach is what Lindbloom (1993) typifies as the 'Incrementalist Paradigm of Public Policymaking and Implementation'.

The second branch is theoretical, effectual, prescriptive, and normative. It is concerned with the development of theories of public policymaking and the outputs and effect of those theories in practice. It is concerned with making better ways of making and implementing policies regardless of the substantive issues. Public administrators dominate this branch and it is called 'the Rationalist Paradigm of Public Policymaking and Implementation.'

The context within which the above branches operate is in a framework of the models of decision-making drawn from a number of social sciences. These include political science, sociology, organisational theory, economics, psychology and management. Decision analysis encompasses a range of academic disciplines and frameworks, the focus of each of the disciplines and the frameworks, which they contain, vary.

## **Power Approaches to Decision-Making**

The distribution of power is of importance in the DRC. It has been the misuse of power that accounts for the state the country finds itself. Power has been misused beginning with the colonial rule of King Leopold the 11, when the country was virtually enslaved, through the dictatorship of Mobuto Sese Seko, to the elitist rule of 'Laurent-Désiré Kabila.' In support of this assertion and putting forward an explanation of an elitist approach to power, Lasswell suggests that the study of politics is the study of influence and the influential. (Lasswell, 1958).

Public Policy has in the past debated extensively the issue of power models. An analysis of the new regime is essential to determine the model of power it should pursue. How representative of the interest of the people is the new regime? Do sufficient conditions exist to impose a democratic and a transparent government? What institutions of the people are required to safeguard democratic transition and to make those in power accountable?

Very often in our haste, we tend to support a leadership we consider to be the better of the rest. The better of the rest may not necessarily be the best. It is very often a case of the better of two evils. The Congo is a perfect example; Laurent-Désiré Kabila was without doubt a better leader than Joseph Mobutu, certainly more democratic. But was he the best we could expect? Was he and his partners motivated enough to create a democratic Congo that would put in place institutions to safeguard transparency and good governance? Today an even more serious challenge is to determine, whether Laurent Kabila's son who is the current President of the DRC and his collective possesses the right kind of ingredients to lead the way in the Congo.

## **Decision Analysis**

Etzioni (1995) postulates that the making of policy falls between policy formulation and implementation and that they are closely interwoven, with decisions affecting implementation and initial implementation affecting later stages of decision-making which in turn affect later implementations. This assertion implies that correct and proper decisions taken in good time will lay the foundations in every step of the recovery in the development of society. The presence and involvement of the international community including South Africa during the period of transition is contributing immensely in mapping out a transparent and democratic society in the DRC. Policies formulated now will impact on the future direction of the DRC.

Throughout the different stages of the evolution of the of the DRC, different regimes have all taken turns, through prolonged policies of mismanagement and bad governance, to contribute in making the DRC a failed state. Policy-making in the DRC has to take into consideration the post conflict conditions and must move from the premise that the country has to be stabilised, that peace, stability and development are interdependent and

essential ingredients for the prosperity of the country. All Congolese must have an understanding that there can be no stability without peace, equally there can be no sustainable peace without development.

The modern meaning of the English notion of policy is that of a course of action, a set of political purpose, policy is therefore a manifestation of considered judgement determined by different circumstances within a given period in time. Lasswell (1970:13-14) states that policy sciences are contextual, multi-method and problem orientated.

In the context of the Congo, the feature of orientation towards policy has to take into account the designation and functions within policy making. Considering the stages of development the DRC is going through, the policy cycle or stagiest approach forms the basis for both the policy process and the policy analysis.

The role the new state has to play is to inspire economic management and to create a better welfare reforms. The state has to reconcile both public and private interest and create a bureaucracy that is not corrupt but that can genuinely represent the interest of the population. Considering the prolonged period of bad governance that the country went through, it must be presumed that corruption has set in, almost becoming a way of life. In such a situation, it will be difficult to create a neutral bureaucracy that serves public interest. However, Lindblom's model (1993) rejects the stagiest approach and advocates for a model that takes into account power and interaction between phases and stages. This model has a solution and it is more applicable in the current prevailing situation in the DRC. Lindblom teaches us that in studying the policy process we should take account of elections, bureaucracies, parties and politicians, and interest groups, but also consider deeper forces: business, inequality and the limited capacities of analysis, which structure and distort the policy process" (Lindblom, 1993).

## The Bureaucracy

Weber as cited in Lindblom (1959) introduced the Notion of bureaucratic rationality, in which he demonstrated that the growth of bureaucracy was due to the process of 'rationalisation' in industrial society. The bureaucrat was the rational functionary who served the public interest. According to Lindblom (1959), Weber's theory has been contested and the argument of the rational public interest began to erode way back in the 1940' as studies demonstrated the following: Weber's theory needed re-examination in both theory and practices as it became obvious that bureaucracies exhibited a large merger of 'irrationality', or at least bounded rationality (Simon, 1945 and Lindblom, 1959).

More studies emerged which argued that in reality bureaucrats did not function in the 'public interest', but displayed the capacity to have distinct goal of their own (Mueller, 1989). The argument about the 'irrationality' of bureaucrats would even be more applicable in the DRC due to the following reasons:

- Lack of proper governance in the DRC for a prolonged period implies that the system of governance has broken down completely. For example, in situations where civil servants are not paid salaries for prolonged periods either due to the fact that government does not have the proper structures in place or due to lack of funds, in these situations civil servants would find innovative ways of remunerating themselves for services rendered. Such a breakdown leads invariable to corruption.
- The poverty in the country creates a situation where being in a bureaucratic position empowers one to accrue certain benefits. This is exacerbated by lack of systems that enforces accountability and

compliance on the part of those in governing or bureaucratic positions.

However, the DRC like any other country does require the services of bureaucrats and people who will make interventions on behalf of government and other institutions.

## Chapter Three: Post Conflict Reconstruction and Development Strategy in the DRC

The history of Africa demonstrates that political and economic development stalls when governments do not uphold the rule of law, pursue sound economic policy, make appropriate public investments, manage a public administration, protect basic human rights, and support civil society organisations – including those representing poor people – in national decision-making (Annan, 2005, see the Bas-Congo Scoping Report, 2005, Kinshasa).

The Democratic Republic of the Congo (DRC) is a huge country; potentially rich, and which together with other hugely endowed countries, should be capable of contributing immensely to Africa's revival. Given the changes taking place in the DRC and the prevailing climate in the continent within which the new country is emerging, one would be perfectly justified to hope that the crisis will someday avail itself of a peaceful situation (online via <http://www.worldpress.org/Africa/3033.cfm> on 16 January 2008).

The DRC faces challenges of developing a Post Conflict Reconstruction and Development (PCRD) Policy. The policy must draw on lessons from past efforts in Africa and in the developing world. The policy must consolidate progress achieved thus far in stabilising the country during the period of transition. It has to aim at creating peace, be inclusive and begin to create foundations for a transparent and democratic society.

Development in the DRC must be dealt with holistically. All sectors need attention simultaneously. Unfortunately, at this stage the DRC cannot succeed on its own, despite its enormous potential, it requires the input of the International Community. South Africa as the most advanced economically developed and prosperous African country must be in the forefront of efforts

to reconstruct the Congo. Africa as a whole must rally and contribute to the renewal of the Congo.

Development must be based on a plan with each step taken carefully, contemplated; to ensure that a proper foundation based on recognition of the basics is put in place. There are no shortcuts; the painstaking process must be fully implemented by a leadership that is truly committed to changing the lives of the downtrodden, marginalised and impoverished Congolese.

A Post–Conflict Reconstruction and Development (PCRD) strategy should assist the Congolese in addressing their needs in the short, medium and long term. In the DRC, ever since the inception of the country to its independence in 1960, the prospect has never been so bright. The DRC which for the past forty years has been characterised by despotism, crisis and chaos brought about by decades of lawlessness, bad governance and undemocratic rule, has held democratic elections based on a constitution. The constitution has won the approval of the overwhelming majority who endorsed it through a referendum. The country adopted and promulgated an electoral law that laid the foundations for the historic elections which hopefully is the first step in transforming the country.

The 2006 elections brought into office the first truly elected government in four decades. The Presidential, legislative and provincial elections ushered in the possibility of genuine reform. Opposition parties contested the outcome of the elections, however the involvement of the international community, and the thorough preparations in managing the elections were sufficient to persuade observers that the process was transparent and fair.

The high turnout - 70 percent in the first round of the Presidential poll in July and 65 percent in the second round in October – gave the winner, President Joseph Kabila, the political legitimacy he had lacked in the transition period. Many different parties won seats in the National Assembly. Kabila's own party



has only won 111 of the 500 seats, although an alliance of parties that backed his presidential bid holds a comfortable majority with 338 seats. The alliance also has more than half the seats in the senate. His government, named in February 2007, has members from different parties and is headed by Prime Minister Antoine Gizenga, who was a close a close colleague of Patrice Lumumba at independence in 1960 (accessed online via <http://www.worldpress.org/Africa/3033.cfm> on 16 January 2008).

## **Challenges facing the New State**

The DRC government is facing a number of serious challenges. The suffering of the population has been very severe: "Over four million people have perished as a result of the continuing conflict, a number which increases by some 1,200 every day" (Figures provided by the EU Strategic Document on Humanitarian Aid).

The basic elements of service provision such as health and education have been deprived of resources for many years and critical elements of urban and rural infrastructure such as water supply and transportation are barely functioning.

Many aspects of governance in all parts of the country have suffered from decades of neglect, poor governance and mismanagement of resources. All these factors have conjured to contribute to the chronically poor state of services.

The new government is inheriting a country which is lacking public safety. A country where key state organs such as police, army, courts, civil administration, state enterprise, local government council, tax agencies-have only just begun. The mistrust between all the leaders of the former rebel groups that have participated in steering the country through the period of the transitional arrangements continues to pose a thread to the stability of

the country. The mistrust generates insecurity exacerbated by greed for power.

After many years of bitter intra-conflict, a culture of tolerance does not exist. The animosity between the main opposing parties is ample demonstrated by the skirmish between the armed guards of the two leading contenders in the Presidential race, Mr Jean Pierre Bemba and President Joseph Kabila. This has had a negative impact on the country. The tension that exists particularly between President Kabila and the leader of the opposition Mr Bemba underscores the importance of establishing a programme to heal the wounds and reconcile erstwhile enemies. In this regard, South Africa's experience, particularly in the establishment and functioning of the Truth and Reconciliation Committee (TRC) could provide valuable lessons. The biggest challenge confronting the new state is the stabilisation of the country, the provision of security and nation building. Presently institutions do exist on paper, time is required to make these institutions truly effective.

## **Building a Congolese State**

The government of the day appear ready and committed to develop policies and strategies that will transform the country. The Government declares that it is establishing conditions to enable it to enter into a social contract with Congolese. The contract presumably should ensure that the leadership serves and is accountable to the people. In addition to improving the people's living conditions, measures such as reforming the army, police, and courts, cleaning up the management of public funds, overhauling the civil service and state administration so that political and administrative authority should not be concentrated excessively in Kinshasa alone. He states further that the government *will be judged* on actions it takes to address the issues he raises (Olivier Kamitatu's article accessed online via <http://www.worldpress.org/Africa/3033.cfm>, 16 January 2008).

## Setting Priorities

Reconstruction strategy in the Congo must be based on clear priorities. Consolidating and maintaining peace is the most important priority that must act as a foundation for the development of policies and projects in all sectors. In this regard the continuing instability in the east is of greatest concern.

Proper prioritisation will require a thoroughly researched approach that goes beyond providing a mere shopping list of proposals intended to solicit aid from donors and supporters. A step by step approach is recommended with certain steps or policies being designated as first stage, either because of urgency or because they are a prerequisite for other actions. A typical example of this is the provision of humanitarian aid which although required urgently to relief disparate conditions, must not be dealt with in isolation but as a first step that must lead to, and ensure sustainable development. Similarly, a need exist to prioritise the security sector reform, this must however be done not in isolation but within the overall contest of socio-economic and political development.

Prioritisation must apply to all innovations as well as development proposals. It must be based on lessons learned from the past and be geared towards ensuring the correction of mistakes. Three key areas that the DRC need to prioritise are: the security sector reform, economic development, and institutional capacity building.

## **The Democratic Republic of the Congo: Areas Requiring Attention**

In the DRC, all areas of political and socio-economic life need attention but the most prominent areas that require attention at this very moment are the following:

## Humanitarian Situation

There are some 960 000 internally displaced persons in eight of the 11 provinces of the DRC and over 300 000 refugees from six of its nine neighbouring countries. Recent humanitarian assessments reveal that over 2.1 million people (internally displaced persons, refugees, urban vulnerable) or 4.3% of the population and farmers in the proximity of the front line), or 17% of the population, face moderate but rapidly growing food insecurity.

Humanitarian sources estimate that over 5000 people have been killed and another 150 000 displaced in the ethnic conflict between the Hema and Lendu tribes around the town of Bunia on north-eastern Congo. Parallels have been drawn between this conflict and that between Tutsis and Hutus, which exploded, into genocide in 1994. (<http://www.worldpress.org/Africa/3033.cfm>, 16 January 2008).

## Security Sector Reform

A project document developed jointly by the government of the of the DRC, United Nations Peacekeeping Mission in the DRC (MONUC) and the United Nations Development programme makes the following observation: “in post conflict transitions, security sector reform constitutes a precondition for socio-economic recovery and stabilisation. Without safety and security, human development cannot be achieved. In this context, the government of the DRC, with the support of the international community has developed and is implementing a national strategy aimed at the creation of a national army” ([UN/DRC Project Document, 2007](#)).

A draft South African document on SA's participation in SSR outlines a similar notion: SSR, as defined, is a concept to rebuild, reform or reconfigure the institutions or agencies of state, security apparatus [or sector], especially where such structures are nonexistent or dysfunctional and consequently

unable to secure the state and its people effectively or in accordance with principles of democratic governance. Simply put SSR is essentially aimed at the efficient and effective provision of state and human security within a framework of democratic governance (Draft South Africa Document on Participation in Security Sector Reform, 2007).

There is a nexus between peace, security and development. The development of human security in the DRC depends on the creation and strengthening of a single united national military and police force. The strengthening of the security establishment in its totality remains key to the DRC's prosperity. To achieve this entails first and foremost assisting the DRC government in capacity building projects particularly of government departments. This forms one country level strategic framework so that political, security and development frameworks are synchronised and co-ordinated.

The conceptualisation of the SSR as defined in the mentioned documents is broad and incorporates the concept of Human Security and a multilateral approach to conflict resolution. Inherent in these definitions is the notion of development which takes into cognisance the fact that poverty and underdevelopment contributes largely to conflict and the struggle to control limited resources.

## **Core Objectives of the SSR Process in the DRC**

The SSR process in the DRC should address the following core objectives:

- Establishing peace stability and security founded on well-defined policies rooted in democratic governance of the state institutions.
- Ensuring civilian oversight of security forces without compromising the professionalism of the forces in the execution of their tasks and functions.

- Building capacity of both personnel and institutional mechanisms particularly in the security sector.
- The Security Sector should be managed according to principles of accountability and transparency that guides the public sector.
- Ensuring that security forces can in a non – partisan manner facilitates the participation and involvement of civil society groups in post conflict reconstruction of the recipient country.

Challenges facing the establishment of a coherent security sector reform confronting policy makers are:

- Challenges around the deployment plan for the integrated and trained Brigades;
- The importance of the census of the military;
- Inadequate transportation for the census team;

The weak link between the Disarmament, Demobilisation and Reintegration process (DDR) and SSR. (Draft South Africa Document on Participation in Security Sector Reform, 2007).

## **Regional Dynamics in Reconstruction and Socio-economic Development**

The DRC and other countries of the Great Lakes region possess vast mineral wealth, hydro – electric energy potential as well as abundant resources for a robust agro–industry. To realise the potential that exist there is need to establish a strategy that will put in place the most effective ways of ensuring sustainable investments that are not just merely extractive but that must also have a sustainable developmental impact.

The governments have the responsibility to create an enabling environment for trade and investment, thus by promoting good political, economic and cooperate governance, by strengthening institutional and human capacities,

and by developing a regulatory environment that not only facilitates and attract investments but also safeguards them.

The governments in the region must adopt a comprehensive legal framework, simplify bureaucratic procedures, incentives would be investors, focus on standards for quality products to meet conditions set by target markets and secure funding for various projects. A need for effective investment prioritisation is essential.

- A need to develop a policy and advice on Spatial Development Initiatives (SDI) building programmes exist. Competent experts could include administrators, managers of topographic and resource mapping departments and agencies, legislators and policy – makers and major users of geo - information products. South Africa and other close, friendly and supportive countries could assist in developing capacity for the SDI. (AU Secretariat Report 'Benchmarks and Standards', 2005).

Experts would be required to provide on a continuous bases, guidelines and recommendations on the building of various components, such as policies, the identification and building of core datasets, standards, metadata development and capturing and on developing human resources and technical capacity.

## **The Regional Pact on Security, Stability and Development**

In the Dar Es Salaam Declaration(DD), signed by the Heads of State and government (HOSG) of the Great Lakes Region and in which the HOSG commit to sealing a Pact on Security, Stability and Development, the following statement is made: “the Heads of State and of Government of the great lakes region are determined to transform the Great Lakes Region into a space of sustainable peace and security for States and peoples, political and social stability, shared growth and development, a space of cooperation based on

convergent strategies and policies driven by a common destiny (Regional Programme of Action Document Produced by the International Conference of the Great Lakes Region, 2005).

To reinforce regional cooperation and to built and rehabilitate transport and communication infrastructures, a programme of action is proposed for the region by the International Conference of the Great Lakes. This programme entails three sub programmes drawn from the priority policy options and guiding principles enshrined in the Dar Es Salaam declaration. The objective of the sub programmes is restoring peace and fighting poverty.

## **Poverty Reduction**

The region intends to re-launch economic development through the implementation in the short and medium terms of the following projects:

- Creation of a regional mechanism for the certification of natural resources;
- Regional project on food security; and
- Trans border development basins (TDBs). The programme of action explains TDBs as follow: “the TDBs are an innovative concept which in an integrative approach brings together three or more Member states that agree on an identified area/zone at their common border where various economic and security activities could be jointly developed in order to contribute to the economic development and the stability of the border area/zones” (Programme of action, Document Produced by the International Conference of the Great Lakes, 2005).

## **Policy Harmonisation**

The region will reinforce and harmonize regional cooperation policies. Two policies elaborated upon are: the revival of the Economic Community of Countries of the Great Lakes Region (CEPGL) and its specialised agencies, and



the Regional Mechanism for the certification of natural resources. The latter intended to ensure that a lasting solution is found to the use of the natural resources for the benefit of the population and not the few greedy individuals. In addition, the mechanism will promote rationale and sustainable management of these resources which are one of the root causes of the recurrent conflicts and their perpetuation. This can be achieved only with an adequate policy framework. Therefore, the next section entails to briefly outline the policy framework.

## **Policy Framework**

The policy framework is highlighted by two case studies. The first case portrays the African Union's Post Conflict Reconstruction and Development (PCRD) Framework while the second case examines South Africa's post-conflict engagement in the DRC.

### **Case Study Two: The African Union's Post Conflict Reconstruction and Development (PCRD) Framework – an Analysis**

For decades, the African region has been afflicted by conflicts, political tension and civil unrest all of which have contributed a great deal to the collapse of the socio-economic fabric leading to very slow development of the continent. However, there has been a visible improvement in Africa's ability to resolve conflicts, resorting more and more to peaceful means and thus reducing tensions. An end to conflict frees Africa's resources and allows for focussing on developmental strategies that hopefully should bring an end to economic marginalisation and lead to recovery. Taking the lead, the AU has developed a Post Conflict Reconstruction and Development (PCRD) policy.

The African Union's Post Conflict and Reconstruction strategies are inspired by the significant progress made in the resolution of crisis and conflict situations in the continent. At the 7<sup>th</sup> Ordinary Session held in Sirte, Libya in July 2005, the Executive Council of the AU adopted decision Ex CL/Dec.228 (VII) on conflict situations in Africa. In that decision, the Executive Council, *inter alia*, stressed the need for peace agreements to be effectively complemented by sustained efforts towards post – conflict reconstruction and peace – building with a view to addressing the root causes underlying their outbreak. In this respect, the Executive Council urged the Commission to develop an AU Policy on Post – Conflict Reconstruction based on the relevant provisions of the Peace and Security Protocol and the experience gained so far in the continent (AU Secretariat Report, 2005).

## **Definitions**

The AU policy document envisages the PCRD policy as a strategic and normative framework that elaborates in a comprehensive manner the entire spectrum of activity areas that are crucial for the consolidation of peace. It also sees the PCRD policy as providing guidelines to translate comprehensive strategies into specific actions that empower affected countries to take the lead in the reconstruction and development of their societies. In this regard, the Executive Council of the AU adopted the following definition: "Post–Conflict Reconstruction and Development (PCRD) is a set of measures that seek to address the needs of countries emerging from conflict, including the needs of affected populations; prevent escalation of disputes; avoid relapse into violence; address the root causes of conflict; and consolidate sustainable peace. PCRD is conceived within the African vision of renewal and sustainable development and while its activities are integrated, and many must be pursued simultaneously, they are envisaged in the emergency (short–term), transition (medium–term) and development (Long–term) phases (AU, PCRD Policy Framework Document, 2005).

The definition by the AU is comprehensive and addresses the totality of human activity of the affected population. Equally important is the definition on Human Security provided by the framework document, which is stated as follows: “Human Security: In line with the common African Defence and Security Policy, human security is a multi–dimensional notion of security that goes beyond the traditional state security. It encompasses the right to participate fully in the process of governance, the right to equal development as well as the right to have access to resources and the basic necessities of life, the right to protection against poverty, the right to access basic social services such as education and health, the right to protection against marginalisation on the basis of gender, protection against natural disasters, as well as ecological and environmental degradation’ (AU, PCRD Policy Framework Document, 2005).

The aim of a human security framework is stated as being to safeguard the security of individuals, families, communities and the state/national life, in the economic political and social dimension.

## **Elements of the Policy Framework**

Africa’s biggest challenge is in ensuring sustainability. Guarding and ensuring that the peace achieved is sustained and not to allow the situation to regress and slide back to conflict situation. But also to develop strategies that will guarantee sustainable development.

The AU Framework is founded on establishing a solid PCR system in countries that have emerged from conflict. The system is intended to provide appropriate responses to complex socioeconomic and political emergencies confronting the countries. The new nation states should be in a position to deal with lack of good governance, violation of human rights, to act decisively against impunity and to hold those in positions of power accountable. The system is also intended to establish check and balances designed to ensure

respect for the rule of law. The governance sought must be primarily in three areas namely, political economic and cooperate field.

The AU Policy Framework accordingly envisages a PRC system that must at least have seven dimensions including:

- Security
- Humanitarian/ emergency assistance
- Political transition, governance and participation
- Socio – economic development
- Human rights justice and reconciliation
- Coordination management and resource mobilisation; and
- Gender mainstreaming (AU Secretariat Document, Elements of policy framework, 2005).

An effective PCR system will require complementarities of the above mentioned set of dimensions, they must reinforce one another. The Framework policy does therefore encourage simultaneous establishment of all these dimensions and not the prioritisation of one at the expense of the other.

## **Benchmarks and Standards**

In the framework policy document a number of suggested benchmarks are recommended to underpin each of the dimensions mentioned above. Examples are:

### **Security Sector** (among others):

- Right–sizing and professionalizing the security of the security forces
- Civil oversight of the security sector; and
- Engagement of security sector in the reconstruction of the country.

### **Humanitarian/Emergency assistance (among others):**

- Adequate and appropriate basic welfare services;
- Protection of all populations from attacks, harassment, abuse, exploitation, discrimination and deprivation of their human rights; and
- Guaranteed participation of women's groups, civil society organisations and other representatives of affected groups in reconstruction processes, including peace processes.

### **Socio – Economic Reconstruction and Development**

- Fiscal and budgetary discipline in management of resources;
- Increased access of the population to social services such as housing, health, water, education, employment;
- Improved sustained economic growth, evidenced by a stable socio-economic growth, reduced unemployment and reduced inflation.

### **Human Rights, Justice and Reconciliation:**

- Equal protection for all under the law;
- Existence and use of functioning judicial and reconciliation mechanisms among various sectors of the community;
- Independence of the judiciary.

### **Women and Gender:**

- Existence of a gender sensitive legal framework;
- Effective implementation of constitutional provisions and laws that promote and protect the rights of women and girls;
- Full and meaningful participation of women in all aspects of public life, particularly in the political and economic spheres;
- Full enjoyment of rights by people with disabilities.
- Security and justice systems that is responsive to gender-based violence; and

- Increased number of women in decision making positions in public institutions and the private sector' (AU Secretariat Report 'Benchmarks and Standards', 2005).

The Framework acknowledges that situations of conflicts are specific and that PCR systems would have to be established taking into account the context existing in each country. Consequently it is therefore not possible to prescribe a single solution to different countries.

The Policy Framework does at the same time equally recognizes the similarities in most of the sources of conflict on the continent some of which are, greed for power, lack of good governance, illegal exploitation of the natural and mineral resources.

## **Principles and Values**

The framework policy is underpinned by five core principles that inform action across all PCRCD activities and programmes. The PCRCD principles are mentioned as follows:

- African leadership.
- National and local ownership.
- Inclusiveness, equity and non-discrimination.
- Cooperation and coherence; and
- Capacity building for sustainability' (AU, Secretariat Report 'Principles and values', 2005).

## **Resource Mobilisation**

The framework document recognises the centrality of securing adequate resources and sustained support and also creating mechanisms for the transparent allocation and management of resources. This factor, coupled with establishing processes and mechanisms for the implementation and

monitoring of PCRD are set to be important preconditions for the realisation of the goals of consolidating peace and long-term sustainable development. The framework policy document urges resource mobilisation at national, continental and international level.

In stressing the importance of resource mobilisation the policy document states as follow: “the magnitude and complexity of challenges of PCRD, is the weak capacity and shortage of resources that limit the ability of local and national authorities and other actors to respond to the full spectrum of needs. This necessitates the mobilisation of financial, material, human and technical resources at the national, regional, continental and international levels. To effectively meet this challenge, countries emerging from conflict need to have a comprehensive resource mobilisation strategy’ (AU Secretariat Report July, 2005).

### **Case Study Three:**

## **An Overview of South Africa’s Post-Conflict Engagement in the DRC**

### **The Context**

At the initial stages, during the difficult period of transition the DRC will require a lot of international support, particularly from African countries who stand to benefit a lot by ensuring that the DRC is capacitated to transform the economic potential it has to become one of Africa’s power- house. As the most prosperous and developed economy in the continent South Africa, whose active engagement is analysed in this research, must inevitably play a leading role. The context of any international support must be to seek a solution that will ensure a sustainable development.

South Africa has since her attainment of democracy in 1994, pursued a policy aimed at assisting African countries in general, to transcend the difficult period characterised by crisis, coups and unconstitutional method of governing. South Africa's contribution is premised on the understanding that she together with the international community can only provide political, moral support and economic support, but that honours to determine their destiny lies with all African countries faced with the challenge of reconstructing their countries.

South Africa's resources are not limitless, she is also not a donor country, at least not to the same extent as countries of the developed world. It could be argued that to a lesser extent, South Africa is emerging as a donor country. This argument is motivated by the role South Africa plays within a forum such as the Southern African Custom Unions (SACU) and also considering debt forgiveness given to countries such as Namibia, Comoros including assistance aid given to countries such as the Democratic Republic of the Congo, Burundi and others.

However, as a developing country and with little resources at her disposal South Africa cannot afford to be everywhere and to do everything, she must intervene strategically to avoid over-extending herself. South Africa must emphasise on a strategic approach based on capacitating bigger countries which are potentially wealthy, particularly those endowed with natural and mineral resources. Such an approach would pay dividend in the long run because the countries with greater potential could become engines, capable of pulling the continent out of the hopeless situation that it is in. The Democratic Republic of the Congo (DRC), the Sudan and Angola are three countries in Africa that can play a major role in the re-awakening of the continent. Nigeria, the country with the biggest population in the continent is already partnering South Africa in efforts to transform the continent



## South Africa's Contribution

The South African government departments are assisting in the provision of short, medium and long-term programmes to lay the foundations for social justice and sustainable peace in the DRC. The reconstruction of a post conflict country will be the evolvement of a long-term process of rebuilding the political, security, social and economic dimensions of a society in difficult conditions.

The collaboration between the emerging government of the DRC, the international community and South Africa on the short to medium term support programmes could lay the foundation for the creation of political stability and a secure environment that is needed for the establishment of long – term projects.

South Africa bases its engagement in the DRC on key fundamental principles such as the promotion of human rights and democracy, consolidation of the African agenda, South – South cooperation, the need to create stability, security and peaceful resolution of conflicts. These principles guiding South Africa's foreign policy objectives reinforce the continent's fundamental policy documents such as the Constitutive Act (CA), the NEPAD economic development programme and others.

South Africa must work with the democratically elected government of the DRC and must stay the course in that country, embarking on long-term projects aimed at reconstruction. Focus must be on critical support areas like Security Sector Reform (to assist with the creation of a strong army, police services and an independent judiciary including focus on military justice); institutional and human resource capacity building; infrastructure development; electrification and mining, as well as increased South African investments in the DRC (Both in the industry and agriculture).

## **Bi-National Commission between South Africa and the Democratic Republic of the Congo**

On the 14<sup>th</sup> January 2004 South Africa and the Democratic Republic of the Congo signed the General Cooperation Agreement to promote political, economic, and social cooperation. This Agreement made provision for the establishment of a Bi-National Commission (BNC) as an annual forum for exchange and dialogue between the two countries at a Summit level. The DRC remains one of the foreign policy pillars of South Africa's engagement on the African continent.

On the 14<sup>th</sup> to 15<sup>th</sup> June 2007 President Joseph Kabila Kabange paid his first State Visit as a democratically elected leader to South Africa. It is important to note that the democratically elected President of the DRC paid his very first state visit to the Republic of South Africa. This factor alone conveys a message that unequivocally stresses the importance of the relation between South Africa and the Democratic Republic of the Congo. The visit reinforced and confirmed the strategic partnership existing between the two countries. It also provided South Africa and the DRC an opportunity to review existing agreements reached between the two countries and entered into during the period of transition in the Congo. The two countries committed to working together in the period of Post conflict Reconstruction and Development in the DRC.

The bi-national commission has set up four sub-commissions that are as follow:

- Politics and governance commission,
- Defence and security commission,
- Trade and industry commission, and
- Social and humanitarian commission (DRC/South Africa Bi-National Report, 2007).

The commissions focus on a collaborative endeavour particularly in the area of capacity building of both personnel and institutional resources. The Governance programme of the newly democratically elected Government of the DRC has identified a number of priorities; President Joseph Kabila Kabange stated these priorities during his first state visit to South Africa. The priorities that are now also the focus of the Bi-National Commission (BNC) between South Africa and the Democratic Republic of the Congo are as follows: "Health, electricity and water, education, employment and infrastructure with the overarching issues such as the Security Sector Reform and gender related matters (Report of the DRC/SA Bi National Commission, 2007).

## **Government Priorities for Post-Conflict Reconstruction**

### **Health**

The health sub committee operates under the social and humanitarian cluster, one of the four clusters underpinning South Africa and the Democratic Republic of the Congo's Bi lateral Commission. A report of the sub committee presented to the Commission in 2007 identifies *hospitals, maternal and child health care, pharmaceuticals and human resource development* as key areas that warrant prioritisation in the area of collaboration in the health sector. These priorities were first outlined in the Memorandum of Understanding signed in 2004 between the Departments of Health (DRC and RSA).

In the area of maternal and child health, South Africa provided polio vaccines to the DRC in September 2004. A department within the University Clinic of Kinshasa is being considered for rehabilitation. Experts are considering the feasibility of rehabilitating such a department within the hospital.

While the DRC is in the process of building up its secondary and tertiary health services, the two countries have developed a mechanism of referring

patients to SA public hospitals for specialist treatment' (Health Sub-committee Report, 2007). The challenges in this sector are huge, compounded by lack of adequate funding, lack of sufficiently trained personnel and lack of proper transport infrastructure. The vastness of the Congolese territory to be covered leaves many zones unattended and the ongoing war has made it almost impossible to attend to certain areas. Due to the numerous difficulties, the outcome has been that medical services even when heavily subsidised, are beyond the reach of many citizens.

Preventable and easily treatable diseases, such as measles, diarrhoea and upper respiratory tract infections, continue to claim the highest number of lives (UN Office for the Coordination of Humanitarian Affairs, United Nations action plan, 2006: 19).

South Africa and the Democratic Republic of the Congo are aware of the challenges and resolve to overcome the problem of funding by jointly engaging the partner countries in tri lateral cooperation.

## **Challenges**

The two countries face the enormous task of assisting the DRC to overcome challenges identified in the DRC action plan as follows:

- Make curative and preventative primary health care accessible, with particular attention to the fight against malaria, reproductive health, acute respiratory infections and diarrhoeal diseases.
- Increase access to secondary levels of health care.
- Maintain preparedness in the event of epidemics.
- Ensure a psycho-medical response to victims of sexual violence; and

- Work to prevent HIV/AIDS and care support those affected (United Nations Office for the Coordination of Humanitarian Affairs: Action Plan, 2006: 18).

## **Energy (Electricity)**

The Governments of South Africa and the Democratic Republic of the Congo have signed a memorandum of understanding making it possible for the two countries to explore collaboration in the field of energy.

### **Kimbanseke Electrification Project**

This project is aimed at connecting 10 000 new customers at an estimated 10MW and will cost about US\$14 million. This project is as a 'pilot project' of the new DRC/RSA cooperation. Operation guided by an economical and financial preliminary feasibility study will start as soon as possible' (Report of the Minerals and Energy commission, 2007).

### **Pre-paid meters system project**

A project on pre paid meters is contemplated; expectations are that the Development Bank of Southern Africa (DBSA) will avail fund to finance. This project will assist the government with the collection of much needed revenue.

### **Other DRC projects proposed for financing**

The DRC is proposing the following projects within the collaborative effort between South Africa and the Democratic Republic of the Congo. The projects require finances:

- Rehabilitation of Zongo power station.
- Building of the 132kV Boma-Moanda power line.

- Building of the second line Inga-Kinshasa.
- Electrification of rural areas around Bas-Congo province and Kinshasa within the framework of the proposed SDI; and
- Kananga Electricity Project' (Minerals and Energy Sub-Commission Report, 2007).

## **The Inga Hydroelectric Project**

The DRC'S chances of rapid economic recovery and development are perhaps to be found in the realisation of the energy potential existing in the Inga Dam. The Inga Hydroelectric power project is currently Africa's (and possibly the World's) largest hydroelectric power potential, it is due to this fact stated by the scoping report commissioned by the DRC and SA government, that both countries have identified the rehabilitation of the Inga project as a top most priority. If realised this project could provide electricity for most of the countries of the Great Lakes region and Southern African states. The project provides the primary driver for the South African proposed Spatial Development Initiative (SDI) that has the potential of linking the DRC' economic development to that of the entire region.

Rehabilitation of Inga I and Inga II is currently underway and the future development of Inga III and Grande Inga could raise total generating capacity to in excess of 40 000 megawatts. This project provides the basis for possible minerals exploitation and processing in the SDI area as well as the export of power to a number of major demand centres across the African continent and beyond.

Through the link between the potential availability of very cheap electricity from Inga, an opportunity is created for a series of mining and minerals processing projects within the Bas-Congo SDI. An aluminium smelter mooted for Matadi based on large bauxite deposits in the DRC, a magnesium smelter at Point Noire based on mineral deposits at Kouilou in the Republic of Congo

(Congo-Brazzaville) and a possible aluminium smelter in northern Angola are examples of an energy intensive projects currently being contemplated that would require power from a rehabilitated and upgraded Inga. Large-scale phosphate deposits between Quindonacaxa in Angola to Sinto-Kola in the Republic of Congo are another element of minerals development potential of the Bas-Congo SDI" (The Commissioned Bas-Congo Scoping Report, 2005).

## **Education**

Each year witnesses a steady increase of Congolese students in South African universities. A report of the education sub committee stated that during 2004, there were 470 Congolese students at South African Higher Education Institutions, representing a 20% increase from the 380 students during 2003. It is significant to note that this steady increase is happening even before the formalisation of the bilateral relations (The Bi-national Commission was launched in 2005.) It is therefore safe to assume that with the establishment of the Bi-national Commission and deliberate attempts by both governments to forge links in education, the scope for rapid development of the collaboration in this sector is enormous.

## **Possibly Areas for Co-operation in the Education Sector**

- The University of South Africa (UNISA) is investigating the possibility of establishing a distance education centre in the DRC. The institution is looking at ways in which NEPAD could assist in implementing the program.
- The University of KwaZulu-Natal (UKZN) is developing a comprehensive link with the University of Lubumbashi in partnership with the University of Liege in Belgium. The tripartite agreement reached by the three universities is intended to encourage collaboration in the education of students from the Congo. This collaboration will assist the DRC in capacity building.

- The Education Foundation Trust (a specialised education agency in South Africa) is exploring possible establishment of a similar institution in the DRC. This institution will work closely with the Ministry of Education in developing Education Management Information Systems (EMIS), support training and research to facilitate policy development, planning, implementation, monitoring and evaluation with EMIS.

Trilateral cooperation involving DRC, RSA and donor countries is encouraged to enable the parties to leverage increased funding. Both countries are exploring possibilities of collaboration in the sphere of Science and Technology.

## **Economy Finance and Infrastructure**

### **Trade and Industry**

Article 6 of the Memorandum of Understanding on Economic Co-operation entered into between the Department of Trade and Industry (on behalf of the government of the Republic of South Africa) and the Ministry of Industry; Small and Medium Enterprises (on behalf of the government of the Democratic Republic of the Congo) stipulates the establishment of a Ministerial Bilateral Working Committee to oversee the implementation of the MOU and all the bilateral economic projects emanating there from.

The following agreements have been signed: “the Protection and Promotion of Investments; the Avoidance of Double Taxation; and Mutual Assistance Agreement on Customs Cooperation” (Trade and industry Sub-commission, 2007).



## **The BI-National Commission and the Spatial Development Initiatives (SDI)**

The two countries are seeking to cooperate in the development of SDI that will link the DRC with its neighbours and encourage economic development. Three SDI proposed by South African experts are under consideration. These are: the Bas–Congo Corridor; the Central Development Corridor and the DRC/Zambia Copper belt. A feasibility study on the Bas–Congo has been finalised and both countries are now agreed on a plan of action to begin implementation’ (Trade and Industry Sub-Committee Report to the Bi-National Commission, 2007).

## **Spatial Development Initiatives: A Priority of Post Conflict Reconstruction and Development**

The SDI methodology will address the following:

- Effective investment prioritisation.
- Synchronisation of infrastructure with users to enhance investment potential.
- Need for a solid economic/business rationale for projects.
- Create a pipeline of credible and sound projects to unlock the country’s potential and reduce poverty; and
- Develop an effective Public – Private Partnership (PPP).

### **Expected outcome**

The Spatial Development Initiatives in the region could contribute to the consolidation of peace and security, promotion of democracy and good governance, promote economic development and regional integration and provide relieve and solutions to the humanitarian and social crisis.

## **Agriculture**

The Memorandum of Co-operation in the field of Agriculture signed on the 29<sup>th</sup> of April 2005 between the Ministry of Agriculture in South Africa and the Ministry of Agriculture in the Democratic Republic of the Congo, highlights the following areas:

- Technical co-operation on the restructuring of Administration and Capacity Building; and
- Co-operation in the Field of Agricultural Economic Development (in particular farmer-to-farmer co-operation).

## **Disaster management**

The process of negotiations and conflict resolution saw the need for the creation of the Ministry of Solidarity and Humanitarian Affairs that came to being because of the Inter-Congolese Dialogue. The Ministry established is based on Decree number 03/27 of 16<sup>th</sup> September 2003. Its objective is to manage crisis created by natural and man made disasters like war, fires, building collapses, ship racks etc. The Ministry is to oversee the following:

- Coordinate humanitarian action.
- Cooperate with United Nations humanitarian agencies and non-governmental organizations in the sector, and
- Fundraise to manage the containment of such crisis' (Report of the Social Development Sub-Committee, 2007).

## **Establishment of a Gender Sub-commission**

The Commission established a Gender Sub-Commission whose mandate will be to enable women participation in the Bi-national Commission. The Gender

Sub-Commission will also monitor the commitments of both Governments to gender equality corresponding to the constitutional prerequisites of the two countries. Importantly the Gender Sub Commission will focus the entire commission on the post conflict reconstruction and development of the DRC (The Politics and Diplomacy Sub-commission Report to the Bi-National Commission, 2007).

The establishment of the Gender Commission takes into account the disposition of the two countries to work for Gender equality. The women of the DRC participate actively in the affairs of the country. This is demonstrated both during the negotiations for a peaceful solution and now in the period of transition. The women are actively engaged in the fight for peace and are involved in peace building, reconstruction, and development. The establishment of a gender commission by the BNC conforms to the African Union (AU) and SADC resolutions encouraging respect for gender equality in all member states.

## **Cooperation in the Reform of the security Sector**

### **The DRC Master Plan for the Armed Forces**

The government of the Democratic Republic of the Congo has developed a master plan based on four pillars: Deterrence; Reconstruction; Production and Excellence. The plan envisages the training of thirty three thousand (33 000) Battalions that will be utilised to stabilise the whole territory of the Congo.

The Rapid Reaction Force (the thirty-three Battalions) established within a period of two years will replace MONUC forces when the UN withdraws. South Africa is committed to training three Battalions and assist in coordinating the training of the remaining thirty Battalions. South Africa is already engaged in the integration and training (SADAIT) beginning with the identification and registration of combatants. In addition, through operations TEUTONIC 1 and

11, South Africa has been involved in the DDR process and the refurbishment and/or rehabilitation of the 'Centres de Brassage' (CBR's).

### **Defence and Security**

Defence cooperation between South Africa and the DRC is guided and strengthened by the following:

- MOU on Practical Assistance with the Integration of Armed Forces DRC.
- Defence Co-operation Agreement, signed on 18 June 2004.
- Tripartite Agreement between DRC, Belgium and RSA signed on 01 June 2005; and
- Letter of Intent between RSA, Netherlands and the DRC dated 2005 (Defence Sub-commission Report, 2007).

### **Police**

The South African Police Services (SAPS) is working with the DRC National Police to develop some units in the PNC through training and capacity building projects. SAPS as an Implementing Agent in partnership with DRC PNC, will assist by developing and implementing strategies aimed at ensuring a safe and secure environment for all DRC citizens.

This project is divided into three phases:

- Phase 1 : Before Election – Capacity Building through Operational Training.
- Phase 2 : During Election – Rendering of Operational Assistance.
- Phase 3 : after Election-, Consistent planning for implementation and continuous projects ensuring organizational capacity building (Police Sub-commission Report, 2007).

## **Transport Infrastructure**

On going discussions and work done by the Department of Transport (DOT/RSA) and the Ministry of Transport and Communication (MOTC/DRC) yielded the following results:

### **Agreements**

- The Merchant Shipping Agreement and other Maritime related Matters agreement was signed and is being implemented.
- The Memorandum of Understanding on Economic Cooperation and Transport Infrastructure.

### **Aviation**

Aviation is divided into two (2) separate areas:

- Aviation Infrastructure; and
- Upper Air Space Services and Management.

### **Aviation infrastructure**

A number of challenges remain in area of airport infrastructure, namely rehabilitation of the five airports identified by the Congolese party as necessary for linkages and access to remote areas, particularly during elections. The five (5) airports identified are as follows:

- N'djili International Airport
- Lubumbashi International Airport
- Kisangani Airport
- Mbuji-Mayi Airport
- Tshikapa Airport

### **Airport Companies of South Africa (ACSA)**

ACSA has committed to assisting by conducting feasibility studies for the refurbishment of the airports. The commitment also extends to support in the training of personnel and capacity building. The refurbishment of the airports

is crucial as flights play a vital role in linking areas almost impossible to reach by other means (e.g. roads & Congo River).

### **Rehabilitation of N'djili Airport**

The two countries are conscious of the need to improve land transport planning and road safety management in the Congo. Also crucial, in view of the increasing volumes of people visiting and working in the Congo, is to improve airport safety and security.

Both countries are working to secure funding for the rehabilitation of N'djili International Airport in Kinshasa. ACSA is encouraged to participate in the Build Operate and Transfer (BOT) type concession.

### **Rail Transport**

#### **Spoornet**

South Africa's Spoornet donated 100 passenger coaches to the Congolese rail agency, La Société Nationale des Chemins De Fer Du Congo (SNCC) before the end of March 2006. Spoornet will facilitate servicing of the 100 passenger coaches in South Africa, to make them rail worthy. Repairs, refurbishment and transfer of about 15 – 25 Coaches per month, will be subject to the availability of funds.

Spoornet will transfer the ownership of 14 Diesel Locomotives currently in the possession of the SNCC in terms of the lease agreement within three (3) months. Spoornet will also ensure that these are in running condition. Furthermore, Spoornet will provide the SNCC with spares to the value of 2.5 million Rands.

In addition, Spoornet will transfer ownership of 50 flat bed wagons to SNCC at minimal value; the Transnet foundation has approved a donation of 130 three-meter containers to the DRC. During election time, these containers can be utilised as mobile elections units, offices, etc” (The Transport Sub-sector Commission Report, 2007).

Please see the annexure for a detailed report of the Bi-National Commission – DRC/SA.

## Chapter Four: Conclusion and Recommendations

This dissertation entitled: “Policy Options in The Democratic Republic of the Congo (DRC): An Overview from 1960 to 2006” intended to develop an analytical framework in order to look at the various policy options that could guide the leadership in drawing a roadmap for the reconstruction of the country and creation of conditions for sustainable development. Hence, the research stood on the assumptions that suitable policies that might solve the political and socio-economic problems of the DRC must be sought within the geographic, demographic, religious and ethnic context of the country. Beyond the emphasis on policies, the dissertation also attempted to examine the Democratic Republic of the Congo’s own Post Conflict and Reconstruction policy and considered the areas of priority that need attention if the post conflict and reconstruction policy is to be successful. However, the study held the viewpoint that policies alone are not sufficient to create a functioning state that renders adequate services to its people. For the future and prosperity of the Congo, it is essential not only to have the correct policies only, but also to dispose of a leadership, at all levels, that will embrace and implement them.

The main concern in this study was to determine whether the present efforts engaged in the DRC suffice to ensure that the country is well on its way towards recovery. Therefore, the questions were: can the DRC now explore its full potential? What standard should be set to ensure that in the post-conflict, reconstruction and development era, the Congo does not slide back to anarchy and lawlessness? To answer these questions, the study was divided into four chapters.

The paper departed from the premises that the diagnosis of the solution needed to remedy problems afflicting many African nations in general, and particularly the Democratic Republic of the Congo, begins with the inherent



problem of governance. Therefore, it was essential for the study to investigate sources of bad governance and factors which have led to the collapse of the state. To do so, the introductory chapter outlined the historical consequences of colonialism and the mismanagement by successive regimes. For instance, the history of the Congo is characterised by slavery, brutal exploitation, dictatorship and ethnic conflicts. All these factors combined, contributed to the reversal of development in the Democratic Republic of the Congo. In many cases, these factors are largely responsible for the decimation of potentially Africa's wealthiest nations such as the DRC, reducing them to being amongst the poorest in the world. Nevertheless, the challenges facing the elected government of the Democratic Republic of the Congo are concerned with strengthening the fragile peace existing in the country, delivering a strategy for sustainable growth, alleviating if not ending poverty and producing an accurate plan for economic recovery.

Chapter two entailed to examine policy formation and analysis. At this Stage, it was said that the crisis in the DRC has been in existence for prolonged periods and has impacted negatively on the socio-economic situation confronting the Congolese. Hence, it was essential for the dissertation to develop an understanding of the social circumstances and situations to which the Congolese have been subjected with a view to establish a base for future policy formulation. Despite the prolonged effects of miserable conditions caused by poverty, lack of government and mismanagement, ordinary Congolese have, within the contest of a collapsing state, developed numerous survival strategies for food, water, healthcare and dealing with sickness and death of loved ones. This development is of significant for the mere fact that the peoples' ability to adjust and cope with socio-economic challenges underlines the centrality of the principle of ownership and accountability by communities. To this end, the study applied both quantitative and qualitative methods of analysis relying more on the later. The study was critical in its approach and was interpretive, explanatory

in nature since it compares and contrasts different experiences that the country went through.

To be absolutely certain that the Democratic Republic of the Congo is on a sustainable path towards recovery, it is imperative to utilise a scientific tool that will contribute to a well defined programme. A public policy based on policy analysis informed by a multi-disciplinary scientific inquiry that critically assesses and at the same time, draws in the culminate experiences of the Congolese. The Democratic Republic of the Congo is a multi-faceted country that requires a multi-disciplinary approach to solutions. The post conflict reconstruction and developed solutions would need to cut across and weave through the entire fabric of society represented by all the social sciences, professions and disciplines. An integrated policy analysis is required.

In the context of the Congo, the feature of orientation towards policy has to take into account the designation and functions within policy making. Considering the stages of development the DRC is going through, the policy cycle or stagiest approach forms the basis for both the policy process and analysis.

Chapter three was dedicated to the study of the post-conflict reconstruction and development strategy in the DRC. The study stated that the Democratic Republic of the Congo (DRC) is a huge country; potentially rich, and which together with other hugely endowed countries, should be capable of contributing immensely to Africa's revival. Given the changes taking place in the DRC and the prevailing climate in the continent within which the new country is emerging, one would be perfectly justified to hope that the popular saying which states: "*Out of every crisis comes the chance to be reborn*", could become a reality. However, the DRC faces challenges of developing a Post Conflict Reconstruction and Development (PCRD) Policy. The policy must draw on lessons from past efforts in Africa and in the developing world. The policy must consolidate progress achieved thus far in stabilising the country

during the period of transition. The policy has to aim at creating peace, be inclusive and begin to create foundations for a transparent and democratic society. Nevertheless, development in the DRC must be dealt with holistically. All sectors need attention simultaneously. Unfortunately, at this stage the DRC cannot succeed on its own, despite its enormous potential, it requires the input of the International Community. Africa as a whole must rally and contribute to the renewal of the Congo. It is in this instance that South Africa as the most advanced economically developed and prosperous African country must be in the forefront of efforts to reconstruct the Congo. Therefore, South Africa must emphasise on a strategic approach based on capacitating bigger countries, which are potentially wealthy, particularly those endowed with natural and mineral resources. Such an approach would pay dividend in the long run because the countries with greater potential could become engines, capable of pulling the continent out of the hopeless situation that it is in. The Democratic Republic of the Congo (DRC), the Sudan and Angola are three countries in Africa that can play a major role in the re-awakening of the continent. Nigeria, the country with the biggest population in the continent is already partnering South Africa in efforts to transform the continent. In this context, a Post–Conflict Reconstruction and Development (PCRD) strategy should assist Congolese people in addressing their needs in the short, medium and long term so that the country can play its meaningful role in African revival.

The collaboration between the emerging government of the DRC, the international community and South Africa on the short to medium term support programmes could lay the foundation for the creation of political stability and a secure environment that is needed for the establishment of long–term projects. South Africa bases its engagement in the DRC on key fundamental principles such as the promotion of human rights and democracy, consolidation of the African agenda, South–South cooperation, the need to create stability, security and peaceful resolution of conflicts. These principles guiding South Africa's foreign policy objectives reinforce the

continent's fundamental policy documents such as the Constitutive Act (CA), the NEPAD economic development programme and others.

The reconstruction strategy in the Congo must be based on clear priorities. Consolidating and maintaining peace is the most important priority that must act as a foundation for the development of policies and projects in all sectors. In this regard the continuing instability in the east is of greatest concern. Hence, proper prioritisation will require a thoroughly researched approach that goes beyond providing a mere shopping list of proposals intended to solicit aid from donors and supporters. A step by step approach is recommended with certain steps or policies being designated as first stage, either because of urgency or because they are a prerequisite for other actions. In addition, prioritisation must apply to all innovations as well as development proposals. It must be based on lessons learned from the past and be geared towards ensuring the correction of mistakes. Three key areas that the DRC need to prioritise are the security sector reform, economic development and Institutional capacity building. Briefly, the government has the responsibility to create an enabling environment for trade and investment, thus by promoting good political, economic and cooperate governance, by strengthening institutional and human capacities, and by developing a regulatory environment that not only facilitates and attract investments but also safeguards them.

In the light of what has been said so far in the study, the following recommendations as outlined below are in order.

Any country that comes out of a war situation is vulnerable and can sometimes be classified among what is being called 'weak states'. Thus, because most of such a country's formal structures have been destroyed and public sector institutions are inadequate. Considering the DRC's potential in terms of resources and its inability to satisfy the needs of its people, one can classify the country among the weak states. For instance, after more than

three decades of dictatorship, the country went also through rebellions, civil wars and aggression. This situation has paralysed the activities of public institutions in the country to a point that the elected government is not able to deal with the legacy of the historical background. The impasse in the DRC might seem difficult but it is not impossible to be solved. The solution resides in the following actions:

- Consolidating democratic governance that is committed to peace and the prevention of relapse into violent conflict;
- Restoring the rule of law and the establishment of a credible, accountable and independent judicial system;
- Promoting reconciliation and nation building and enshrining Human Rights;
- Facilitating the establishment of legitimate and inclusive public institutions and civil authorities that ensure participatory processes, legislative oversight capacity, and a representative constitutional structure, and that encourages active participation of civil society in the formulation of government and its policies;
- Restoring internal security and stability, including an effective disarmament, demobilisation and reintegration (DDR) programme for armed combatants, as well as a comprehensive security sector reform;
- Developing political governance and administrative capacities;
- Establishing the functioning economic and financial infrastructure;  
and

- Providing humanitarian assistance to vulnerable groups including the rolling out of an effective resettlement programme for refugees and internally displaced persons.

When all or some of the above key points are attended to, then one will expect the Democratic Republic of the Congo to find a way for stability and economic development, to create an environment that enhances living conditions its citizens and to restore its image and role in the continent and elsewhere.

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## **Annexure**

### **Details of South Africa-DRC Bilateral Collaboration**

#### **Politics and Governance Cluster**

##### **Cooperation in the field of Politics and Governance**

Before elections and during the era of the transitional government, South Africa and the DRC exchanged views on a regular basis. This included views on the regional and international political developments and on such topical issues such as the reform of the United Nations Security Council and others. Due to the urgency of the need to analyse, strategise and develop a coherent programme during the transitional period the commission on cooperation and governance established by the bi-national agreement between the two countries focussed primarily on the internal developments in the DRC.

The Bilateral Commission has signed a number of agreements in various areas for example, on Cooperation in the Field of Maritime Transport, on Decentralisation, on the Memorandum of Understanding on Education Cooperation and others.

#### **Department of Foreign Affairs**

##### **Capacity-Building Project**

The Department of foreign affairs of the Republic of South Africa commenced a comprehensive capacity-building project for the DRC's Ministry of Foreign Affairs and International Cooperation. The project has the following objectives:

- Reform of the DRC's Ministry of Foreign Affairs and International Cooperation
- Diplomatic training for senior diplomats and administrators

- Development of information and communication systems for the Foreign Ministry

The South African Foreign Ministry is engaged in assisting with the reform of the Foreign Ministry of the DRC this includes, the development and computerisation of human and financial resource management systems. Following an assessment of capacity-building requirements, a technical team of experts from South Africa's Department of Foreign Affairs worked with their Congolese counterparts in Kinshasa to design specific forms in the area of Finance, personnel management forms, to account for the Ministry's personnel stationed locally and abroad. In addition, the team has designed forms for asset management to track the movement and acquisition of the Ministry's assets (Sub-commission Report to the BNC, 2007).

South Africa is also assisting in developing ICT expertise; the South African Department of Foreign Affairs' ICT, Finance and Human Resources Sections, as well as a Solution Architect from Dimension Data do this jointly. The agreement reached is As follows:

**Short Term:**

- Reinstallation and upgrading of internal computer networks at the Ministry;
- Re-establishment of reliable full time internet access to provide reliable communication with Foreign Missions;
- Restoration of internal telephonic communication capability; and
- Training of technical, helpdesk and IT staff of the Directorate: Transmissions.

**Medium Term:**

- Securing a system to enable communication of classified information to and from Foreign Missions;
- Management of databases;

- Improvement of communications to Foreign Missions;
- Connection to other Ministries in the DRC; and
- Training of user trainers.

### **Long Term:**

- Development of a system to manage the issuing of passports and visas;
- Management of communications and other databases; and
- Training of users.

The two countries are committed to working together on the three-year strategic plan developed by the diplomatic academy of the Democratic Republic of the Congo.

## **Governance and Administration**

The sub-commission deals with issues of governance and transparency particularly in the public service. The sub-commission collaborated in the Organisation of the first elections after a period of over forty years of dictatorship and conflict. The last elections held in 1960 did not have a successful outcome. Soon after democratic elections, Anti democratic forces assassinated the democratically elected Prime Minister, Mr Patrice Lumumba and the country was plunged into the darkness of conflict, poverty and despair.

The sub-commission comprised of the work area of public administration, preparations for elections and population and immigration matters.

### **Decentralisation of the Public Service**

Article 3 of the constitution of the DRC makes provision for the development of an organic law on decentralisation. South Africa worked together with the Democratic Republic of the Congo to develop a legal framework for this law. Based on this law the partnership will work on the following:

- To develop models for the organisation of Public Administration;
- To rationalise and restructure the public service and the match and place public servants against appropriate posts;
- Establishment of the process of transfer of public servants from the Central Public Service to the provincial Public Administration; and
- Implementation of human resource management system at the provincial level.

In terms of the agreement on decentralisation signed by both countries on the 16 march 2006 the key focus areas will be the following:

- Information technology systems supporting decentralised Entities;
- Assistance with organising administrative departments;
- Building capacity for local government institutions;
- Assistance with equipment and refurbishment;
- Support to Demarcation; and
- Training Local and Provincial Executives and government officials (Report of the sub-commission to the DRC/SA Bi-National, 2007).

Both countries are working to realise the vision and three year strategy for decentralisation developed by the Ministry of Interior, Security and Decentralisation of the Congo. The law governing the Territorial Administrative and Political Decentralisation of the Congo will pave the way and facilitate easier administration of the entire country.

## **Establishment of the National School of Public Administration (ENA)**

The personnel and institutional capacity building has been identified as the top most cross cutting priority in the collaboration of the two countries. South Africa has therefore committed to assisting with the establishment of the

National School of Public administration whose responsibility is to train and capacitate the DRC in public services. This entails the following:

- Promulgation of statutes and regulation regarding the setting of ENA;
- To raise funds for such a project;
- To develop a project plan for setting up ENA;
- To determine needs and to develop a training; and programme accordingly... (Sub-commission Report to the SA/DRC Bi-national Commission, 2007).

## **Governance and Administration Commission**

In the area of public administration work has focused on the census of public servants, the establishment of the national school of public administration, anti corruption and decentralisation of public administration and on the areas of justice matters particularly those concerned with governance and violation of human rights... (Sub-commission Report to the SA/DRC Bi-National Commission, 2007).

## **Public Administration**

Cooperation in the area of public administration includes the following:

- Support for institutional reforms and good governance;
- Improvement of the operation of public services and human resources;
- Institutional and human capacity building in public service;
- Promotion of public administration and the management of training institutes; and
- Support of other specialised areas as the two parties may agree.



Four projects have been prioritised, namely the census project, anti-corruption, the establishment of the National School of Administration (ENA) and the decentralisation of public administration (Sub-commission Report, 2007).

### **Census**

The two countries embarked on the counting of civil servants for registration and accountability. The collaboration meant to improve efficiency in the public service of the DRC is also a tool to combat corruption by exposing ghost civil servants in whose names financial claim are made. The cooperation operates on the principle of ownership of the process by the Congolese.

A Memorandum of Understanding signed on the 31<sup>st</sup> August 2004 lays the foundation for an agreement that focuses on funding and procurement for the census project. The '*modus operandi*' is the manual census followed by the biometric enrolment of all civil servants.

### **Anti - corruption**

The two countries successfully collaborated on a project on the promotion of the Code of Conduct for public for public officials. This is now completed and a booklet for trainees, a guide for trainers, training aids in the form of a video, posters and flyers is now available' (Sub-commission Report, 2007).

Corruption is one of the biggest factors that accounts for failure to move rapidly with developmental efforts. Funding remains the biggest obstacle to putting in place mechanisms that will ensure the erosion of corruption. Both countries are committed to exploring trilateral arrangements that will include third parties to overcome lack of resources. The DRC relies on South Africa to assist in the development of an implementation plan on the system for the declaration of assets.

## Safety and Security Commission

### Defence Sub-commission

The following objectives are identified:

- Developing and formulating procedures of military cooperation between the Armed Forces of South Africa and the DRC;
- Personnel Training that includes exchange of trainees, instructors and observers;
- Acquiring and procuring military equipment; Technical Cooperation; Implementation of the Defence Agreement by the Defence Technical Committee;
- Cooperating in medical research;
- Exchanging knowledge and training in UN peacekeeping operations;
- Encouragement of the exchange of military personnel at all levels to enhance sporting and cultural links between the Armed Forces;
  
- Provision of advice and assistance on policy and planning on the integration of the DRC's Armed Forces;
- Provision of advice and assistance, in terms of identification, registration and selection, in close collaboration with the Military Integration Structure of the Congolese Armed Forces;
- South Africa is also assisting in the creation and training of military brigades that will contribute to the reform of the military sector of the DRC. The brigades that are expected to stabilise the DRC will also be deployed in the conflict ridden east of the country where rebel groups continue to create havoc;
- CASA 212 aircraft and aircrew: The deployment of a CASA 212 aircraft and air-crew (11) to assist with the movement of equipment, personnel and material took place. The CASA is mainly utilized for the transportation of material and personnel from Goma to Beni; and

- South Africa is assisting the DRC with the identification and compilation of the certified personnel and weapons register.

## **Police Sub-commission**

Projects agreed upon:

### **Phase 1: Capacity Building through Operational Training (PNC)**

This project focuses on the following operational fields: Operational Commander Training, Crowd Management Techniques Training, VIP Training, Crime Intelligence Training, Firearm Proliferation Training, Radio Telecommunications, Interpol and Project Management Programme (Police Sub-commission Report, 2007).

### **Crowd Management Techniques Training (CMT)**

South Africa is training Congolese in crowd management techniques and assisting with acquiring the appropriate weapons for use during crowd control.

### **VIP Training**

The collaboration also includes training the trainers in VIP protection. The 'Police Nationale Congolaise' (PNC) requested the training of 1000 PNC members in VIP Protection.

### **Crime Intelligence Training**

1206 PNC members were trained in the pre-election Intelligence Processes in Kinshasa. A number of courses are offered to Congolese, these include training the trainers' courses. Four Thousand (4000) PNC members are to be trained. The UNDP is assisting with the funding.

## Radio Telecommunications Project

16 PNC Radio Technicians were trained during February 2005 in South Africa. The British DFID provided funding for a phase 1 roll out in Kinshasa, for the procurement of equipment through SAPS contracts and tender procedures to the amount of \$ 460 000. The SAPS provided technical support and mentoring for the installation of the equipment. In addition 17 technicians were trained (3 in Radio Telecommunication technical management and 14 in Radio installation, maintenance and radio programming).

The Phase 2 rolls out, funded by UNDP/DFID, and is in the provinces. 16 SAPS and 36 PNC technicians are currently deployed. Total cost is 15.75 Million USD. Fourteen 4 x 4 Land cruiser (fully equipped with radio telecommunication kits) vehicles have been donated by the UNDP to the PNC.

## Economy, Finance and Infrastructure

The Ministerial Bilateral Working Committee is comprised of the following Ministers:

Republic of South Africa		Democratic Republic of Congo	
1.	Trade and Industry (Chair and Co-ordinator)	1.	Planning (Chair and Co-ordinator)
2.	Minerals and Energy	2.	Industry, Small and Medium Enterprises
3.	Transport	3.	Transport
4.	Agriculture	4.	Agriculture
		5.	Foreign Trade
		6.	Mining
		7.	Energy

## Collaboration on the Establishment of the Spatial Initiative

Subsequent to the Bi-national Commission held in Pretoria on the 29<sup>th</sup> of April 2005, the Government of South Africa and the Government of the Democratic Republic of Congo agreed to adopt the Regional SDI Programme in the DRC.

Through the application of the SDI methodology, it would be possible to determine the linkages between and promote a portfolio of large-scale infrastructure development and economic investment projects. The South African Department of Trade and Industry (DTI), commissioned a scoping study to confirm the developmental business case for the Bas-Congo SDI. The scoping study is finalised and ready for implementation.

### Bas-Congo Scoping Study

The scoping study describes the geographic extent of the Bas Congo SDI project area, current economic activities, and the main economic and infrastructure drivers for future economic development in the project area and provides justification for the allocation of resources for the implementation of the SDI.

- **Geographic Location:** This SDI is located in the lower-Congo river basin. It extends from the mouth of the Congo River to the Kinshasa-Brazzaville urban centre, as well as up the coast to Bas-Kouilou in the Republic of Congo and down the coast to Quindonacaxa in Angola.
- **Economic Rationale:** The main infrastructure and economic drivers that provide the underlying economic rationale for the Bas-Congo SDI are: The Inga Hydroelectric power project is currently Africa's (and possibly the World's) largest hydroelectric power potential. As such, it provides the primary driver for this SDI. Rehabilitation of Inga I and Inga II is currently underway and the

future development of Inga III and Grande Inga could raise total generating capacity to in excess of 40 000 megawatts. This project provides the basis for possible minerals exploitation and processing in the SDI area as well as the export of power to a number of major demand centres across the African continent and beyond.

Through the link between the potential availability of very cheap electricity from Inga, an opportunity is created for a series of mining and minerals processing projects within the Bas-Congo SDI. An aluminium smelter mooted for Matadi based on large bauxite deposits in the DRC, a magnesium smelter at Point Noire based on mineral deposits at Kouilou in the Republic of Congo (Congo-Brazzaville) and a possible aluminium smelter in northern Angola are examples of an energy intensive projects currently being contemplated that would require power from a rehabilitated and upgraded Inga. Large-scale phosphate deposits between Quindonacaxa in Angola to Sinto-Kola in the Republic of Congo are another element of minerals development potential of the Bas-Congo SDI" [The Commissioned Bas-Congo Scoping Report, 2005).

The key infrastructure drivers of this SDI are the existing road and rail links from both Kinshasa and Brazzaville to the ports of Matadi and Point Noire in the Democratic Republic of Congo and Republic of Congo respectively. In addition, there are plans to develop a new deep-water port at Banana in the DRC.

The development of the SDI requires the prioritisation and upgrading the road link from Luanda to Kinshasa. This, together with a possible bridge across the Congo River linking Kinshasa and Brazzaville could result in the full integration of regional transport systems on the Bas-Congo SDI (The commissioned Bas-Congo Scoping Study, 2005).

The cross-border nature of the economic linkages between elements of the Bas-Congo SDI suggests that it requires a three-country initiative between the

DRC, Congo and Angola. In so doing, the SDI has the potential to serve as a catalyst for improved regional integration consistent with the objectives of NEPAD.

### **Other Spatial Development Initiative**

Several other potential SDIs have been identified (Malange-Kananga, Lobito-Katanga, Central-Kalemie/Kisangani and Kodo-Mombassa) for future consideration and development. However, the Lobito-Katanga area is already attracting substantial investment due to its excellent mineral resource endowment (copper/cobalt & manganese) and could conceivably benefit from the SDI integrated economic development methodology in the short to medium term.

### **Development of an Industrial Zone in Maluku**

Also under consideration is the development of an Industrial Development Zone. Some of the projects already identified are:

- Rehabilitation of SOSIDER (Metallurgical complex)
- Development of a real estate and housing projects

Both countries are exploring the feasibility of involving the involvement of the Industrial Development Corporation (IDC) and the Development Bank of Southern Africa (DBSA).

### **Investment Facilitation**

- Both countries exchange Fact-Finding Missions in order to assess the business climate and identify potential opportunities for investments.
- The Missions are intended to facilitate trade and investment, complementary to the SDI process in the DRC.

## **Tax and Customs Sub-Commission**

### **Avoidance of Double Taxation Agreement (DTA)**

Both Democratic Republic of Congo and South Africa Ministers signed the DTA during the BNC in April 2005 in Pretoria. The DTA required first, to be operational, ratification by both parliaments of the Democratic Republic of the Congo and South Africa.

### **Mutual Assistance Agreement on Customs Co-operation (MAA)**

The Mutual Assistance Agreement on Customs signed in April 2005 in Pretoria by both the DRC and the RSA required Parliamentary ratification.

## **Minerals and Energy Sub-Commission**

### **Mining**

Promoting Joint Mining ventures between RSA and DRC companies. The list of viable mining projects and researches, especially those concerning the base metals group (copper, cobalt, lead, zinc,) were given to the South African counterpart during the November 2005 review meeting held in Kinshasa, for circulation to potential investors (The Minerals and energy Sub-commission Report, 2007).

The Technical Mining Coordination and Planning Unit (TCPM) has been appointed by the ministry of mining as the focal point with which South African companies should be in touch to access DRC's mining field's information.

### **Geology**

Projects identified include:

- The rehabilitation of the laboratory and mining research centre of Bukavu;



- Updating geological and metallogenical maps;
- Geophysical and geochemical surveys;
- Acquisition of analytical laboratories; and
- OKIMO Projects (MOU signed for exploration with Anglo Ashanti, Goldfields, Afri-Minerals, Boundy Investment and Mowana Africa' (The Minerals and Energy Sub-commission, 2007).

Of the five companies, only AngloAshanti is currently doing exploration and exploitation.

Draft MOU sent to Council of Geosciences by OKIMO for consideration.

### **Mineral processing / Metallurgy beneficiation**

Projects identified include:

- Gold recovery by IGOLI process (without use of mercury) (Total cost: USD 445,890.00);
- Manufacturing of ceramics and glass products (Total cost: USD 546,990.00); and
- Training of trainers in the artisan and small scale mining and acquisition of technologies appropriate to artisan field and small scale mining' (The Minerals and Energy Sub-commission Report, 2007).

The DRC and South Africa signed an MOU 2 February 2006 in Johannesburg. The two countries were represented by Mintek of RSA and Technical Mining Coordination and Planning Unit (CTCPM) and SAESSCAM (Assistance and Supervision Unit of Small Scale Mining) of DRC. The success of projects identified depends on the availability of funds.

### **Diamonds and Precious stones**

Projects identified include:

- Training in sorting and evaluation of diamonds;
- Implementation of cutting and polishing workshops in DRC;

- Reinforcement of the Congolese regulation in order to prevent and efficiently control fraud through the Kimberley process; and
- Promotion of the Small Scale Mining' (Report of the Minerals and Energy Sub-commission, 2007).

MOU signed by CEEC (Centre of Evaluation and Certification) of DRC and the South African Diamond Board (SADB) guides regulation of the diamond trade in compliance with international law.

New Projects Proposed by the Congolese Party:

- Promoting the new mining legislation in DRC;
- Supporting the development of the Mining Cadastre (Unit working in the granting of mining and quarries titles); and
- Supporting DRC in mining environment issues.

The Congolese party is asking for financial and technical assistance, depending on the case, from South Africa for an effective implementation of the identified projects within the proposed time frames.

## **Social and Humanitarian Affairs**

### **Purpose**

The Social and Humanitarian Affairs Commission comprises four Ministries/sectors, namely: Urban planning and Housing, Education, Health, and Social Development.

### **Housing committee**

The two countries signed a Memorandum of Understanding in 2006. The MOU envisages cooperation in the following areas:

- A Programme of Action intended to implement projects in the short, medium and the long-term;

- Both countries will work together for the establishment of Private Public Partnerships (PPP) / formation in the DRC. The PPP will explore possibilities of forming Joint Ventures between South Africa and the DRC;
- Establishment of a Housing Company and Capacity to manage the construction of housing stock;
- Collaboration of the two countries in land Management/bulk infrastructure & Framework legislation;
- Training of staff;
- Assistance with the provisioning of Office Equipment; and
- Establishment of a Housing Bank.

### **Social Development Sub-Committee**

The Department of Social Development (South Africa) and the Ministry of Social Affairs (Democratic Republic of the Congo) has completed negotiations on a Memorandum of Understanding.

The MOU considers comprehensive analyses on the challenges facing the DRC in the process of post-conflict social reconstruction and transformation. These include, among other things, institutional development and building of administrative capacity as well as social policy development. Care and support for vulnerable groups such as women, children, older persons, displaced persons and the youth.

The parties agreed on a memorandum of understanding that focuses on the following:

- Support programmes to assist displaced families, communities and refugees;
- Development of programmes to tackle HIV and AIDS and its impact, particularly on children; and

- Development and support of programmes for integration of vulnerable groups such as women, children, older persons, people with disabilities and youth' (Report of the Social Development Sub-committee, 2007).

## **Responsibility**

The Ministry is responsible for the following:

- Providing Humanitarian Relieve (e.g. Provision of food, medicines, clothing, cooking utensils etc) in the case of disasters;
- Organizing the return of refugees, other displaced persons and assisting in their socio-economic re-integration; and
- Coordinating and cooperating with relevant Ministries/ department that are immediately responsible for the provision of some form of relieve to the people in the event of disaster or crisis (these Ministries are: Ministries of Health, Education, Interior, Human Rights and Social Affairs).

## **Challenges**

The immediate challenges facing the Ministry are the following:

- Humanitarian assistance to 3million displaced persons and refugees;
- Improving the standard of living in the designated areas where returnees are settled; and
- Promoting reconciliation and solidarity amongst Congolese and engaging in political education to abolish existing obstacles between provinces and ethnic groups' (Report of the Social Development Sub-committee, 2007).

## **Areas of cooperation**

The proposed areas of cooperation are the following:

1. Relocation and integration support to displaced persons;
2. Exchanges amongst officials in the areas of disaster relief that include the following elements:
  - Humanitarian Assistance.
  - Strategy.
  - Policy
  - Planning
  - Training of Ministerial Personnel.
  - Capacity building.
  - Civil awareness support to pre-empt future disasters and encouraging acceptance and re-integration of returnees.
  - Promoting integration and coexistence that avoids future conflict; and
  - Fundraising Support.

### **Transport Sector Sub-Commission**

On going discussions and work done by the Department of Transport (DOT/RSA) and the Ministry of Transport and Communication (MOTC/DRC) yielded the following results:

#### **Agreements**

- The Merchant Shipping Agreement and other Maritime related Matters agreement was signed and is being implemented; and
- The Memorandum of Understanding on Economic Cooperation and Transport Infrastructure.

### **Transport sector contribution toward the election mechanism effort**

The Department of Transport mobilized all transport sector agencies in South Africa for maximum participation and contribution towards the election

mechanism effort. In response to this, the following agencies declared their contribution:

## **Aviation**

Aviation is divided into two (2) separate areas:

- Aviation Infrastructure; and
- Upper Air Space Services and Management.

### **Aviation infrastructure**

A number of challenges remain in area of airport infrastructure, namely rehabilitation of the five airports identified by the Congolese party as necessary for linkages and access to remote areas, particularly during elections. The five (5) airports identified are as follows:

- N'djili International Airport.
- Lubumbashi International Airport.
- Kisangani Airport.
- Mbuji-Mayi Airport; and
- Tshikapa Airport.

### **Airport Companies of South Africa (ACSA)**

ACSA has committed to assisting by conducting feasibility studies for the refurbishment of the airports. The commitment also extends to support in the training of personnel and capacity building. The refurbishment of the airports is crucial as flights play a vital role in linking areas almost impossible to reach by other means (e.g. roads & Congo River)

### **Air Traffic Navigation Services (ATNS)**

The Air Traffic navigation Services (ATNS) has already implemented the following:

- Upper air space services and management;

- Flight procedure design based on the Global Navigation Satellite System (GNSS);
- Design of flight procedures at 10 airports;
- Surveying 10 airports and conversion of coordinates into WGS-84 reference frame as recommended by ICAO; and
- Drafting of the GNSS Legislation (This project was finalized in December 2005 and it was fully funded by the United Nations).

### **Training**

To date, the ATNS has trained hundreds of air traffic services personnel, which include air traffic controllers and technicians. Approach control trainees and technicians are undergoing training at the Aviation Training Academy in South Africa.

### **Aeronautical billing**

The ATNS and the RVA signed a contract for the billing and collection of air navigation charges of non-IATA member airlines over-flying the airspace of the Democratic Republic of the Congo. This project ensures an effective and efficient aeronautical billing system for the DRC.

### **SADC VSAT**

The ATNS has implemented a Very Small Aperture Terminal in Kinshasa as part of the SADC project. This has brought the following to the DRC:

- Compliance with ICAO standards and recommended practices;
- Improvement of aeronautical communications between the DRC and other SADC member states; and
- Improvement of upper air space safety in the DRC (Transport Sector Sub-commission Report, 2007).

### **South African Civil Aviation Agency (SACAA)**

The CAA is ready to send 5 technical experts to assist with the evaluation of safety in the five airports identified by the Congolese party as crucial for the linkages to remote areas during the elections.

### **Rail Transport**

#### **Spoornet**

South Africa's Spoornet donated 100 passenger coaches to the Congolese rail agency, La Société Nationale des Chémins De Fer Du Congo (SNCC) before the end of March 2006. Spoornet will facilitate servicing of the 100 passenger coaches in South Africa, to make them rail worthy. Repairs, refurbishment and transfer of about 15 – 25 Coaches per month, will be subject to the availability of funds.

Spoornet will transfer the ownership of 14 Diesel Locomotives currently in the possession of the SNCC in terms of the lease agreement within three (3) months. Spoornet will also ensure that these are in running condition. Furthermore, Spoornet will provide the SNCC with spares to the value of 2.5 million Rands.

In addition, Spoornet will transfer ownership of 50 flat bed wagons to SNCC at minimal value; the Transnet foundation has approved a donation of 130 three-meter containers to the DRC. During election time, these containers can be utilised as mobile elections units, offices; etc" (The Transport Sub-sector Commission Report, 2007).

#### **South African Rail Commuter Corporation (SARCC)**

The South African Commuter Corporation (SARCC) has also made available ticketing machines for use in the DRC.



## **Maritime**

### **South African Maritime Safety Authority (SAMSA)**

The South African Maritime Safety Authority (SAMSA) board has approved the donation R7Million, for use in repairing nine (9) vessels and three (3), barges. The South African Party will in addition assist in providing spares and other material needed to repair vessels that will be used for improvement of mobility and access through the Congo River. It is currently awaits translation.

### **Rehabilitation of N'djili Airport**

The two countries are conscious of the need to improve land transport planning and road safety management in the Congo. Also crucial, in view of the increasing volumes of people visiting and working in the Congo, is to improve airport safety and security.

Both countries are working to secure funding for the rehabilitation of N'djili International Airport in Kinshasa. ACSA is encouraged to participate in the Build Operate and Transfer (BOT) type concession.