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THE UNITED NATIONS AND THE TERMINATION OF INTERNAL CONFLICT WITH REFERENCE TO THE UNITED NATIONS ORGANISATION MISSION IN THE DEMOCRATIC REPUBLIC OF THE CONGO: 1999-2006

by

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LIST OF ABBREVIATIONS

ABAKO	*Association des Bakongo pour l'Unification, la Consservation, le Perfectionnement et l'Expansion de la Langue Kikongo* (Bakongo Alliance)
ADF	Allied Democratic Forces.
AFDL	*Alliances des Forces Democratiques pour la liberation du Congo* (Alliance of Democratic Forces for the Liberation of Congo)
ALIR I & II	*Armee pour la liberation du Rwanda I & II* (Liberation Army of Rwanda I & II)
ANC	*Armee Nationale Congolais* (Congolese National Army). Used to designate the national army (1960-1964) and later the armed wing of the RCD-Goma (1998-2003)
ASF	African Standby Force
AU	African Union
CFS	*Etat Indépendent du Congo* (Congo Free State)
CONACO	*Confédération Nationale des Associations Congolaises (*National Congolese Convention)
CONADER	*Commission nationale de la demobilisation et de la résertion* (National Commission for Demobilisation and Re-insertion)
CONAKAT	*Confederation des Associations Tribales du Katanga* (Confederation of Katanga Associations)
CNL	*Conseil National de Libération* (National Liberation Council)
CNS	*Conference Nationale Souveraine* (Sovereign National Conference)
DDR	Disarmament, Demobilisation and Reintegration
DDRRR	Disarmament, Demobilisation, Reintegration, Resettlement and Repatriation
EX-FAR	*Forces Armées Rwandaise* (Former Rwandan Army)
FAC	*Forces Armées Congolaises* (Congolese Armed Forces)
FARDC	*Forces armées de la République démocratique du Congo* (Armed Forces of the DRC – post transition, 2003 to the present)

FAZ	*Forces Armées Zairoise* (Zairean Armed Forces)
FDD	*Forces pour la defense de la democratie* (Forces for Defense of Democracy)
FDLR	*Forces Démocratiques de Libération du Rwanda* **(**Democratic Liberation Forces of Rwanda)
FLNC	*Front Libération Nationale du Congo* (Front for the Liberation of Congo)
FNL	*Forces nationales pour la liberation* (Forces of National Liberation)
FNLA	*Frente Nacional de Libertação de Angola* (National Front for the Liberation of Angola)
FNI	*Front Nationaliste Intégrionste*
GNUT	Government of National Unity and Transition
IAA	International African Association
IAC	International Association of the Congo
ICD	Inter-Congolese Dialogue
IEMF	Interim Emergency Multinational Force
JMC	Joint Military Commission
MLC	*Mouvement pour la Liberation du Congo* (Movement for the Liberation of Congo)
MNC	*Mouvement National Congolais* (Congolese National Movement)
MNCL	*Mouvement National Congolaise, Lumumba* (Congolese National Movement-Lumumba)
MONUC	*Mission de l' Organisation des Nations Unies en République démocratique du Congo* (United Nations Organisation Mission in the Democratic Republic of Congo)
MPR	*Mouvement Populaire de la Révolution (*Popular Movement of the Revolution)
MPLA	*Movimento Popular de Libertação de Angola* (Popular Movement for the Liberation of Angola)
NALU	National Army for the Liberation of Uganda
OAU	Organisation for African Unity
ONUC	*Opération des Nations Unies au Congo* (United Nations Operation in the Congo) Initially known as *Organisation des Nations Unies au Congo*

	(United Nations Organisation in the Congo), name changed during 1963
RCD	*Rassemblement Congolais pour la Démocrati*e. Rally for Congolese Democracy. The movement later split into two factions, RCD-Goma and RCD- ML (*Mouvement de Liberation*, also known as RCD-Kisangani)
SADC	Southern African Development Community
SRSG	Special Representative of the Secretary General of the United Nations
SSR	Security Sector Reform
UDPS	*Union pour la démocratie et le progrès social* (Union for Democracy and Social Progress)
UNDPKO	United Nations Department of Peacekeeping Operations
UNITA	*União Nacional para a Independência Total de Angola* (National Union for the Total Independence of Angol)
UPC	*Union des Patriotes Congolais* (Union of Congolese Patriots)
UPDF	Ugandan People's Defence Force

CHAPTER ONE

INTRODUCTION

1. General Introduction

The end of the Cold War brought about a change in the global patterns of armed conflict. In contrast to Europe where a sharp rise in conflict was experienced, mostly as a result of the dissolution of the former Soviet and Yugoslav unions, Africa initially experienced a slight decline in conflicts. Some conflicts sustained by the proxy Cold War contestation ended, but new conflict in the Horn of Africa and Central Africa soon emerged, leading to the number of conflicts increasing by 1998. The defining characteristic of post-Cold War conflict was the shift from interstate to intrastate conflict.

In response to the changing conflict patterns, the nature and scope of United Nations (UN) involvement in conflict resolution were adapted to prevailing circumstances. Traditionally, UN peacekeeping missions were deployed in a conflict situation at the request of or with the consent of the host country and the belligerents. The aim of these operations was essentially to maintain the peace by fulfilling an interposition role between belligerents and monitoring compliance with a previously agreed-upon ceasefire agreement. In the post-Cold War period, UN peacekeeping missions were required to deploy in situations where the conflict is of a mainly intrastate nature; where a ceasefire agreement has not been concluded, or adherence to the agreement is tenuous; and where belligerent consent is usually absent or intermittent. Owing to the complexity of internal conflict, including the impact of a range of variables such as multiple internal belligerents; ethnicity; conflict over the control of natural resources; and the intervention of neighbouring states or regional actors, UN missions have progressively become more complex with increased risks and costs.

The Democratic Republic of the Congo (DRC)[1] has been wracked by violence and conflict since its founding as a colonial possession of King Leopold II of Belgium. Decolonisation in 1960 was characterised by violent conflict between parties with a nationalist agenda and those with ethnic- based, secessionist agendas. International involvement against the background of Cold War superpower rivalry complicated matters and contributed to the inept and corrupt governance of the Mobutu regime. Growing resistance to this regime, which lost its Cold War

[1] The official SADC designation of the DRC is the 'Democratic Republic of Congo', whereas UN documentation generally refers to the 'Democratic Republic of the Congo'. The source documents consulted have determined usage.

utility as a bulwark against Soviet expansion during the 1990s, ultimately led to the conflict in the DRC which started in 1997. This conflict is an example of a contemporary internal conflict that, apart from the multitude of variables previously indicated, is further complicated by the size of the country and poor state of its infrastructure.

2. Aim of the Study

The aim of this study is to evaluate the UN role in the resolution, management and termination of the internal conflict in the DRC with specific reference to the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC)[2]. The UN response to the role envisaged for the organisation in the *Lusaka Agreement,* 1999 (concluded between the belligerent forces in the conflict during July and August 1999*,* which *inter alia* made provision for the cessation of hostilities, the deployment of a peacekeeping force and the disarmament of militia groups), and the subsequent deployment of MONUC in the DRC, will be examined against the background of the political and military developments in all phases of the mission, in order to analyse and assess the relevance, effectiveness and efficiency of the mission. The study, covering the 1999-2006 period, will mainly focus on the military component of the mission, but will also address the civilian component that deals with the disarmament, demobilisation, reintegration, resettlement and repatriation (DDRRR) aspects of the mission. The importance of this study resides in its evaluation of the utility and viability of post-Cold War UN peacekeeping in dealing with a typical post-Cold War internal conflict that included the involvement of neighbouring states and other regional actors. This study will determine where the UN stands in terms of the generational evolution of peacekeeping, while highlighting the practical problems that continue to affect UN peacekeeping missions, in particular MONUC.

3. Formulation and Demarcation of the Research Problem

The deployment of a UN peacekeeping mission, although reactive in nature, is intended to reinforce a peace agreement or a peace process. While initially intended to act as an interposition force between belligerents, a trend emerged in the UN missions of the 1990s where the UN did not deploy into post-conflict situations, but was expected to create such situations after the signing of a peace agreement. This appears to be particularly pertinent in the case of the DRC, where a peace agreement was signed between the belligerents, but where low-level conflict persisted. Therefore, the main question that this research will attempt to

[2] *Mission de l' Organisation des Nations Unies en République démocratique du Congo*. The French acronym will be used throughout.

answer is: “To what extent did the deployment of MONUC contribute to the termination of internal conflict in the DRC and create conditions conducive for the holding of democratic elections?” In answering this question, the following subsidiary questions need to be answered:

- Was the intention of the drafters of the *Lusaka Agreement* for the UN converted into a viable peacekeeping mission, especially during the early phases of the mission?

- Did MONUC receive adequate resources to fulfil its task, commensurate with the size and complexity of the operational theatre and the mandate?

- Why was a development such as the deployment of a European Union (EU) Interim Emergency Multi National Force (IEMF) in Ituri (2003) necessary, given the fact that MONUC was already deployed?

- Were the expectations regarding MONUC’s involvement in the disarmament, demobilisation, reintegration, resettlement and repatriation (DDRRR) programme and the domestic disarmament, demobilisation, reintegration (DDR) programme realistic?

The basic proposition of this study is that a UN peace mission deploying into a contemporary internal conflict depends on a robust initial peacekeeping mandate; adequate resources to deal with the complexities of the conflict situation and the challenges of the physical mission area; and a military component that is supported by tangible political progress. Three explanatory assumptions support this proposition. Firstly, it is postulated that the UN response to what the drafters of the *Lusaka Agreement*,1999 envisaged for the organisation in the DRC was never commensurate to ensure implementation of the agreement, especially against the background of the time scales contained in the agreement. Secondly, it is argued that an initial weak UN Security Council[3] mandate requiring regular amendments to the mandate, leads to the adoption of an incremental approach and ‘mission creep’. Thirdly, it is contended that in order to be effective, the DDRRR programme which is essential for pacifying the Eastern DRC, requires a peace enforcement approach at an earlier stage of the mission than was the case in practice.

The research theme is demarcated in conceptual, geopolitical and temporal terms. Conceptually the focus is on internal conflict, conflict resolution and UN peacekeeping. Therefore, the main objective of the study is to critically examine the contribution of MONUC to the resolution, management and termination of the internal conflict in the DRC. The secondary

[3] For ease of use, ‘Security Council’ will henceforth be used to refer to the UN Security Council.

objectives entail the evaluation of UN peacekeeping doctrine and procedures relating to the DRC and determining UN progress regarding the generational evolution of peacekeeping. As such this case study has been chosen because it provides the opportunity to examine an African peace mission that deals with a complex contemporary conflict exhibiting both intra- and interstate dimensions, in a vast operational theatre. The case study is an example of where the UN did not deploy in a traditional interposition role, but rather in a theatre where low-level conflict persisted. It also provides the opportunity to investigate the effect of changes in mandate and mission size over a seven year period. Hence the study is essentially demarcated in geopolitical terms to include the territory of the DRC as well as the involvement of its neighbouring states. It is, however, necessary to widen the geographic scope to accommodate international and regional influences where applicable. The temporal demarcation of this study covers the period 1999 to 2006 in order to allow for the examination of the development of MONUC from its initial stages as an observer mission until the end of 2006, when it had become the largest UN mission in the field and elections in the DRC had been concluded. The period beyond the elections in 2006 election is regarded as a subsequent phase of the mission, displaying different dynamics which fall beyond the scope of this study, thus requiring a separate study. In order to contextualise the contemporary case study, background information of a historical nature outside the above frame is used where appropriate.

4. Methodology

The approach to the study is descriptive and analytical in nature and is primarily based on a theoretical framework for the analysis of UN documentation on peacekeeping in general, and MONUC in particular. Accordingly the conceptual framework relating to the changing nature of internal conflict, especially in post-Cold War Africa, and the impact that this development has had on the UN and African approach to peacekeeping, will be used to evaluate the role of MONUC in the resolution of internal conflict in the DRC over the period 1999-2006. The method of research is inductive and qualitative and focuses on a single case study owing to length constraints and the limited scope of this study. Primary documentary sources are used for the research of the case study, supplemented by secondary sources.

5. Overview of Literature

The literature sources and data consulted for this study cover three areas:

- **Literature regarding the theoretical aspects of internal conflict and peacekeeping:** In respect of conflict, internal conflict and conflict resolution, Mitchell, C.R. The *Structure of International Conflict* (1981), Snow, D.M. *Uncivil Wars* (1996), King, C. *Ending Civil Wars* (1997), and Crocker, C. *et al*. (ed) *Turbulent Peace: The Challenges of Managing International Conflict* (2001), and Wallensteen, P. *Understanding Conflict Resolution* (2007) were consulted. A large body of the literature on conflict termination focuses mainly on purely military aspects of the term, which relate mainly to the exit strategies of intervening forces and is not particularly useful for this study. There is a wealth of literature on UN peacekeeping, within the broader context of peace support operations, since the end of the Cold War. In this respect the authors mainly focus on the changed circumstances brought about by the end of the Cold War, the new demands on the UN system and the increasing complexity of the nature of UN peace missions. Theoretical works consulted include Bellamy C. *Knights in White Armour: The New Art of War and Peace* (1996), Hillen, J. *Blue Helmets: the Strategy of UN Military Operations* (2000), Boulden, J. *Peace-enforcement: The UN Experience in Congo, Somalia, and Bosnia* (2001), Bellamy A.J. *et al. Understanding Peacekeeping* (2004), O Neill, J.T. and Rees, N. *United Nations Peacekeeping in the Post-Cold War Era* (2005), Francis, D.J. *et a*l. *Dangers of Co-deployment: UN Co-operative Peacekeeping in Africa* (2005), and Durch, W.J (ed) *Twenty-First-Century Peace Operations* (2006). Primary UN documentary sources consulted include the *Charter of the UN* (1945), *Uniting for Peace Resolution [General Assembly Resolution 377(v)]* (1950), the *Agenda for Peace and Supplement* (1992 and 1995), the *Report of the Secretary General: Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* (1998) and *The Report of the Panel on United Nations Peace Opera*tions known as the Brahimi Report (2000).

- **Literature regarding the historical context of internal conflict and UN peacekeeping in the DRC:** Works consulted on the historical background of the case study included Meditz, S.W. and Merrill, T. (eds). *Zaïre: A Country Study (1994),* O'Ballance, E. *The Congo-Zaïre Experience, 1960-98* (2000), Gondola, D. *The History of Congo* (2002) and Hochschild, A. *King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa* (2006).

- **Literature regarding the DRC case study:** The primary sources consulted for this study are available on the UN website and include selected resolutions of the Security

Council, selected reports of the UN Secretary General[4] as well as other UN documents for the period 1999-2006. These sources provide the bulk of the data used for the main body of the study. The general focus of research on MONUC has dealt mainly with peace implementation issues, challenges confronting the mission and humanitarian issues. Secondary sources consulted include Malan, M. and Porto, J.G. (eds) *Challenges of Peace Implementation: The UN Mission in the Democratic Republic of the Congo* (2004). Roessler, P. and Prendergast, J. in Durch, W.J. (ed) *Twenty-First-Century Peace Operations* (2006) provide a comprehensive chronological narrative and analysis of the mission. Reports by the *International Crisis Group* over the period 1999-2006 were useful regarding political, social and military developments in the mission area, while K. Månsson's article 'The Use of Force and Civilian Protection: Peace Operations in the Congo' in *International Peacekeeping (2005)* emphasises the important concept of the use of force by MONUC in order to protect civilians, but unfortunately does not extend the concept to the disarmament of armed groups. Holt, V.K. and Berkman, T.C. also provide a critical analysis of MONUC's ability to protect the population in the execution of the mandate in *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (2006). Apart from the primary UN sources, most of the above literature does not address the 2006 role of MONUC in the critical period that lead to the general elections of July 2006.

6. Structure of the Research

The study is structured in a conventional fashion and includes a theoretical framework, a main body and a concluding section containing an evaluation. Chapter one is of a methodological nature and provides an identification of the research theme as well as a formulation and demarcation of the research problem. It also provides a literature overview, and an indication of research methods used and the structure of the study.

Chapter two provides a conceptual and theoretical framework for the analysis of internal conflict and the UN role in peacekeeping. The changes in internal conflict from the post-colonial era overlaid by the superpower interests of the Cold War, to present day conflicts will be discussed. The current conflict drivers such as ethno-nationalism, control over natural resources as well as political power as a source of wealth, are addressed. The traditional UN role in peacekeeping, within the broader context of the 'Agenda for Peace' and peace support operations is discussed and the changes that have manifested in this role since 1948, and particularly since 1990, are

[4] The term 'Secretary General' will be used henceforth to refer to refer to the incumbent.

emphasised. A synopsis of the recommendations of the *Brahimi Report* is made in order to provide criteria for the evaluation of the case study.

Chapter three contains a historical overview of the DRC and serves to discuss the political, societal and infrastructural complexities of internal conflict that manifested in the DRC. The Belgian colonial era is briefly discussed to demonstrate the origin of a number of the present day problems. The conflict in the post-colonial period and the role of key individuals such as Lumumba, Tshombe and Mobutu are addressed against the background of a discussion of the first UN mission in the (then) Congo. The discussion of the Mobutu era includes the role of superpower influence during the Cold War period. The demise of the Mobutu regime as a result of the first 'rebellion' led by Laurent Kabila in 1997 is followed by a discussion of the second 'rebellion' against the Kabila regime by the Rally for Congolese Democracy (RCD) supported by Rwanda and Uganda. Developments following this 'rebellion' until the signing of the *Lusaka Agreement,* 1999 conclude this chapter.

Chapter four addresses the establishment, deployment and expansion of MONUC in the DRC. This will be presented against the background of the important military and political developments in the broader DRC process. The period covered is from 1999, when 90 UN liaison personnel were deployed, to the end of 2002 when the Security Council authorised the expansion of the MONUC military personnel and the implementation of the new concept of operations, which entailed shifting the emphasis of MONUC operations eastwards in order to enhance DDRRR[5] capacity.

Chapter five focuses on the period from 2003 to 2006. During this period the focus of MONUC shifted beyond the framework of the *Lusaka Agreement*,1999 to assisting the transitional process. The changes to the mission include important aspects such as DDRRR, DDR[6] and security sector reform (SSR). The deployment of an EU peacekeeping force[7] to augment MONUC forces in specifically dealing with instability in Ituri during 2003 and developments in the Kivu provinces are discussed to highlight the challenges that faced MONUC in these areas. The intervention by the IEMF during 2003 in Ituri is investigated as a possible new development in peacekeeping operations. MONUC's role in the DDR, dealing with internal armed groups, will

[5] DDRRR is the process focused on external armed groups such as the ADF (Uganda), *Interahamwe* (Rwanda), UNITA (Angola) and others, that are listed in the *Lusaka Agreement*

[6] DDR is the process dealing with internal militia such as the Mai Mai.

[7] Interim Emergency Multinational Force (IEMF). The EU deployed a force of approximately 1 500 troops to Ituri.

also be addressed. The progress of security sector reform (SSR) and a discussion of MONUC's assistance to the electoral process concludes the chapter.

Chapter six returns to the research questions posed in Chapter one and provides an evaluation of the findings of the preceding chapters in order to evaluate the mission; determine if the resources allocated to the mission were adequate; whether an incremental approach to the peace support mission in the DRC was effective; and if a more robust mandate from the outset providing for peace enforcement could have expedited the DRC peace process. In conclusion the chapter makes recommendations regarding the authorisation of UN missions in terms of an initial mandate, and a future research agenda, particularly in the field of 'post-election' confidence building.

7. Conclusion

The resolution and eventual termination of internal conflict in Africa remain a challenge for the international political community in general and the UN in particular. The dynamics of internal conflict have to be understood in order to evaluate the political and operational strategies that are used in order to terminate the conflict. While contemporary internal conflicts have certain generic features, it is important to isolate the specific characteristics of the case study under consideration and to relate these to the conflict termination efforts undertaken by the UN. Accordingly, the performance of MONUC in the DRC therefore has to be evaluated within this particular framework in order to assess the UN's role in conflict termination.

CHAPTER TWO

INTERNAL CONFLICT AND UNITED NATIONS PEACEKEEPING MISSIONS: SELECT THEORETICAL DIMENSIONS

1. Introduction

The post-Cold War period has been characterised by profound changes in the international political landscape. The end of the rivalry between the Union of Soviet Socialist Republics (USSR) and the United States of America (US) reduced the threat of global conflict between the superpowers, but also created conditions where localised conflict, which had been suppressed by the Cold War overlay, emerged (Ayoob 1995:127). The increase in internal conflicts towards the end of the Cold War gave rise to a perception that the world was more unstable in certain areas such as the Balkans and parts of Africa, and had a profound effect on UN peacekeeping.

Between 1988 and 1992 the Security Council authorised 13 peacekeeping missions, which was as many missions that had been undertaken in the previous 40 years of the organisation's existence (Francis *et al* 2005:16). The increase in the number of conflicts not only brought about an increase in the number of UN peacekeeping missions, but also brought about a change in the nature of UN peacekeeping. UN peacekeeping has evolved from the 'traditional peacekeeping' interposition role between belligerents in interstate conflict during the Cold War era, to deploying into intrastate conflict, where there is essentially 'no peace to keep' and where the belligerent groups are all citizens of the same state.

The aim of this chapter is to provide a theoretical framework for the analysis of the UN role in the resolution, management and termination of the conflict in the DRC. The key variables, namely conflict, focusing on internal conflict; conflict termination as an overarching term that includes conflict resolution and conflict management; and UN peacekeeping, will be discussed and integrated in order provide such a framework.

2. Internal Conflict: A Conceptual Clarification

In order to understand the concept of internal conflict and to identify its contemporary characteristics, it is necessary to place it within the broader context of the concept of 'conflict'.

2.1 Conflict

The term conflict is normally taken to mean a dispute between two or more parties. Parties strive to win the dispute by defeating the opponents or by successfully defending their interests from the onslaught of the opponent. Parties involved in a dispute can resolve the conflict in a non-violent manner or they can resort to violence and coercion to achieve their aims (Mitchell 1981:15). Fearnley and Chiwandamira (2006:2) distinguish between 'social conflict', which refers to conflict between groups, and 'political conflict' when the nature of the incompatibility is political. They further categorise conflict into violent and non-violent forms. Non-violent conflict represents an absence of the use of force and is seen to be a natural element in human society and an essential driving force for social change. Violent conflict, on the other hand, is seen to pose a threat to society as an impediment to development. Conflict, according to Wallensteen (2007:13-14), consists of incompatibility between parties, actors and actions, where at least two actors strive to acquire an available set of scarce resources at the same moment in time. Resources in the context of this definition mean all aspects that are of interest to an actor and do not merely refer to traditional 'economic matters'. Heywood (2002:421) defines conflict as the competition between opposing forces reflecting a diversity of opinions, preferences, needs or interests. Conflict in this definition refers to a condition of disagreement that has the potential for violence. At the other end of the conflict continuum, 'war' represents a condition of open armed conflict between two or more parties and can be regarded as the most serious manifestation of conflict in the international political system.

Conflict can therefore be seen to be an action that results from contestation between parties as a result of the incompatibility of particular objectives at a particular moment in time. Conflict only becomes negative when the use of force or coercive means to resolve incompatibilities leads to violence between parties. Internal conflict is a subset of the broader concept of conflict, with the essential difference being that the focus of conflict is within a state and the contestation is to a large extent over internal resources.

2.2 Internal Conflict

In order to define internal conflict it is first necessary to examine the related terms 'civil war', 'intrastate war' and 'insurgency' that are often regarded as synonymous. Heywood (2002:240) defines civil war as an armed conflict between politically organised groups within a state that usually fight either for the control of the state or to establish a state. In contrast, King (1997:18-19) has difficulty in defining a 'civil war' and is of the opinion that perceptions rather than

objective realities colour the definition thereof. He is furthermore of the opinion that the precise definition of a civil war is largely dependent on the political stance of the observer, thus that "[w]hat counts as civil war is often in the eye of the beholder" (King 1997:19). Therefore, the classification of a civil war often has to do with the perception of the legitimacy of the struggle being conducted. Accordingly, terms such as 'rebellion' or 'insurgency' are used to undercut the legitimacy of the political aspirations of a contestant and to shore up the claims of the incumbent government The use of the term 'civil war', on the other hand, also assumes that all parties in the conflict have rational goals.

In contrast Doyle and Sambanis (2006:31) are clear in their definition of what constitutes civil war. In addition to the standard "armed opposition to the government and armed forces of an internationally recognised state", they contend that in a civil war the violence must be significant, causing more than 1 000 deaths in relatively continual fighting; that it takes place within the country's boundaries; that the rebels must recruit the bulk of their forces locally; and must control some part of the country's territory.

As an alternative to the concept of civil war, Brown (in Alley 2004:2) refers to intrastate wars as being fought between self-aware defined groups that have the organisational capacity to plan and carry out military operations in support of political goals. In a similar vein, Fearnley and Chiwandamira (2006:2) define intrastate conflict as conflict waged between a government and a non-governmental party. The Uppsala Conflict Data Programme [UCDP] (2007:1) also uses the latter definition, with the added caveat that interference from other countries is excluded. Accordingly, the UCDP has a separate definition for 'intrastate conflict with foreign involvement' where the government, the opposition or both sides receive support from other governments that actively participate in the conflict. Apart from separating the two types of conflicts, the latter UCDP definition corresponds with the view of King (1997:17) who notes that no contemporary civil war is a wholly internal affair since a variety of external actors (including neighbouring states) become involved in one way or another, often under the pretext of preventing the abuse of human rights and ameliorating the economic effects of internal violence. Snow and Thakur (cited in Alley 2004:2) therefore go a step further by preferring the concept of internal wars, as insurgencies where unconventional armed violence is organised to topple an existing regime or to secede from the state, and where conflict is characterised by the widespread involvement of civilians as both agents and victims of the conflict.

A definition and clarification of the concept of internal conflict should therefore take cognisance of and incorporate the common denominator of the aforesaid terms, namely that the conflict

takes place within the borders of the state; that a group or groups with political goals opposed to those of the incumbent government exist; and that violence directed against the government and other perceived political competitors is the primary means used to bring about a different political dispensation. In respect of the latter, the inverse is also valid where a government uses violence against the population to maintain political control. The population is therefore regarded as both an ally and a target by the opposing groups. External involvement of varying intensity and form may also be a feature of internal conflict. Based on the aforesaid, internal conflict is defined as conflict within the borders of a state between the government and a group or groups opposed to the government, where violence is used by the opposing sides to achieve their objectives, and where the belligerents receive varying degrees of external support. As such, and also owing to the terminological problems, 'internal conflict' will be used as an overarching term that defines the nature of the conflict and is synonymous with intrastate conflict. In this context 'civil war' is merely an indication of the intensity and scope of the internal conflict, while 'insurgency' is one of the methods used by the belligerents.

2.3 Contemporary Internal Conflict

Many current internal conflicts have their origins in the decolonisation and Cold War eras. Also, conflicts of an intrastate nature have dominated armed conflicts since 1945, with the majority of casualties in such conflicts within the civilian population (Wilkinson 2000:4). Hence it is necessary to trace the development of internal conflict from after the end of the Second World War.

2.3.1 Decolonisation and the Cold War Era

During the colonial period the violence equation was simple. The colonised found the political situation intolerable and had a contending vision of what the political situation should look like in the future. Wars of national liberation and armed struggles for self-determination characterised this period, with French Indo-China (1947-54), the Palestinian struggle for self-determination (1948-the present), Algeria (1954-1962), Angola and Mozambique (1961-1974), as well as Zimbabwe (1964-1979) serving as examples (Moran 2002:10-17). Groups opposed to the colonial governments or perceived illegal governments were galvanised by a unity of purpose to overthrow these regimes and also used violence to achieve their ends. The demise of the colonial dispensations or illegal regimes, while providing liberation or self-determination, did not necessarily end internal conflict (Snow 1996:27-29).

The accelerated state-making process that followed decolonisation (especially in Africa) caused problems in most post-colonial states, where the crises that emerged tended to overburden the capabilities of the state and to undermine government legitimacy, often leading governments to rely on the military to maintain regime security (Ayoob 1995:41; Ayoob 2001:131). For many militaries in the post-colonial era, modernisation was undertaken not to increase the capacity for self-determination and self-defence, but rather as a status symbol. This led to the situation where developed states used military assistance programmes to obtain influence, often against the backdrop of the Cold War rivalry, which permeated the national security of many post-colonial states. The military was often perceived to be a bastion of stability in states where political disarray was prevalent and led to the military assuming control of the state through a *coup d' etat*. More often than not, the military rulers did not merely attempt to rectify the governance of the state, but actively repressed the population. This in turn led to the formation of opposition groups who then launched insurgencies against the state. The US and the USSR played out their rivalry in such states by supporting the various sides in the name of their particular ideology, with the DRC being a prime example in this regard. While the superpower rivalry had a negative effect on the general stability of certain states, it often had a moderating effect on the level of violence as the various parties they supported where under a measure of control (Snow 1996:33). The end of the Cold War resulted in the disengagement of the superpowers from internal conflicts and left many African governments without the political and economic support required to sustain the economy and retain political power. The result was that local conflict dynamics started to play a more prominent role in internal unrest and violent conflict (UN 1998a: 4).

2.3.2 Post-Cold War Internal Conflict

Whereas traditional internal conflict aimed to overthrow governments, post-Cold War internal conflict appears to be more complex. Ramsbotham, Woodhouse and Miall (2005:97) argue that the sources of contemporary conflict can be found at various levels – ranging from global to regional levels – that provide the context for the conflict, while at a state level structural factors dominate. Accordingly, Brown (1996:22) contends that internal conflict has to be analysed by examining a combination of underlying factors or 'permissive conditions' that make certain situations prone to violence, and the catalytic factors or triggers that precipitate internal conflict. The following factors need to be considered:

(a) Structural Factors: Weak states, the intrastate security dilemma, ethnic demographics and political centralisation are structural factors that impact on the prevalence of internal conflict.

Conflict is likely to occur in a state which is poor and lacks a sense of common political loyalty or affiliation. This is the classic weak state as defined by Buzan (1991:9), where societal consensus is low and the coercive power of the state is strong. Three dimensions of state strength are therefore important when related to conflict: the infrastructural capacity related to the ability of state institutions to perform essential tasks and to implement policy; the government's coercive capacity in terms of the willingness and capacity to employ force against challenges to its authority; and the national identity and social cohesion. Many states, especially post-colonial states in Africa, have been weak since inception, largely as a result of a lack of political legitimacy, politically viable borders and political institutions capable of exercising control over the territory. These states also become weaker over time as a result of external factors, such as the reduction of foreign aid, and internal factors such as corruption, incompetence and the inability to sustain economic development. Violent conflict often follows the weakening of state structures as power struggles emerge between incumbent politicians and aspirant leaders. Ethnic groups that were oppressed by central government are also more able to assert themselves politically, while criminal organisations become more powerful. As a result of the weak state, groups develop security concerns and often feel the need to provide for their own defence and security. In the weak state these preparations lead to other groups to make similar preparations, which results in an intrastate security dilemma (Brown 1996:13-15; Jackson 2007:150). Wallensteen (2007:123) emphasises the importance of this security dilemma because it usually manifests in the struggle for control over government, where government resources provide the means to maintain the security dilemma or to overcome it, thereby transforming national or state security into regime security.

A major contemporary source of conflict is the demand by ethnic groups for various political, social and economic rights and recognition. Heywood (2002:423) defines an ethnic group as a group of people who share a common cultural and historical identity which is typically linked to a belief in common decent. The mere existence of various ethnic groups is, however, not an automatic source of conflict with many groups around the world coexisting peacefully. Ethno-political conflict generally takes place where ethnic groups experience discrimination/persecution and take political action to defend or promote their interests (Gurr & Harff 1994:5). Although this type of conflict has increased drastically since the end of the Cold War, it is in fact a continuation of a trend started in the 1960s. As such it is the manifestation of the tension between states bent on consolidating and expanding their power and ethnic groups wishing to defend and promote their collective identity and interests (Gurr & Harff 1994:14).

The arbitrary former colonial borders in Africa have divided ethnic groups between two or more countries and exacerbated the influence of ethnic divisions, especially in the Great Lakes Region of Central Africa. The sources for many modern ethnic-based internal conflicts can be traced to historical processes which included imperial conquest and colonialism. The arbitrary drawing of borders created states that suited the political and economic interests of the colonial powers and often cut across ethnic boundaries, while forcing rival ethnic groups into one nation. The French and Belgian colonial practice of elevating a particular ethnic group above other groups to assist with the administration of its colonies created stratified societies. This practice deepened ethnic cleavages, Rwanda and Burundi being good examples, with the groups who obtained political or economic advantage being challenged by ethnic rivals (Du Plessis 2000:127). Colonial policies that encouraged the immigration of workers that were willing to undertake jobs unpopular with the indigenous population, created groups that were not assimilated into the indigenous social structure. This led to political and social marginalisation, with Côte d' Ivoire serving as a contemporary example. These processes fuel conflict where the conquered seek to regain autonomy, indigenous people seek the restoration of their traditional lands and immigrant workers seek full equality (Gurr 1993:35; Gurr & Harff 1994:16-17; Wilkinson 2000:8).

Studdard (2004:3 and 13) advances the thesis that the ethnic component in conflict is overstated and that political identity, which appears to be determined by claims of blood ties, culture and heritage, is flexible and is politically, economically and rationally determined. She further contends that ethnic civil wars are not merely the culmination of ethnic hatred and striking out against deprivation and injustice, but have a rational economic basis in the failed state context. Within this context, the loss of direct entitlements of the market and public sector of the failing state is compensated for by the opportunity that conflict creates for 'alternative' entitlements. Simply stated, this means that ethno-nationalism is often used as a cover for opportunistic individuals who manipulate sentiments for their own economic self-interest, a fact that helps explain why some internal conflicts are often so difficult to end.

(b) Political Factors: The political factors refer to the type of political system; the prevailing national ideology; and the dynamics of intergroup and elite politics. The type of political system in operation and the access that people have to that system can play a role in generating conflict. African states inherited colonial laws and institutions that were more often than not designed to divide the population than to play a unifying role, which made the task of nation building and forging national identity difficult. Certain African states have been plagued by the centralisation of political and economic power and the suppression of political pluralism.

Political monopoly has led to corruption, nepotism and the abuse of state power. Political victory provides the winner with access to wealth, resources, patronage as well as the prestige and prerogatives of office. This 'winner takes all' approach makes the holding of political office lucrative and heightens the communal sense of advantage or disadvantage that is felt within sectors of the population. Centralised and personalised forms of governance tend to characterise such regimes with the attendant problems of a lack of transparency, lack of adherence to the rule of law, lack of respect for human rights and the overemphasis of political control. This situation is often exacerbated when, as is the case in a number of African states, the state is the major provider of employment and political parties are regionally or ethnic based. Therefore, the politicisation of ethnicity is a source of conflict when groups see their security dependant on the control of state power (Brown 1996:17-18; UN 1998a:3-4; Ramsbotham, Woodhouse & Miall 2005:101-102).

Where citizens feel excluded from the government and its institutions, the legitimacy of the system will be called into question, with conflict often occurring where oppression and violence is employed by the state. The prevailing national ideology can play a role in generating conflict, especially where nationalism and citizenship are based on ethnic distinctions rather than equal rights for all. Ethnic nationalism tends to emerge strongly where an institutional vacuum occurs and groups take action to fulfil the basic needs of their people. Exclusionary nationalism, however, is not only based on ethnicity, and is also practised by religious fundamentalists (Brown 2001:216).

When addressing the ethnic component of conflict it is important to take note of the different types of politically active ethnic groups that exist within states. Two broad categories exist: those who strive for autonomy from the state; and those who seek greater access or participation within existing states. In the first category, the 'ethno-nationalists', are fuelled by a keen sense of ethnic distinctiveness and the desire to preserve it, and have often been independent previously and wish to establish or re-establish their independence. In the same category 'indigenous people' are mainly concerned with protecting traditional lands, resources and culture. Amongst those seeking greater participation, the so-called 'communal contenders', are one of a number of culturally distinct groups in plural societies that compete for a share of political power, while 'ethno-classes' strive for equal rights and opportunities to overcome the effects of discrimination resulting from immigrant and minority status. In the African context it is important to highlight the existence of dominant 'minorities' within the ethno-classes. A dominant minority uses the power of the state to maintain political and economic advantage

over subordinate majorities, as seen in the Tutsi governments in Rwanda and until recently in Burundi (Heywood 2002:423, Gurr & Harff 1994:15 and 24).

The prospects for violence also depend on the dynamics of intergroup politics. Conflict is likely if groups are determined, strong and have incompatible objectives, and where comparisons between groups lead to competition, anxiety and the fear of domination by another group. These fears are also often exploited by the political elite in order to deal with domestic challengers, where ethnic groups are targeted and scapegoats identified in order to fuel ethic tension (Brown 1996:18). The action of Slobodan Milosevic in Serbia during the 1990s is an example of this behaviour.

(c) Economic/Societal Factors: The economic dimension continues to play an important role in contemporary internal wars with a correlation between absolute levels of underdevelopment and violent conflict. After colonisation most countries were generally poorer than during the colonial era. Three broad economic and social factors are identified as potential sources of internal conflict: economic problems such as unemployment, inflation and competition for resources; discriminatory economic systems; and unequal economic opportunities. A combination of these factors manifests in unequal access to resources such as land and capital, and significant differences in living standards, which leads disadvantaged members of society to perceive the economic systems as unfair and possibly illegitimate. The situation is often exacerbated by economic development and modernisation, which further benefit certain individuals, groups and regions, while the position of the disadvantaged remains essentially unchanged. This places strain on existing social and political systems and raises economic and political expectations leading to mounting frustration when these expectations are not met. The mere existence of perceived deprivation in a sector of the population is not a problem in itself, but when the recognition of deprivation and unfulfilled expectations is perceived to be the result of corruption, mismanagement and incompetence of political leaders, it can lead to internal conflict (Brown 1996:18-19; Snow 1996:51-53; Ramsbotham, Woodhouse & Miall 2005:101).

Economic motives also underpin conflict on the African continent. Kofi Anan, the former UN Secretary General, stated that “[a]rmed conflict has less to do with ethnic, national or other enmities than the struggle to control economic resources. The pursuit of diamonds, drugs, timber concessions and other valuable commodities drives a number of today’s internal wars. In some countries the capacity of the State to extract resources from society and to allocate patronage to cronies is the prize to be fought over” (UN 1998a:3). Studdard (2004:3) reinforces Anan’s view and is of the opinion that while economic factors play an indirect role in the onset

of conflict, they play an important role in the development of the nature of conflict. Contemporary internal conflict, in the absence of superpower support, is largely self-financing with the exploitation of lucrative natural resources, the use of illicit trade networks and the use of informal economies to support military objectives. Chaos and the lack of accountability which often reigns during conflict, provide the opportunity for individuals and groups to profit from conflict with no incentive for ceasing the conflict.

(d) Cultural/Perceptual Factors: Cultural discrimination against minorities as well as group histories and perceptions are sources of ethnic conflict. The former is characterised by discriminatory practices which can include unequal access to educational opportunities, legal and political constraints on the use of minority languages and constraints on religious freedom. The latter has to do with how groups perceive themselves and others. Many groups have legitimate grievances against others, but groups also tend to glorify their own histories and demonise neighbours, rivals and adversaries (Brown 1996:20-21). This is aptly illustrated by the general Hutu government contention that the 1994 genocide in Rwanda was a spontaneous expression of 'self-defence' against the invading Tutsi-dominated rebels (BBC 2004:1). When two groups in close proximity have mutually exclusive volatile perceptions of one another, the slightest provocation often confirms deeply held beliefs and provides justification for retaliatory response.

(e) Catalytic Factors or Triggers for Internal Conflict. The existence of the above factors alone will not necessarily lead to internal conflict and a catalyst is necessary to ignite the conflict. Brown (1996:576-580) identifies four variables that can trigger internal conflict in various combinations: internal mass level factors driven by bad domestic problems; external mass level factors created by bad neighbourhoods; internal elite level factors as a result of actions and decisions by bad leaders; and external elite level factors created by bad neighbours. This approach can be summarised as follows:

	Internally Driven	**Externally Driven**
Elite level	***Conflict ignited by bad leaders*** Conflict can be ignited as a result of power struggles in various forms between leaders. Conflict can also arise as a result of contestation over the ideological, economic or religious orientation of the state, as well as between military and civilian leaders. A criminal assault on state sovereignty,	***Conflict ignited by bad neighbours*** Deliberate decisions by governments to ignite conflicts in nearby states to further their own interests. The actions of Rwanda and Uganda during 1998 in the DRC in order to enhance their own security are examples.

	with economic motivations is a further elite level trigger and is particularly prevalent in South America.	
	Internally Driven	**Externally Driven**
Mass level	***Conflict ignited by bad domestic problems*** Factors such as rapid economic development, urbanisation, internal migration and unemployment which can lead to serious domestic problems	***Conflict ignited by bad neighbourhoods*** This factor refers to the so-called 'spillover' or 'contagion' effect of instability**.** Large numbers of refugees crossing into a state, armed groups invading territory causing violence and the spread of radical politics in a region create unstable neighbourhoods where the spillover effect can ignite internal conflict. The aftermath of the Rwandan genocide in 1994 where large numbers of refugees and armed elements entered the then Eastern Zaïre, serves as an example.

(Adapted from Brown 1996: 578-579; Brown 2001:218-219)

Brown (1996:575) argues that major conflicts are rarely triggered by 'bad neighbourhoods' and occasionally triggered by external factors. The malicious actions of neighbouring states ('bad neighbours') play a greater role than the mass-level 'bad neighbourhoods'. While many internal conflicts are triggered by internal mass-level factors, the majority are triggered by internal 'bad leaders'. This view is supported by Ramsbotham, Woodhouse and Miall (2005:103), who also stress the importance of leadership in exploiting structural factors that trigger conflict.

There is little disagreement in the theory regarding the structural, political, economic and perceptual factors that contribute to internal conflict. These factors, in various forms, are present in many states in Africa, but this has not necessarily led to internal conflict. Within the framework provided by Brown, it is clear that no single trigger factor is likely to precipitate an internal conflict and that a combination of trigger factors is required.

2.3.3 External Dimensions of Internal Conflict

From the discussion of the causes of internal conflict it is clear that no internal conflict is a wholly internal affair and that external actors play a role and are also influenced by internal conflict (Thakur 2006:16). Internal conflict often assumes a regional and international dimension. In the regional sense, neighbouring states are affected, often as a result of the migration of large numbers of refugees fleeing the conflict and placing an added burden on overstretched economic resources and infrastructure. Neighbouring states are also often

affected on a military level where their territory is used for the support of insurgent groups, either as an act of omission (lacking the own military capacity to prevent such support) or where active support is provided to insurgents. This in turn can lead to cross-border 'hot pursuit' operations and reprisals and the involvement of own military forces in neighbouring internal conflicts. Neighbours are often responsible for triggering the conflict, or meddling in conflicts that are already under way, thereby posing a threat to regional stability (Brown 1996:8; Jackson 2007:152; Ramsbotham, Woodhouse & Miall 2005:98). The involvement of Rwanda and Uganda in the DRC conflict is a classic example of this phenomenon and will be discussed in more detail in the following chapter.

The international dimension of internal conflict often results from threats to the national interests of foreign powers. At the practical level, internal conflict can endanger the lives of foreign nationals, requiring intervention to rescue them, or politically it can threaten political and ideological allies. Internal conflict can also disrupt or threaten to disrupt access to strategic resources such as oil (Brown 1996:8). On the one hand, the involvement of foreign powers in internal conflict, while essentially motivated by national interests, is also strongly motivated by the human-rights culture of being seen to be involved in alleviating the suffering of those involved in the conflict, which is driven by a strong domestic political agenda. On the other hand, internal conflicts are often fuelled by weapon transfers and funding originating in the 'developed world' (Thakur 2006:16; Jackson 2007:151).

Internal conflict has a 'two-way' effect on the external environment. It relies on external support from regional and international actors at both the political and military level, but can also influence these actors at both these levels. International and specifically Western involvement in internal conflict, especially in Africa, is often portrayed in certain quarters as negative and with neo-colonial intent, while the role of regional powers is often understated. The external dimension of internal conflict has a distinct impact on conflict resolution efforts and on the role that the UN is expected to play in this regard.

2.3.4 Characteristics of Contemporary Internal Conflict

In order to understand contemporary internal conflict it is necessary to take note of the characteristics of conventional insurgencies as a related phenomenon. Insurgents aim to obtain physical control over the government, while the government strives to maintain its political control. On the one hand, the insurgents seek to shift the balance away from the government's initial monopoly of force to their own, and can win by 'not losing'. On the other hand,

governments can only win by defeating the insurgents. In this scenario the conflicting goals of both sides are rarely amenable to a negotiated settlement. In conventional insurgencies both sides vie for the support of the population. This 'centre of gravity' stands central to the conduct of the insurgency and can determine success and failure. The political objective remains paramount and military action is subordinated to political control. The mobile-guerrilla strategy of Mao Zedong generally provided the framework for the conduct of 'conventional' insurgencies. The strategy followed a sequential path starting with an organisation phase aimed at securing popular support, followed by a guerrilla phase aimed to shift the balance of power and concluded by a final phase aimed to destroy the government (Holsti 1983:260-262; Wilkinson 2000:3).

While some of the methods employed by protagonists in contemporary internal conflict are similar to those described above, changes to the military and political characteristics of internal conflict have come to the fore. There is often a lack of clear political objectives in these conflicts where no clearly articulated political framework exists that can limit the nature and extent of political violence. There is also a lack of a clear political ideology to justify activities, with the general exception being radical Islamic fundamentalism. In the classic insurgency the support of the population is important to both sides and accordingly moderates the conduct of the belligerents. In contemporary conflicts the population is frequently the target and violence is used to eradicate or coerce the population. As a result a lack of constraint characterises the conduct towards the population. In the military sphere, internal conflict seldom resembles war in the traditional sense and is characterised by an absence of clear military objectives that can be translated into coherent strategies and tactics. The forces are completely irregular and there is an absence of any semblance of any military order and discipline and uniforms are rarely worn. Atrocities are routinely committed with a high level of ferocity directed against unarmed civilians. Massacre and mass rape are often used as weapons of war in contravention of international humanitarian law and the Laws of War, as seen in Bosnia and Rwanda in the mid-1990s (Snow 1996:109-111; Wilkinson 2000:46-47).

The lack of political and military structure in contemporary internal conflicts therefore makes conflict resolution difficult. Because political objectives are often unclear, the military components of rebel organisations are not necessarily subordinate to the political leadership and are not under full command and control. This lack of control makes adherence to ceasefire agreements difficult and frequently leads to the formation of splinter groups under military leadership who seek direct participation in a new political dispensation. The coercive power,

enjoyed by the military elements, also becomes a way of life for the rank and file and a means of survival, which makes relinquishing this role difficult.

3. Conflict Resolution, Management and Termination

The term conflict termination can create the impression of a clinical and finite end to a conflict. Conflict termination is never an event and is usually a process that forms part of conflict resolution, which attempts to address the fundamental incompatibilities that drive the conflicting parties (Wallensteen 2007:4-5). Conflict termination therefore needs to be examined by considering both the political imperatives and additional practical factors that influence it.

3.1 Political Imperatives

Wallensteen (2007:47) defines conflict resolution as "[a] social situation where the armed conflicting parties in a (voluntary) agreement resolve to peacefully live with – and/or dissolve – their basic incompatibilities and henceforth cease to use arms against one another". The definition hinges on an agreement between the parties to transform the nature of the conflict from being violent to non-violent. This definition also emphasises that the agreement is reached between the parties on a voluntary basis. There are normally two important decisions that have to be made by parties involved in any conflict. The one is how to make peace and the other is to determine what compromises have to be made in a negotiation process. Accordingly, conflict termination as defined by Mitchell (1981:165), refers to the process whereby at least one party in a conflict is determined to abandon its coercive behaviour and adopt some form of settlement strategy through concessions and conciliation. He points out that the important aspect of conflict termination is that it is a bilateral process with the adversaries playing the main role. It is therefore clear that conflict termination is a process within the overarching concept of conflict resolution.

Provision is made in conflict theory for mechanisms and procedures to assist in containing conflict situations that can arise between entities within society, or in limiting the destructive effects of conflict behaviour (Mitchell 1981:255-256). Therefore conflict management is a further subset of conflict resolution, which in international relations terms focuses on the armed aspect of conflict and specifically on ending the fighting and containing the spread of conflict (Wallensteen 2007:50).

3.2 Practical Factors Influencing Conflict Termination

On a more practical note, Downs and Stedman (2002:55-57) identify factors that play a role in the success of implementing peace in states wracked by internal conflict. These include the number of warring parties, where more than two parties normally complicate efforts; the lack of a peace agreement or where parties are coerced into an agreement; the presence of opportunistic 'spoilers'; the existence of large numbers of combatants which creates verification and monitoring problems; the presence of disposable natural resources which sustain the conflict; and the existence of hostile neighbouring states or networks, where sanctuary and sustainment are frequently provided to belligerents from neighbouring states.

While conflict may be theoretically terminated when conflicting parties reach an agreement as described by Mitchell, this rarely happens in practice. Lack of adherence to the letter, and particularly the spirit of peace agreements complicate the termination of conflict and create the need for conflict management to steer the process towards the actual termination of conflict and sustainable peace. The fact that many UN peace missions deploy into situations where no ceasefire agreement exists, underlines the importance of conflict management as a mechanism towards definitive conflict termination.

3.3 Disarmament, Demobilisation and Reintegration

The disarmament, demobilisation and reintegration (DDR) of combatants is a process that is vital for conflict termination. The DDR process does not necessarily follow a particular order but normally comprises three closely related activities namely demobilisation, which is aimed at reducing the number of combatants in an armed group; disarmament, which reduces the number of weapons in circulation; and reintegration, where the former combatants acquire civilian status and gain access to civilian employment (Gleichmann *et al* 2004:15). The components of this process are interlinked with disarmament and demobilisation normally completed fairly quickly, while reintegration takes place over a longer period of time (Hitchcock 2004:36-37).

Although DDR is a process that is generic to most peace agreements, the circumstances in a specific conflict situation with a particular external dimension, could require that additional activities be added to the process such as 'repatriation' and 'resettlement', giving rise to the term DDRRR.

Security sector reform (SSR) forms an integral part of the DDR process and is aimed at reforming the institutions responsible for protecting the state and its citizens from acts of

violence and coercion. SSR includes all levels of government and all branches of the security forces. It could also entail a review of the legal system to ensure impartial and fair lawmaking and enforcement (Gleichmann *et al* 2004: 21).

Spear (2002: 141) lists the factors that can play a role in the success of DDR, namely the aim and feasibility of the peace agreement; the nature of the implementation environment; the capability of the implementers; the attitude of the belligerents; and the effectiveness of the verification mechanisms. The success of the process is, however, heavily dependent on the political will of the parties to commit themselves to peace.

The importance of DDR in contemporary internal conflicts cannot be overstated in the context of conflict management, as a precursor to eventual conflict termination. Successful DDR, as the name implies, should neutralise the means to prosecute an armed campaign by disarming and demobilising armed forces, while reintegration aims to address socio-economic issues in the longer term. The success of DDR, apart from the factors outlined above, also depends heavily on the nature of the mandate provided to those executing DDR and the resources allocated for the task. The term DDR now forms an integral part of contemporary UN peacekeeping operations.

4. The United Nations and Peacekeeping.

'Peacekeeping' is term that is almost universally associated with the UN. It is also one of the most visible symbols of the UN role in international peace and security and is a reflection of the international system that has evolved in response to the changes in the international security environment. Peacekeeping is underpinned by the concept of collective security and UN Charter provisions (Chapter VII), which originally intended that aggression or a threat to peace and security would be best resisted by united action taken by a number of states, with the UN exercising direct control over international forces placed at its disposal. This, however, did not transpire, largely as a result of the bipolar animosity that increased during the Cold War and which frustrated the noble collective security aspirations (Francis *et al* 2005:11). Peacekeeping practices have actually developed over time because of the inability of states to pursue the form of collective security envisaged by the drafters of the UN Charter (Bellamy, Williams & Griffin 2004:74). Peacekeeping can be seen as an activity that was conceived as a result of the failure of the bedrock principle of the UN, with the result that it has, from inception, been reactive, responding to crises and adapting to the changing circumstances of each crisis.

4.1 The Legal Framework for Peacekeeping

The Security Council is primarily responsible for the maintenance of international peace and security (UN Charter, Article 24). Matters relating to international peace and security may be brought to the attention of the Security Council by the UN Secretary-General, the UN General Assembly and the members of the Security Council. The General Assembly has always played a role relating to international peace and security by applying pressure on the Security Council to undertake collective measures and later peacekeeping operations. The General Assembly 'Uniting for Peace Resolution' (1950) further empowered the Assembly to recommend collective measures when the Security Council was unable to reach a decision. The original intention of the resolution was to present an alternative for when "[t]he Security Council, because of lack on unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security" (UN 1950:10). The United Nations Emergency Force (UNEF) in the Suez Canal Zone was established during December 1956 under this resolution, when the Security Council was deadlocked by French and British vetoes (UN 1956:2; Hillen 2000:82).

Peacekeeping has evolved from the founding principles and the purpose of the UN which according to Article 1(1) of the UN Charter is "[t]o maintain international peace and security, and to that end: to take, and bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace". No explicit reference to the concept of 'peacekeeping' as such is, however made in the Charter, nor does it contain any specific provisions for peacekeeping operations. Peacekeeping developed in the area between the 'pacific settlement of disputes' contained in Chapter VI of the UN Charter and 'military enforcement' contained in Chapter VII (Thakur 2005:3; Bellamy, Williams & Griffin 2004: 46; Kiani 2004:1; Malan 1998a:1).

The specific measures available to the UN for the maintenance of peace and security are set out in these two chapters of the Charter. Chapter VI deals with the pacific measures that can be taken with the consent of the belligerents, which include negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resorting to regional arrangement or agencies. Traditional peacekeeping operations were authorised under Chapter VI. The original intention of Chapter VII was to facilitate collective security measures, but is presently also used to authorise the use of force by peacekeepers. Such authorisation requires the Security Council to

identify a threat to the peace, breach of the peace, or act of aggression (UN Charter, Article 39). While Chapters VI and VII are fairly well known, Chapter VIII of the Charter must not be overlooked as it addresses the important role of regional organisations or agencies assisting the UN in peacekeeping endeavours. This has become particularly important as the concept of 'co-deployment' or 'partnership' has become more prevalent since the mid-1990s. While enforcement is possible in terms of this chapter, Article 53 makes it clear that any such actions by regional actors have to be mandated by the Security Council (Kiani 2004:3).

The term 'peacekeeping' was first adopted following the deployment of a UN force to the Sinai in 1956 to secure the ceasefire between Egyptian and Israeli forces (Bellamy 1996:85; UK 2004:1-4). Peacekeeping evolved alongside the concept of 'preventive diplomacy' articulated by former United Nations Secretary-General Dag Hammarskjöld. Preventive diplomacy was intended to be used to prevent the competitive intrusion of rival power blocs into conflict situations during the Cold War. The insertion of UN soldiers between the enemy combatants was intended to give practical expression to the concept in order to promote international stability and to support change, outside the ambit of superpower rivalry. Early peacekeeping was not intended to keep world peace, because it lacked the mandate and the operational capability to do so, but it did succeed in stabilising a number of potentially volatile crisis situations (Thakur 2005:3). Hammarskjöld referred to peacekeeping as 'Chapter Six and a Half' because the observer and peacekeeping missions often fell short of the provisions of Chapter VII, while they went beyond the purely diplomatic function described in Chapter VI of the Charter. This highlights the problems often experienced in peacekeeping between legal justification and practical political/military execution (Hillen 2000:10).

The UN Charter contains a fundamental tension between the competing principles of sovereignty and human rights, especially in the light of post-Cold War interventions that have been justified on humanitarian or human rights grounds (Bellamy, Williams & Griffin 2004:45; Francis *et a*l 2005: 12). While respect for human rights is encouraged in Article 1(3), the inviolability of sovereignty is reaffirmed by Article 2(4) which states that "[a]ll members shall refrain … from the threat or use of force against the territorial integrity or political independence of any state." Article 2(7) goes further by stating that "[n]othing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state" but adds the rider that "[t]his principle shall not prejudice the application of enforcement measures under Chapter VII". While many interpret this article to preclude UN involvement in the internal affairs of its members, the rider does in fact not prohibit the Security Council from taking action against states whose domestic politics are deemed to

pose a threat to international peace and security. This tension has particular resonance in Africa where the principle of non-interference in the internal affairs of member states was embodied in the *Charter* of the Organisation of African Union (OAU) since 1963, and from 2000 in the *Constitutive Act* of the African Union (AU). The latter does, however, make provision for intervention in an AU member state in the case of 'grave circumstances' such as the commission of war crimes, genocide and crimes against humanity. Prior to the formation of the AU, the rigid adherence to the principle of non-interference took precedence over the protection of human rights, with the Rwandan genocide of 1994 serving as an example of regional reticence to intervene, against the background of a deficient initial international response to the crisis (OAU 1963:4; AU 2000:5).

4.2 The Development of Peacekeeping

Just as the nature of conflict has changed over time, so too has peacekeeping developed to keep pace with new challenges. During the Cold War there was relative clarity on the role and function of UN peacekeepers. However, since the end of the Cold War, the shifting focus to intrastate or internal conflicts and the exponential growth of UN peace missions led to new developments in the field of peacekeeping. Analysts such as Thakur and Schnabel (2001) contend that the development of peacekeeping has been necessitated by the difficulty of reconciling the tension between the sovereign state as the primary unit of world order on the one hand and the declining salience of interstate conflict on the other; the difficult learning curve with regard to consensual and more robust operations in contemporary armed conflicts within the borders of UN member states; and the shifting of the balance away from state rights to human rights in contemporary world affairs, with the pressure on the international community to undertake armed intervention for humanitarian reasons. While several writers, such as Thakur (2005), Bellamy (2004) and O'Neill (2005) identify different 'generations of peacekeeping', a clear distinction between 'traditional' and 'contemporary peace operations' has emerged (Malan 1998a:1).

4.2.1 Traditional Peacekeeping

The most widely used term to describe peacekeeping during the Cold War period is 'traditional peacekeeping'. Many writers also refer to this phase as 'classic' or 'first generation peacekeeping. For the purposes of this study these terms will be regarded as synonymous.

During the Cold War period peacekeeping was characterised by interstate peacekeeping missions or peacekeeping missions involving coherent and responsible parties. The Secretary General exercised day-to-day control of the peacekeeping operations and the commitment of UN missions was generally subject to the following conditions, namely support of the international community (represented by the Security Council); the continued existence of an ongoing political peace process; the consent of the parties to the conflict; an attitude of complete impartiality towards the parties to the conflict; the minimum use of force, usually only in self-defence, and since 1973 in defence of the mandate; and the financial approval for the mission by the UN General Assembly (UK 1998:2-1; O'Neill & Rees 2005:32).

The inherent stability of the bipolar Cold War era provided the framework for successful peacekeeping operations, where the consent of belligerents was secured before peacekeeping forces were deployed (UK 2004:1:4). UN peacekeeping missions were generally mandated in terms of Chapter VI of the UN Charter during this period. The majority of UN military operations during this period comprised observation missions, whereas the remainder fulfilled the role of interposition forces between belligerents. The deployment of relatively small numbers of observers represented the low end of the operational spectrum and generally deployed into low-threat environments, with the task to monitor the compliance of belligerents to agreements. The observers who were generally unarmed were mostly chosen from neutral countries to reinforce the appearance of impartiality. Observer missions were completely reliant on the cooperation and goodwill of the belligerents. Selected examples of missions during this period were the UN Truce Supervision Organisation (UNTSO) which was established in 1948 to supervise the armistice agreement between Israel and its Arab neighbours, and the UN Peacekeeping Force in Cyprus (UNFICYP) established in 1964 (Hillen 2000:23; Hough, Du Plessis & Kruys 2006:4-5).

Traditional peacekeeping missions relied on the cooperation of the belligerents and were generally small, comprising light infantry forces chosen from neutral countries with the so-called middle powers such as Canada, Sweden Austria, Norway and Denmark playing a prominent role. Traditional peacekeeping forces fulfilled modest military tasks derived from a limited political mandate, which generally entailed containing conflict in order to provide conditions conducive for the further political resolution of the conflict. The focus of these missions was clearly on conflict management and not on conflict resolution. The primary military objective of traditional peacekeeping was to occupy a clearly recognised and usually linear interposition zone. Traditional peacekeepers were only authorised to use 'passive force' which essentially meant self-defence and/or defence of the mandate, although the light composition of the forces

often prevented the execution of the latter. The passive use of force was intended to preserve the impartial standing of the belligerents and to reinforce the cooperation and goodwill of the belligerents. Despite this passive approach, approximately 600 peacekeepers have died in traditional peacekeeping missions (Hillen 2000:18-24; Francis *et al* 2005:14).

Accordingly, the defining characteristic of traditional peacekeeping operations was the adherence to the so-called 'holy trinity' of peacekeeping principles, namely consent, limited use of force and impartiality. In determining the success of such missions the military factor was always considerably less influential than the political factor, based on the assumption that the belligerents had the political will to resolve the conflict, which was rarely supported in practice (UK 2004:1-4, Bellamy, Williams & Griffin 2004:101; O'Neill & Rees 2005:33). By the 1990s it had, however become clear that that this concept was outdated and inadequate in the face of contemporary conflicts that emerged at the end of the Cold War.

The first peacekeeping operation where the use of force was authorised, took place in the then Congo over the period 1960-1964. The operation had the original mandate of assisting in restoring law and order and bringing about the withdrawal of Belgian troops, but this was expanded to include the use of force to prevent the occurrence of civil war, that strictly speaking fell outside the ambit of peacekeeping. Although this operation took place in the 'classic peacekeeping' period, the nature of the operation was typically that of a contemporary 'third generation' mission, where Chapter VII principles were invoked to authorise the use of force when it became clear that Chapter VI style interpositional and consensual peacekeeping was unsuited to the crisis (Hill & Malik 1996:39-40; Doyle & Sambanis 2006:11). Two further large scale enforcement operations were authorised by the Security Council during the Cold War and immediately after the end thereof. The Korean War (1950-1953) and the Gulf War (1990-1991) are examples of the use of force by a coalition of member states sanctioned by the UN, with functional management of operations ceded to the US (Hillen 2000:29; O'Neill & Rees 2005:36). The latter examples, however, were not peacekeeping operations as such.

The period of traditional peacekeeping is characterised by the UN involvement in interstate conflict and the strict adherence to the 'holy trinity' of peacekeeping. Because of the traditional 'interposition' role of the UN, a number of these missions, such as in Cyprus, are still ongoing today, which raises the question of the effectiveness of traditional peacekeeping as a solution rather than having become part of the problem. The mission in the Congo, which pre-dated contemporary peace operations, gave an inkling of what could be expected when the UN became involved in internal conflicts and where there was essentially 'no peace to keep'.

4.2.2 Contemporary Peace Operations

Peacekeeping underwent dramatic change at the end of the Cold War. Bellamy, Williams and Griffin (2004:75) and Hillen (200:26) both argue that peacekeeping underwent both qualitative and quantative changes. Between 1988 and 1993 the UN conducted more operations than it had undertaken in the previous 40 years and was required to undertake complex peace missions that went beyond the traditional interposition role. Peacekeepers were required to combine peacekeeping with *inter alia* the delivery of humanitarian aid, state building programmes, local peacemaking and elements of peace enforcement. Thus peacekeeping became part of more complex peace support operations. Also, where traditional peacekeeping operations were mainly focused on assisting the termination of interstate conflict, contemporary peace operations in the post-Cold War era focus mainly on intrastate conflict of a more complex and broader nature.

(a) Second Generation Peacekeeping: In a very limited context, Thakur and Schnabel (2001:10) classify 'second generation peacekeeping' as the unilateral or multilateral peacekeeping operations undertaken outside the UN-system. Examples of such missions were the Commonwealth peacekeeping operation to oversee the transition of Rhodesia into Zimbabwe (1979-1980) and the Indian Peacekeeping Force in Sri Lanka (1987-1990). These missions, which undertook tasks beyond mere interposition, preceded the conceptual and operational changes that most authors have identified as 'second generation peacekeeping' within the UN system.

The more general classification of 'second generation peacekeeping' operations is associated with the termination of Cold War proxy conflicts through negotiated settlements based on compromise, such as in Namibia (1989-1990), Cambodia (1991-1993) and Mozambique (1992-1994). The peacekeeping mission is an integral part of the peace agreement, with the involved parties consenting to the deployment of peacekeepers. The UN became involved in terminating internal conflicts through multidimensional processes which included the separation of combatants; the disarmament of irregular forces; the demobilisation of regular and irregular forces and the transition into a unified army; assisting the reintegration of former combatants into society; the establishment of new police and judicial structures; and the monitoring of elections for a new government force. Second generation peacekeeping operations generally adhered to the UN preference for not using force (Malan 1998a:3; Thakur 2005:4).

Based on the success of missions in Africa, such as the United Nations Transition Assistance Group (UNTAG) in Namibia (1989-1990), and in Central America, such as the United Nations Observer Mission in El Salvador (ONUSAL) in El Salvador (1991-1995) during the early 1990s, there was great optimism regarding the role of the UN. The then Secretary General, Boutros Boutros Ghali, presented a report entitled *An Agenda for Peace: Preventative Diplomacy and Peacekeeping* during 1992 which proposed the expansion and enlargement of UN peacekeeping with the UN being involved from the earliest stages of conflict to the stage of post-conflict peacebuilding. In the report Boutros Ghali identified four areas for action comprising preventive diplomacy (differing from the earlier Hammarskjöld version), peacemaking, peacekeeping and peacebuilding. Peacekeeping was defined as "[t]he deployment of a United Nations presence in the field, *hitherto* with the consent of all parties concerned … [and is] a technique that expands the possibilities for both the prevention of conflict and the making of peace" (UN 1992:4). He also emphasised the need for the implementation of measures, provided for in Chapter VII of the *Charter*, should peaceful means fail and proposed the establishment of peace enforcement units to ensure the compliance with ceasefire agreements (UN 1992:4-10; Kiani 2004:4-6). This created the potential for a more robust approach by the UN and led to concerns in various circles about UN interventionism (Staehle 2006:19). The report, however, correctly identified resourcing as a major challenge confronting UN peacekeeping in the early 1990s. It nevertheless overlooked the conceptual challenge to traditional peacekeeping methods posed by the expansion of UN peacekeeping responsibilities and the fact that peacekeepers were being deployed into an environment where conflict persisted and there was a need to create stable post-conflict situations. In 'second generation peacekeeping' the peacekeepers were required to become involved in the more complex task of addressing the underlying causes of the conflict, rather than merely serving as a buffer between the belligerents (Bellamy, Williams & Griffin 2004:80; Francis *et al* 2005:15).

(b) Third Generation Peacekeeping: Third generation peacekeeping evolved in response to the complex internal dynamics of internal conflicts. In order to differentiate these conflicts from the more 'traditional' interstate conflicts, they are often referred to as 'complex emergencies'. Complex emergencies are caused or exacerbated by the resurgence of deep-seated ethnic animosities and affinities, as well as real and perceived economic and social degradation. The emergencies tend to result in widespread suffering with the mass displacement of people at best, and ethnic cleansing and genocide representing the worst consequences on the continuum of internal conflict. Anarchic conditions usually exist in such a conflict which is characterised by multiple belligerents and a high prevalence of human rights abuses. The

essence of third generation missions is that there 'is no peace to keep', but there is international support for humanitarian assistance efforts while a political solution is sought for the problem. This is in stark contrast to the previous generation of missions where peacekeepers dealt with state actors, where a peace agreement was in place and the collaboration of the parties to the conflict was enjoyed. The 'holy trinity' of established UN peacekeeping principles of 'neutrality, impartiality and the minimum use of force only in self-defence' became contested (Malan 1998a:4; Kiani 2004:7). The UN and US experience in Somalia (1992-1993) highlighted the problems of this type of mission and created the metaphor of 'the crossing of the Mogadishu line' where peacekeepers became 'belligerents' in the conflict. Thakur and Schnabel (2001:11) refer to the Somalia mission as a failed attempt at 'peace enforcement' which in their opinion represented the 'birth and death' of what they classified as the 'fourth generation of peacekeeping'.

By the mid-1990s problems of political will not matching rhetoric; a lack of funding for peacekeeping operations; a lack of institutional capacity for managing peacekeeping operations; and an absence of practical competence and institutional memory within the UN system led to a reduction in the number of peacekeepers deployed worldwide. This period was characterised by the failure of UN operations in Somalia, Rwanda and Bosnia. In his *Supplement to the Agenda for Peace,* Boutros Ghali attributed this to the lack of offered forces, a lack of funds and severe constraints on the ability of the UN to deploy the troops that had been provided. The UN's intention of peace enforcement actions envisaged in the original *Agenda* for *Peace* made way for a call for a return to a more traditional role for the UN. This period was characterised by a disengagement from UN peacekeeping by the international community, with states making more use of regional organisations and alliances, even with a preference for unilateral action (Bellamy, Williams & Griffin 2004:85: Francis et al 2005:17).

(c) Peace by Partnership: A further development of peacekeeping has been described by Thakur and Schnabel (2001:13) as 'peace restoration by partnership' or 'delegated peacekeeping' (Doyle & Sambanis 2006:18), or 'sub-contracted operations' (O'Neill & Rees 2006:175). This concept entails operations authorised by the Security Council, but undertaken by a single power, regional arrangements, or an *ad hoc* coalition. Once the situation has stabilised the UN re-assumes the responsibility for consensual type peacekeeping, involving the tasks of third generation peacekeeping. Examples of this concept are the US in Haiti, France in Rwanda, Russia in Georgia, NATO in Bosnia and the Economic Community of West African States (ECOWAS) in West Africa (Malan 1998a:6). These operations can be sequential or parallel to UN operations. An example of the former is the deployment of ECOWAS forces

during 2003 to create conditions for the deployment of the UN Mission in Liberia. The danger of this approach is that the participation of the major powers is closely linked to own national interests and undercuts the role of the UN as the custodian of the international interest. A further problem of this approach is that crisis-prone areas, apart from the political problems of mustering a peacekeeping force, are frequently unable to meet the material challenges of constituting such a force (Francis *et al* 2005:19). Traditional peacekeeping force contributors such as France, the UK, Canada, Sweden and Norway have become increasingly involved in regional arrangements that provide them with the flexibility to act promptly without much criticism and interference and where their national interests are better represented (Kiani 2004:12).

(d) Multinational Peace Restoration and United Nations State Creation: The most recent evolution in peacekeeping entails the concept of a UN authorised multinational force, with the necessary mandate, troops, equipment and robust rules of engagement to undertake a military operation that serves as a prelude for a *de facto* UN administration that engages in state making for a limited period. This concept is valid where the UN is required to grant independence to a 'nation' and where no structures of 'state' exist, such as in East Timor. The adoption of this concept shows that the UN has recognised that peace restoration is not possible without the establishment of law and order (Thakur 2005:5).

The development of peacekeeping continues to be reactive and in response to a changing political environment. Despite the more robust approach adopted in 'third generation peacekeeping', the process remains hostage to the political will of the member states, and particularly the major powers. The increasing use of 'co-deployment' or 'hybrid' operations could be influenced by this, with the result that the outsourcing of a primary UN responsibility, in terms of the maintenance of peace and security, could relegate a crisis to a regional level.

4.3 United Nations Peacekeeping Missions

The development of UN peacekeeping operations provides the background for the classification of UN peacekeeping missions. The categorisation of roles is often dependant on what various authors set out to prove, but the following typologies introduced by Bellamy, Williams and Griffin (2004) best describe the different roles of UN peacekeeping, especially regarding the use of force:

(a) Traditional Peacekeeping. Traditional peacekeeping is premised on the assumption that the belligerents have the political will to resolve the conflict. The intention of a traditional peacekeeping operation is to build confidence and maintain conditions that promote the resolution of conflict by the belligerents themselves. Peacekeepers are usually deployed in an interposition role after a ceasefire agreement between states has been reached. Traditional peacekeeping is based on the principles of consent, impartiality and the minimum use of force (Bellamy, Williams & Griffin 2004: 95-97).

(b) Transition Management. Transition management differs from traditional peacekeeping in the sense that while the latter is deployed after a ceasefire agreement has been reached and aims to create the space for a political settlement, transition management operations take place after both a ceasefire and a political settlement have been reached. The UN, other organisations and individual states may act as mediators or peacemakers, but peacekeepers are not deployed before a political settlement has been reached. As a result their role is limited to overseeing the implementation of the settlement. The attributes of these type of operations are the following: a lasting ceasefire is in place; an all-inclusive political settlement has been reached with the parties calling for an international implementation mission; the mandates are usually complex and deal with all aspects of peaceful transition; and the operations are multidimensional in nature comprising both military and civilian components, and are heavily predicated on the principles of consent impartiality and the minimum use of force (Bellamy, Williams & Griffin 2004:111-113).

(c) Wider Peacekeeping. The term ‘wider peacekeeping’ was coined as a result of peacekeepers being expected to take on wider tasks which included both ‘traditional’ and ‘transitional’ duties, often within a hostile environment, while still expected to adhere to the principles of traditional peacekeeping. Wider peacekeeping operations take place in the context of ongoing violence, with ceasefire agreements absent or extremely fragile; in an intrastate rather than an interstate context, often with external involvement; where peacekeepers have tasks beyond those of traditional peacekeeping such as the separation of forces, disarming belligerents, and organising and supervising elections; where peacekeepers have to coordinate their activities with an expanding humanitarian community; where missions have frequently changing mandates; and where there is usually a discrepancy between means and ends. Wider peacekeeping entails the adoption of more tasks, often without the necessary means being allocated for the accomplishment of those tasks. It is important to note that while wider peacekeeping missions take place in internal conflicts, the traditional peacekeeping principles of consent, impartiality and minimum use of force underpin the concept, although adherence to

these principles became contested, especially in hostile environments (Bellamy, Williams & Griffin 2004:128-131 and 144; Staehle 2006:17).

(d) Peace Enforcement. Peace enforcement deals with the coercion of parties that pose a threat to or breach of international peace and security and has to do with the imposition of the will of the Security Council on such parties. Although the distinction between peacekeeping and peace enforcement has become eroded in practice, as the UN has become involved in more complex operations, peace enforcement remains concerned with activities that fall under Chapter VII of the UN Charter, with economic sanctions (Article 41) and military sanctions (Article 42) being the enforcement measures used by the Security Council. In practice military force has been used to restore or maintain international peace and security; enforce sanctions; defend the personnel in peacekeeping operations; provide physical protection to the civilian population in conflict zones; protect humanitarian activities; and to intervene in internal conflicts (Bellamy, Williams & Griffin 2004:147). In terms of the application of military force a distinction must be made between peace enforcement actions which do not intend to defeat other parties militarily and pure enforcement actions, which are military operations mandated by the Security Council to impose the will of the international community on a state by defeating it militarily (Hillen 2000:29-30; O'Neill & Rees 2006:35). It is also important to differentiate what Bellamy, Williams and Griffin (2004:151) refer to as Westphalian and post-Westphalian peace enforcement. In the former the Security Council authorises the use of force against a particular state in response to an act of interstate aggression, whereas in the latter, peace enforcement refers to the use of force against a state or non-state actor in response to acts of violence that may occur within the borders of a state.

(e) Peace Support Operations. Peace support operations are multifunctional peace operations that combine a robust military force that has the means and mandate to respond to breaches of the peace with a strong civilian component, undertaking civilian administration, civilian policing and humanitarian tasks. The military component is only one element of a broader multi-agency engagement aimed at creating a liberal democratic society. The concept of peace support operations developed in response to the failings of wider peacekeeping and the inappropriateness of Westphalian peace enforcement. The traditional principles of 'consent', 'impartiality' and 'use of force' are central to the new developments. Peace support operations require a more flexible approach to the application of these principles. Impartiality in a peace support operation means that peacekeepers discriminate between belligerents on the basis of their adherence to the mandate and treat similar breaches in similar fashion. Chopra (cited in O'Neill & Rees 2006:33) reinforces this view and contends that impartiality has to do

with the objectivity with which the mandate is executed, rather than the degree of acquiescence to the will of the parties in the conflict. A robust force must therefore be able to move from traditional peacekeeping to peace enforcement and back again in defence of the mandate. It also underlines the importance of an unambiguous and assertive mandate. Doyle and Sambanis (2006:13) emphasise that 'impartiality', which they define as "[t]he equal enforcement of unbiased rules", must not be equated with 'strict neutrality' which is equated with non-interference and inaction. Their example that "[g]ood cops act impartially but not neutrally when they stop one individual from victimizing another" illustrates this difference. Consent is also not cast in stone and may be variable, with different levels of consent manifest within a single belligerent group, which is often prevalent amongst non-state groups comprising a political and 'military' wing (Bellamy, Williams & Griffin 2004:169-172). In a review of post-Brahimi peacekeeping mandates, Yamashita (2008:619) found that impartiality has been operationalised in peace mission mandates through the use of force to achieve mission mandates, which included ensuring the security and free movement of UN personnel in discharging the mandate. Impartiality was also operationalised by the use of force to protect civilians in danger and to provide secure conditions for humanitarian workers bearing the capabilities of the peacekeepers and areas of responsibility in mind.

The principle of the 'responsibility to protect' civilians under threat is closely aligned to 'impartiality'. Within the UN peacekeeping context, this 'responsibility to protect' has increasingly been explicitly mentioned in peacekeeping mandates, although the functions of the peacekeepers in this regard have generally remained vague and undefined. The international community has also shown reticence in providing guidance on how the 'responsibility to protect' should be implemented in violent, unstable regions. At present the doctrinal guidance entails 'coercive protection', which is the positioning of military forces between the civilian population and those who threaten them (Bellamy 2008: 615 and 636; Holt & Berkman 2006:4-5). The inclusion of the 'responsibility to protect' in mission mandates creates expectation among the civilian population which can create problems for deployed missions when this expectation cannot be met.

The nature of contemporary conflict is likely to ensure that the UN will be increasingly called upon to authorise missions that fall within the domain of wider peacekeeping, peace enforcement and peace support operations. The principles of peacekeeping, namely: consent; impartiality, and the minimum use of force remain valid, but require careful contextualisation within the framework of contemporary operations. This contextualisation is also dependent on a carefully crafted UN mandate that displays a nuanced understanding of the conflict situation;

that has a clearly articulated understanding of what the UN wishes to achieve; and allocates resources commensurate with the task.

4.4 African Peacekeeping

Conflict has been a constant feature of the African continent, with more than 30 conflicts fought on the continent since 1970, and with the majority having an internal origin. In response to this situation, the UN has deployed more peace missions to Africa than in any other single region (UN 1998a:3; UN 2000c: 43). Africa has also provided the arena for unsuccessful UN peace missions during the early 1990s, whereas the failure of the operations in Somalia (1993) and Rwanda (1994) led to the disengagement of the international community from UN peacekeeping (Francis *et al* 2005:17). Prior to, and concurrently with these UN failures, a trend also emerged where the UN mandated regional peace operations under Chapter VIII of the Charter. An example in Africa was the mission conducted by the ECOWAS in West Africa during the 1990s (RSA 1999:17).

Although the OAU was created to promote the African will to ensure collective security and collective development, it was largely ineffective as a security mechanism because of the strong commitment to the principles of sovereignty and non-interference, and respect for established borders and territorial integrity. The OAU Mechanism on Conflict Prevention Management and Resolution established during 1993, attempted to provide the OAU with the capacity for conflict management and resolution, including the interference in the domestic affairs of member states if necessary, but was largely unsuccessful in modifying the entrenched prevailing views on sovereignty and non-interference amongst African leaders. Within this normative framework, the OAU was not legally or operationally equipped to intervene in inter- or intrastate conflicts (Powell 2005:8-10).

The founding of the AU in 2000 brought about significant changes to the continental security architecture. The AU Peace and Security Council (PSC), a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa, is expected to perform a number of security related functions which include peace support operations and intervention; peacebuilding and post-conflict reconstruction; as well as humanitarian action and disaster management (AU 2002:4 and 8). The PSC is also expected to work closely with the African regional security mechanisms and co-operate with the Security Council, and other relevant UN agencies in the promotion of peace, security and stability in Africa. Where necessary the UN will be approached to provide the necessary financial,

logistical and military support for the AU activities in keeping with the provisions of Chapter VIII of the UN Charter (AU 2002:23 and 25).

In order to fulfil the functions highlighted above, the creation of an African Standby Force (ASF) was mandated during 2002. The ASF will comprise standby multidisciplinary contingents, with civilian and military components divided into five regional brigades ready for rapid deployment at appropriate notice. The development of the ASF coupled to envisaged missions can be summarised as follows:

AU PLANNING TIMEFRAME FOR THE AFRICAN STANDBY FORCE	
PHASES	MISSION SCENARIOS
Phase One (up to 30 June 2005). Objective is to establish a strategic level management capacity for the management of Scenarios 1-2 missions, while Regions would complement the African Union (AU) by establishing regional standby forces up to a brigade size to achieve up to Scenario 4	**Scenario 1**. AU/Regional military advice to a political mission. Deployment required within 30 days from an AU mandate resolutions. **Scenario 2**. AU/Regional observer mission co-deployed with a UN Mission. Deployment required within 30 days from an AU mandate resolution. **Scenario 3**. Stand-alone AU/Regional observer mission. Deployment required within 30 days from an AU mandate resolution. **Scenario 4**. AU/Regional peacekeeping force for Chapter VI and preventive deployment missions (and peace-building). Deployment required within 30 days from an AU mandate resolution.
Phase Two (1 July 2005 to 30 June 2010). It is envisaged that, by the year 2010, the AU would have developed the capacity to manage complex peacekeeping operations, while the Regions will continue to develop the capacity to deploy a mission Headquarters (HQs) for Scenario 4, involving AU/Regional peacekeeping forces	As above
Still to be planned.	***Scenario 5**. AU peacekeeping force for complex multidimensional peacekeeping missions, including those involving low-level spoilers. ASF completes deployment required within 90 days from an AU mandate resolution, with the military component being able to deploy in 30 days.* ***Scenario 6**. AU intervention, eg, in genocide situations where the international community does not act promptly. Here it is envisaged that the AU would have the capability to deploy a robust military force in 14 days.*

(AU 2002:18-20; AU 2005: 1 and B-1; Hough, Du Plessis & Kruys 2006:81-84 and 92).

The lack of African capacity and UN legitimacy considerations in Sudan during 2006/2007 resulted in the emergence of 'hybrid peacekeeping operations' This concept was adopted in an attempt to ameliorate the financial and logistical deficiencies of the AU and Sudan's protracted

refusal to accept a UN peacekeeping force in Darfur. This type of peacekeeping operation represents a compromise between the parties (AU, UN and Sudan government) and is premised on joint UN/AU decision-making regarding the appointment of the Special Representative and the force commander. It also entails operational command at field level by the force commander and joint reporting to the AU Peace and Security Council and the UN Security Council (CIC 2008: 24-25).

While the establishment of the AU heralds a changed approach to African peacekeeping, no amount of political will is able to compensate for the current lack of African capacity to mount peace missions. AU member states experienced difficulty in providing sufficient troops to mount credible peace missions in Sudan and Somalia and remain heavily dependent on UN and international assistance to support these missions. Despite the stated intent regarding the creation of the ASF, the financing and logistic support of African peace missions are likely to remain problem areas that will undermine the good intentions of the AU and compromise the rapid-reaction capability of African peacekeeping.

4.5 Criteria for Evaluating UN Peacekeeping: The *Brahimi Report*

The perceived failure of peacekeeping, especially in Rwanda, contributed to the thorough review of the UN peace and security activities by a high-level panel led by former Foreign Minister of Algeria, Lakhdar Brahimi. The panel's report, which subsequently became known as the *Brahimi Report*, was tabled on 21 August 2000. The report addressed the political aspects of peacekeeping as well as the operational and organisational shortcomings of the UN system. The report focused on four main areas: doctrine, strategy and decision-making for peace operations; the UN capacity for rapid and effective deployment of operations; the UN headquarters, resources and structure for the planning and support of peacekeeping operations; and peace operations and the information age (Harland 2003:61). On the political side, the panel emphasised the necessity for member states to demonstrate sufficient political will to render political, financial and operational support to the UN to enable it to become a credible force for peace. The panel was of the opinion that "[n]o amount of good intentions can substitute for the fundamental ability to project credible force if complex peacekeeping, in particular, is to succeed" (UN 2000d:viii). The key recommendations of the *Brahimi Report* are summarised as follows:

- The international community must ensure that peacekeeping is an appropriate option, given the nature of the conflict.

- There must be a peace to keep. The parties to a conflict must be willing to cease fighting and pursue their objectives through political and other non-violent means. All key parties to a conflict must agree to the UN's involvement and its role in helping them resolve their conflict. The report stressed that the UN Secretariat "[m]ust not apply best case planning assumptions to situations where the local actors have historically exhibited worse case behaviour"

- The peacekeeping operation must be part of a more comprehensive strategy to help resolve a conflict. Political, economic, developmental, institution-building, humanitarian and human rights components must be included in the mission, while other parts of the UN system and other international organisations must also be involved where required.

- The comprehensive strategy must take into account the regional dimension to ensure that gains made in addressing the problems that contributed to a conflict are not undermined by problems in neighbouring countries.

- The Security Council must agree on the objective of an operation and provide it with a clear mandate and ensure that the mandate is achievable. The mandate must be matched by appropriate resources, especially regarding deployment of an appropriate number of troops to implement a mission's mandate and the provision by member states of adequately trained and equipped troops. Once deployed, UN peacekeepers must be capable of defending themselves, other mission components and the mission's mandate. The rules of engagement (RoE) need to be sufficiently robust to prevent UN contingents from ceding initiative to their attackers. Regarding the protection of the population, the panel was particularly explicit: "[U]nited Nations peacekeepers … who witness violence against civilians should be presumed to be authorised to stop it"

- The credibility and ability of a mission to implement its mandate is often determined at the outset, making the rapid deployment of personnel and material essential. The panel stated that the first 6-12 weeks following a ceasefire agreement are critical in establishing a stable peace and the credibility of the mission and recommended that the UN define 'rapid and effective deployment capacity' as the ability to deploy traditional peacekeeping operations within 30 days of the adoption on a Security Council resolution establishing such a mission, and within 90 days in case of complex peacekeeping operations.

- Member states must be prepared to work together and commit to peacekeeping and peacebuilding efforts long enough to secure the conditions for their consolidation in a country recovering from war.

- UN international civilian personnel at all levels, both at Headquarters and in the field, must perform their functions with professionalism, competence and integrity (UN 2000d:9-15; UN 2003a: 6-7; Thakur 2005:6).

The *Brahimi Report* (2000) highlights critical success factors for UN peace missions and provides important benchmarks for the evaluation of such missions. In addition, the following practical aspects must be considered:

(a) Mandate: The importance of the mandate for a peace mission is twofold: it should demarcate the 'end state' or what needs to be achieved; and sets the parameters (in terms of what may be done) for the mission. In contemporary peace support operations the mandate is vital for the application of the principle of 'impartiality', as previously indicated. While this would appear to be obvious, in practice mandates are influenced by the motives and political will of member states and the understanding of the conflict situation (O'Neill & Rees 2005:194). Where a UN role is foreseen to follow the conclusion of a ceasefire or peace agreement, the mandate should ideally be commensurate with the role that the UN is expected to fulfil. Drafters of such agreements, however, also need to be realistic when envisaging a role for the UN in a peace process.

(b) Financing: The costs of UN peace missions are shared by all member states, with the relative economic wealth of each member state determining its contribution. The five permanent members of the Security Council are required to pay a larger share because of their special responsibility for the maintenance of international peace and security (UN 2007a:1). Since 1948 the estimated total cost of UN peace missions is estimated to be approximately US $47,19 billion. The approved budget for the period 1 July to 30 June 2008 for the 17 current UN peace missions is approximately US $5,29 billion (UN 2007c:1) . To place the UN peacekeeping budget into context, the USA defence budget request for 2008 is US $481,4 billion (USA 2007:1). As of 1 January 2007, the top 10 providers of assessed contributions to United Nations peacekeeping operations were the US, Japan, Germany, the UK, France, Italy, China, Canada, Spain and the Republic of Korea (UN 2006a:17-18). The implication of this is that the political

will of the major contributors, coupled to national interests, can influence the decisions of the Security Council regarding the mandate and resourcing of peace missions.

(c) Force Levels and Composition: The importance of the mandate is once again underscored when it comes to the allocation resources, in the form of forces, to any peace mission. In allocating troops to a mission it is necessary to take both quantity and quality into account. The current trend is that developing countries contribute far more troops to peace missions than developed countries. The problem that arises is, that while the developing countries can supply the quantity of troops required, they are not always able to supply troops that are appropriately trained and equipped for the particular mission (O' Neill & Rees 2005:195; Neethling 2001:71).

(d) Operational Capability: The evaluation benchmark for operational capability refers to the ability of the military component of a peace mission to conduct operations that support the execution of the mandate. Factors such as the size of the operational theatre, the mobility of the force, the quality and quantity of available forces and the logistic sustainment of these forces need to be taken into account and weighed against the prevailing security situation.

The implementation of the Brahimi recommendations is heavily premised on a demonstration of political will from the member states and professional competence within the UN peacekeeping system. The success of a particular peace mission is largely dependent on the interplay between these factors, and ultimately, a UN peace mission must be able to project credible force in fulfilling its mandate.

5. Conclusion

An understanding of the role of the UN in the resolution, management and eventual termination of conflict requires an understanding of the key variables, namely internal conflict; conflict termination (including conflict resolution and conflict management); and UN peacekeeping in order to construct a framework for the analysis of the case study.

The discussion of conflict and internal conflict is necessary to contextualise the circumstances requiring a peacekeeping response, as well as the situation into which a peacekeeping mission such as MONUC had to deploy. Internal conflict is often regarded as synonymous with other terms such as 'civil war' and 'insurgency' and for the purposes of this study is regarded as conflict within the borders of the state between the government of the day and groups with

political goals opposed to those of the government. Violence, in one form or another, is used against the government in order to bring about a different political dispensation. Conversely, the government can also be a source of internal conflict when violence is used against the population to maintain political control.

Contemporary internal conflict occurs as a result of a combination of underlying factors or 'permissive conditions' that make certain situations prone to violence and catalytic factors that trigger violence. The mere existence of 'permissive' conditions does, however, not lead to internal conflict. This underlines the importance of the catalytic factors, with so-called bad leaders playing a pivotal role. Internal conflict is never wholly internal and the role of external actors complicates the conflict equation and has to be taken into account in conflict termination efforts. The influence of both the leaders and external actors are particularly relevant in the analysis of a peace mission as their cooperation or lack thereof often impacts directly on the efforts of peacekeepers.

Conflict termination is the end result of conflict resolution where the parties voluntarily agree to either dissolve or live with their basic incompatibilities and cease to use arms against one another. Conflict termination is seldom a finite event and a process of conflict management is usually necessary to end the fighting and contain the spread of conflict. The UN is usually expected to fulfil this role, which has become particularly pertinent in contemporary conflicts where there is essentially no peace to keep.

UN peacekeeping has evolved in response to the changing nature of conflict in the post-Cold War era. Unfortunately the UN response will always be reactive because it is closely linked to the political will of the member states, particularly those of the major powers, in providing the mandate for missions and allocating resources. The nature of contemporary conflict will increasingly necessitate the authorisation of missions on the robust side of the peace mission inventory, namely, wider peacekeeping, peace enforcement and peace support operations. The principles of peacekeeping namely consent; impartiality and the minimum use of force remain valid, but require careful contextualisation within the framework of contemporary operations.

The evaluation of a UN peace mission requires the analysis of a number of external and internal factors related to the mission. The point of departure for analysis is the mission mandate provided by the Security Council. The initial mandate and any subsequent changes to the mandate provides the foundation for further analysis of the practical aspects of a peace mission such as finances; leadership; force level and composition; and the actual operational

capability of the force. Theoretically, the actual evaluation of a peace mission can easily be done by comparing the end state, as envisaged in the mandate, with the results on the ground. Unfortunately this does not happen in practice, largely as a result of mandates and resourcing not matching the demands of the conflict situation.

The permissive conditions for internal conflict have been present in the DRC virtually from its inception, while catalytic factors *inter alia* in the form of bad leaders and external involvement have played a role in igniting conflict at various junctures in the history of the country. In order to evaluate MONUC in this context it is necessary to provide an overview of and consider the history of internal conflict in the DRC within this framework.

CHAPTER THREE

A HISTORICAL OVERVIEW OF INTERNAL AND EXTERNAL FACTORS CONTRIBUTING TO INSTABILITY AND INTERNAL CONFLICT IN THE DRC

1. Introduction.

The DRC[8] has a long history of instability and conflict and it is important that this history is examined in order to understand the context and complexity of the MONUC mission. This chapter will not provide a comprehensive history of the DRC, but will focus on specific historic episodes that are relevant to the understanding of the internal conflict in the DRC against the background of the theoretical framework previously discussed.

The pre-colonial period which involved a complex variety of diverse peoples, cultures as well as political and economic systems will not be addressed, owing to the fact that the colonial influence rendered pre-colonial experiences largely irrelevant. The history of the DRC is divided into four broad periods: the personal colony that became a Belgian colony; the immediate post-colonial period characterised by violence and the fragmentation of the state; the Mobutu era characterised by corrupt governance, against the background of Cold War superpower interests; and the rebellions with regional external support that unseated Mobutu and attempted to overthrow the government of Laurent Kabila, leading to the signing of the *Lusaka Agreement*, 1999. The four periods will be examined in terms of three themes, namely the propensity for instability and conflict; external intervention or involvement; and the role of the security forces. The UN peacekeeping operation in the Congo during the 1960s is discussed separately, within the context of first generation peacekeeping operations, in order to indicate the lessons learned from that experience that are relevant to MONUC as a contemporary peace mission.

2. The Colonial Period: 1878-1960

The colonisation of the Congo was characterised by two distinct phases. The first phase entailed a private commercial venture intent on extracting the maximum financial benefit for its principal patron, the Belgian monarch, King Leopold II and a consortium of international bankers, while exploiting and maltreating the indigenous population. The second phase came about when this venture, which had been recognised internationally as the Congo Free State (CFS) during 1885, became a Belgian colony in 1908, as a result of sustained international pressure in opposition to the human rights abuses in the CFS.

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[8] As a generic designation, the DRC will be used throughout, except in the historical context where 'Congo', 'Belgian Congo', 'Republic of the Congo' and 'Zaïre' has been used.

2.1 King Leopold's Private Possession

Leopold's acquisition of the Congo as a personal possession started under the cover of a philanthropic and scientific mission that was intended to explore the Congo with the noble objectives of finding routes into the interior; creating bases for accommodation, scientific and pacification purposes in order to assist in abolishing the slave trade; and "[e]stablishing peace among the chiefs and procuring them just and impartial arbitration" (Hochschild 2006:44-45).

Leopold's 'possession[9]' in the Congo, however, had no legal standing, and with other European nations such as France and Portugal seeking to expand their colonial interests in the region, Leopold was intent on obtaining international political recognition for his philanthropic society then known as the *International Association of the Congo* (IAC) as a 'government'. The quest for international recognition was boosted when the US recognised the IAC on 22 April 1884, just prior to the start of the Conference of Berlin, which was held to settle disputes among the European nations and to divide Africa among them. Following the example set by the US, thirteen countries recognised the IAC as a colonial entity and also recognised Leopold as sovereign. The recognition provided by the Conference of Berlin removed the need for the philanthropic veneer provided by the IAC, with the result that Leopold established the *Etat Indépendent du Congo* (Congo Free State) by royal decree on 29 May 1885 (Gondola 2002: 55-5; Wesseling 1996:120-121).

In the Kivu region of the Congo Free State a substantial number of Hutu and Tutsi were found whose original allegiances were to the kingdoms of Rwanda and Burundi, which at that stage did not form part of the Congo Free State and which came under German control during 1888. The colonial boundaries therefore split the Hutu and Tutsi between three colonies (Breytenbach *et al* 1999:3). The subsequent disputed citizenship of the Congolese Tutsi which had its origins in the colonial period is an important factor that contributes to the contemporary perceptions of alienation and discrimination experienced by this group, which was exploited by Laurent Kabila in the overthrow of the Mobutu government in 1997, and which by the end of 2008 still remained a significant unresolved issue.

Coercion of the population played an important part in the early history of the Congo. The *Force Publique was* established by Leopold in 1888 in order to exert control within the Congo Free State. This force comprised African mercenaries and locally recruited indigenous people led by white officers. As an instrument of colonial hegemony, the *Force Publique* met with resistance from the various ethnic groups within the indigenous population, with the result that the military

[9] A 'possession' (in terms of land law) is defined to mean either *de facto* control over some object or territory, or such control backed by the sanction of the law (Scruton 1996:429).

expeditions focused specifically on 'pacifying' the population. The *Force Publique* also applied a general 'divide and rule' approach by exploiting alliances with one ethnic group in order to defeat another (Hochschild 2006:123-124; Lemarchand 1994:14; Ebenga & N'Landu 2005:64). The early security forces were seen as an extension of the colonial power and essentially an enemy of the people. This set the tone for the later interaction between the armed forces and the population, where the focus was essentially internal security rather than the more traditional role of protecting the 'state' and its inhabitants from external threat.

Leopold's control of the Congo Free State ended on 15 November 1908 after sustained pressure in Europe and the US over human rights abuses linked to the exploitation of the Congo's natural resources. The Congo Free State became the Belgian Congo after Belgium agreed to take over certain of Leopold's debt and pay him 50 million *Franc* for the 'sacrifices' he made for the Congo (Gondola 2002:75; Guest 2004:57; Wesseling1996:129-130).

The Leopold era set the tone for later developments in the country. Because it was essentially a business enterprise, the extractive exploitation of natural resources characterised the period, with the indigenous population serving merely a source of labour with no political rights or access to the revenue generated by the exploitation. Military force was used to coerce the population into providing labour and not to protect it. Brutality and the disregard for the value of human life characterised the relationship between the coloniser and the colonised, with little respect for cultures and indigenous practices. The arbitrary nature of determining colonial boundaries also created problems that continue to resonate in the contemporary eastern DRC.

2.2 The Belgian Congo

The transition from a 'private' colony to a formal Belgian colony was seamless, with very little change for the indigenous population. While the assumption of control by Belgium was undertaken ostensibly to end the abuses perpetrated by Leopold's regime, the lucrative economic opportunities that the Congo presented shifted the focus of Belgian colonial policy to ensuring that the Congo became an asset to Belgium and to creating a pliant and loyal Congolese elite (Gondola 2002:77-78).

The Belgian approach was paternalistic, which meant that basic political rights could be withheld indefinitely from the African people as long as their purported material and spiritual needs were properly met. On the humanitarian side this resulted in an extensive network of social welfare programmes, generally executed by church groups. Paternalism also meant political control and regimentation (Meredith 2006: 96-97).

The Belgian colonial system did not encourage indigenous involvement in the political life of the colony and local chiefs integrated into the colonial administration were noted for their compliance rather than their leadership abilities, in acting as the link between the local structures and the central colonial administration. The payment of salaries to chiefs ensured the 'loyalty' of chiefs, but often put them at odds with their subjects (Gondola 2002:80-81). This approach focused on administrative rather than political aspects and aimed at disrupting pre-existing political structures. It also established the mindset that a leadership position presented the opportunity for access to privilege and prosperity, a trend which persists in the contemporary DRC.

Prior to the election that brought the Belgian Congo independence in 1960, political development emerged in the form of ethno-regionalism and territorial nationalism. The former manifested in the form of a cultural association called *Association des Bakongo pour l'Unification, la Consservation, le Perfectionnement et l'Expansion de la Langue Kikongo* (ABAKO), headed by Joseph Kasavubu which harnessed the aspirations of what was termed as the 'original people of the Lower Congo', with the aim of re-building 19th century Congo (Lemarchand 1994:22).

Nationalism manifested in the form of the *Mouvement National Congolais* (Congolese National Movement) (MNC) headed by Patrice Lumumba. This movement, established during 1956, was committed to the idea of a united Congo and aimed at ensuring the political emancipation of the Belgian Congo, as well as fostering a consciousness of national unity (Lemarchand 1994:24; Meredith 2006:98-99). The different approaches to the move towards the independence of the Congolese indicated a lack of common purpose between the Congolese political groups, despite having the same aim of ending Belgian colonisation.

The exploitation of the natural resources of the Belgian Congo and the subjugation of the political rights of the indigenous population characterised the Belgian colonial era. The paternal approach adopted by the Belgians and the restrictions placed on the formation of political parties led directly to ethnicity becoming a major organisational driver in the Congo. When political activity was eventually permitted prior to independence, the political parties founded on an ethnic basis and the nationalist movement, which promoted a unified Congo, were immediately at loggerheads. The friction between these entities created mistrust between the political players which quickly manifested in general political instability in the Congo.

3. Independence and Immediate Instability: 1960-1964

The independence of the Congo was granted against the backdrop of the decolonisation of African states which started to gain momentum during the mid-1950s. The election of local councils during 1959, coupled to the rising political consciousness in the Congo, led to the Brussels Conference in January 1960 to discuss the independence of the Congo. While the Belgians initially intended to adopt a phased approach for the transfer of power, the Congolese delegates demanded independence on 1 January 1960. The conference eventually settled on 1 June 1960 as the date for independence. The Belgians were confident that they would retain 'control' of the core of the state (bureaucracy, armed forces and the economy) and that Belgian assistance would enable the pro-Belgian parties to fare well in the elections (Meredith 2006:100-101).

3.1 The 1960 Election and its Aftermath

Contrary to Belgian hopes, the moderate parties fared badly in the election held over the period 11-25 May 1960. Lumumba's MNC obtained a slim majority over the other parties and established a coalition that enabled it to assume power. Lumumba was appointed as prime minister, while Kasavubu was elected president. The MNC coalition obtained most of its support in the Stanleyville vicinity, but had little support in Leopoldville and Southern Katanga. The immediate aftermath of the election saw unrest taking place in various parts of the country between politicians, political parties and tribes over a variety of differences, the majority localised, but none posed a serious threat to the stability of the fledgling state (O'Ballance 2000:14-15). The election results highlighted a trend that has continued to pervade contemporary Congolese politics, where political support is linked to specific areas and no single political party is able to command countrywide support.

The threat to stability was posed by a mutiny within the former *Force Publique* and the secession of the Katanga and Kasai provinces. These actions created the opportunity for international intervention in the affairs of post-independence Congo.

3.1.1 Mutiny of the *Armée Nationale Congolais* (ANC)

The newly renamed *Armée Nationale Congolais* (ANC), numbering 25 000 with a Belgian officer corps of approximately 1 100, remained firmly under Belgian control. This was resented by the African component of the force. In terms of a prior agreement between the Belgian and Congolese representatives, 2 500 Belgian troops had remained in the Congo, while the Belgian officers and non-commissioned officers of the ANC were retained on secondment from the Belgian Army. The Belgian commander of the ANC, Lt Gen Janssens, was clearly against the

Africanisation of the officer corps and brought matters to a head when he stated that independence would not bring about any change in the force. This viewpoint, coupled to dissatisfaction over conditions of service, led to the mutiny of the ANC on 4 July 1960, with accompanying unrest and attacks on the Belgian settler community. Lt Gen Janssens was dismissed on 6 July 1960 by Lumumba and the officer corps was immediately Africanised, with a small number of Belgian officers retained as advisors. The process of Africanisation resulted in the appointment of Joseph Mobutu (a former non-commissioned officer in the *Force Publique*) as the Chief of Staff of the ANC (Emizet 2000:207; Ebenga & N'Landu 2005:65). The implication of this development was that the new leadership of the army, lacking senior command experience, was unable to prevent the mutiny, and the force was unable to maintain internal security. This inability to fulfil its basic security function prompted the calls for external assistance to maintain internal stability. This established a pattern that would be repeated in the future.

The unrest resulting from the mutiny prompted the Belgian government to unilaterally despatch troops to the Congo to protect Belgian nationals. This was done after a request to the Congolese government to permit Belgian troops already stationed in the Congo, in terms of the *Treaty of Friendship and Co-operation* between the two governments, to assist in restoring order, was refused. The Belgian unilateral despatch of troops was perceived by the Congolese government as a breach of the treaty and as the re-imposition of Belgian will on the Congo (Lemarchand 1994:29-30; Meredith 2006:103). The subsequent secession of Katanga reinforced this perception and signalled the end of diplomatic relations between the Congo and Belgium.

3.1.2 Secession of Katanga and Kasai

The secession of Katanga took place on 11 July 1960, soon after the mutiny. The secession was led by Moise Tshombe with the assistance of Belgian mining companies. Belgium, while not recognising the independence of Katanga, saw it as a potential bastion of stability from which to establish a pro-Belgian central government and attempted to isolate Katanga from the disorder and militant nationalism prevalent elsewhere in the Congo. Tshombe's *Confederation des Associations Tribales du Katanga* (CONAKAT) party had long favoured political autonomy for Katanga and close cooperation with Belgium. Belgian forces stationed in Katanga were used to expel ANC units from the province and proceeded to train a Katangese *gendarmerie*, while a Belgian assistance mission provided administrative support to the secessionist state. Mercenaries were also recruited to assist in securing the Tshombe regime. Despite the Tshombe regime's close ties with Belgium, it was unable to obtain international recognition and

remained diplomatically isolated. The secession of Katanga was officially ended on 17 January 1963 when Tshombe, under pressure from the US and Belgium, agreed to reintegrate Katanga with the rest of the country (Gondola 2002:128; Meredith 2006:102-103; O'Ballance 2000:60-63).

A further destabilising event was the secession of Kasai which took place on 8 August 1960 when the *Independent Mining State of Kasai* was established. The secession was driven by the ethnic conflict between the Lulua and Baluba groups; ideological divergence between Lumumba and Albert Kolonji (leader of the Kalonji faction of the MNC) over the constitutional orientation of the country; and the struggle for control over the diamond resources of the Kasai region. Unlike Katanga, Kasai did not have longstanding backing from Belgium and was not supported by the West. The secession was short-lived and ended on 28 August 1960 when troops loyal to Kolonji retreated in the face of an advance by the ANC (Ndikumana & Emizet 2003:10).

The immediate instability that followed the independence of the Congo came about largely as a result of the collision of structural and political factors within the extremely attenuated state-making process. The Belgian intent was clearly to provide the Congolese with a 'weak' state that could be manipulated to their advantage. Owing to the lack of preparation for a responsible transition to independence, the Belgians were unable to control the process and quickly lost control of the security forces. The inability of the government to control these forces as a result of the replacement of the entire leadership echelon, created a situation where the government was forced to seek external military assistance to maintain law and order. From inception the Congolese security forces proved ineffective in executing its primary role and as a result have necessitated requests for the subsequent intervention of regional and international actors at various times to maintain internal order.

3.1.3 Political Factors Exacerbating Instability

Lumumba was unable to solicit UN aid to end the secession in Katanga and declared martial law during late August 1960 which allowed for the arrest of political opponents. After threatening the UN and the West to enlist the assistance of the USSR, Lumumba made good on his threat on 15 August 1960. The request to the USSR for military assistance was primarily aimed at inflicting military defeat on Katanga and the Kasai, but served to cause considerable concern to the West and certain African states (Lemarchand 1994:36; Meredith 2006:113). At the time the US tended to equate what they perceived as militant nationalism in Africa as a proxy for Soviet expansionism on a continent where decolonisation was gaining momentum.

Lumumba was regarded as an 'African Castro' that needed to be neutralised (Mamdani 2005:70-71).

During this period of instability Joseph Mobutu was appointed as the commander of the ANC. On 5 September 1960 President Kasavubu dismissed Lumumba as prime minister and appointed Joseph Ileo in his place. In turn Lumumba dismissed Kasavubu, with the result that political deadlock between its primary functionaries immobilised the Congolese state. On 14 September 1960, Mobutu seized power in a bloodless *coup d' etat a*nd appointed a 'College of Commissars' to govern the country. Instability led to the political fragmentation of the Congo into three groupings: the 'unitarists' comprised the followers of Lumumba and Antoine Gizenga based in the vicinity of Stanleyville (Kisangani) who were striving for a unitary state; the 'moderates' encompassing the Mobutu regime based in Leopoldville (Kinshasa), which enjoyed the tacit support of Western states; and the 'ethno-regional separatists' represented by Tshombe in Katanga and Kalonji in Kasai (albeit for a very brief period), which served Belgian business interests and ethnic agendas (Emizet 2000:207; Lemarchand 1994:32; Meredith 2006:110).

During January 1961, Lumumba was assassinated. The US and Belgium were complicit in the assassination, although the actual killing was performed by soldiers under the command of Mobutu, who was already at that stage regarded as a valuable US asset in the Congo. (O'Ballance 2000:41; Mamdani 2005:71). Lumumba's death removed a significant obstacle in the path of Mobutu's gradual ascent to power in the Congo.

3.2 The Post-Lumumba Period and Further Instability: 1961-1964

During the post-Lumumba period, the UN made efforts to press for national reconciliation and the unification of the Congo. This period was characterised by two further rebellions aimed at overthrowing the government. The first, known as the Kwilu rebellion, had an ethnic orientation which prevented it from gaining traction beyond the Mbunda-Mpende territory and was not motivated by the control of provincial mineral resources. For this reason there was also no external support for the rebellion and the rebel's war effort was entirely supported by the local population. The ANC defeated the Kwilu rebellion during December 1963, although pockets of resistance persisted until 1965 (Ndikumana & Emizet 2003:11-12).

The second rebellion was far more comprehensive in nature and motivated by the need to achieve the complete decolonisation of the Congo, from what was perceived as continued domination by a coalition of foreign powers. The rebellion was organised by the *Conseil National de Libération* (National Liberation Council) (CNL), a collection of Lumumbist nationalist

parties with a socialist orientation and both pro-Soviet and pro-Chinese leanings. The rich mineral resources of the eastern Congo were a motivation and a source of financing for the 'Simba'[10] rebellion which started on 15 April 1964 (Ndikumana & Emizet 2003:13). The rebel advance was rapid and met with little resistance from the ANC. On 5 September 1964 the 'people's government' of Stanleyville was proclaimed and by the end of September 1964 almost half of the Congo and seven out of 21 local capitals were under rebel control. The rebels, however, experienced problems in consolidating their gains and establishing an alternate administrative system to the one they had destroyed (Lemarchand 1994:41-42).

The eastern rebellion heralded the return of Moise Tshombe to the Congo political arena. In his effort to defeat the rebellion, Tshombe recalled the Katangan *gendarmes* from exile in Angola and integrated them into the ANC and also made use of white mercenaries. The mercenaries provided much needed leadership for the conduct of operations against the rebels, while the US and Belgium provided moral and limited logistic support (Ndikumana & Emizet 2003:14; Wagoner 1980:26-29). Fighting between the government forces and rebels led to the commission of numerous atrocities by both sides, and in an attempt to stem the advance by government forces on Stanleyville, the rebels held approximately 3 000 local European residents of Stanleyville hostage. On 24 November 1964, a joint Belgian/US airborne rescue operation was launched to secure the release of the hostages and assist in the evacuation of a further 2 000 foreigners to Leopoldville (Wagoner 1980:2). The recapture of Stanleyville dealt a major blow to the eastern rebellion, forcing the rebel leadership to vacate the provincial capitals and to operate in the rural areas. The rebellion, albeit in a significantly diminished form, was only eventually completely defeated in 1968 (Ndikumana & Emizet 2003:14). The inability of the ANC to counter a fairly rudimentary threat to its regime created a dependence on external assistance in times of crisis. As will be seen later, Mobutu used his value as an anti-communist bulwark in Africa to elicit military support when the need arose. While external military support provided short-term relief, and proved expedient during the Cold War period, it served to underline the state's complete lack of a proper military capacity.

The post-independence period is a critical period in the history of the Congo because the 'state' was immediately confronted by structural and political factors that led to conflict. The hasty state-making process immediately created a weak state. The tension between the ethno-regionalists and the nationalists resulted in the lack of a clear, unified political vision for the Congo, which created a climate for the various rebellions that took place. In the context of the Cold War, the West clearly equated what it perceived as 'militant African nationalism', with the

[10] The rebels were known as 'Simba', the KiSwahili word for lion, and were believed to possess magic powers acquired by the drinking of a potion that was supposed to change enemy bullets into water.

spread of communism and the influence of the USSR. This approach led to foreign interference in the Congo, motivated on the one hand by the interest to counter Soviet influence (mainly in the case of the US), and to protect non-Congolese citizens and considerable economic interests (in the case of Belgium), on the other. Against the background of Cold War tensions the 'moderate' Mobutu was regarded as an important ally by the West.

4. The United Nations Operation in the Congo: 1960-1964

The sudden instability in the Congo so shortly after the country had been admitted as a member state of the UN on 7 July 1960 presented the organisation with a situation which had no historical or experiential precedent. Up to that point four previous UN peace missions had been undertaken and all entailed the monitoring of ceasefire agreements, with UN forces deployed in an interposition role (UN 2007b:1). The unrest following the mutiny of the ANC, the deployment of Belgian troops and the secession of Katanga and Kasai led to a flurry of requests from the Congolese government for assistance to the UN, the US and the USSR. The request to the UN on 12 July 1960 was specifically couched in terms that focused on Belgium's 'external aggression' so that the request could be dealt with as a threat to international peace. This prompted the UN Secretary General to invoke Article 99 of the UN Charter, which permitted him to bring any matter which, in his opinion, threatened the maintenance of international peace and security to the attention of the Security Council. Belgium's deployment of military forces, without the consent of the Congolese government, was construed as an 'act of aggression' and led to the Security Council adopting a resolution on 14 July 1960 to establish the United Nations Operation in the Congo (ONUC) (Bellamy, Williams & Griffin 2004:156). The various requests for assistance indicate that the Congolese government was unclear as to the nature of the assistance it required and that the primary objective was merely to obtain some form of military assistance, ostensibly for maintaining internal stability.

The ONUC mission was conducted in two distinct phases over the period July 1960 to June 1964. During the first phase the mission was tasked to assist the Congolese government to restore law and order, while the second phase required actions to prevent civil war. The first phase lasted from the establishment of the mission until the death of Lumumba in February 1961, which signalled the start of the second phase where ONUC was authorised to use force to prevent civil war. This phase ended with the withdrawal of ONUC from the Congo during June 1964 (Boulden 2001:28; O'Neill & Rees 2005:46). The two phases of the mission were the result of rapid political and military developments, which necessitated amendments to the original mandate and which indicated that the UN was adapting its fledgling peacekeeping

procedures as the situation developed. The mission is therefore discussed in terms of its mandate and activities against the background of the prevailing tenets of peacekeeping, namely consent, impartiality and the minimum use of force:

(a) Mandate: ONUC was established in terms of *Resolution 143* (1960). The founding resolution called for the withdrawal of Belgian troops from the Congo and authorised the provision of military assistance to the Congolese government (UN 1960c:5). The initial mandate did not stipulate any time frame for the withdrawal of Belgian forces, nor did it define the nature of military assistance. The Secretary General, however, laid down a framework of principles, based on experiences in previous peacekeeping missions, for the conduct of this mission. These principles included strict adherence to the UN Charter; the need to keep ONUC aloof from any internal power struggles; the need for the mission to have freedom of movement across the entire territory; the use of force only in self- defence; and that national units would take orders from the UN and not their national command structures. The 'holy trinity' of consent, impartiality and the minimum use of force was intended to underpin the operation (Bellamy, Williams & Griffin 2004:110; Boulden 2001:32). The vague resolution made no reference to the secessionist movements, while the Congolese government also appeared to be under the impression that the UN forces were at their disposal. The nature of the assistance in maintaining law and order was also unclear (O' Neill & Rees 2005: 50).

The initial mandate was clarified by two further resolutions. In *Resolution 145* (1960), adopted on 22 July 1960, a call was made on Belgium for the 'speedy' withdrawal of its troops and it recognised that the Congo was admitted as a member of the UN as a 'unit', thereby indirectly addressing the secession of Katanga (UN 1960b:6). In a further clarification of the mandate, *Resolution 146* (1960) was passed on 9 August 1960. The resolution stopped short of authorising the use of force, but resulted in the withdrawal of the majority of Belgian troops from the Congo, and enabled ONUC's entry into Katanga. A contingent of Belgian troops however remained in Katanga, while the Katangese secessionist government then suspended its cooperation with the UN (Boulden 2001:24-25; UN 1960a:6-7). The mandate at this stage still focused on the threat posed by Belgium's 'external aggression' and reiterated the need for the restoration of law and order, and underlined the illegality of the secession of Katanga. There was also a clear attempt not to involve the UN/ONUC in the domestic political situation.

The disintegration of the Congolese government and the death of Lumumba, however, resulted in the UN becoming more directly involved in the domestic situation. *Resolution 161* (1961) was passed to authorise the use of force "[a]s a last resort" by ONUC "[i]n order to prevent the

occurrence of civil war" (UN 1961b:2). While not explicit in the resolution, it was clear from the subsequent ONUC military actions that ending the secession of Katanga was intended. The fact that Article 42 of Chapter VII of the UN Charter (which makes provision for military enforcement action) was not explicitly invoked in the resolutions to provide authorisation for the use of force, proved problematic as the subsequent military actions were technically in violation of Article 2(7) which prevents UN intervention in domestic matters (Boulden 2001:31). The failure of an ONUC operation aimed at breaking the Katangese resistance (Operation 'Morthor') in September 1961 prompted the Security Council to pass *Resolution 169* (1961) which authorised ONUC to take 'vigorous action' including the use of force against foreign military personnel (O'Neill and Rees 2005:52; UN 1961a:3-4). This resolution granted ONUC further powers and appeared to have been an attempt by the Security Council to show resolve in what it perceived to be the challenge to UN authority by the Katangese secessionist government. The incremental approach adopted by the Security Council in providing a mandate for ONUC indicated an uncertainty as to the intended role of the mission and the lack of a clear mission end-state. From the outset the Security Council adopted a reactive response to the changing circumstances.

(b) Activities: The first phase of the mission was generally characterised by a lack of action, largely owing to the vague nature of the mandate and the unwillingness to become involved in Congolese internal affairs. The size of the force was initially 14 000 men and increased to a maximum strength of 19 828 during the latter stages of the mission. A premium was placed on the visibility of the UN forces, with the result that small contingents were deployed in a dispersed fashion, which often did not make operational sense, given the vast size of the operational theatre and the difficulties of sustaining such a force over a wide front. The forces were deployed by UN civilian staff and not military commanders and the dispersed deployment was motivated by a need to be seen to be taking some action and doing it rapidly (UN 2006b:1; O' Neill & Rees 2005:50 and 63). This approach did not necessarily take sound military principles into account and was an early indicator of a divergence between UN civilian officials and military commanders The UN inaction during this phase allowed the situation to escalate, especially at the political level where tensions between Kasavubu and Lumumba increased

During the second phase of the mission, ONUC was mainly involved in operations in the Katanga province. Two major operations during August and September 1961 were launched in Katanga against the foreign military personnel and mercenaries and key installations in the Katangan capital, Elizabethville (Lubumbashi). In the second operation Katangan government ministers were arrested by ONUC forces along with foreign military personnel and mercenaries,

on the basis of warrants signed by the Congolese government and without the sanction of the Security Council and the Secretary General. Poor operational planning and execution resulted in those arrested escaping; high casualties being sustained on all sides during the fighting; and the surrender of approximately 150 troops from the Irish contingent. Following the passing of *Resolution 169* (1961) a better prepared ONUC force launched another operation during December 1961 which met with a measure of success, but was unsuccessful in forcing the Katangan government to end the secession. Katangan secession was not ended by UN enforcement actions and it was Katangan overconfidence and US logistic support for ONUC that contributed to the end of the secession (O' Neill & Rees: 2005: 52).

(c) Consent, Impartiality and the Minimum Use of Force: Given the fact that ONUC mission fell within the ambit of what was evolving as 'traditional peacekeeping', it is necessary to analyse key aspects of the mission in terms of the tenets of traditional peacekeeping, namely of consent, impartiality and the minimum use of force. In the early stages consent was not a problem as the Congolese government requested the intervention of the UN. Tension between the Kasavubu and Lumumba resulted in the collapse of the Congolese government on 5 September 1960, which confronted the UN with a situation where the organisation was involved in a country that effectively had no government and was prevented by its mandate from getting involved in the internal politics of the state. From this point onwards the UN had a problem in determining who represented the Congolese state (Boulden 2001: 27). The issue of consent also had an impact on the principle of impartiality.

Impartiality was seriously breached during the ONUC mission when UN forces engaged in armed conflict with one of the parties. Views on ONUC impartiality were naturally coloured by what side was represented, although after the collapse of the government and the division into three entities, it was felt that ONUC favoured the central government represented by Kasavubu. Actions such as closing airports and controlling the radio stations on 5 September 1960 were seen as ONUC actions that were prejudicial to Lumumba. The impartiality issue was exacerbated by major power involvement on the side of the various factions, with ONUC seen in some quarters as a tool of US foreign policy, where the Secretary General and the US colluded to weaken Lumumba's position. The death of Lumumba was presented as an example of ONUC partiality on the basis of inaction, in direct contrast to the decisive action taken to close airports and radio stations with the ostensible aim of 'preventing civil war'. The inaction in this regard also prompted Guinea, Indonesia, Morocco and the Sudan to withdraw their contingents from ONUC (Boulden 2001:28; Bellamy, Williams & Griffin 2004:156-157). ONUC's initial inaction regarding the Katangan secession was also perceived to be pandering to

European interests and was seen by the central government as support for the Katangese, while the Katangese, during the later phase of the operation saw the military actions as support for the central government (Boulden 2001:41).

While the use of force was authorised in terms of *Resolution 161* (1960), it was evident that practical aspects such as the size of the Katangan forces (estimated at approximately 13 000 and clearly outnumbering ONUC forces) had not been taken into account and that the lightly armed peacekeepers could not be transformed into a credible combat force. Despite authorising the more robust mandate, the Security Council also showed no desire or commitment for sustained military action (O' Neill & Rees 2005:60).

The deployment of the UN in the Congo is an important marker in the development of peacekeeping, as it indicated the importance of the peacekeeping mandate and the dangers of 'mission creep' when the role of the UN forces was changed during the mission. It also highlighted how the UN was exploited by parties to the conflict, as well as by external actors. A number of lessons could be learnt from the ONUC mission, the most important being the need for a clear and unambiguous mandate, which required strong guidance from the Security Council and firm leadership by the Secretary General. Because the political objectives of the mission remained broad and undefined it was difficult to formulate mission objectives vital for any successful military operation. No clear end-state was apparent at any stage of the operation and it is still unclear what the UN would have regarded as a 'successful' mission. While civil war was averted during the deployment of ONUC, instability continued after the termination of the mission. The transition of the use of force from self-defence to offensive actions to prevent civil war was not accompanied by the allocation of credible means to undertake the task. The practice of allowing troops to be deployed by civilian officials of the UN as well as the actions of UN personnel during operations in Katanga without the sanction of the Security Council and the Secretary General underscored the absence of a coherent organisation to coordinate peacekeeping operations.

5. The Mobutu Era: 1965-1997

Mobutu came to power through a second *coup d' etat* on 24 November 1965. The *coup d' etat* was launched in response to a constitutional deadlock after the March 1965 legislative elections, as a result of unresolved political differences between President Kassavubu and Moise Tshombe (Lemarchand 1994:43; Gondola 2002:133). Mobutu rapidly set about centralising power around him.

5.1 The Centralisation of Power

The centralisation of power led to a reduction in the legislative powers of the parliament and the country being ruled by executive decree. It also led to the emergence of a one-party state. Political opposition to the Mobutu regime was dealt with in two ways: dispensing patronage to absorb dissenters into the ranks of the only legitimate political party, the *Mouvement National Congolaise, Lumumba* (MNCL); and through repressive measures which included assassination and imprisonment (Lemarchand 1994:47). Mobutu continued to consolidate his rule by creating the *Mouvement Populaire de la Révolution* (MPR) on 17 April 1967. This development merged party and state and became the sole legitimate vehicle for participating in political life. This was followed by a referendum on a new constitution, approved by overwhelming majority, which provided for executive powers to be vested in the president. Ministers and heads of departments merely executed the programmes and decisions of the president (Emizet 2000:211-213; Lemarchand 1994:47-48).

Mobutu was aware of the fragmented nature of the state and identified the need for a unifying philosophy. In an effort to provide an ideological underpinning to the MPR, the *Manifesto of N'Sele* was issued during May 1967 which articulated the main themes of what came to be known as 'Mobutism', which included the concepts 'nationalism', 'revolution' and 'authenticity' (Gondola 2002:143). The economic portion of the philosophy known as 'Zaïreanisation' entailed the nationalisation of commercial enterprises which, in the absence of proper guidelines resulted in benefit for the Zaïrean elite (Wrong 2000:92; Gondola 2002:146). While 'Zaïreanisation' was politically useful for Mobutu, it created economic disaster and led to destructive practices such as corruption and nepotism taking root, which still persist in contemporary Congolese society. This 'national ideology' reinforced the idea that political connectivity was essential for economic prosperity, while the bulk of the population played no role in the political and economic life of Zaïre.

During 1974 Mobutu took measures to eliminate the political influence of the armed forces. This was effected *inter alia* by replacing the chief of general staff with four separate chiefs of staff for the autonomous services[11] and by ensuring that security force components had overlapping mandates and monitored one another. The *Forces Armées Zaïroise (*National Armed Forces – FAZ) was underpaid, irregularly paid and under-equipped. This negated the military threat to the regime, but also created a defence force that was not in a position to effectively defend the

[11] Autonomous services: land forces, air forces, coast guard and *gendarmerie*

state. Officers perceived to pose a significant political threat were often co-opted into the party's political bureau, resulting in the politicisation of the military (Ndikumana & Emizet 2003:16). The politicisation of the armed forces was a major contributing factor to the 'classic' weak state and in the case of Zaïre, the inability of the armed forces to adequately perform its primary function. This contributed directly to Zaïre's subsequent requirement for assistance from external actors in times of crisis.

5.2 Security Aspects

The security of the fledgling Mobutu regime was primarily threatened by two events during 1966 and 1967. In the first, former Katangese *gendarmes* who had been operating against the eastern rebellion and approximately 30 European mercenaries attacked newly trained ANC units. The mutineers were essentially unhappy about not having been paid for three months and were eventually defeated by units of the ANC. The second event was the capture of Kisangani airport by a contingent of mercenaries and operations by former Katangese *gendarmes* against ANC units in Bakavu. This was seen by the central government as a plot to restore Tshombe to power. After months of fighting in both the Kivus and Katanga, ANC troops were able to force the rebel forces to withdraw into Rwanda and Angola respectively (O'Ballance 2000:98-105). While the ANC was able to combat these threats, these events served to highlight the disruptive influence of the former Katangese *gendarmes* and the willingness of neighbours to harbour these elements once they were repulsed from the Congo. The problem of the non-payment of soldiers as a source of disgruntlement also started in this period.

The economic problems wrought by Zaïreanisation were exacerbated by military setbacks suffered during the Zaïrean intervention in the Angolan civil war and in the internal Shaba insurgencies. Zaïre intervened unsuccessfully during late 1974 to assist the pro-Western *Frente Nacional de Libertação de Angola* (National Front for the Liberation of Angola – FNLA) against the neo-Marxist *Movimento Popular de Libertação de Angola* (Popular Movement for the Liberation of Angola – MPLA) (Glickson & Sinai 1994:291-292). The FAZ did not fare any better inside Zaïre during the two Shaba insurgencies. In the first Shaba insurgency during 1977, Katangese rebel elements sought to return to Zaïre in order to reclaim the Katanga region (then known as Shaba), under the banner of the *Front Libération du Congo* (Front for the Liberation of Congo – FLNC). The rebels encountered little resistance from the disorganised, under-equipped and demoralised FAZ forces, but were defeated by Moroccan forces airlifted to Zaïre by French aircraft (Ndikumana & Emizet 2003:19). The poor performance by the FAZ exposed

a number of weaknesses that ranged from poor leadership to the fact that soldiers had not been paid for months.

The second Shaba insurgency took place on 3 May 1978 with the FNLC having expanded its objective to not only capture the Shaba province, but also to overthrow the Mobutu regime. The rebels were successful in capturing Kolwezi after another poor performance by the FAZ. Zaïrean government allegations of Soviet and Cuban backing for the Shaba invasion, albeit based on a lack of significant evidence, were instrumental in obtaining support from the US (strategic airlift support for French and Belgian forces), France (Foreign Legion troops to restore 'order') and Belgium (a paratroop contingent on a 'humanitarian mission' to assist hostages trapped by the fighting), resulting in the defeat of the rebels (Ndikumana & Emizet 2003:19-20). This is a further example of the 'outsourcing' of the defence capability to foreign powers. The danger of this approach was that no effort was made to improve the capacity of the FAZ to perform its primary role of defending the territorial integrity against external aggression.

Mobutu's impeccable anti-Soviet credentials provided him with Western backing against his domestic enemies and rewards in the form of US development assistance and military aid. The later conversion of the Kamina air base (situated in the Katanga Province) into a major node for the logistic sustainment of the pro-Western *União Nacional para a Independência Total de Angola* (National Union for the Total Independence of Angola – UNITA) in Angola, assisted in ensuring that Zaïre benefited from the convergence of its regional foreign policy goals with the US strategic objectives in Central and Southern Africa. This convergence had the added advantage that it deflected pressures for domestic economic, social and political reforms (Lemarchand 1994:58; Ebenga and N'Landu 2005:75).

5.3 The End of the Cold War and the Transition to Multiparty Democracy

The end of the Cold War brought about a geopolitical shift that served to weaken Mobutu's utility as a bulwark against Soviet expansionism in Central Africa and hastened the calls for democratisation that started in the 1980s. The *Union pour la démocratie et le progrès social* (Union for Democracy and Social Progress – UDPS) led by Ettienne Tshisekedi emerged as the major pro-democracy force that challenged the Mobutu government in the face of extensive government repression (Emizet 2000: 220; Gondola 2002:150 -154). During August 1992 a transitional government was established following a Sovereign National Conference, with Tshisekedi elected as prime minister. From mid-1993 until Mobutu's demise in 1997, which will be discussed in detail as part of the 'first' rebellion, two parallel governments existed in Zaïre.

This was largely the result of Mobutu's undermining of the transitional government and his control of state finances and the military elite (Gondola 2002:156-158; Wrong 2000:102-103).

During the Mobutu era any significant political development was suppressed by the style of governance. Mobutu's centralisation policy not only replaced the Belgian colonial paternalism with an indigenous paternalism and patronage, but also deepened the divide between the population at large and the ruling elite. The style of governance in Zaïre also ensured that political connectivity was essential for access to wealth and prosperity, with no democratic process available to the majority of the population. Mobutu's utility as a Cold War ally served to insulate Zaïre from Western pressure for political and economic reform, but once this utility expired at the end of the Cold War, the many fissures in Zaïrean society re-emerged to be exploited by those seeking Mobutu's overthrow. The armed forces continued to be a coercive instrument, although the politicisation of the armed forces actually became a double-edged sword for Mobutu, because while it posed no threat to his regime, it was also unable to combat the threat posed by the Kabila rebellion.

6. The First and Second Rebellions: 1997-1999

A rebellion brought an end to the Mobutu regime on 17 May 1997 and shortly thereafter another rebellion almost deposed his successor and created an internal war with an external dimension that included a number of African states fighting on different sides of this conflict.

6.1 The First Rebellion

The mobilisation of ethnic grievances provided the catalyst for the first rebellion which emanated from the Eastern DRC.

6.1.1 Eastern Zaïre and a Climate Conducive for Rebellion

In examining the end of the Mobutu era it is important to address the issue of citizenship in Eastern Zaïre. The vestiges of Belgian colonial rule that divided the country into areas under civic and ethnic rule remained. The result of this was 'dual citizenship' where civic citizenship provided membership to the state and was based on rights, while ethnic citizenship provided membership of a local authority and provided access to social and economic rights such as land. The problem that emerged in Zaïre was that while most citizens enjoyed citizenship rights, only those who were considered to be indigenous had local citizenship (Mamdani 1999:45;

Mamdani 2002:495). This is particularly pertinent to the Congolese Tutsi and the Banyamulenge in the Kivu provinces who, despite having lived in these provinces for approximately 300 years, were regarded as immigrants and were therefore excluded from local citizenship. In January 1972, Zairian citizenship was granted to all Rwandan and Burundian citizens who had settled in Zaïre prior to 1950. The Banyamulenge used this new-found political influence to their advantage and began to purchase ancestral land from the traditional chiefs. By 1981, the 1972 decree had been invalidated by the Zairian parliament effectively rendering the people of Rwandese origin stateless persons (Breytenbach *et al:*4; Lynch 2005:3).

In the aftermath of the Rwandan genocide (April-July 1994), approximately 1,3 million Hutu refugees fled Rwanda into Eastern Zaïre, altering the balance of power in the Kivu provinces. The refugee camps set up to handle the large number of refugees from Rwanda were used by elements of the Rwandan Hutu militia, known as the *Interahamwe*, to set up an administration on Zaïrean territory. The same command structure of the former Rwandan Army (ex-FAR)[12] regrouped its forces in these camps and embarked on recruitment and training programmes with the intention of launching attacks against the new government of Rwanda (Gondola 2002:159; Meredith 2006:526; Solomon, Kelly & Motsi 2008:14).

The ethnic balance in the Kivus was also disturbed by these developments. The Hutu became a dominant force in some areas and proceeded to isolate and attack Congolese Tutsi. Because of the alliance that existed between the Rwandan Hutu and Mobutu regimes, these attacks were supported by the FAZ. By mid-1996 the pressure on the Congolese Tutsi (including the Banyamulenge) in both the North and South Kivu provinces increased. Faced by what they perceived to be a potential campaign of ethnic cleansing, they launched a pre-emptive strike against the FAZ and the Hutu 'refugee' camps during September 1996. The extent of Rwandan influence on the Congolese Tutsi military action remains unclear, but the initial actions paved the way for later direct Rwandan intervention. On 7 October 1996 the Deputy Governor of the South Kivu province expelled the Banyamulenge community[13] because they were seen to be destabilising the region. They were ordered to leave Zaïre within a week or 'be hunted down as rebels'. This decision provided Rwanda with the justification for intervention in Zaïre in the name of Tutsi solidarity in order to prevent further attacks against the Tutsi community. Both Rwanda and Uganda attacked the Hutu camps and the FAZ, while Banyamulenge rebels backed by Rwanda were able to capture the provincial capital Uvira and other key positions in South Kivu (Emizet 2003:52; Gondola 2002:160; O'Ballance 2000:164-165; Weiss 1999:3-4).

12 *Forces Armées Rwandaise*
13 The Banyamulenge community was estimated to be approximately 300 000 strong.

The eastern Zaïre region presented an area that was susceptible to conflict. Mass level dissatisfaction existed amongst the Congolese Tutsi in Eastern Zaïre. External actors such as Rwanda and Uganda represented 'bad neighbours' bent on furthering their interests in Zaïre, while an ailing Mobutu, as the archetypal 'bad leader', remained at the helm. The required catalyst for conflict emerged in the form of a rebellion led by Laurent Kabila.

6.1.2 Laurent Kabila and the *Alliances des Forces Democratiques pour la liberation du Congo* Rebellion

At this stage the political opposition to Mobutu was of a 'non-violent' nature and showed no inclination in joining the Ugandan/Rwandan/Banyamulenge attacks on government positions. This situation paved the way for the emergence of *the Alliances des Forces Democratiques pour la liberation du Congo* (Alliance of Democratic Forces for the Liberation of Congo – AFDL). The AFDL comprised four Zaïrean revolutionary parties in exile, each with an extremely limited constituency. Laurent Kabila, who fought in the revolutionary struggles of the 1960s, was the leader of one of the parties. The AFDL gained momentum through the support of several African states, including Rwanda, Uganda and Angola (Emizet 2003:53; Weiss 1999:5). The external anti-Mobutu alliance was essentially galvanised by the use of Zaïrean territory as a rear base by movements bent on destabilising the governments of the aforementioned three states[14]. The US also backed the AFDL in what was seen as the growing competition between the US and France in Sub-Saharan Africa after the end of the Cold War

The success of the AFDL campaign was assisted by the rapid disintegration of the FAZ. In an attempt to shore up this force, Mobutu recruited mercenaries and enlisted the aid of former FAR elements from Rwanda as well as UNITA rebels. These forces were no match for the AFDL and despite calls for ceasefire under a UN peace plan and mediation efforts by the former South African president, Mandela, the AFDL captured Kinshasa on 17 May 97 (Emizet 2000:222; Gondola 2002:161). Without the protection of his Cold War utility, Mobutu was abandoned by his traditional allies such as the US and Belgium who had supported the regime in the past. The inept FAZ neither had the means nor the will to defend the Mobutu regime.

[14] The *Interahamwe* and ex-FAR against Rwanda; the Lord's Resistance Army (LRA), the West Nile Bank Front and Allied Democratic Forces (ADF) against Uganda; and UNITA against Angola.

6.2 The Kabila Regime: Prelude to the Second Rebellion

After the decades of oppression and economic chaos, most Zaïreans were receptive to a change of leadership. Following the eventual collapse of the Mobutu regime, Laurent Kabila was inaugurated as president on 29 May 1997. Because his foreign allies (Rwanda, Uganda and Angola) preferred to keep their involvement as unobtrusive as possible, Kabila was able to exert his personal influence on the alliance. It soon became evident that he had not only planned to rid the country of Mobutu and the system he created, but also planned to lead a cultural revolution. The Kabila political model based on the system used within his small organisation in the South Kivu, effectively excluded established political parties and civil society organisations from the decision-making process. In this system the party (AFDL) and the state were intended to overlap (Weiss 1999:7).

A number of cosmetic changes such as changing the country's name to the Democratic Republic of Congo, a new flag and an anthem were effected, but very little significant political change took place. It soon became clear that Kabila had no intention of sharing power, especially with the opposition and non-governmental organisations (NGOs) who had established genuine popular support and organisational structures. All political parties (excluding the AFDL) were banned and their leaders imprisoned. Kabila did, however, co-opt individuals with diverse political and ethnic backgrounds, while making sure that his close allies and cabinet ministers did not have their own political base. While some semblance of order was restored to the main cities, and citizens were no longer harassed by unpaid soldiers, Kabila's popularity quickly waned (Gondola 2002:163-164; Guest 2005:58; Weiss 1999:6-7).

Kabila's insistence on a 'cultural revolution' to eradicate the vestiges of the Mobutu regime was rejected and his reliance on Tutsi soldiers and cabinet members was regarded with suspicion by elements of the population, who saw this as a foreign structure imposed on the Congolese by Rwanda and Uganda. Kabila was also faced with the daunting task of creating a new security force, called the *Forces Armées Congolaises* (Congolese Armed Forces – FAC). Rwandans held important positions in the FAC and until the start of the second rebellion, a Rwandan officer, James Kabarehe, served as the Chief of Staff of the FAC (Weiss 1999:9).

The position of the Banyamulenge remained problematic for Kabila. In an effort to have their Congolese citizenship recognised, the Banyamulenge had grown close to the Rwandan Tutsi and participated in the advance on Kinshasa. They also expected to be rewarded with citizenship for their efforts in helping to bring Kabila to power. The rapid growth of resentment

against what, the general DRC population perceived to be foreigners, led the Banyamulenge to realise that the recognition of their Congolese citizenship was likely to remain elusive because of their close identification with Rwanda (Weiss 1999:9).

In an effort to enhance his own popularity and to prove that he was not under the sway of Rwanda, Kabila began to distance himself from Rwanda and played on anti-Tutsi sentiment. During June 1998, the Rwandan Chief of Staff of the FAC (Kabarehe) was dismissed after being suspected of involvement in an assassination plot against Kabila. This was followed in July 1998 by the termination of the Rwandan cooperation mission and Rwandan troops being ordered to leave the DRC. Both Rwanda and Uganda at that stage were becoming increasingly disenchanted with the fact that anti-government armed groups continued to use the eastern DRC as a base area for attacks against their sovereign territories and Kabila's recruitment of *Interahamwe* and ex-FAR soldiers also did nothing to endear him to Rwanda (Meredith 2006:538; Weiss 1999:2). Kabila's turning against his erstwhile allies was surprising, given the fact that he only came to power through military action, and had no domestic political constituency to speak of.

6.3 The Second Rebellion: An African War

The second rebellion was initiated by a unit of the FAC in Goma declaring its independence from the Kabila regime. The political organisation that was established to drive the rebellion was known as the *Rassemblement Congolais pour la Démocrati*e (Rally for Congolese Democracy – RCD), which included Congolese Tutsi (including Banyamulenge), former ADFL leaders, as well as former Mobutu-era politicians and army officers. The military leaders of the RCD included defectors from the FAC. As was the case in the first rebellion, the Rwandan army played a pivotal role in providing impetus to this rebellion.

The plan for the overthrow of the Kabila regime closely mirrored that of the first rebellion. It was intended that a military advance from the Kivus would challenge an isolated and unpopular president. After early successes in Kivu during August 1998, a tactical airlift operation of Rwandan and Ugandan troops, under command of the former FAC Chief of Staff, James Kaberehe, was undertaken from Goma in the Kivu to a FAC base in Kitona, west of Kinshasa, where former FAZ soldiers were undergoing 're-education'. Kaberehe managed to mobilise a large proportion of the approximately 10 000 troops in this base to join the rebellion, thereby creating a credible threat to Kinshasa. These actions in turn resulted in an upsurge of anti-Tutsi

sentiment that led to the killing of large numbers of Banyamulenge and Congolese Tutsi in the Kinshasa and Lubumbashi areas (O'Ballance 2000:191; Weiss 1999:2).

The Kabila regime was saved by the military intervention of Angola and Zimbabwe, while the Republic of Congo (Brazzaville), Namibia, Chad, Burundi, Libya and Sudan also provided limited support for short periods (ICG 1998:18-25). Angola and Zimbabwe each committed approximately 10 000 troops as well as providing air support, which played a significant role in halting the rebel advance on key towns (Ebenga & N'Landu 2005:76-77). Angola's intervention was ostensibly motivated by concern over the creation of a power vacuum that would enable UNITA to use DRC territory as a rear base for its actions against the Angolan government. The intervention of Angola, Namibia and Zimbabwe in support of the DRC opened divisions within the Southern African Development Community (SADC), with these states stating that they were fulfilling an obligation to protect a new member from 'external aggression, while South Africa and Botswana, along with other member states adopted a more neutral stance and saw political negotiation as the solution (ICG 1998:20)**.** The Angolan intervention was decisive in that it re-captured the Kitona base and secured Kinshasa. The rebels in turn captured Kisangani and large portions of the eastern DRC. By the end of August 1998 the DRC had virtually been split in half, with Angola supporting the Kabila regime in Kinshasa, and Rwanda and Uganda in control of north eastern Congo, while Zimbabwean troops were in control of the important diamond capital Mbuji-Mayi (Meredith 2006:539-540). The pattern of external military assistance 'rescuing' a Congolese government therefore continued, with the marked difference that regional actors now fulfilled this role, rather than Western powers. The underlying problem of an armed force unable to protect sovereignty and the citizens, without external assistance, therefore persisted.

Low level conflict continued during 1998 and 1999 with all the external actors involved in the exploitation of Congolese natural resources. Those who intervened on the side of the DRC government were awarded contracts and concessions, while Rwanda and Uganda set up lucrative areas of control in the eastern DRC that facilitated the exploitation of the natural resources in the area (Emizet 2003:57 and 59-61). The resource rich areas proved extremely profitable and later became a significant motivation for continued involvement in the DRC, which was exacerbated by the involvement of senior politicians and military officers. The connection between military intervention and access to resources highlights the notion of a 'resource war' as an element of internal conflict in the period under discussion

The internal impact of the second rebellion was that the Kabila government remained dependent on its external supporters, while successfully mobilising and re-arming the *Interahamwe* and ex-FAR elements. The government was also instrumental in creating an alliance with indigenous Mai Mai[15] militia elements in the Kivus to counter the Rwandan/RCD forces. The RCD was unable to shake off the perception that it was a Rwandan front and later split into two factions which were then supported by Rwanda and Uganda respectively. A further anti-Kabila movement was established by Jean Pierre Bemba during the latter half of 1998. The *Mouvement pour la Liberation du Congo* (Movement for the Liberation of Congo – MLC) had strong support in the Equateur region and was also supported by Uganda. The second rebellion was very much an African war without any intervention by major powers (Emizet 2003: 53-54; Weiss 1999:5-6).

Conflict resolution in the DRC was also an African process, with amongst others Zambia and South Africa playing a pivotal role in facilitating the ceasefire agreement between the belligerent parties which was signed in Lusaka on 10 July 1999 and which will be addressed in the next chapter (Gondola 2002:171-172).

7. Conclusion

The purpose of this chapter was to indicate the existence of 'permissive conditions' for internal conflict from the earliest times in the history of the DRC. The colonial history and the truncated process of establishing the Congolese state in 1960 created circumstances that heightened the potential for conflict in the DRC. The conflicting ideologies regarding the envisaged governance of the then Congo coupled to external intervention by Western powers to further their own interests and an anti-Soviet agenda, further complicated the political and security landscape. Mobutu's anti-Soviet stance and utility in this regard for Western powers during the Cold War insulated him from external pressure and emboldened him to centralise political power. Mobutu's style of governance created structural, political, and socio-economic conditions conducive for internal conflict. While Mobutu enjoyed the support of the West, he was able to suppress internal conflict and deter external aggression. Once Zaïre's anti-Soviet utility became redundant in the early 1990s, the existing tensions within Zaïre surfaced and were able to be ignited.

[15] The term Mai Mai refers to community based fighters that group to defend local territory, usually from foreign invaders and their allies. The political orientation of these groups is extremely fluid and alliances shift in order to serve prevailing interests. Approximately 20 000-30 000 Mai Mai elements were estimated to be active in the Kivu provinces (UN 2002a:11-12).

The first rebellion capitalised on ethnic mobilisation for momentum and underlined the utility of the use of force and violence to seize political power, in direct contrast to the ineffectual role of the 'unarmed' pro-democracy opposition movements. The rebellion successfully harnessed an 'anti-Mobutu' sentiment, but had no coherent political programme to govern. The quest for political power took primacy over any intention of expanding democracy, thereby excluding the population from the political process once again and emphasising the gulf between 'normal' political opposition and armed rebellion.

The intervention of Rwanda and Uganda on the side of the rebellion not only brought a regional dimension to the conflict but complicated the conflict equation when, acting in their own national security and economic interests, they turned against Kabila and initiated the second rebellion. The later intervention of Angola, Zimbabwe and Namibia on the side of the Kabila government during the second rebellion pitted African states against one another, creating an extremely complex conflict situation. Given the level of instability in the Congo at the time, it is significant that, while Western nations were quick to intervene in the Congo during the Cold War, the post-Cold War conflict was regarded as a purely 'African war' and was merely closely monitored by the international community. The involvement of Congolese Tutsi in the second rebellion and their close identification with Rwanda indicate the importance of ethnic aspects in the eastern DRC and emphasised the Congolese population's aversion to what they perceive to be the foreign influence in domestic Congolese politics.

The ONUC mission served as a learning experience for the UN. The ONUC experience, while demonstrating a real capacity at the time for speedy UN intervention, highlighted the need for a clear mandate and a defined end-state for UN peacekeeping operations. These aspects can only be resolved at the political level by the member states, failing which, lead to 'mission creep' at the execution level of UN peacekeeping operations.

The post-1999 situation that the UN was expected to ameliorate was extremely complex: A large number of warring parties were present which included state parties with at least six regional actors on both sides of conflict and three rebel groups. The situation was further complicated by nine listed armed groups, who were not party to the agreement, as well as local militia (Mai Mai groups) who were also not part of the *Lusaka Agreement*. Although a peace agreement had been signed, the commitment to the agreement by the various parties varied. The potential of a wide range spoilers who posed a challenge to the implementation of the agreement existed, although they only came to the fore later. All parties to the agreement had large numbers of combatants under arms which immediately posed a challenge in terms of

monitoring the peace agreement and in terms of the allocation of resources for a prospective peace mission. All parties had, in some manner, access to the DRC's natural resources. Rwanda and Uganda as neighbouring states were not only involved in the exploitation of the natural resources, but were hostile to the DRC government and were supporting different rebel factions.

CHAPTER FOUR

THE ESTABLISHMENT AND PHASED IMPLEMENTATION OF MONUC: 1999- 2002

1. Introduction

The preceding discussion of the theory of internal conflict and UN peacekeeping provides a framework for the analysis of the MONUC peace mission in the DRC. The historic perspective on internal conflict in the DRC, highlighting the factors that contributed to conflict and instability in the country over a period of almost 40 years, served to enumerate the complexity of the internal conflict situation that the UN was expected to assist in ameliorating, through the deployment of a peace mission. The aim of this chapter is to examine the UN response to *Lusaka Agreement*, 1999 with reference to the establishment of MONUC and the deployment of the first three phases of the mission against the background of political, military and infrastructural challenges. While a broadly chronological approach will be followed, the examination does not attempt an exhaustive history of the mission and focuses on key developments and significant challenges with a direct impact on MONUC. The temporal demarcation of this chapter is arbitrary owing to the difficulty in determining clearly defined cut-off points between the various phases.

2. The *Lusaka Agreement,* 1999

The signing of the *Lusaka Agreement,* 1999 served as the starting point for UN involvement in the DRC. It also formed the basis for the international response to the DRC peace process.

2.1 Background

African efforts to end the conflict in the DRC commenced soon after the conflict started in 1998. The Security Council expressed its support for the OAU and SADC mediation efforts in a statement by the president of the Security Council. The Security Council also stated that it was prepared to consider the active involvement of the UN, in coordination with the OAU to assist in the implementation of a ceasefire agreement and a political settlement of the conflict (UN 1998b:1-2). Initial mediation efforts by SADC reached an *impasse*, largely as a result of tension between Angola and Zimbabwe, who favoured providing military assistance to the DRC, and South Africa who favoured a political solution to the crisis. Zimbabwe subsequently intervened in the DRC to defend the Kabila government, with Angola and Namibia following suit. Despite South Africa's opposition to this course of action, the involvement of the three states was

endorsed at a meeting of SADC defence ministers in Harare on 18 August 1998 (Malan 1998b:1). The lack of progress of the SADC political initiative led to other initiatives such as a meeting of defence ministers in Addis Ababa in September 1998; a Francophone summit of heads of state in France in November 1998; a meeting of the OAU Central Organ of the Conflict Prevention, Management and Resolution Mechanism in Burkina Faso during December 1998; as well as the signing of a ceasefire accord between Uganda and the DRC, mediated by President Ghadaffi, in Sirte, Libya on 18 April 1999, but rejected by Rwanda and the RCD-Goma. While these initiatives failed to produce a substantive outcome, they contributed to a common framework for the eventual negotiations held under the auspices of SADC (Roessler & Prendergast 2006:243-244).

Negotiations between the DRC government; the various DRC rebel groups; Rwanda and Uganda; and Angola, Namibia and Zimbabwe finally took place during June 1999 in Lusaka, Zambia, with Zambian president Frederick Chiluba as mediator. The eventual agreement reached addressed the key issues in the DRC conflict, namely the presence of foreign armed rebel groups; the intervention of foreign armed forces; and the reform of the Congolese political system against the background of the collapse of governance. The agreement reached, therefore, went further than a 'normal' ceasefire agreement which normally focuses on the cessation of hostilities. The *Lusaka Agreement,* 1999 comprised a military section that made provision for the cessation of hostilities, the disarmament of the foreign armed groups, as well as the disengagement and withdrawal of foreign armed forces; and a political section that made provision for the reform of the Congolese government (Roessler & Prendergast 2006:246-247). The *Lusaka Agreement* was signed by the six state parties on 10 July 1999 followed by the MLC on 1 August 1999, and RCD representatives on 31 August 1999 (UN 1999a:1). In terms of the agreement a Joint Military Commission (JMC) along with the UN was to be responsible for overseeing the implementation of the ceasefire agreement and the deployment of a peacekeeping force (UN 1999f:4).

2.2 The Proposed UN Role

Owing to the fact that the agreement was the product of an African brokered process, the responsibility for the execution of the 'military section' of the agreement remained nominally in African hands in the form of the JMC. The JMC was a decision-making body under a neutral chairman appointed by the OAU and comprised two representatives from each party to the agreement, with a total of 18 members. The mandate of the JMC included establishing the location of units at the time of the ceasefire; facilitating liaison between the parties; verifying information, data and activities of the military forces of the parties; creating mechanisms for the

disarmament of armed groups; verifying the disarmament and quartering of all armed groups; monitoring and verifying the orderly withdrawal of all foreign forces; assisting in the disengagement of forces; and investigating ceasefire violations (UN 1999f:10-11). It is evident from Chapter 7 of Annex A to the agreement that the JMC was only intended to operate within the realm of first generation peacekeeping operations, and then only in an observation and monitoring role. This is reinforced in the agreement (Article III, 11b) where it is clearly stated that the JMC was expected to be responsible for executing peacekeeping operations "[u]ntil the deployment of the UN peacekeeping force" (UN1999f:4). From the tenor of the agreement it is clear that the drafters expected the UN to shoulder the major burden of any future peacekeeping operation.

The *Lusaka Agreement* was explicit (Article III, 11a) regarding the role the UN was expected to play:

> The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of th[e] Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peacekeeping force (UN 1999f:4).

The intention of the drafters is even clearer in Chapter 8 of Annex A to the *Lusaka Agreement* where a 'UN peacekeeping mandate' is discussed and the necessity for 'peacekeeping' and 'peace enforcement' operations are outlined. The envisaged 'peacekeeping tasks' generally entailed first-generation peacekeeping tasks, although the need to protect the population is highlighted, along with the provision and maintenance of humanitarian assistance. In stark contrast to the above, the 'peace enforcement' tasks would require a robust mandate[16] to enable the UN to "[t]rack down and disarm armed groups". It is further evident that the drafters required the UN to use armed force in this process, as it also required the UN to establish appropriate measures "[p]ersuasive or coercive" to achieve the objectives of disarming, assembling, repatriating and reintegrating members of the armed groups into society (UN 1999f:11-12). The belief amongst the drafters and signatories of the agreement, namely that the Security Council would provide a robust mandate under Chapter VII, appears to have been

[16] Since the publication of the *Brahimi Report* the use of the adjective 'robust' linked to 'mandate' has led to a single term evolving ('robust mandate') in the peacekeeping lexicon, that is used to denote a mandate that authorises the mission to conduct credible and effective military operations in defence of the mandate.

strong, despite warnings by UN and EU observers at the peace negotiations that this was unlikely (Roessler & Prendergast 2005:249; Holt & Berkman 2006:158; Swarbrick 2004:166). The result of the discrepancy between what the African drafters and signatories required in terms of a mandate and that which the UN and the major powers would later be prepared to deliver, set the tone for the incremental approach to the MONUC mandate.

2.3 Responses to the *Lusaka Agreement*

The whole tenor of the *Lusaka Agreement* was heavily premised on UN and international support for the implementation of the agreement.

2.3.1 The UN Response

On 15 July 1999 the Secretary General reported the implications of the signing of the *Lusaka Agreement* and made recommendations to the Security Council for a possible UN peace mission. It is significant to note that the Secretary General, when addressing the agreement's requirement for 'peace enforcement operations', stated that the "[a]greement also envisages a number of what **it** (emphasis added) calls peace enforcement operations" (UN1999 b:3) This indicates that the UN and the signatories of the agreement were at odds regarding what was understood by the term 'peace enforcement'. The Secretary General outlined the numerous problems facing the DRC and it is clear that the United Nations Department of Peacekeeping Operations (UNDPKO) was under no illusion as to the complexity of the future mission. Although the *Lusaka Agreement* was seen as a first step towards achieving a peaceful solution, the UN and international assistance would be essential in assisting the DRC government towards this end (UN 1999b:4).

The requirements for an effective UN peacekeeping mission in the DRC were clearly articulated by the Secretary General:

> Any United Nations peacekeeping mission in the Democratic Republic of the Congo, whatever its mandate, will have to be large and expensive. It would require the deployment of thousands of international troops and civilian personnel. It will face tremendous difficulties, and will be beset by risks. Deployment will be slow. The huge size of the country, the degradation of its infrastructure, the intensity of its climate, the intractable nature of some aspects of the conflict, the number of parties, the high levels of mutual suspicion, the large population displacements, the ready availability of small arms, the general climate of impunity and the

> substitution of armed force for the rule of law in much of the territory combine to make the Democratic Republic of the Congo a highly complex environment for peacekeeping (UN 1999b:4).

The Secretary General also realised that a complex operation of this nature required a firm base for success. He proposed a two phase initial response. The first phase would entail the deployment of up to 90 UN personnel to conduct a technical survey and establish contact and open a liaison channel with the belligerents. The military personnel along with civilian political, humanitarian and administrative staff would require appropriate communication equipment and air assets to perform their task. The second phase envisaged the deployment of up to 500 military observers in the DRC and military liaison officers (MLOs) to the belligerent states[17], Zambia and Addis Ababa (as the headquarters of the OAU). The observers would largely fulfil the peacekeeping tasks listed in the *Lusaka Agreement.* In addition to these tasks the UN observers would be expected to make a general security assessment of the DRC and secure guarantees of cooperation and assurances of security for the further deployment of UN military observers (UN 1999b:5). This cautious approach by the Secretary General reflects an understanding of the complexities of the DRC situation and the difficulty of the operational theatre, as well as the need to craft a mission that could address the major issues at stake.

The Secretary General identified the issue of the armed groups to lie at the core of the conflict and which would need to be addressed if lasting peace was to be attained in the sub-region (1999b:6). His insight proved to be prophetic as the issue of armed groups continued to fester during the period covered by this study. However, it would appear that the Secretary General did not envisage a military solution for this particular issue. This assumption is based on the fact that he stated that "[a] purely military solution appears to be impossible, if only because the forces most able and willing to impose a military solution have clearly failed to do so" (UN 1999b:6), with clear reference to Rwanda. It is furthermore contended that the Secretary General appeared to reject the peace enforcement role for the UN, foreseen by the drafters and signatories of the *Lusaka Agreement*.

The Secretary General also identified the need for the establishment of a programme for the disarmament, demobilisation and reintegration into society of former combatants. He also stressed the need to include in the mandate of an eventual peacekeeping mission, measures to address the human rights violations that characterised the conflict (UN 1999b:6). Implicit in this was the ability of a UN peacekeeping force to be able to protect civilians. Although this

[17] The term 'belligerent states' refers to Rwanda, Uganda, Burundi, Angola, Namibia and Zimbabwe. MLOs were deployed to all these states, with the exception of Angola.

requirement was identified it would later prove, as will be indicated in due course, to be an aspect that was not adequately addressed in terms of the mandate or the resources to conduct the task.

2.3.2 The International Response

The potential success of the *Lusaka Agreement* was heavily premised on obtaining international support for the peace process in general and the deployment of a UN peacekeeping force in particular. The expectation that the UN would shoulder the major peacekeeping burden was not accepted by the US and other permanent members of the Security Council, who had shown great reluctance to undertake major peacekeeping missions in Africa since the failed operation in Somalia during the early 1990s (Fleshman 2000:2). During the latter half of 1999 the Security Council was devoting attention to complex missions in Bosnia and Kosovo and was also in the process of establishing a mission in Sierra Leone (Roessler & Prendergast 2006:249-250).

While the Security Council welcomed the *Lusaka Agreement*, it did not authorise the early deployment of a large peacekeeping force as envisaged in the agreement (UN1999e:1). Council members noted the repeated ceasefire violations that had occurred since the signing of the agreement and were wary of the size, scope and cost of such an operation. The requirement for the forcible disarmament of 'negative forces' was never seriously considered because of the difficulty of identifying troop contributing countries who would willingly provide contingents for the task (Fleshman 2000:3; Holt & Berkman 2006:158).

The US, through its permanent representative at the UN, Richard Holbrooke, played an important role in determining the approach to the implementation of the *Lusaka Agreement*. The US realised that the conflict in the DRC and its concomitant humanitarian problems could not be ignored by the West, but also realised that the solution to the problem would be difficult as the permanent members of the Security Council had few direct national interests at stake in the DRC and the DRC conflict presented an extremely complex conflict situation. The US, as a major funder of the UN, also acknowledged that it (the US) had played a part in the delay of deploying a peacekeeping force to the DRC because of unrealistic proposals for the force, coupled to domestic disquiet regarding support for a peace enforcement mission (Roessler & Prendergast 2006:251-253). Holbrooke consistently stated that it was necessary "[t]o get any mission right before initiating it, or [the DRC] will be added to a list of UN failures" (quoted in Crossette 2000:1). He therefore proposed a graduated approach (alternatively a phased approach) to peacekeeping in the DRC, with the UN expanding the mission as the parties

demonstrated their commitment to the peace process, which in turn would indicate parallel commitment by the international community (Holt & Berkman 2006:159).

The Secretary General reinforced the graduated approach by emphasising the need for a demonstration of political will by the parties if international engagement was to be sustained (UN 2000a:1). Where the drafters and signatories of the *Lusaka Agreement* in fact had transferred the responsibility for the implementation of the agreement, especially in terms of peacekeeping, to the UN, Holbrooke's approach returned the responsibility to the parties and confirmed the participation of the international community in a support role. The expectation by the drafters and signatories of the *Lusaka Agreement* for the UN to forcibly disarm the 'negative forces' was not seriously considered by the US or the UN, and certainly did not fit within the graduated approach proposed by the US and later recommended by the Secretary General.

The graduated approach led to criticism by African states involved in the DRC conflict such as Rwanda and Zimbabwe, of perceived double standards in handling conflict in Africa, as opposed to the swift response to crises in Bosnia and Kosovo. African leaders directly involved in the DRC called for a robust force to be deployed immediately to disarm the 'negative forces' and advocated a force of between 15 000 and 20 0000 UN troops. Only France appears to have supported this view and recommended that the deployment of 10 000 peacekeepers was necessary to ensure adherence to the comprehensive ceasefire agreement (Roessler & Prendergast 2006:250). The French position did not receive support in the Security Council.

The graduated approach was not beyond reproach. The Zimbabwean president, Robert Mugabe, accused the UN of 'lethargy' and 'foot dragging'. The main criticism of this approach was that the expansion of the UN commitment was dependent on the demonstration of the degree of commitment by the parties to the peace process. It was felt that this approach could be undermined by parties with no interest in peace and prompted the mediator, President Chiluba of Zambia, to remark that "[t]he international community is reluctant to send peacekeepers to the DRC unless the *Lusaka Agreement* registers a perfect score on some performance chart" (BBC 2000:2; Holt & Berkman 2006:159; UN 2000l:8 and 11). In response to the criticism of the African leaders, the Secretary General warned against unrealistic expectations of the UN. He also stressed that the UN depended on the compliance of the parties to enable it to perform its political, military and humanitarian role and emphatically stated that "[t]he parties themselves bear primary responsibility for adhering to commitments and creating the conditions conducive to progress". He also emphasised the complexity of the situation in the DRC and stated that statesmanship and an understanding of the limits of the use of force, were required (UN 2000h:2).

The US played an important role in fashioning the UN response to the *Lusaka Agreement*. While the response of the international community demanded concerted political will from the parties to the agreement, the same political will needed for a comprehensive and speedy response to the crisis was not forthcoming from the international community. This can be ascribed to the lack of direct national interests in the DRC and the focus on the previous failed UN peace missions in Africa, such as in Somalia. While the intention of the *Lusaka Agreement* was to make the UN responsible for peacekeeping operations, the graduated approach not only provided a means of 'returning' the responsibility to the parties to the agreement, but also created a mechanism to deflect blame for potential failure away from the UN and channel it towards the parties. This approach allowed for the UN to be seen to be contributing to the solution, without shouldering the responsibility. This approach provided an acceptable political solution, but created problems for the establishment of a credible UN peace mission.

3. Phase 1: Reconnaissance and Technical Survey (August-December 1999)

The initial phase of establishing a peacekeeping mission in the DRC over the period August to December 1999 required concurrent efforts by the JMC, the UN and the DRC government.

3.1 UN Initiatives

The Security Council formally embraced the graduated approach to establishing a peacekeeping mission in the DRC – therefore acting on the recommendations contained in the Secretary General's *First Report* (1999) and authorising the deployment of 90 UN military liaison personnel – along with the civilian, political, humanitarian and administrative staff to the DRC by passing *Resolution 1258 (1999)* on 6 August 1999. According to this resolution the UN staff were authorised to deploy to the capitals of the states who were signatories to the *Lusaka Agreement*, to the provisional headquarters of the JMC and to the rear military headquarters of the main belligerents in the DRC, if the security situation permitted. The duration of the deployment was authorised up until 6 November 1999. This mandate was extended to 15 January 2000 when *Resolution 1273* (1999) was passed by the Security Council (UN 1999d:2; UN 1999e:2).

The Security Council mandate provided by Security Council for this phase of the UN deployment authorised UN liaison personnel to establish contact and open liaison channels with the parties to the agreement; to provide technical assistance to the JMC; to assist the JMC and other parties in developing mechanisms to implement the agreement; and to gather information regarding the situation on the ground in order to refine the concept of operations for a later UN role in the DRC (UN 1999e:2-3). It is evident that the mandate fell far short of what

the drafters and signatories of the *Lusaka Agreement*, as well as other African leaders, required and was testament to the careful approach recommended by Holbrooke and the Secretary General. From a planning perspective, this approach made sense and followed the classic military planning cycle of obtaining as much information on the belligerents, the operational theatre and the conflict dynamics, before embarking on the next phase of the operation. This cautious approach, however, also created the perception that the UN was reluctant to make the intervention required to deal with the crisis at hand.

This perception was confirmed by the Political Committee (a body created by the *Lusaka Agreement*, comprising two representatives each of the signatories to the agreement), at a meeting on 15 October 1999, where it expressed concern at the slow pace of the UN's handling of the request for the deployment of peacekeepers in the DRC. The Political Committee also noted that similar situations in other regions received a more prompt and appropriate response from the UN (UN 1999a:2). The inference was clear that Africa was regarded as a lower priority by the organisation and clearly indicated the discrepancy between African expectations regarding the deployment of a UN mission and the Secretary General's sober assessment of what UN involvement in the DRC would entail, as referred to earlier.

Owing to the fact that the military liaison personnel were unarmed, the UN required written guarantees from all parties regarding the personal safety of the UN military and civilian personnel deployed in areas under their control. These guarantees were provided by all parties, with the exception of the DRC government, which only provided a guarantee during November 1999, which included restrictions on the movement of UN liaison personnel (UN 1999a:2 and 4). The initial refusal to provide a security guarantee by the DRC government and the subsequent restrictions on movement, meant that UN personnel could not deploy in areas outside of Kinshasa, with the resultant negative effect on the execution of the mandate regarding technical survey and information gathering. The deployment of UN personnel in the DRC was heavily dependent on the belligerents 'ensuring' the security of the UN personnel. Belligerents could therefore manipulate the deployment of the UN liaison personnel by 'regulating' their cooperation with the UN.

3.2 Security Developments

As required by the *Lusaka Agreement*, the JMC met during October 1999 in Kampala under the chairmanship of General Rachid Lalalli of Algeria, who was appointed by the OAU. In terms of the agreement, the JMC was responsible for executing peacekeeping functions until the deployment of a UN peacekeeping force. It was also responsible for regulating and monitoring the cessation of hostilities until UN/OAU observers were deployed. The JMC decided to deploy

observers to four locations within the DRC to verify the positions of parties and investigate ceasefire violations. The locations were Lisala, Boende, Kabinda and Kabalo. The deployment of OAU observers was, however, delayed by a lack of capacity (UN 1999a:2). Ironically, while the Political Committee was critical of the UN regarding its slow deployment in response to the crisis as a result of a perceived lack of political will, the OAU's own response, despite strong political will, was less than stellar as a result of a lack of capacity. This deficiency would subsequently make the JMC entirely dependent on the UN for the deployment of observers.

The security situation in the DRC was further complicated by a rift within the ranks of the RCD, leading to the creation of two rebel entities namely the RCD-Goma and RCD-Kisangani (which was subsequently renamed RCD-ML[18]). The RCD-ML shifted its headquarters to Bunia, created a 'transitional government' and established its own new 'provinces' in the Orientale Province. This prompted the RCD-Goma to state its intention of reclaiming territory controlled by the RCD-ML in order to prevent the creation of 'artificial' provinces. In addition to the hostility between the RCD factions and reports of rebel forces capturing small locations in the Eastern DRC, accusations and counter-accusations regarding ceasefire violations characterised the interaction between the parties. Foreign troop concentrations in Kisangani (Rwanda and Uganda) and Mbuji-Mayi (Zimbabwe) were reported, culminating in a confrontation between Rwandan and Ugandan forces in Kisangani during May/June 2000. Unverified reports of the movement of government forces were also received. Reports were also received of the presence of ex-FAR and *Interahamwe* in the Eastern DRC and their forming of alliances with various different groups, such as Mai Mai elements and government forces (FAC). The prevailing insecurity continued to expose large numbers of civilians to indiscriminate violence, the looting of property and other human rights abuses (UN 1999a:3-4). The reporting on the security situation was clearly influenced by the limited deployment of UN and OAU personnel and underlined the tenuous nature of the UN deployment. It also emphasised the fact that the UN was only able to operate with the cooperation of the parties concerned.

3.3 Secretary General Recommendations for Phase II

Despite the problems encountered by the technical survey team outlined above and against the background of the urgency of the situation in the DRC, the Secretary General recommended on 1 November 1999 that the next phase of the UN deployment should be considered in order to provide impetus to the peace process. This was to entail the deployment of up to 500 UN military observers within the DRC and MLOs to the belligerent states, Zambia and Addis Ababa. The deployment of the observers was dependent on the provision of acceptable

[18] *Rassemblement Congolais pour la Démocratie - Mouvement de Liberation* (RCD-ML)

guarantees of security and freedom of movement by the government of the DRC to make such a deployment possible, as well as on reports from the technical survey team and the deployed military liaison officers. The Secretary General also hinted that the deployment of UN troop units could be necessary for the protection of the observers and other UN personnel, and also that military deployment alone would not be sufficient. Hence he recommended that professional political, humanitarian, human rights, child protection, civilian police, public information, administrative and other personnel would have to be deployed in the early stages of the mission. The Secretary General also requested authorisation for the setting up of a United Nations Observer Mission in the Democratic Republic of the Congo and the appointment of a Special Representative (UN 1999a:8-9). Mindful of the African criticism regarding the pace of the UN deployment, the Secretary General sought to move the establishment of a UN mission along as fast as possible. The cooperation of all the parties to the agreement, and in particular the DRC government, remained critical in determining the actual pace of the UN deployment.

3.4 Achievements of Phase I

By 17 January 2000 the UN technical survey team had visited seven locations in rebel held territory and one location in government held territory. During this stage the DRC government had generally not cooperated with the UN regarding access and freedom of movement of the team. Seventy-nine liaison officers were deployed in the DRC, in the capitals of the belligerent parties and elsewhere in the region. In terms of the 'mandate' of this phase of the mission, the achievements were modest. The intention was to conduct reconnaissance for the next phase and because of a lack of cooperation from the parties, the reconnaissance was incomplete. In an effort to maintain some momentum and to avoid a stalemate situation, and notwithstanding the limited success, the Secretary General recommended that the next phase proceed (UN 1999a:7; UN 2000i:4). The Secretary General consistently followed this approach, with the result that it is difficult to precisely demarcate the end of a particular phase and the beginning of the next one.

Regarding Phase I it can be concluded that this was a preparatory phase aimed at obtaining sufficient information for the actual establishment of a UN mission. As such the activities of this phase mainly entailed information gathering rather than any traditional peacekeeping activities. This phase did, however, highlight the importance of the cooperation of the belligerents to enable UN personnel to operate. The fact that the UN was prepared to transition to a following phase without the completion of all necessary reconnaissance, indicated a commitment to

support the implementation of the *Lusaka Agreement*, albeit in a far more diminished form than what the drafters of the agreement envisaged.

4. Phase II: Military Observation (January 2000-October 2001)

After the preparatory phase, the second phase, over the period January 2000-October 2001, reflected the formalisation of the mission and the execution of typical peacekeeping activities within a peace support operation.

4.1 Establishment of MONUC

The second phase of the operation was initiated with the authorisation of the *Mission de 'le organisation des nations Unies au Congo* – MONUC on 30 November 1999 through Security Council *Resolution 1279* (1999). This resolution mandated the mission to establish contacts with the signatories to the *Lusaka Agreement*; to liaise with the JMC and provide technical assistance for the implementation of its functions, including the investigation of ceasefire violations; to provide information on the security situation in its areas of operation that would influence later UN deployments; to plan for the observation of the ceasefire and the disengagement of forces; and to maintain liaison with all the parties to the *Lusaka Agreement* to facilitate the delivery of humanitarian assistance and assist in the protection of human rights (UN 1999c:2-3). The resolution stressed that the Security Council intended to deploy further UN observers with support and protection elements as part of the 'graduated approach', as recommended by the Secretary General, but that such a decision would depend on further recommendations by him, based on the feedback from the technical team

4.2 Recommendations for a United Nations Peacekeeping Mission

Following the formal establishment MONUC and within the framework of the graduated approach, the Secretary General made certain recommendations for the further refinement of the mission in his *Second Report* (2000) to the Security Council on 17 January 2000. The Secretary General indicated that the signatories of the *Lusaka Agreement* had a specific set of tasks in mind for the UN and that the issue of disarmament, demobilisation and reintegration of armed groups required serious reflection in order to develop a realistic plan of action. He saw the main objectives for a UN peacekeeping operation in the DRC to be: assisting the belligerents to complete the disengagement and withdrawal of forces in reasonably secure conditions; providing security for the operations of UN military personnel; and contributing to the disarmament, demobilisation of former combatants, including the armed groups identified in the *Lusaka Agreement*. The Secretary General also highlighted the climatic, geographic and

infrastructure challenges in the DRC and the impact thereof on the mobility of UN operations (UN 2000i:10-11).

The deployment of Phase II of the UN operation was based on the following assumptions namely that the parties would respect and uphold the *Lusaka Agreement* and relevant Security Council resolutions; that the JMC with support from MONUC, would develop a valid plan for the disengagement of the parties' armed forces and their re-deployment to assembly areas or approved defensive positions; and that the parties would be committed to contributing to the security of UN personnel, but would not necessarily be able to do so (UN 2000i:11-12).

Considering these assumptions and owing to the level of insecurity, the degraded infrastructure and the difficult terrain, the Secretary General identified the requirement for 'formed units' for the protection of military observers and civilian staff, with 5 537 military personnel necessary to undertake the task. The envisaged force required four reinforced infantry battalions consisting of 3 400 troops; two marine companies consisting of 150 troops for employment on the inland waterway system; 500 military observers; a force headquarters unit (95 officers) and four sector headquarters (40 officers each); a well as medical, communications, air operations and aviation units. The requirement for 'substantial' aviation assets was also identified (UN 2000i:12).

Accordingly the military tasks foreseen for MONUC included:

- Establishing contacts and maintaining continuous liaison at the field headquarters of all parties' military forces with the JMC.
- Assisting parties in developing 'modalities' for the implementation of the *Lusaka Agreement*. These included collection and verification of military information on the parties' forces and developing plans to maintain the ceasefire, disengaging the parties' forces and the redeployment of forces to defensive positions or assembly area.
- Facilitating, monitoring and reporting on the cessation of hostilities.
- Investigating ceasefire violations in cooperation with the JMC
- Verifying the disengagement of parties' forces.
- Facilitating the release of prisoners of war in cooperation with the International Committee of the Red Cross.
- Supervising and verifying the redeployment of the parties' forces to defensive positions and assembly areas.

- Facilitating humanitarian operations, within its capabilities.
- Supporting operations of United Nations civilian staff and protecting UN personnel, facilities, installations and equipment.
- Preparing for the next phase of UN deployment (UN 2000i:12-13).

The Secretary General emphasised that the envisaged mission strength was the minimum required to perform the aforesaid tasks. Additional tasks, such as facilitating the disarmament and demobilisation of armed groups and the verification of the withdrawal of foreign forces, would require a larger force component. The Secretary General thus made it clear that the UN units would neither be able to serve as an interposition force, nor would they be able to extract military observers or civilian observers by force. The units would also not have the capacity to protect the civilian population from armed attack. Humanitarian assistance convoys would also only be able to be escorted within their means and under favourable security conditions (UN 2000i:13; Månsson 2005:505).

The Secretary General clearly identified the problem of the presence of 'armed groups' in the Eastern DRC as a factor undermining the security of the DRC and its eastern neighbours (UN 2000i:14). In flagging the danger posed to the peace process by the armed groups, the Secretary General indicated that this should form a later phase of UN operations once a firm operational base had been established. He also indicated to the parties that the issue of the UN response to disarmament, albeit in a different form to that envisaged by the parties in the *Lusaka Agreement*, would be dealt with during a later phase.

It is evident from the Secretary General's assessment and recommendations that he understood the limits of what the UN mission was able to do. He stated clearly that "[t]he UN observers would at all times operate under the protection of the parties and would conduct frequent risk assessments" (UN 2000i:13). This emphasised the adherence to 'graduated approach' and also required the co-responsibility of the parties.

4.3 Initial Mandate

The Secretary General's recommendations were accepted by the Security Council in *Resolution 1291 (2000)* which provided the mandate for the expanded mission. The Security Council also validated the assumptions on which the Secretary General's recommendations for Phase II were based, which meant that a plan for disengagement had to be developed and that the deployment was premised on the provision of 'firm and credible' assurances for the security and freedom of movement of UN and related personnel (UN 2000k:2)

In terms of *Resolution 1291* (2000) the Security Council also decided that MONUC could take the necessary action in the deployment areas of its infantry battalions and within its capabilities, to protect UN and co-located JMC personnel, facilities, and to "[p]rotect civilians under imminent threats of physical violence". This portion of the mandate was provided in terms of Chapter VII of the UN Charter (UN 2000k: 4). Although use of 'Chapter VII' in a resolution tends to immediately conjure up ideas of 'peace enforcement' – since Article 42 of Chapter VII of the UN Charter makes provision for collective action by armed forces as may be necessary to maintain or restore international security –the limitations of the use of force in this particular resolution were carefully circumscribed and continued to fall short of what the parties required in the *Lusaka Agreement* under a so-called Chapter VII mandate. It is evident that the parties envisaged an 'all possible means' mandate under Chapter VII when the UN was tasked to conduct 'peace enforcement' operations to 'track down and disarm' the armed groups. Although the mandate was provided to protect civilians under threat of physical harm, the Secretary General had already indicated that a force of the size he recommended would not have the capacity to protect civilians from armed attack. This approach contradicted what the *Brahimi Report* would later recommend in terms of the deployment of a credible peacekeeping force that is able to fulfil its allocated mandate. MONUC was therefore placed in an invidious position where it was expected to protect civilians from attack, but had neither the mandate nor the resources to do so.

4.4 Security Developments

The security developments in the DRC were generally characterised by an initial period where the lack of cooperation from the parties impeded MONUC's progress and a second period where this situation improved after the assassination of Laurent Kabila.

4.4.1 Obstacles

A number of developments during the first half of 2000 contributed to the slow implementation of Phase II. The adoption of the Kampala Disengagement Plan[19] by the Political Committee on 8 April, which made provision for the total cessation of hostilities, the withdrawal of all forces to a distance of 15km from the line of confrontation and the creation of a 30km zone of disengagement, provided impetus to the process, with MONUC and the JMC expected to verify the ceasefire and disengagement. Furthermore, in terms of the agreement the parties were expected to provide the JMC and MONUC with detailed military information to facilitate planning for the monitoring of disengagement. The monitoring of disengagement in the

[19] The Kampala Plan provided the operational details for the disengagement of belligerent forces which would entail the parties withdrawing their forces 15 km from the confrontation line (ICG 2001:3).

demilitarised zone was accordingly envisaged to take place between mid-May 2000 to mid-July 2000. On completion of this process the headquarters of the JMC was also scheduled to co-locate with the MONUC headquarters in Kinshasa (UN 2000g:3-4).

By 18 April 2000, the MONUC force Commander, Maj Gen Mountaga Diallo (Senegal), assumed duty and MONUC had 111 military officers deployed in the capitals of the belligerent states, as well as in Addis Ababa, Bujumbura (Burundi) and Lusaka to ensure liaison with the OAU and JMC. Military officers were also stationed at 10 locations in the DRC, albeit the majority in rebel-held territory (UN 2000g:5 and 12). Preparatory technical surveys for the deployment of reinforced battalions (according to the concept for operations) at Mbandaka, Mbuji Mayi, and Kindu and for the use of the seaport Matadi, were undertaken.

The efforts of former president of Botswana, Sir Ketumile Masire – the appointed neutral facilitator for the political track of the *Lusaka Agreement*, the Inter-Congolese Dialogue (ICD) – were continually undermined by the DRC government which placed restrictions on his movement within the DRC (UN 2000g:7). As a result of this action, little progress was made with the ICD and the unarmed political opposition and civil society essentially remained alienated from the peace process.

By the end of May 2000, MONUC and the UN were faced by challenges internal and external to MONUC that had a negative impact on the implementation of Phase II of the mission. External challenges included the outbreak of hostilities between Ugandan and Rwandan troops in Kisangani on 5 May 2000, which prevented the deployment of a UN formed unit to Kisangani; ongoing conflict between the FAC and MLC in the Equateur province, as well as conflict between armed groups and the RPA in the North and South Kivu provinces; and restrictions placed on MONUC's movement by the MLC, RCD and the DRC government that prevented the deployment of MONUC teams to locations controlled by these organisations. Despite the signing of a status-of-forces agreement during May 2000, the DRC government continued to be uncooperative regarding flight clearance procedures, while local authorities did not comply with MONUC requests for assistance in identifying suitable premises for use by the mission across the country. Internal challenges faced by the UN and MONUC included logistic problems linked to the degraded state of the in-country infrastructure; and a lack of response from troop contributing countries for the provision of specialist units, especially in the cargo handling as well as air crash and rescue fields. Despite the provision of three infantry battalions by Morocco, Pakistan and Senegal respectively, inspections by the UN found that other troop contributors did not meet the stringent requirements for deployment in terms of equipment and *materiel*, which also delayed the process (UN 2000f:4).

On 14 August 2000, the Secretary General in a letter to the President of the Security Council questioned the continued role of MONUC in the DRC, in what he described as "[t]he adverse climate which has prevented the deployment of the mission according to [the Security] Council's resolutions" (UN 2000e:1). MONUC was therefore confronted by persistent large-scale conflict in many parts of the country; severe restrictions imposed by the DRC government and other parties on the mission's freedom of movement; the refusal by the DRC government to permit the deployment of UN armed troops in accordance with Security Council decisions; and a sustained campaign of vilification against MONUC and individual UN staff members. In the light of this 'climate' the Secretary General recommended that the mission's mandate, which was due to expire on 30 August 2000, only be renewed for a period of one month (UN 2000e:1). The Security Council responded by renewing the mandate until 15 October 2001 (UN 2000j:2). While mainly a bureaucratic exercise in order to prepare a more comprehensive report on the situation in the DRC, the renewal of the mandate for only a month-and-a-half also sent a signal to the parties that the UN was possibly reconsidering its role, especially since the cooperation of the parties was a prerequisite for the expansion of MONUC.

In his *Fourth Report* (2000) to the Security Council on 21 September 2000, the Secretary General elaborated on the problems he had outlined in his letter of 14 August 2000. Regional summits held in Windhoek and Lusaka during August failed to make progress regarding strategies to overcome the *impasse* in the implementation of the *Lusaka Agreement*, largely as a result of the DRC government's reluctance to allow the deployment of MONUC troops to government controlled territory and to accept Sir Ketumile Masire of Botswana as the neutral facilitator for the ICD. The DRC government also adopted a strategy of providing undertakings to the UN and then reneging on such undertakings. An example of this was the DRC government authorising the deployment of MONUC battalions to Mbandaka, Kananga, Kindu and Kisangani, along with a small military headquarters support unit in Kinshasa, but refusing permission for deployment of other specialised military units that were needed to facilitate the deployment of these battalions (see map of the DRC). This ambiguous approach by the DRC government prevented the deployment of the battalions, resulting in the suspension of the deployment of formed units in the DRC (UN 2000b:3).

President Kabila also contended that the obstacles to the implementation of the *Lusaka Agreement* were caused by the 'aggressors' (Rwanda and Uganda) and not the DRC government. He also stated that the *Lusaka Agreement* required renegotiation, as it had failed to address the major concerns of his government, which included the ending of hostilities. When the DRC government furthermore stated that MONUC troops should serve in an interposition role and it was explained that this would only be possible during a possible third

phase of the mission, the DRC government responded by stating that that the Congolese people would not understand the reasons for such delays. The MLC also obstructed MONUC efforts in the Equateur province by imposing a flight clearance regime and refusing MONUC aircraft landing rights (UN 2000b:7-8). The manoeuvres by the DRC government appeared to be an attempt to recast itself as a victim of 'aggression', following the clashes between Rwandan and Ugandan forces in the vicinity of Kisangani during May and June 2000, in order to negotiate a more favourable dispensation in a re-negotiated agreement. While the government intransigence regarding the implementation of the agreement impacted negatively on the military deployment of MONUC, it was primarily focused on obstructing any progress in terms of ICD.

4.4.2 Assassination of Laurent Kabila

The assassination of President Laurent Kabila on 16 January 2001 proved to be a pivotal event in the DRC peace process and had a direct impact on MONUC. He was succeeded by his son, Major General Joseph Kabila, who immediately informed the UN Special Representative that the government of the DRC wished to cooperate with the UN and that it counted on MONUC to continue fulfilling its mandate. President Joseph Kabila outlined a vision for peace in the DRC and the region which included the withdrawal of the armies of Rwanda, Uganda and Burundi from the DRC; a policy of dialogue and reconciliation with neighbouring states; a commitment to relaunch the *Lusaka Agreement* in conjunction with his allies; and an indication that he would seek national reconciliation through political dialogue. Free and transparent elections would be held once peace was consolidated (UN 2001d:1-2). Although still rhetoric at this stage, the change of attitude towards the peace process at large created new hope for the unrestricted deployment of MONUC to assist in attaining peace.

In order to ascertain the progress made by MONUC after Joseph Kabila assumed power, it is necessary to determine the scope of the MONUC deployment as on 8 February 2001. A total of 200 MONUC military personnel (mainly military observers and staff officers) were deployed in various locations the DRC, in the capitals of the neighbouring states who were signatories to the *Lusaka Agreement*, in the headquarters of the JMC in Lusaka and at the OAU headquarters in Addis Ababa. In the DRC, military liaison officers were deployed in Kinshasa and at the headquarters of the rebel movements in Bunia, Gbadolite and Goma. Liaison officers were also deployed at the four regional joint military commissions (Boende, Kabalo, Kabinda and Lisala). Military observers were stationed in six locations (Gena, Isiro, Kananga, Kindu, Kisangani and Mbandaka). No formed units were deployed in the DRC, as envisaged in the concept of operations (UN 2001d:6). It is therefore evident that in terms of the implementation of its

mandate as authorised by *Resolution 1291 (2000*), MONUC had not progressed beyond the limited deployment of liaison officers and observers.

In terms of the general security situation at this stage, the situation was relatively stable with sporadic military activity taking place in the Equateur and Katanga province. In the Eastern DRC attacks by the *Interahamwe* and Mai Mai armed groups on RCD elements, as well as ethnic tension between the Lendu and Hema communities in Ituri, persisted. The instability in the South Kivu province forced international humanitarian agencies and NGOs to suspend operations in the area and prevented the deployment of MONUC observers. Detailed sub-plans (of the Kampala disengagement plan) had been drawn up and agreed upon by the Political Committee on 6 December 2000, but by February 2001 no actual disengagement had taken place or could be verified (UN 2001d:3-5). The security situation therefore remained unstable in general and volatile in the Eastern DRC in particular. The lack of progress regarding the disengagement of forces complicated the security situation.

4.5 New Concept of Operations for Phase II

In order to capitalise on the DRC government's new spirit of cooperation and because the original concept as approved in *Resolution 1291 (2000)* proved extremely difficult to implement, the Secretary General presented a revised concept of operations. The concept was based on the gradual increase of a capability aimed at encouraging the parties to cease hostilities; the positioning of MONUC to enable timely and appropriate responses once the parties started disengaging and redeploying in terms of the Kampala Disengagement Plan; and minimising risks to UN personnel. The deployment of additional observer teams and the establishment of four sector headquarters in Kisangani, Mbandaka, Kananga and Kalemie were recommended along with the relocation of the regional joint commissions (then in Boende, Kabalo, Kabinda and Lisala) to these locations (see map of the DRC). The new concept of operations envisaged up to 550 military observers and up to 1 900 armed personnel to guard equipment, facilities and supplies located at the sector headquarters and support bases. It was stressed that the armed personnel would not be able to extract UN personnel at risk or be able to extend protection to the local population. UN troops were to be withdrawn from any situation where an undue risk was seen to be developing. All deployment and sustainment were expected to take place by means of air transport (UN 2001d:10-11).

The revised plan reduced the already authorised number of military personnel from 5 537 to approximately 3 000, with the infantry battalions envisaged in the previous concept replaced by more mobile guard units for the protection tasks listed above. The concept of operations attempted to create a more flexible and mobile force that could travel throughout the country in

order to verify the disengagement plan agreed to in the Harare Sub-plan[20] (Roessler & Prendergast 2006: 267-268). The concept of operations was endorsed by the Security Council with the passing of *Resolution 1341* (2001) on 22 February 2001 (UN 2001e:4). The revision of the concept of operations was clearly focused on monitoring the verification of the disengagement of forces through increased mobility of military observers. The decision not to deploy infantry battalions, but to rather focus on mobile guard units, meant that MONUC remained unable to protect civilians under threat of physical violence, despite having the mandate to do so.

4.6 Achievements of Phase II

Improved cooperation from the parties, especially the DRC government, enabled the deployment of the MONUC guard units. By 8 June 2001 MONUC had 2 366 military personnel deployed which apart from 363 military observers, deployed in 28 observer teams, also included 1 869 guard unit forces supplied by Morocco, Senegal, Tunisia and Uruguay. These forces were deployed at Kalemie (Uruguay), Kananga and Mbandaka (Senegal), Kisangani and Goma (Morocco), and Kinshasa (Tunisia) (see map of the DRC). The four sector headquarters were also fully operational. By 4 June 2001 progress had been made with the verification of disengagement of forces in terms of the Harare Sub-plan in three of the four sectors (UN 2001b: 3-5).

Further progress was made during the year and by October 2001 the Secretary General was able to declare that the verification of the disengagement and redeployment of the parties was completed, which was also regarded as the end of Phase II. This meant that the armed forces of the parties had separated and deployed, with a few minor exceptions to new defensive positions as agreed upon in the Harare Sub-plan. Phase II activities did, however, continue during 2002 and it is difficult to determine a finite cut-off date for the particular phase. While the ceasefire held in the disengagement zone, the Eastern DRC continued to be characterised by ceasefire violations which were mainly attributed to the activities of armed groups (UN 2001a:3-4; UN 2002b:6). This highlighted the need for the implementation of Phase III of the operation which would entail the withdrawal of foreign forces and the disarmament of the armed groups.

In reflecting on Phase II of the mission it is clear that, for analytical purposes, it can be divided into two distinct sub-phases, namely an initial phase and a concluding phase. The initial phase was characterised by a lack of cooperation from the parties, especially the DRC government.

[20] The Harare Sub-plan provided the operational details for the disengagement of belligerent forces and the concentration of forces in defensive positions beyond the borders of the demilitarised zone for MONUC and JMC verification (ICG 2001:3).

The parties expected a more robust response from the UN and were clearly disappointed with the mandate provided. The UN in turn was expected to implement the agreements reached by the Political Committee and the JMC. The JMC, while fulfilling an important political role, did not have the resources to operate as an independent African peacekeeping entity and remained wholly dependent on MONUC for the deployment of is observers. Momentum in the implementation of the concluding phase was only obtained when the new leader of the DRC agreed to cooperate with the UN. The monitoring of the disengagement of forces can be regarded as successful, but the heavy reliance on the cooperation of the parties highlighted MONUC's limited capacity for independent action, largely as a result of its composition and personnel strength.

Regarding Phase II it can be concluded that MONUC's activities fell mainly within the ambit of traditional peacekeeping without the mission having the capacity to interpose itself between belligerents. It therefore only performed an observation function. Given the complex nature of the prevailing situation in the DRC, a further adjustment to the concept of operations was necessary to enable MONUC to meet the expectations of the parties to the agreement and the people of the DRC.

5. Phase III: Withdrawal of Foreign Forces and Preparation for DDRRR (November 2001-December 2002)

The continued presence of foreign armed forces and foreign armed groups on Congolese territory served to further complicate both the political and security situation in the DRC. Removing these elements from the conflict equation required the re-evaluation of MONUC's future role. Phase III took place over the period November 2001-December 2002.

5.1 The Role of MONUC and a New Concept of Operations

The Harare Sub-plan linked the final withdrawal of foreign forces to the disarmament of 'armed groups' and the holding of the ICD, which made it essential for the UN to make progress on both these fronts (Roessler & Prendergast 2006:270). As early as April 2001, and before significant progress had been made with the disengagement of forces, the Secretary General indicated that the UN was unlikely to endorse a plan that MONUC should enforce disarmament. He furthermore stated that MONUC would not undertake enforcement action and would also not be able to provide border security on the border of the DRC with Rwanda and Uganda (UN 2001c:15-16). In reaction to what was generally perceived as the Secretary General's timid approach, the parties continued to call for the deployment of "[a]n appropriate and adequate

peacekeeping force" (UN 2001b:2). During July 2001, the Political Committee was critical of what it referred to as the 'hesitancy' of the UN in deploying forces to the DRC (UN 2001a:3).

The main role envisaged for MONUC during Phase III by the Secretary General entailed the establishment of temporary reception centres for the disarmament and initial demobilisation of combatants before they were repatriated and resettled in their countries of origin. Because MONUC had neither the means nor the mandate to conduct many of the practical tasks associated with the DDRRR process, the Secretary General stated that it would rely heavily on UN programmes and agencies, the World Bank and NGOs for assistance (UN 2001a:10).

Because the required focus of MONUC operations would be on the Eastern DRC, owing to the presence of the majority of armed groups in this area, a graduated approach was once again adopted. In this particular phase, this approach was necessitated by the unstable security situation in the Eastern DRC and the logistic challenges associated with the deployment of forces in this part of the country (UN 2001a:10).

The early concept of operations for the initial stage of Phase III entailed the establishment of a civilian and military presence and a forward support base at Kindu in the Eastern DRC. The voluntary nature of the DDRRR process was highlighted and it was clearly stated that MONUC operations could only commence when the parties had created the necessary political and security conditions and when MONUC had determined that the armed groups were ready to undergo disarmament and demobilisation. MONUC tasks during this initial part of Phase III were to include preparation for future deployment; to enhance the security of UN personnel and assets; to investigate ceasefire violations (including those by armed groups); to gather and analyse information on a wide range of subjects pertaining to the armed groups and their dependants; to encourage and facilitate early disarmament and demobilisation; and to conduct confidence building activities. This initial deployment under Phase III was intended to remain within the already authorised cap of 5 537 military personnel (UN 2001a:11 and 13).

At this early stage of Phase III (April 2002), MONUC was confronted with a formidable task. Apart from the logistical challenges of deploying in the Eastern DRC, no significant withdrawal of foreign forces had yet taken place and the armed groups remained intact and essentially located in the Eastern DRC. An assessment of the armed groups operating in the DRC indicated that the influence of the Angolan and Ugandan armed groups was negligible. The Burundian armed groups, *Forces pour la defense de la democratie* (FDD) and *Forces nationales pour la liberation* (FNL]), were estimated to number between 3 000 to 5 000. The Rwandan armed groups operating in two 'armies' (*Armee pour la liberation du Rwanda (ALIR) I & II*) were estimated to number approximately 12 000 combatants. By early 2003 all the

Rwandan armed groups regarded themselves as part of the *Forces Démocratiques de Libération du Rwanda* (FDLR) and no longer wished to be considered as ex-FAR, *Interahamwe* or ALIR. A further complicating factor was the presence of Mai-Mai groups in the MONUC area of responsibility (UN 2002c:6-10, Swarbrick 2004:171).

5.2 DDRRR and a Revised Concept of Operations

Political progress during the course of 2002 provided impetus to the peace process and necessitated a re-evaluation of MONUC's mission.

5.2.1 The Impact of Political Developments on Phase III

Three significant developments during 2002 impacted on Phase III of the MONUC mission. Firstly, at the political level, progress was made with the ICD held in Sun City, South Africa, although an all-inclusive agreement was only reached on 17 December 2002. Secondly, the *Pretoria Agreement* was signed on 30 July 2002 between the governments of the DRC and Rwanda which made provision for the withdrawal or Rwandan forces from DRC territory and the dismantling of the FDLR in the DRC. Thirdly, the *Luanda Agreement* was signed on 6 September 2002 between the governments of the DRC and Uganda which made provision for the withdrawal of Ugandan forces from the DRC and the creation of the Ituri Pacification Committee to deal with the future governance of the District. Both these agreements necessitated an adjustment to the MONUC concept of operations for Phase III in order to support the implementation of these agreements (UN 2002b:1-4). By September 2002 the Secretary General acknowledged that very little progress had been made regarding DDRRR apart from rendering assistance in response to *ad hoc* requests for demobilisation and planning for the wider DDRRR operation (UN 2002b:6).

5.2.2 Principles Regarding DDRRR and the Revised Concept of Operations

A number of principles were formulated to guide MONUC's involvement in the DDRRR[21] process. These included amongst others that DDRRR activities had to take place in a 'permissive environment' which required a cessation of all hostilities; DDRRR had to be undertaken on a voluntary basis; the DRC and Rwanda had to provide all information on armed groups for verification; and that MONUC would provide what was termed 'point security' for the disarmament and demobilisation sites in areas not under control of the DRC government, while local authorities continued to remain responsible for what was termed 'umbrella security'. The DRC government was expected to provide security at disarmament and demobilisation sites in

[21] For a brief description of DDRRR see footnote 5 (p7) and par 3.3 (p23).

areas under its control. It was also clearly stated that MONUC would not be required to provide protection beyond guard units necessary to protect UN personnel and equipment (UN 2002b:6-7).

The revised concept of operations envisaged the creation of a 'forward' force' comprising two robust task forces of approximately 1 700 troops, with each based on an infantry battalion structure. These task forces with integral support elements and an aviation capability were intended to operate from bases in Kindu and Kisangani in the Eastern DRC. A further infantry battalion was also intended to be based in Kisangani in order to provide flexibility and an ability to meet contingencies. The new concept of operations also envisaged additional riverine units in order to support the re-opening of the Congo River for commercial traffic and the movement of UN river transport, as well as additional military observers. An expansion of the mission to 8 700 military personnel was recommended (UN 2002b:9). Although the revised concept of operations required a considerable increase in the number of troops, the Secretary General indicated that MONUC would still require the full cooperation of the parties to the *Lusaka Agreement* for its implementation (UN 2002b:12). The concept of operations was duly endorsed by the Security Council on 4 December 2002 and the expansion of personnel authorised (UN 2002e:3). The use of the term 'robust task forces' stood in stark contrast to the emphasis on the 'voluntary disarmament' role foreseen for MONUC. The expansion of the mission to 8 700 troops also appeared to reflect a minimalist approach rather than providing a 'robust' capacity, especially when compared with the estimated strength of the 'armed groups' in the Eastern DRC, which were estimated to exceed 15 000. The 'armed groups' also had the added advantage of local terrain knowledge and had been operating in the area for almost eight years (UN 2002c:4-5).

By February 2003 the MONUC force strength still remained under the originally mandated strength of 5 537 personnel (UN 2003c:19). The slow deployment of MONUC forces for Phase III reinforced the previous African criticism of the UN's reticence to deploy a credible peacekeeping force. In fairness, this reticence was also the result of a lack of cooperation regarding access to areas of the Eastern DRC and the volatile security situation in the Kivu provinces and Ituri District.

5.2.3 DDRRR Operations

By October 2002, MONUC had established a DDRRR presence in Goma, Bukavu and Butembo and continued to experience security constraints and difficulty in gaining access to the 'armed groups' (see map of the DRC). A Joint Coordination Committee for DDRRR was established by the Special Representative of the Secretary General, and was responsible for

consultation with the UN agencies, the World Bank and the diplomatic community (UN 2002a:7-8). The DDRRR process during 2002 focused mainly on the quartering of former Rwandan combatants, who had previously collaborated with the FAC, in Kamina. This group of approximately 1 900 Hutu former combatants was verified by MONUC to be closely aligned to the FDLR, and the members of the group indicated that they would only return home if a process of political dialogue was initiated in Rwanda. This demand further complicated the DDRRR process by adding a new political variable that had not been considered by MONUC or the international community. The result was that this group remained in Kamina and refused to return to Rwanda. The DDRRR process received a setback during November 2002 when the governments of the DRC and South Africa (acting in its capacity as part of the 'third party'[22]) attempted to forcibly repatriate eight FDLR leaders from Kinshasa to Rwanda. The Rwandan elements quartered in Kamina experienced this as an indication of bad faith and broke out of the camp. The incident also had a negative effect on the FDLR leadership and fuelled its propaganda campaign to dissuade former Rwandan combatants to return home (Roessler & Prendergast 2006:274; ICG 2003b:3 and 15).

The result of this development was that by the end of 2002 only 359 former Rwandan combatants and 283 dependents were repatriated to Rwanda (ICG 2003b:17). The Kamina incident reiterated the fact that the 'armed groups' were not signatories to the *Lusaka Agreement* and were therefore not regarded by MONUC as parties to the peace and DDRRR processes (Swarbrick 2004:171-172). The voluntary nature of the DDRRR process and the fact that it was premised on cooperation by the parties, which excluded the 'armed groups, ensured that the MONUC response to the challenges of implementation remained reactive and that little progress regarding DDRRR was recorded during 2002.

5.3 Monitoring the Withdrawal of Foreign Forces

The monitoring of the withdrawal of foreign forces was far more successful than the DDRRR efforts. This can be attributed to the cooperation of the parties and the fact that no single party wished to be identified as an impediment to the peace process, especially after the signing of the *Pretoria* and *Luanda Agreements*. Angola, Burundi, Rwanda, Uganda and Zimbabwe all withdrew troops from the DRC during the period from September to the end of October 2002, the most significant being the verified withdrawal of 20 941 Rwandan troops. By 18 October 2002 only Uganda retained a battalion sized force in Bunia and troops patrolling the western slopes of the Ruwenzori Mountains, on the border with the DRC. Although the vast majority of

[22] In terms of the *Pretoria Agreement*, 2002, the 'third party' is defined as the UN Secretary General and South Africa, in its dual capacity as Chairperson of the African Union and the facilitator of the process that lead to the agreement (UN 2002d: 2)

Rwandan troops were withdrawn, MONUC found it difficult to refute rumours of approximately 2 000 Rwandan troops merging with RCD-Goma forces in the Kivu provinces (UN 2002a:2-3).The withdrawal of the foreign forces exacerbated ongoing instability in the Eastern DRC and introduced new security dynamics which would have a significant impact on MONUC operations during 2003.

5.4 Achievements of Phase III

The main achievement of Phase III was the monitoring of the withdrawal of the foreign forces from the DRC. The success of the withdrawal of forces can mainly be ascribed to the political will demonstrated by the foreign forces in response to the various agreements that were reached, rather than any particular effort on MONUC's behalf.

Progress regarding DDRRR was slow, and although a solid foundation for the process was laid, MONUC's support role in the DDRRR process continued to be misunderstood by the parties (to the Lusaka Agreement). Force levels to effectively support the DDRRR process remained insufficient, with an expansion of the forces only authorised during December 2002.

An important development during this phase was the realisation that the MONUC activities had to be focused on the Eastern DRC because instability persisted in the Kivu provinces and the foreign armed groups were also located in this area. During this phase MONUC remained dependent on the cooperation of all the parties to fulfil its mandate, especially in terms of it mandate to protect civilians under threat of violence. This created the perception amongst the parties that MONUC was unable to project itself as a credible force.

Although some of the tasks that MONUC performed during this phase, such as the support for the DDRRR process, fell within the ambit of peace support operations, the mission still lacked the robust capabilities required to defend its mandate without the cooperation of the belligerents.

6. Conclusion

The purpose of this chapter was to examine the UN response to the *Lusaka Agreement* in establishing the mission and the implementation of its phases. The response of the UN to the demands of the *Lusaka Agreement* fell short of the expectations of the drafters and signatories. The demand that the UN conduct 'peace enforcement' was unrealistic. Firstly, the fact that no national interests of the major international players were at stake, such as access to strategic minerals or a direct threat to expatriate nationals or close allies in the region, meant that the Security Council was unlikely to authorise a large enforcement-type mission. Secondly, the UN

was unlikely to shoulder the responsibility for DDRRR given the size of the operational theatre, and the complexity of the situation, while the belligerents sat idly by. Thirdly, the previous UN experience in the DRC during the 1960s indicated the difficulties of operating in that country and the dangers of becoming embroiled in domestic issues. The 'graduated approach' to peacekeeping in the DRC, driven by the US, therefore placed the onus for progress on the belligerents, with the result that parties were able to manipulate the process to their own advantage

The mandate of the mission in terms of *Resolution 1291* (2000) endorsed a minimalist approach. Given the complexity of the security situation and the infrastructural challenges of the operational theatre, the mission was from the outset too small to execute the mandate and was wholly dependent on the cooperation of the belligerents for the execution of the most basic tasks contained in the mandate. The mission was unable to deploy during 2000 because of a lack of cooperation, especially from the DRC government. Although a mandate was provided to protect civilians under threat of attack, the mission was at no time during the initial phases of the operation able to fulfil this task.

Apart from the inability to protect the civilian population, MONUC was able to fulfil its mandate in terms of the disengagement of forces by the end of 2001 and significant progress was also recorded during 2002 regarding the withdrawal of foreign forces. Progress with the DDRRR process was extremely limited, mainly because the enlarged troop contingent earmarked for the task had yet to deploy. Although the disengagement of forces and withdrawal of foreign forces were generally successfully completed during the review period, the security situation in the Eastern DRC remained volatile, with the Ituri area and the Kivu provinces particularly unstable. The withdrawal of the foreign forces from the Eastern DRC created a new security dynamic which would have a profound effect on the next phase of MONUC operations where the focus shifted from assisting in the implementation of the *Lusaka Agreement*, to supporting the transitional political process. This new phase required MONUC to assist the transitional government to extend its authority across the country, as well as assisting with the creation of a security situation that was sufficiently stable for elections to take place.

CHAPTER FIVE

THE EXPANSION OF MONUC DURING THE TRANSITIONAL PERIOD: 2003-2006

1. Introduction

The previous chapter examined the UN response to the *Lusaka Agreement* in terms of establishing the mission and the deployment of the first three stages of the mission against the background of political, military and infrastructural challenges. Whereas the *Lusaka Agreement* provided the impetus for the initial phases of MONUC, the *Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo*, 2003 required a reassessment of MONUC's role and function. This chapter examines the expansion of MONUC that was required to render support for the transitional political process[23]. Providing the security necessary for the holding of an election included a significant reinforcement of the MONUC military component, together with the adoption of a more robust posture. The chapter covers the period from April 2003 to the end of December 2006, after the conclusion of the presidential, national assembly and provincial assembly elections.

2. Political Transition and MONUC Support for the Transition

Negotiations over a future political dispensation in the DRC between the DRC government, the armed rebel groups, the unarmed opposition and civil society took place throughout 2002. The ICD which took place in Sun City, South Africa from 25 February to 19 April 2002, failed to reach agreement on power-sharing issues. Further negotiation between the various parties, facilitated by South Africa and the UN Secretary General's Special Envoy to the DRC, Mr Mustapha Niasse, culminated in an agreement known as the *Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo* which was signed on 17 December 2002. This agreement was, however, not signed by the RCD-Goma and a number of the unarmed opposition parties (Solomon, Kelly & Motsi 2008: 54-57).

After further negotiations an all-inclusive agreement was reached on 2 April 2003, which effectively concluded the ICD. The objectives for the transition contained in the *Final Act of the Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo* were the reunification and reconstruction of the DRC; the re-establishment of peace, territorial integrity and state authority in the DRC; national reconciliation; the creation of restructured,

[23] The transitional process will henceforth be referred to as 'the transition'.

integrated national armed forces; the organisation of transparent elections at all levels, culminating in a constitutional and democratic government; and setting up structures leading to a new political order. The agreement also created the Government of National Unity and Transition (GNUT) to govern the DRC in the transitional period (DRC 2002:3 and 5-8; RSA 2003:1-3).

The agreement, while signalling political progress for the people of the DRC, also heralded the need for a change of course for MONUC. This was acknowledged by the Secretary General in his *Second Special Report* (2003), but he cautioned that the successful implementation of the agreement remained dependent on the political will of the Congolese parties and the cooperation of the neighbouring states. In this regard he defined a number of criteria that would indicate commitment by the parties and maintain the momentum of the transitional process, namely the immediate cessation of hostilities as well as inflammatory rhetoric and propaganda; the cessation of military support and supply to armed groups; the lifting of restrictions on the free movement of people and goods throughout the country; the liberalisation of political activity in areas under their control; the dismantling of armed groups and their transformation into political parties; and the creation of a new command structure for the national armed forces and the formation of an integrated police force (UN 2003d:1 and 8). Actual progress in the transition process could therefore only be made by the parties and the GNUT, while MONUC fulfilled a facilitation and support role.

The Secretary General proposed a broad outline of MONUC's envisaged role in supporting the transition. This required MONUC to assist the Congolese parties in the implementation of their commitments which would lead to the holding of elections; to contribute to local conflict resolution and the maintenance of security in key areas of the country; to continue with the task of the DDRRR of foreign groups and the DDR of Congolese combatants; to serve as the catalyst for the coordination of international and donor efforts; and to contribute to confidence building between the DRC and neighbouring states (UN 2003d:9). The MONUC role was later clearly articulated in the Secretary General's *Sixteenth Report* (2004), where it was stated categorically that "[t]he overall goal of MONUC in the DRC is the holding of credible elections followed by a stable and sustainable peace". The political strategy entailed assisting the transitional government to draft essential legislation and hold elections, while seeking to neutralise spoilers by mobilising internationally sanctioned actions against them. The strategic objectives were the proactive contribution to the pacification of and general improvement of security in the DRC (which included DDRRR, DDR and SSR); the provision of support for conflict resolution in volatile areas (crisis management); improving border security through

regional confidence building mechanisms, and effective patrolling and monitoring of the arms embargo; and the gathering and analysis of military information on 'spoilers' (UN 2004b:7-8). The role envisaged for the mission during the first half of 2003 therefore placed it clearly in the category of a fully fledged PSO, without having the necessary military means for the credible execution of such a mission at that stage. The ongoing instability in the Eastern DRC in general and the Ituri District in particular, highlighted MONUC's lack of capacity to protect civilians and the need for a more robust mandate.

3. Instability in the Eastern DRC

The ongoing instability in the Eastern DRC was focused in the Ituri District and the North and South Kivu provinces. Two crises, one in Ituri and the other in the Kivus, had a profound impact on MONUC.

3.1 Crisis in Ituri

The ongoing instability in the Eastern DRC, particularly in the Ituri District, necessitated changes in the mandate to enable MONUC to fulfil its military role.

3.1.1 Development

During the colonial era the pastoralist Hema were advanced in terms of education and administration over the agriculturalist Lendu, with the result that after independence the former were better positioned to exploit opportunities presented during the Mobutu era and increased their economic domination of the Ituri District. Since the 1960s conflicts occurred between Hema landowners and Lendu communities that felt disadvantaged and marginalised. While land remains an underlying factor in the conflict, it became more complicated after the second rebellion in 1998 when the administrative authority of the region collapsed and was replaced by Ugandan control through Congolese rebel proxies. Uganda manipulated the situation in the Ituri District by supporting a particular rebel leader and then replacing him when he no longer did their bidding. Uganda was also responsible for the training and arming of militias. When violence broke out in June 1999 as a result of a dispute between a Hema businessman and Lendu tenants, the Ugandan military was directly implicated in participating in the conflict in combined 'operations' with Hema militia (ICG 2003a:3-4).

The ensuing instability provided a useful cover for the exploitation of Congolese resources by Ugandan officers while providing justification for ongoing Ugandan military presence in the area. Uganda played the double role of political mediator between the various militia factions, while concurrently supporting favoured groupings. While Uganda played a pivotal role in the Ituri District, Rwanda was also heavily involved, with the alliance of the various militia groups shifting between these external actors. The violence was essentially focused in the capital, Bunia, and directed mainly at the civilian population. The violence resulted in approximately 50 000 deaths and the internal displacement of approximately 500 000 persons over the period 1999-2004 (ICG 2003a:4; Ahoua *et al* 2006:196).

During the latter half of 2002 and the beginning of 2003 an increase in violence in the Ituri District was observed, largely as result of large scale military operations by a militia group known as the *Union des Patriotes Congolais* (UPC) which attempted to gain control of areas within the district. The Ugandan People's Defence Force (UPDF), which had not withdrawn from the DRC at that stage, recaptured the town of Bunia on 6 March 2003 from the UPC and deployed approximately 7 000 troops in the region. The continued military presence of Uganda in the Ituri District, while assisting to keep the militias under control, served to antagonise Rwanda who saw the continued Ugandan presence as a violation of the spirit, if not the letter of the *Luanda Agreement,* 2002. After South African mediation to address the tension between the two states, the heads of state of Rwanda, Uganda and the DRC agreed on a timetable for the withdrawal of UPDF elements from the DRC. The withdrawal was scheduled to take place over the period 24 April to 14 May 2003 (Roessler & Prendergast 2006:281-283, ICG 2003a:12; UN 2003d:3).

The Security Council had welcomed both the *Pretoria* and *Luanda Agreements* during December 2002 and had urged compliance by the parties (UN 2002e:1). During March 2003, while expressing 'deep concern' at the fighting in Bunia, it also called for the withdrawal of Ugandan forces from the DRC (UN 2003g:2-3). The start of the withdrawal of UPDF from the Ituri District and specifically Bunia on 25 April 2003 created a security vacuum that was immediately exploited by militia groups resulting in violent clashes in the vicinity of Bunia. The crisis that developed in the Ituri District is an example of a dissonance between the Security Council and MONUC, with the Security Council pushing for the withdrawal of Ugandan forces from the DRC before sufficient peacekeepers were available to replace them. This despite a clear warning by the Secretary General during 2001 that such a situation could arise and that the population would expect protection from the deployed peacekeepers (UN 2001c:17; Holt & Berkman 2006:171-172).

3.1.2 MONUC Response

The deployment of MONUC peacekeepers to the Ituri District was crucial in order to support the Ituri Pacification Commission (IPC) which was intended to govern the district on the withdrawal of the UPDF. Despite the authorisation for the expansion of the troop ceiling to 8 700 during December 2002, by April 2003 only 4 700 troops had actually deployed. MONUC attempted at first to fill the void from existing resources and then sought external assistance to deal with the volatile situation in the Ituri District.

MONUC was forced to use a Uruguayan reserve battalion, which had only been prepared for static guard duty tasks, to stabilise Bunia in the Ituri District. The deployment of this 700 strong battalion to replace a 7 000 strong UPDF force, immediately placed the MONUC force at a disadvantage. This battalion was not trained, configured or equipped for the type of deployment that was required in Bunia, with the result that it was only able to protect UN assets and personnel, as well as the Ituri Pacification Commission compound. Although MONUC's mandate at the time, in terms of *Resolution 1291 (2000)*, made provision for the protection of civilians 'under imminent threat of violence', the battalion was only able to use force to defend itself and UN assets in Bunia and to protect civilians within the perimeter of the UN compound. While the commander of the Uruguayan battalion made a correct tactical decision in not attempting to re-establish control of Bunia because of a lack of military capacity, the motivation for this decision was actually based on a flawed understanding of the mandate, which was believed to only permit the use of force in self-defence (UN 2004a:6-9; Roessler & Prendergast 2006:281)

The dire security situation in the Ituri District prompted the Secretary General to request the Security Council on 15 May 2003 to deploy to Bunia "[a] highly trained and well-equipped multinational force, under the leadership of a Member State, to provide security at the airport as well as other vital installations in the town *and to protect the civilian population*" [emphasis added], authorised under Chapter VII of the UN Charter. The emergency deployment was intended to be of a temporary nature to buy time for the deployment of a reinforced MONUC presence in the area (UN 2003b:1). In this regard the Secretary General duly proposed a concept of operations for a brigade-sized force for the Ituri District in his *Second Special Report on MONUC* on 27 May 2003, which will be discussed later (UN 2003d:13-14). The actions, or lack thereof, of the Uruguayan battalion emphasised the fact that MONUC was under strength, the forces it had at its disposal were not trained for the role they were expected to fulfil, and that

the flawed understanding of the mandate and the rules of engagement (ROE) prevented the execution of its existing mandate. This situation created a credibility crisis which forced the UNDPKO to seek an innovative solution outside the ambit of UN peacekeeping practices.

3.1.3. Deployment of the Interim Emergency Multinational Force

Prior to the request to the Security Council, the Secretary General had canvassed UN member states to determine the willingness to lead the IEMF. As early as 11 May 2003, France indicated that it would be willing to provide the lead, as well as to deploy forces as part of the force. A French assessment team visited the DRC on 20 May 2003 and after making initial contact with MONUC in Kinshasa, the IEMF did not involve the UN in any further planning of the operation. The French planners did not trust the security of information within MONUC and did not wish to put the IEMF troops at risk, especially during the landing of forces in the operational theatre (UN 2004a:11).

On 30 May 2003 the Security Council passed *Resolution 1484 (2003)* which authorised the deployment of the IEMF until 1 September 2003. The IEMF was, in cooperation with MONUC forces deployed in the area, to contribute to the stabilisation of the security and humanitarian situation in Bunia to ensure the protection of the airport, the internally displaced persons in the camps in Bunia, the safety of the civilian population, as well as UN personnel and the humanitarian presence in the town. The member states participating in the IEMF were further authorised to "[t]ake all necessary means to fulfil its mandate". While providing the IEMF with a robust mandate, the resolution was also clear in limiting the scope of operations to Bunia and emphasising the temporary nature of the deployment. It also directed the Secretary General to deploy a reinforced MONUC presence, within the authorised troop ceiling, to Bunia by mid-August 2003 (UN 2003f:1;Månsson 2005:510).

Following contact between the UN Secretary General and the Secretary General/High Representative of the EU, the original intention of a French-led multinational force evolved into a primarily EU operation with France serving as the 'framework nation'[24] and the main contributor of military personnel. This led to the first autonomous EU military operation outside Europe with the code name *Operation Artemis* (UN 2004a:12; European Commission 2006:152).

[24] The term 'framework nation' is EU terminology for what is normally referred to as a 'lead nation'.

By 9 June 2003 approximately 700 IEMF troops were deployed in Bunia, supported by French air assets operating from Ndjamena in Chad and Entebbe in Uganda. The force headquarters in Entebbe also provided logistical and medical support to the forces deployed in Bunia. The MONUC force in Bunia assisted the deployment of the IEMF by ensuring that the airport runway remained open for the deployment of the IEMF forward elements. While pre-deployment liaison with MONUC was virtually non-existent, excellent cooperation characterised the relationship once the IEMF deployed into Bunia. By July 2003 the IEMF numbered approximately 1 000 troops in Bunia and included elements from Belgium, Germany, Sweden and Canada (UN 2004a:12 and 14; Roessler & Prendergast 2006:285).

The IEMF quickly established its presence in Bunia and indicated a willingness to use force in the execution of its mandate by killing two Hema militiamen after being fired upon. Subsequent clashes with Lendu militia and elements of the UPC left no doubt of the IEMF's willingness to use force against any party that challenged its authority or threatened the security of the population. The IEMF plan was to demilitarise Bunia and canton all militia outside the city. Bunia was declared a 'weapons-invisible' zone, which meant that weapons could not be openly displayed. No comprehensive disarmament of the militia took place, with the result that weapons remained in circulation and militia activity shifted to the outskirts of the town. The IEMF was able to re-establish security in Bunia and weakened the military capabilities of the rival militias by interdicting their external lines of communication, through the monitoring of airfields. This allowed for the resumption of some political activity in the town, as political offices re-opened and limited economic and social activities were also resumed. The improved security situation also permitted the return of large numbers of the persons who were internally displaced by the conflict (UN 2004a:12-14; Holt and Berkman 2006:162; ICG 2003a:12; European Commission 2006:153).

The success of *Operation Artemis* can be ascribed to the use of Entebbe (Uganda) as a base which was only 40 minutes from Bunia and which allowed excellent operational support to the forward operating base in Bunia; to the use of special forces to engage and neutralise armed threats, even beyond the area of operations; to excellent human and technical intelligence capabilities; to the use of air assets for surveillance and reconnaissance purposes, while fighter aircraft over-flights reinforced the credibility of the message that the IEMF was willing to use force when required; and to the public information team which was effective in conveying the message of IEMF-MONUC cooperation. The fact that the bulk of the force was French-speaking assisted communication with the local population and facilitated cooperation and intelligence gathering (UN 2004a:13-14).

Negative aspects of *Operation Artemis* were that the belligerents were always aware of the transitory nature of the operation and that the very limited area of operations (in Bunia) resulted in militia operations against civilians continuing beyond the environs of the town (Månsson 2005:511). The force multipliers such as the special forces, intelligence and air capabilities as discussed above, left the Bunia operational theatre along with the IEMF during September 2003, with the result that no continuity was maintained when MONUC resumed full responsibility for the theatre (UN 2004a:14; European Commission 2006: 153-154).

Operation Artemis provided a new dimension to the conduct of PSO in that it showed that an external military force could be successfully 'co-deployed' with UN forces to achieve a specific objective. It also indicated what could be achieved by properly resourced forces operating under a sufficiently robust mandate. The essential difference between the IEMF and MONUC was that the IEMF projected credible military force, something that was hitherto lacking in MONUC. The use of an intervention of this nature serves to highlight the deficiencies in the existing mission in terms of manpower and/or mandate. It does, however, also create the opportunity for 'enforcement by proxy', where enforcement actions are undertaken by an external augmentation force to deal with a specific problem situation and UN forces then continue to keep the 'newly created' peace. This type of intervention is solely dependent on the goodwill of major powers and multilateral organisations, such as France and the EU, and is always likely to be of a short-term nature.

3.1.4. Expansion of MONUC

The temporary and limited nature of the deployment of the IEMF emphasised the need for the expansion of MONUC in order to take over from the IEMF and to operate beyond Bunia in the Ituri District. In his *Second Special Report* (2003), the Secretary General had recommended that a brigade sized force comprising three infantry battalions with logistic, engineer and aviation support be constituted to give MONUC credibility and freedom of action in the Ituri District (UN 2003d:15; UN 2004a:15).

Authorisation for the expansion was provided by the Security Council in *Resolution 1493 (2003),* and made provision for an increased troop ceiling of 10 800 personnel and requested the Secretary General to deploy a brigade sized force as soon as possible. More importantly, the resolution also provided a more robust mandate for MONUC. MONUC was tasked in the areas where its armed units were deployed and within its capabilities to protect UN personnel,

facilities and installations; to ensure the security and freedom of movement of its personnel; to protect civilians and humanitarian workers under imminent threat of physical violence; and to contribute to the improvement of security conditions for the provision of humanitarian assistance including those engaged in observation missions. The important addition to the mandate was the 'all necessary means' clause which is official sanction to use force in defence of the mandate. MONUC was authorised to use all necessary means to fulfil its mandate in the Ituri District and "[a]s it deems within its capabilities, in North and South Kivu". An embargo on the direct or indirect supply, sale or transfer of arms by states to foreign and Congolese armed groups was also authorised. This embargo also applied to the provision of any assistance, advice or training related to military activities. MONUC was later mandated by *Resolution 1533 (2004*) to seize or collect arms that had entered the DRC in violation of this embargo (UN 2003e:2,4 and 5; UN 2004g:2).

The rapid deployment of the MONUC Ituri Brigade followed the passing of *Resolution 1493 (2003).* By 1 September 2003 approximately 2 400 troops from Uruguay, Bangladesh, India, Pakistan and Indonesia were on the ground in Bunia and reported excellent cooperation with the IEMF. The transfer of responsibility from the IEMF to MONUC proceeded smoothly, with elements of the IEMF remaining for an extra two weeks to facilitate this process. By November 2003, the deployment of two additional battalions from Nepal and Pakistan raised the level of MONUC forces in the Ituri District to approximately 4 500 military personnel. A slight deterioration in the security situation after the departure of the IEMF was offset by aggressive patrolling by the Ituri Brigade which displayed a willingness to use force and extend its authority throughout the region. Robust patrols and cordon-and-search operations were conducted, which also made MONUC the target of violent attacks by militia groups. The Ituri Brigade started to show signs of becoming a credible force that could protect civilians, support the delivery of relief aid and undertake DDR tasks although the real effective use of force only took place towards the latter half of 2004 (UN 2004e:7; Roessler & Prendergast 2006:286-287; Holt & Berkman 2006:163).

Resolution 1493 (2003) heralded a significant change in MONUC's military posture, removing all ambiguity in terms of the use of force in the Ituri District, although the addition of the caveat in terms of North and South Kivu indicates the acknowledgement by the Security Council of MONUC's lack of capacity to undertake robust operations on a wide front.

3.2. Crisis in the Kivus

The withdrawal of the Rwandan forces from the Eastern DRC during 2003 also created fears of a security vacuum in the Kivus (both North and South Kivu provinces). These fears were unfounded because the Rwandan forces only controlled specific strategic positions such as towns, airstrips and mines, and its proxy, the RCD-Goma, had only established control over the Rutshuru area of North Kivu. Most of the rural areas were dominated by the indigenous Mai Mai militia. By the end of 2003 approximately 80 percent of the Kivus were self-governed with the central government unable to expand its influence to the Kivu provinces (ICG 2003c:4).

3.2.1. Development

Efforts to expand state authority to all territories in the DRC exacerbated existing tensions, particularly in the Kivus. The creation of a national defence force known as the *Forces armées de la République démocratique du Congo* (FARDC) during January 2003 and the subsequent appointment of commanders sparked conflict in Bukavu, capital of South Kivu. During February 2004 officers of the RCD-Goma armed wing, the *Armée Nationale Congolaise* (ANC), refused posts in the new defence force as they felt excluded from influential positions. The appointment of a former FAC officer, General Prosper Nabyolwa, as the commander of the 10th Military Region (South Kivu), fuelled the tension with the result that RCD-Goma elements refused to acknowledge his authority and smuggled weapons into the province, in cooperation with the governor of South Kivu, also a former member of the RCD-Goma. Actions by General Nabyolwa to seize stockpiles of ammunition and arrest the perpetrators led the deputy commander, Colonel Jules Mutebutsi – a former RCD-Goma commander – to align himself with the dissident RCD-Goma forces that attacked Nabyolwa's house, forcing him to flee the area. During this period a campaign against MONUC was also launched, questioning MONUC's impartiality and encouraging the population to attack MONUC personnel. Hate speech against the Banyamulenge was also observed (Roessler & Prendergast 2006:288; UN 2004e:10).

The MONUC strategy at the time was aimed at facilitating the extension of state authority in the Kivus while implementing long and short-term measures relating to security, community relations and economic recovery. In response to the intermittent skirmishes in the Kivus and the developments in Bukavu, MONUC announced the establishment of a Kivu brigade comprising existing Task Force 1 units deployed in North Kivu and a Uruguayan battalion in South Kivu which would provide a mission reserve capacity to address urgent contingencies in the area.

The forward brigade headquarters was to be based in Bukavu with support elements using Kindu as a rear base (UN 2004e:9).

On 26 May 2004 Mutebutsi's dissident troops clashed with troops loyal to the new 10th Military Region commander, General Mbuza Mabe. The clashes sparked accusations by 'General' Laurent Nkunda, one of the first dissident former RCD-Goma officers, that FARDC troops loyal to Mabe had harassed and committed genocide against Bakavu's Banyamulenge population. MONUC reacted swiftly to the clashes and through negotiation managed to canton Mutebutsi's troops in the Ngube area of Bukavu, while creating a buffer zone manned by the FARDC in the town. MONUC forces in Bukavu were augmented by emergency redeployments bringing the force strength on 1 June 2004 to approximately 1 000 personnel (Roessler & Prendergast 2006:289; UN 2004d:9).

Dissident forces loyal to 'General' Nkunda, numbering approximately 1 200, advanced on Bukavu from North Kivu under the pretext of preventing genocide against the Banyamulenge population. On 1 June 2004, the FARDC elements abandoned the buffer zone with the result that Nkunda's forces along with Mutebutsi's forces, which had broken out of cantonment, occupied Bukavu on 2 June 2004. While the MONUC military commanders were prepared to halt the Nkunda advance on Bukavu, the MONUC political leadership in Kinshasa and the UNDPKO in New York instructed them to remain out of what was considered an internal affair. The UN spokesman, Fred Eckhart, explained later that "[i]t's for the [Congolese] parties to sort out. When war breaks out, the role of the peacekeepers ends". Nkunda and Mutebutsi's forces laid siege to Bukavu for the next week and engaged in a campaign of murder, rape and pillage which forced approximately 4 000 civilians to seek refuge in the MONUC compound in Bukavu. As a result of diplomatic pressure, Nkunda and Mutebutsi eventually agreed to withdraw from Bukavu on 6 and 8 June 2004 respectively. Nkunda's forces remained in the DRC between Bukavu and Goma, while Mutebutsi crossed into Rwanda with approximately 300 of his troops (ICG 2005:24; Roessler & Prendergast 2006:289; UN 2004d:9)

3.2.2 Impact on MONUC

MONUC' performance during the Bukavu crisis led to criticism by certain unnamed members of the GNUT for not using its mandate under Chapter VII of the UN Charter to prevent the capture of Bukavu by the dissident elements (Månsson 2005:512). Violent demonstrations were staged against MONUC and the UN in various centres in the DRC, leading to the destruction of equipment and property, as well as the harassment of UN personnel. MONUC's decision not to

defend Bukavu, despite having a relatively robust force supported by armoured vehicles and assault helicopters, serves as another example of dissonance between the military leadership on the ground and the political leadership in Kinshasa and New York. A DPKO internal report subsequently found that the MONUC force commanders had correctly identified the dissident forces as hostile to the GNUT, but were overruled by the civilian leadership who were unsure if Nkunda was an illegitimate mutineer or represented a faction of the transition (Holt & Berkman 2006:172; Roessler & Prendergast 290-292; Cammaert 2007:2; UN 2004 d:10).

The events in Bukavu prompted the Secretary General to point out in his *Third Special Report (2004)* that although *Resolution 1493 (2003)* provided a robust mandate, it also created expectations that MONUC would enforce peace throughout the country, for which it did not have the capacity. He also indicated that the resolution lacked detail regarding the tasks MONUC was expected to perform. A review of the military mandate revealed that it was appropriate for MONUC to continue with its mandated tasks within the current concept of operations to support peace and reconciliation initiatives in the Ituri District; to contribute to the multi-layer security arrangements in Kinshasa; and to provide security for UN personnel and facilities, as well as for civilians threatened by violence in the areas of MONUC deployment. The Secretary General, however, required clarification of MONUC's role regarding the monitoring of the arms embargo, and the DDRRR and DDR processes. He also indicated in the light of the Bukavu crisis that it would be necessary to strengthen MONUC's capacity to deter spoilers in the key areas of potential volatility (UN 2004d:18).

The Secretary General stated that MONUC could not assume responsibility for law and order in the DRC, nor could it fight forces representing components of the GNUT should they abandon the political process. He also indicated that should the Security Council provide MONUC with a mandate to assist in creating stability in areas other than in the Ituri District, the conditions under which MONUC could use force to deter elements from using violence to disrupt the political process, needed to be clearly defined. The Secretary General was adamant that MONUC needed the military capacity to take action to support the transition and to protect civilians at risk, in order to prevent armed groups from holding the transition hostage, as was the case in Bukavu (UN 2004d:22).

The developments in Bukavu served to highlight the danger of the caveat contained in *Resolution 1493 (2003)* which mandated the use of 'all possible means' in the Kivus 'within the capabilities of the force'. The caveat created room for discretion, which in this case led to a decision that was not motivated by a lack of military capacity, but rather on a flawed

understanding of the conflict dynamics and actors involved. The result was that MONUC alienated members of the GNUT as well as the Congolese civilians it was mandated to protect. It also illustrated the vulnerability of the peace process to the influence of spoilers and the inadequacy of MONUC's military capacity to deal with such threats.

4. MONUC and Transition

During August 2004, the Secretary General initiated the review of the MONUC mandate by making specific recommendations for the expansion of the military component of the mission.

4.1 Concept of Operations

The new concept of operations was revised on the basis of the key principles of creating a reserve capacity along with a flexible and mobile capability. The Secretary General recommended the following revision of the concept of operations:

(a) Ituri District: In Ituri, the addition of an infantry company (150 personnel) to serve as an operational reserve, bringing the total strength to 4 850 military personnel.

(b) North and South Kivu Provinces: The Kivus were seen to require a balanced and responsive military presence capable of responding to more than one crisis at a time. It was therefore proposed that North and South Kivu each be allocated a separate light brigade, with its own headquarters. This required the addition of four battalions, support elements and headquarters personnel bringing the total requirement for the Kivu brigades to 6 650 personnel.

(c) Katanga and Kasais Provinces: Katanga and the Kasais were considered to be potentially high risk areas during the electoral phase, especially as a result of previous tensions between Mai Mai groups and elements of the RCD-Goma, as well as between Mai Mai elements and the former FAC. The diamond producing areas of the Eastern and Western Kasai were seen to be vital to the stability of the country, with the town of Mbuji Mayi important in controlling access to the diamond fields and the security of the Kinshasa and Lubumbashi supply routes. It was therefore recommended that a fourth brigade (comprising 3 500 military personnel) be deployed with its headquarters in Kamina with battalions in Kalemie, Lubumbashi and Mbuji Mayi with a reserve battalion deployed in Kamina for contingencies in Katanga and the Kasais.

(d) Kinshasa: The reinforcement of the MONUC presence in Kinshasa to brigade strength by the addition of two infantry battalions, an engineer detachment and two *gendarmerie* units was recommended. The addition of a second mission reserve of battalion strength to be based in Kinshasa was also recommended.

(e) Force Enablers: The addition of fixed wing, rotary wing and support aircraft were recommended along with a maritime surveillance unit, a military communications unit, a special forces company and a military police company.

(f) Information Management and Command and Control: An urgent need was identified for the establishment of a joint mission analysis cell and a more responsive joint operations centre for the coordination of crisis management and routine operations.

(g) Command and Control: The envisaged expansion of MONUC would require a change to the command and control arrangements. The Secretary General recommended that the level of command be raised to lieutenant general level for the force commander who would remain in Kinshasa. A division headquarters commanded by a major general needed to established to command the four brigades in the Eastern DRC (UN 2004d:23-25).

The Secretary General's recommendations required an additional 13 100 military personnel, bringing the total strength of the mission to 23 900 military personnel (UN 2004d:26). The Secretary General's recommendations reflected sound military planning, especially in terms of creating reserves that could be used for dealing with contingencies as well as creating a military capability for the Katanga and Kasai provinces. The plan made provision for the deployment of balanced forces in potentially volatile areas that would obviate the need for the emergency redeployment of forces.

4.2 Mandate

In response to the Secretary General's *Third Special Report* (2004) and his urgent request for the deployment of emergency reinforcements on 3 September 2004, the Security Council authorised the increase of MONUC's strength by 5 900 personnel, as well as an increase of police and civilian personnel. The increase of 'appropriate and proportionate' air mobility assets were also authorised (UN 2004c:1; UN 2004f:2). *Resolution 1565 (2004)* was important in that it not only authorised an expansion of the mission, but also clarified MONUC's role. The Security

Council demarcated a general military and security mandate, as well as a specific mandate for MONUC support to the GNUT.

The military and security portion of the mandate authorised MONUC to deploy and maintain a presence in the key areas of potential volatility with the aim of deterring the use of force to threaten the political process and to allow UN personnel to operate freely, especially in the Eastern DRC. An 'intelligence mandate' authorised MONUC to gather information and report on armed movements and groups, as well as on foreign military forces in the volatile areas, thereby endorsing the creation of a 'joint mission analysis cell'. The resolution specifically mentioned the need to ensure the protection of civilians, including humanitarian personnel, under threat of physical violence. The resolution also emphasised MONUC's responsibility in monitoring the implementation of the arms embargo through the inspection of aircraft and transport vehicles in North and South Kivu and in the Ituri District. MONUC was empowered to seize or collect arms that violated the provisions of the embargo (UN 2004f:2).

The 'support to the transition' portion of the mandate required MONUC to contribute to the security of GNUT personnel and institutions in Kinshasa, as well as in other strategic areas; to contribute to the improvement of security conditions for the provision of humanitarian assistance, and assist in the voluntary return of IDP and refugees; to support operations to disarm foreign combatants led by the FARDC; to facilitate the demobilisation and voluntary repatriation of the disarmed foreign combatants and their dependents; to contribute the disarmament portion of the national DDR programme and to assist in providing security for sensitive locations; to contribute to the electoral process by assisting in establishing a secure environment for free, fair and transparent elections to take place; and to assist in the promotion and protection of human rights. In addition to the above tasks, MONUC was also authorised to assist the GNUT by supporting the joint commissions dealing with legislation, security sector reform and the electoral process (UN 2004f:3).

Resolution 1565 (2004) went further than *Resolution 1493 (2003)*, in that it authorised the use of 'all necessary means' to enable MONUC to carry out the tasks listed above, with the exception of the demobilisation and repatriation portion of the DDRRR process, as well as the promotion and protection of human rights (UN 2004f:3). The reinforcement of the mandate was not, however, matched by an equally robust increase in the military strength of the mission, with the authorised increase representing less than half of what the Secretary General had requested.

The implication for MONUC of the authorisation of far fewer troops than requested was that the plans for the deployment of a brigade to Katanga and the Kasais had to be abandoned and the size of the battalions in the Ituri Brigade reduced to 850 military personnel, in order to comply with the authorised troop ceiling of 16 700 military personnel. The divisional headquarters in Kisangani was, however, established by 24 February 2005 with a major general in command, while the rank level of the force commander was raised to that of a lieutenant general. Despite not receiving all the troops requested, the period between October 2004 and February 2005 marked one of the largest and most rapid expansions of an existing UN mission, with the deployment of approximately 5 500 additional MONUC personnel to the Eastern DRC (UN 2004b:9-10; Roessler & Prendergast 2006:295; Holt & Berkman 2006:65)

In requesting the expansion of the military component on MONUC, it is evident that the Secretary General intended to have a credible force deployed in all the potentially volatile areas prior to the holding of elections. The cautious approach of the Security Council in authorising a reduced troop ceiling prevented this and necessitated the emergency augmentation of MONUC just prior to the elections in 2006.

4.3 Execution of the Mandate

Resolution 1565 (2004) provided MONUC with a stronger mandate and demarcated the mission's responsibilities. Despite the authorisation of increased MONUC force levels, the mandate in terms of the forcible disarmament of foreign armed groups remained the same and only entailed 'support' for such disarmament operations.

4.3.1 MONUC Operations

The allocation of the mandate was immediately reflected in a more aggressive approach to MONUC operations in the Eastern DRC, with the focus of main effort on the instability in the Ituri District from February 2005, before shifting this effort to the South Kivu from July 2005 and to the North Kivu in late 2005. MONUC's mandate to protect civilians was further strengthened when it was explicitly authorised in *Resolution 1592 (2005)* to use coercive tactics, including cordon and search operations to prevent attacks on civilians and to disrupt the military capability of illegal armed groups using violence (CIC 2006:75; Holt & Berkman 2006:165-166; UN 2005k:3)

Aggressive cordon and search operations aimed at compelling militias to disarm and to pre-empt attacks on civilians were conducted during 2005. The increased pressure placed on militia groups by MONUC also carried inherent risks, with nine Bangladeshi peacekeepers being killed in an ambush while patrolling near a displaced persons camp in Bunia. A large scale cordon and search operation dismantled the headquarters of the *Front Nationaliste Intégrionste* (FNI) in Loga, Bunia, resulting in the killing of approximately 60 militia members during the operation. The use of force by MONUC convinced most Ituri militia to disarm voluntarily with the result that by 25 June 2005 approximately 15 600 militia members had disarmed. Despite a general improvement in the security situation in the Ituri District, human rights violations continued against members of the population in areas where MONUC or the FARDC were not present (UN 2005a:4; UN 2005d:4-5; CIC 2006:77).

With the Ituri District stabilised to a certain degree, MONUC shifted focus to the Kivus where the presence of illegal foreign armed groups (the ADF/NALU numbered approximately 1 500-2 000 in North Kivu, the FDLR approximately 10 000-12 000 in both the North and South Kivu) as well as Mai Mai elements continued to pose a threat to the transition. Plans were developed for joint operations to disarm these elements with the FARDC taking the lead and MONUC providing support in terms of the mandate provided in *Resolution 1565 (2004)*. Joint MONUC and FARDC operations started on 1 July 2005 aimed at restricting the movement of FDLR elements and protecting the population. A tactical concept was introduced in the DRC which created a perception of an enhanced military presence in the Eastern DRC and a greater sense of protection among the local population. Mobile operating bases were deployed from battalion bases for short periods in order to provide better cover for the battalion areas of responsibility and to maintain a high operational tempo. The mobile operating bases, along with a robust capability, introduced unpredictability into MONUC operations which made it difficult for potential spoilers to determine MONUC's activities and presence in the area (Cammaert 2007:9).

The UN Group of Experts, tasked to monitor the implementation of the arms embargo, noted an improvement in the monitoring capacity and the effective functioning of the joint mission analysis cell in its report of July 2005. The report, however, also noted MONUC's lack of capacity to monitor airspace and airport activities and to deploy on the borders and in the airports of the DRC to support national customs structures (Roessler & Prendergast 2006:298-299; UN 2005j:7 and 27). This highlighted a general problem regarding intelligence experienced by the mission. Historically the UN has displayed a sensitivity regarding intelligence in peacekeeping operations, because the activity implies a lack of transparency and the

perception exists that intelligence gathering activities could impinge on the impartial role UN peacekeepers are expected to fulfil (Eriksson 1997: 1 and 3). In a complex PSO such as in the DRC, intelligence is vital for commanders for decision-making and guidance to subordinate commands, and is particularly valuable for the employment of scarce resources and capabilities in a vast operational theatre. MONUC was plagued by a lack of tactical intelligence-gathering assets in both the human intelligence (HUMINT) and electronic intelligence (ELINT) fields. Repeated requests for ELINT assistance from member states resulted only in short-term temporary assistance, with the result that the communications of the various armed groups and spoiler elements, who mainly communicated by means of cellular telephones, remained an underexploited source of information. MONUC also did not have assets to effectively monitor the arms embargo in the Kivu provinces and Ituri District, with the result that actionable intelligence was not available to conduct operations aimed at seizing illegal arms. Assets were also not available for aerial, airspace and ground surveillance. Despite the creation of a Joint Mission Analysis Cell, intelligence sharing between the various MONUC military and police components and other UN agencies in the DRC was found to be lacking (Cammaert 2007:4-5).

Prior to the allocation of a stronger mandate, MONUC military operations were perceived to be purely reactive and ceded the initiative to the various armed groups and other spoilers in the DRC. The intervention of the IEMF followed by the increased MONUC force presence and more robust mandate indicated a change in posture with proactive military operations limiting the freedom of action of these groups. The innovative use of mobile operating bases created the impression that MONUC was operating on a wider front than was actually the case and assisted in keeping the armed groups and other spoilers off balance. Creating a completely stable Eastern DRC was never a realistic objective, given the size of the theatre, coupled to the fact that MONUC was required to operate in tandem with the FARDC. MONUC did, however, succeed in dislocating the various foreign armed groups and local militia to the extent that these elements were unable to exert a negative influence on the electoral process and the eventual elections. From this perspective it can be said that MONUC military operations contributed significantly to the overall task of the mission in supporting the transition. Support for DDRRR, DDR and SSR programmes was also closely linked to the conduct of MONUC military operations.

4.3.2 Support for the DDRRR Programme.

The voluntary nature of disarmament was seen to be an impediment to an effective DDRRR process by elements within the GNUT and the DRC's neighbours. Despite the development of a

concept of operations for combined operations between MONUC and the FARDC and the conduct of such operations against the foreign armed groups during 2005, the members of the Tripartite Plus One Joint Commission (Burundi, DRC, Rwanda and Uganda) expressed concern on 21 October 2005 at the refusal of the armed groups to voluntarily disarm and indicated that these groups were seen as a threat to regional peace and security, as well as a danger to the electoral process in the DRC. The Commission requested the Security Council to amend the MONUC mandate to include the disarmament of foreign armed groups by force. The Commission was of the opinion that MONUC was not perceived as a credible threat by the armed groups because of the lack of a strong mandate (UN 2005h:2).

In response to the request by the Commission and pursuant to the requirement to formulate a comprehensive strategy for DDRRR contained in *Resolution 1649 (2005)*, the Secretary General indicated that MONUC would continue to conduct joint operations with the FARDC against the foreign armed groups within the context of its mandate to protect civilians and to support ongoing efforts to strengthen the FARDC to enable it to fulfil its DDRRR responsibilities. He reiterated that MONUC's main priority was to assist the GNUT in ensuring the credibility of the electoral process. The foreign armed groups were assessed to have neither the intention nor the capacity to disrupt the elections, with the result that joint operations would be aimed at containing these groups in isolated locations away from civilian population centres. Fewer MONUC military assets would therefore be dedicated to pursuing these groups. The Secretary General mentioned that the long-term solution to the problem of foreign armed groups was of a political nature best suited to be addressed by the elected national government. The Secretary General remained steadfast in his belief that the robust but voluntary approach to DDRRR was necessary to minimise further bloodshed and suffering in the DRC and clearly stated that MONUC was required to give priority to electoral preparations over the conduct of robust military operations against foreign armed groups. The Secretary General also stated that the governments of the Tripartite Plus One Joint Commission needed to take full responsibility for the resolution of the problem, with assistance from the international community (UN 2005f: 3; UN 2006e:3 and 13)

By September 2006 approximately 13 000 members of foreign armed groups, both combatants and dependents, had been repatriated to Burundi, Rwanda and Uganda. The Secretary General ascribed the success of the voluntary DDRRR process to the improvement in security in North and South Kivu as a result of the expansion of government authority in these provinces. However, between 8 000 and 9 000 foreign combatants were estimated to remain in the Kivu provinces. The majority of these combatants were FDLR elements, along with

approximately 600 Ugandan Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) elements and remnants from the Burundian *Forces nationales de liberation* (FNL) (UN 2006e: 2).

The foreign armed groups were correctly assessed to have had a limited impact on the electoral process with the result that the MONUC strategy of containment, rather than operations aimed at eradicating the threat, ensured a sensible use of resources and capabilities and prevented these groups from influencing the electoral process. A core element of these armed groups, most notably the FDLR, remained in the Eastern DRC, thus presenting the newly elected government with a problem that has not been resolved by means of voluntary DDRRR, and which is only likely to be resolved through political negotiation.

4.3.3 Support for the DDR and SSR Programmes

Although the FARDC was established during 2003, the presence of large numbers of indigenous militia (such as the Mai Mai) and elements from the armed groups of the rebel movements outside any formal process of integration, required that both the DDR and SSR processes be revisited.

A broad plan for the reform of the security sector in the DRC was developed during February 2004 in New York between the GNUT, the UN and a number of UN member states, which spelt out the need for the development of a national security sector policy; for the coordination of DDR and SSR bodies with a common vision and strategy; for a plan for police reform; for the creation of legislation regarding national defence and the armed forces; for the execution of realistic military integration plan linked to comprehensive DDR; and for a coherent, timely, effective and sustainable plan for the deployment of integrated FARDC units and the refurbishment of military infrastructure and training facilities. In order to give effect to the broad plan, MONUC established a joint commission, chaired jointly by the SRSG and the GNUT, which linked to a contact group (chaired by the EU and Belgium) which reviewed policy, supported needs, monitored progress and advised and assisted the GNUT. This process produced two national plans for SSR, one dealing with DDR and the other focused on the integration of the armed forces (UN 2004e:5; CIC 2008:44).

For the execution of these plans, which were intended to run concurrently, MONUC and the government adopted a model known as *brassage*[25] which aimed to reorganise the military units of armed groups by dismantling command and control structures and integrating former combatants into the FARDC command structure; and the physical relocation of combatants to different regions in the country. The first phase of the *brassage* process entailed the integration of six brigades and was completed by the end of September 2005. The second phase envisaged limited MONUC military assistance to the FARDC for enforced demobilisation, especially in the Ituri District. Progress with this phase was slow, largely as a result of the sluggish movement of forces to *brassage* centres. The situation was exacerbated by administrative and logistical challenges experienced by the GNUT and the *Commission nationale de la demobilisation et de la résertion* (CONADER), which had been created by the GNUT to administer the process. An inability to effectively administer the disbursement of demobilisation allowances for demobilised combatants and the perennial problem of the non-payment of salaries of those integrated into the FARDC, generated serious discontent amongst the former combatants (CIC 2008:44).

By the end of 2006, 96 478 combatants were demobilised with 50 541 integrated into the armed forces, while the disarmament of a further 44 046 was also completed. A further 34 786 combatants still needed to be processed. Fourteen of an envisaged 18 integrated brigades had been established, although none of these brigades were considered to be effective without MONUC logistical support. In the transitional period a total of 53 000 Congolese policemen received basic training, with the main focus on election security. The restructuring and rebuilding of the police force remained 'work in progress' during January 2007 with the intention to focus on the development of basic operational, technical and administrative capacity. In general the FARDC remained politicised, unprofessional and poorly equipped and continued to victimise the population rather than protecting them (UN 2007d:7-8; Onana and Taylor 2008: 512).

While some progress was noted regarding the DDR and SSR processes, the outcome was mainly quantative in nature with the qualitative aspects of both the military and police forces falling short of what could be considered to be effective and efficient security forces. This state of affairs has serious implications for the MONUC exit strategy and will most likely require the protracted deployment of MONUC to assist the elected government in extending its authority to all parts of the DRC.

[25] The literal translation of the French term *brassage* is 'intermingling'.

4.4 MONUC Election Assistance

MONUC support to the transition in terms of national elections was based on the premise that the responsibility for and ownership of the electoral process lay with the GNUT and the people of the DRC, with the Independent Electoral Commission (IEC), established during June 2004, responsible for organising and conducting electoral operations. Prior to the elections the Secretary General in his *Special Report on Elections in the DRC (2005),* indicated that MONUC's main objective during the electoral phase of the transition was to ensure that the political and security environment remained conducive for a credible electoral process (UN 2005c:6).

This phase of the peace mission was, however, tarnished by allegations of sexual misconduct by both civilian and military members of MONUC. During May 2004 allegations of the sexual exploitation of the local population and sexual misconduct by MONUC civilian and military personnel came to the fore. The allegations included the exploitation of under-age girls and women at a camp for internally displaced persons, rape and prostitution. The actions by MONUC staff were in clear violation of the MONUC Code of Conduct , which was provided to all staff members and military contingents, as well as of a UN administrative bulletin entitled: *"Special measures for protection from sexual exploitation and sexual abuse"* which was released on 9 October 2003. The allegations were investigated by two investigation teams and led to the establishment of an Office for Addressing Sexual Exploitation and Abuse in the UN headquarters. MONUC itself took firm measures to eliminate sexual misconduct which included a strict non-fraternisation policy, the implementation of a curfew for military contingents, as well as comprehensive awareness programmes for mission personnel. The Secretary General also requested the Security Council for additional policemen to enhance MONUC's self-monitoring and enforcement programmes dealing with subject (UN 2004d:8; UN 2005b: 14; UN 2005e:1 and 3; Roessler & Prendergast 2006:299-301). The swift reaction at all levels of the UN chain of command ensured that remedial action was taken and that UN procedures were refined to prevent similar misdemeanours in the future.

Security concerns for the electoral process were related to general instability and lawlessness, especially in the Eastern DRC, as well as threats to law and order in the large population centres such as Kinshasa, Mbuji-Mayi and Lubumbashi. These concerns prompted the Secretary General to request the deployment of an additional brigade for the Katanga province, in order to deal with this perceived threat (UN 2005c:5 and10). However, the reticence of the

Security Council to authorise this deployment prompted the UNDPKO to once again pursue the option of EU assistance.

4.4.1 European Union Security Assistance for the Elections

In order to remedy the assessed deficiency in military capacity, the UNDPKO approached the EU to provide a deterrent force that could act as a force reserve. The EU agreed to provide such a force on condition that it was allocated a Chapter VII mandate, which was duly authorised in *Resolution 1671 (2006)*. The force known as *Eufor RD Congo* was provided with an 'all possible means' mandate to support MONUC in stabilising a situation beyond its existing capabilities; to contribute to the protection of civilians under threat of physical violence in its areas of deployment; to contribute to airport security in Kinshasa; to ensure the freedom of movement of personnel and the protection of *Eufor RD Congo* installations; and to execute operations of limited nature in order to extract individuals in danger. The mandate was provided for a four month period after the date of the first round of the parliamentary and presidential elections (UN 2006f:1-5; UN 2006g:2-3). The force deployed 1 100 troops in the DRC with a reserve force of 1 307 troops located in Gabon. A strategic reserve of 1 500 troops remained on standby in Europe. The mission in the DRC focused on Kinshasa as well as Lubumbashi, Mbandaka, Kananga and Mbuji Mayi (UN 2006c:1; Pau 2007:1; IRIN 2006:1).

Eufor RD Congo was initially perceived by many Congolese as part of a 'Western' attempt to promote President Kabila, who was unpopular in Kinshasa and regarded as an 'outsider'. This perception changed after its intervention in the clashes between the Republican Guard and Vice President Bemba's security detail during August 2006, while the election results were awaited. The *Eufor RD Congo* action was seen to defend Bemba from an attack launched by President Kabila's Republican Guards, thus reinforcing the force's stated role of securing a fair electoral process. *Eufor RD Congo's* patrolling of the street of Kinshasa on foot, as opposed to MONUC's patrolling in armoured vehicles and the fact that the force spoke French helped to reinforce the image of a neutral and credible force (Martin 2008:93-94).

The deployment of *Eufor RD Congo* to supplement MONUC for the election period closely mirrored *Operation Artemis* (2003) and entrenched the use of an external force to compensate for a deficiency in the deployed peace mission. This type of co-deployment once again proved to be effective and showed that developed countries are prepared to act as the lead nation in this type of multilateral deployment, provided that the mission is clearly defined, a suitably robust mandate is provided and the mission is of a finite duration.

4.4.2 Security Support for the Elections

Although the Security Council initially did not authorise an additional brigade earmarked for deployment in the Katanga and Kasai provinces, an additional allocation of 300 military personnel was subsequently approved which enabled the deployment of an infantry battalion and enabling assets in Katanga. The Katanga deployment was augmented further by the temporary redeployment of an infantry battalion, a military hospital and 50 military observers from the United Nations Operation in Burundi (ONUB) (UN 2005g:2; UN 2005i:2; UN 2006d:7; UN 2006h:1).

MONUC played a major role in creating a security environment that was conducive for the holding of elections by using its military and police assets. Specific election-related measures included the deployment of six formed police units from Bangladesh, India and Senegal to strategic locations, which included Kananga, Kinshasa, Kisangani, Lubumbashi and Mbuji-Mayi, to assist the crowd control capacity of the national police. MONUC also assisted in intensive training programmes for territorial police officers who were required for the static security of polling stations (UN 2006d:6).

On the civilian side, MONUC provided support to the legislative process through the Joint Commission on Essential Legislation, while the MONUC Electoral Assistance Division provided assistance to the IEC. MONUC also assisted in voter education and employed a public information programme to facilitate an understanding of the electoral process amongst the Congolese population and the participating political parties.

4.4.3 Security Situation during the Elections

The security situation prior to the first round of elections on 30 July 2006 was relatively stable, with MONUC able to protect civilians in the Ituri District and the Kivus provinces. In North Kivu tension between non-integrated elements of the ANC of the RCD-Goma, loyal to ‘Gen’ Nkunda and deployed FARDC brigades persisted, requiring close MONUC monitoring, while a decline in the activities of the FDLR and uncontrolled armed groups was noted. The situation in Katanga remained calm with Mai Mai and unpaid FARDC elements posing the greatest risk to the population. In Kinshasa the MONUC Western brigade, along with the *Eufor RD Congo* provided sufficient security for the electoral process to proceed, despite a number of violent clashes that characterised the period prior to the election. These two forces also played an

important role in dealing successfully with the violent conflict that broke out between the Republican Guard (a FARDC formation responsible for the security of President Kabila) and the guards of Vice President Bemba over the period 20-22 August 2006, when the results of the first round of the presidential election were awaited (UN 2006c:10-11).

The presidential and national assembly elections took place in a generally peaceful and orderly manner with 70,54 percent of the approximately 25 million registered voters participating in the election. The presidential election was won by President Kabila (44,81 percent of the votes) over Vice President Bemba (20,3 percent), Antoine Gizenga (13,06 percent) and Nzanga Mobutu (4,77 percent). In accordance with the electoral law, a second round presidential election between Kabila and Bemba was required because no candidate obtained an absolute majority. International election observers were generally satisfied with the conduct of the first round of the election, although certain concerns regarding administrative aspects were raised (UN 2006c:3-4). The National Assembly, which was dominated by a coalition of parties supporting President Kabila, was installed on 22 September 2006 (UN 2006c:7).

The second round of the presidential election and the provincial assembly elections were held on 29 October 2006, with 65 percent of registered voters participating. President Kabila, with 58,05 percent of the vote, was declared the winner of the presidential election, which was declared to be technically sound, transparent and credible by international and national election observer missions. After an unsuccessful legal challenge of the election result, Vice President Bemba accepted the result on 28 November 2006. President Kabila was inaugurated on 6 December 2006, which brought the transition period to a close (UN 2006c:7; UN 2007d:1).

The high percentage polls for both rounds of the presidential elections as well as for the national and provincial assembly elections attests to the fact that an acceptable level of security was maintained for a credible election to take place. While isolated incidents of violence took place in various parts of the country, the fact that the election process was seen to be credible and fair by international and regional election observers indicates that MONUC was successful in assisting the transition to the point where a new government was elected.

5. Conclusion

The *Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo*, 2003 provided the impetus for MONUC to become a fully-fledged peace support operation. While the responsibility for the implementation of the agreement rested with the GNUT, MONUC was expected to play a supporting role, especially in the field local conflict resolution,

maintenance of security in key areas of the country and assistance to the DDRRR and DDR programmes. The actual transition of MONUC into a peace support operation came about as the result of specific conflict in the Ituri District and Bukavu in the North Kivu province.

Insecurity in the Ituri District, which underscored MONUC's lack of military capacity to deal with the situation, led to the deployment of the IEMF in an attempt to stabilise the situation in Bunia. The deployment of a well-equipped force with a robust 'all possible means' mandate resulted in an improvement in the security situation. This augmentation of MONUC to fulfil a critical task heralded a new form of 'co-deployment' in peace missions which enabled major powers to be seen to be playing a part in an African conflict situation, without having to make any long-term commitments. Quick impact projects of this nature could become a viable alternative for major powers to participate in African UN peace missions. The deployment of the IEMF also required the Security Council to authorise an increase in the size of the mission and provide MONUC with a suitably robust mandate for operations in the Ituri District and in the Kivu provinces 'within its capabilities'. The reinforced MONUC was able to build on the work of the IEMF with the result that an acceptable level of security was established in the Ituri District. The provision of a more robust mandate, however, also raised expectations within the GNUT and the population regarding the protection of civilians and the forcible disarmament of armed groups, which MONUC was not able to fulfil in the rest of the Eastern DRC.

The political instability linked to the creation of the FARDC and local governance issues in Bukavu during 2003 served as the catalyst for a further expansion of MONUC and the authorisation of an 'all possible means' mandate for the entire DRC. It also served to highlight the dissonance between the military and civilian leadership of MONUC and the UN, regarding the use of force to protect the mandate. The provision of a robust mandate was not matched by the allocation of all the resources requested by the Secretary General. The Security Council approved the expansion of forces to meet immediate requirements, but failed to authorise forces needed for the longer term to provide sufficient security for the electoral process outside the Eastern DRC. This created the lack of reserve capacity identified shortly before the elections in July 2006, requiring the request for the augmentation of MONUC to the EU. While MONUC and the Secretary General's strategic planning attempted to establish a credible military capability to meet possible contingencies in preparation for the electoral process, this was not matched by the Security Council's allocation of resources, which had a far shorter-term focus, and which ensured that the UN response remained reactive in nature and vulnerable to tactical developments in the field.

At the operational level, the allocation of a robust mandate heralded a more aggressive approach by MONUC and the conduct of operations in cooperation with the fledgling FARDC which helped to improve the security situation in the Eastern DRC. Despite the improvement in the security situation, the GWOT, as well as Burundi, Rwanda and Uganda maintained the stance that MONUC should have been mandated to disarm the foreign armed groups by force. The Secretary General's strong stance on the voluntary approach to disarmament ensured that MONUC remained focused on supporting the transition and did not become distracted by issues that posed no credible threat to the electoral process.

The steadfast adherence to the principal of voluntary disarmament ensured that MONUC only played a supporting role in the DDRRR process. Although a significant number of combatants and their dependents were repatriated to Rwanda, the core of the FDLR remains in the Eastern DRC and remain a threat to stability in the Kivu provinces. MONUC also played an important facilitation role in the DDR and SSR processes. The problem of dissident elements of ANC forces under the command of 'General' Laurent Nkundu, however, remains unresolved in the Eastern DRC and has the potential to mobilise Congolese Tutsi and Banyamulenge ethnic grievances against the DRC government.

The need for the deployment of the *Eufor RD Congo* force just prior to the elections in June 2006 confirmed that the increase in the troop ceiling mandated in Resolution 1565 (2003) was inadequate, once again forcing a UN reaction to a tactical development. It also provided the opportunity to again test the augmentation of an existing peace support operation by an external (non-UN) multilateral force. In both cases, where this was done in the DRC, the EU augmentation operations contributed to achieving an acceptable level of security stability. This concept of operations will, however, require further refinement before it is recognised as a new form of 'co-deployment' within UN peace missions. The availability of a lead nation displaying the requisite political will, as well as the availability of suitable forces to perform the task at short notice, are variables that will determine the future use of this concept of operations.

The completion of the electoral process and installation of a legitimate national government at the end of 2006 did not bring an end to internal conflict in the DRC. MONUC was able to manage the internal conflict in a manner that permitted the electoral process to take place. The security situation, however, remained precarious in areas such as Equateur, Ituri, the Kivus, Katanga and the Kasais, Bas-Congo and Kinshasa. The FARDC, which is essentially responsible for the security of the new government and state could be described as weak, because of poor command and control; high levels of corruption; poor operational planning and

tactical skills; poor administrative and logistical capacity, especially the ability to sustain forces in the field; and the questionable loyalty of certain elements within the force. None of the integrated brigades were considered to be effective without MONUC logistical support and operational training. The successful termination of conflict will therefore require further assistance from MONUC, significant international aid and a demonstration of political will from the DRC government.

CHAPTER SIX

EVALUATION

It was the aim of this study to evaluate the UN role in the resolution, management and termination of the internal conflict in the DRC with specific reference to MONUC. The aim emanated from the basic research question: *To what extent did the deployment of MONUC contribute to the termination of internal conflict in the DRC and create conditions conducive for the holding of democratic elections?"* The problem generated four subsidiary questions: *Was the intention of the drafters of the Lusaka Agreement for the UN converted into a viable peacekeeping mission, especially in the early phases of the mission? Did MONUC receive adequate resources to fulfil its task, commensurate with the size and complexity of the operational theatre and the mandate? Why was a development such as the deployment of Interim Emergency Multi National Force (IEMF) in Ituri (2003) necessary, given the fact that MONUC was deployed? Were the expectations regarding MONUC involvement in the disarmament, demobilisation, reintegration, resettlement and repatriation (DDRRR) programme and the domestic Disarmament, Demobilisation, Reintegration (DDR) programme realistic?* Therefore four sub-problems were addressed, namely the issue of the mission mandate; the resourcing of the mission relative to the mandate and the operational theatre; the external augmentation of the mission; and the MONUC role in DDRRR and DDR.

As a point of departure the concepts of conflict and internal conflict were described. Conflict is an action that results from contestation between parties as a result of the incompatibility of particular objectives at a particular moment in time, which only becomes negative when in order to resolve their incompatibilities, it leads to violence between parties. Internal conflict is a subset of the broader concept of conflict that takes place within the borders of the state, where violence is perpetrated by a group or groups against the incumbent government or other perceived political competitors in order to bring about a different political dispensation. The inverse is also valid where a government uses violence against the population to maintain political control. Internal conflict is used as an overarching term to define the nature of the conflict and is synonymous with intra-state conflict, while 'civil war' is used merely as indication of the intensity and scope of the internal conflict.

The structural, political, economic/societal, cultural/perceptual factors contributing to internal conflict were described, along with the catalytic or trigger factors to illustrate the complexity of internal conflict, which is often compounded by external involvement. The description of the

complexity of the nature of internal conflict was necessary to highlight the difficulty of conflict termination. In practice conflict is not terminated by the conclusion of an agreement between belligerent parties, which reinforces the requirement for a process of conflict management to steer the process towards the eventual termination of conflict and sustainable peace. Conflict termination was seen as a component part of the process of conflict resolution, which attempts to address the fundamental incompatibilities that drive the conflicting parties.

The theoretical framework of UN peacekeeping was described with a clear distinction between 'traditional' and 'contemporary' peacekeeping operations. The development of UN peacekeeping continues to be reactive to a changing political environment and remains dependent on the political will of the member states, and particularly the major powers. The ONUC operation (1960-1964) in the Congo served as an important marker in the evolution of peacekeeping as it represented the first UN peace mission on the African continent and its mandate exceeded the 'monitoring and interposition' mandates of previous UN missions. This operation furthermore highlighted the importance of a clear mandate in order to prevent inevitable 'mission creep', while demonstrating the difficulties related to the use of force by UN forces. UN peacekeeping has evolved to the point where 'peace support operations' have generally become the appropriate 'mechanism' for the conduct of contemporary peacekeeping in complex conflict situations. Peace support operations are multifunctional peacekeeping operations that combine a robust military force that has the means and mandate to respond to breaches of the peace with a strong civilian component, undertaking civilian administration, civilian policing and humanitarian tasks. However, the principles of peacekeeping, namely consent; impartiality, and the minimum use of force remain valid, but require careful contextualisation within the framework of contemporary operations. The evaluation of MONUC as a UN peace mission therefore requires the analysis of a number of external and internal factors related to the mission using the recommendations of the *Brahimi Report* as a norm, with the emphasis on the mandate, the force levels and composition, and the operational capability of the mission.

A historic overview was provided to contextualise the complex conflict situation that the UN was required to help ameliorate. The so-called 'permissive conditions' for conflict existed in the DRC from its inception as the Congo Free State. Its colonial history and truncated state-making process heightened the potential for conflict. The conflicting ideologies regarding the envisaged governance of the then Congo were coupled to external intervention by Western powers to further their own interests. Mobutu's anti-Soviet stance and utility in this regard for Western powers during the Cold War insulated him from internal political pressure and emboldened him

to centralise political power. Mobutu's style of governance created structural, political, economic/social conditions ripe for the ignition of internal conflict, which came to the fore once Mobutu lost his anti-Soviet utility at the end of the Cold War.

The first rebellion in the DRC during 1997 capitalised on ethnic mobilisation for momentum and underlined the utility of the use of force in obtaining political power as opposed to ineffectual 'opposition'-style politics. The rebellion successfully harnessed an 'anti-Mobutu' sentiment, but had no coherent political programme to govern. The intervention of Rwanda and Uganda on the side of the rebellion not only brought a regional and intrusive dimension to the conflict but complicated the conflict equation when, acting in their own national security and economic interests, they turned against Kabila and initiated the second rebellion during 1998. The later intervention of Angola, Zimbabwe and Namibia on the side of the Kabila government further exacerbated the complex conflict situation.

Three of the four sub-problems, namely the mandate, resourcing and the external augmentation of the mission are closely inter-related and were therefore addressed in an integrated fashion. The *Lusaka Agreement* articulated the role envisaged for a UN peacekeeping force. The response of the UN to the demands of the *Lusaka Agreement* fell short of the expectations of the drafters and signatories for two reasons. Firstly, the demand that the UN conduct 'peace enforcement' was unrealistic, against the background of contemporary UN precedent in this regard, and secondly, the fact that no national interests of the major international players were at stake. A perceived lack of adherence to the letter and spirit of the *Lusaka Agreement* by the belligerents further dampened any Western enthusiasm for this course of action and led to the adoption of the 'graduated approach' to peacekeeping in the DRC. This approach, essentially driven by the US, placed the onus for progress on the belligerents, with the result that various belligerent parties were able to manipulate the process to their own advantage.

The mandate of the mission provided in *Resolution 1291* (2000) endorsed the graduated approach. Although the mandate was provided in terms of Chapter VII of the UN Charter, the limitations on the use of force in this particular resolution were carefully circumscribed and fell short of what the signatories required from the UN. From the outset there was no possibility of UN peacekeepers being tasked to 'track down and disarm' the armed groups as required by the signatories to the *Lusaka Agreement*. Although the mandate was provided to protect civilians under threat of physical harm, MONUC was unable to fulfil this role during the initial three phases of the mission because it was too small from the outset to execute the mandate, and was wholly dependent on the cooperation of the belligerents for the execution of the most basic

mandated tasks. Apart from the inability to protect the civilian population, MONUC was able to fulfil its mandate in terms of monitoring the disengagement of forces by the end of 2001 and significant progress was also recorded during 2002 regarding the monitoring of the withdrawal of foreign forces. The allocation of the initial MONUC mandate set the tone for the mission, not only in terms of the nature of the operation, but also the allocation of resources to the mission. More specifically, the type of forces that were offered by troop contributing countries, were more suited for classic peacekeeping operations, than executing a 'responsibility to protect' (the population) mandate.

The *Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo*, 2003 provided the impetus for MONUC to become a fully fledged peace support operation, although the actual transition came about in response to specific conflict in the Ituri District and Bukavu in the North Kivu province. Nevertheless, the lack of military capacity led to the augmentation of MONUC on two separate occasions.

In the first instance, MONUC's inability to provide adequate security in the Ituri District created this requirement. The deployment of the IEMF in Bunia with a robust 'all possible means' mandate resulted in an improvement in the security situation. This deployment indicated what could be achieved by properly resourced forces operating under a sufficiently robust mandate, but also highlighted the limitations of this type of deployment as a result of its transitory nature. The use of an intervention of this nature was therefore necessitated by deficiencies in the existing mission in terms of manpower and/or mandate.

In the second instance, the refusal by the Security Council to provide MONUC with an increased troop ceiling for the maintenance of a reserve capacity prior to the elections in 2006 necessitated a further augmentation. As in the case of the IEMF deployment, the provision of a robust Chapter VII mandate and a finite (four month) deployment period were the pre-conditions for the deployment of *Eufor RD Congo.* This type of augmentation once again proved to be effective and showed that developed countries are prepared to act as lead nations in this type of multilateral deployment, provided that the mission is clearly defined, a suitably robust mandate is provided and the mission is of a finite duration.

While it can be argued that the expansion of the MONUC mandate was generally required in response to political progress, it is evident that the deteriorating security situation in the Eastern DRC and MONUC's inability to protect the population in these areas provided the specific impetus for the allocation of a more robust mandate. *Resolution 1493 (2003),* included an 'all

necessary means' clause which officially sanctioned the use force in defence of the mandate in the Ituri District and 'within its capabilities' in the Kivus.

The further expansion of MONUC and the authorisation of an 'all possible means' mandate for the entire DRC was required in response to the political instability linked to the creation of the FARDC and local governance issues in Bukavu during 2003. The provision of a robust mandate in *Resolution 1565* (2004) was, however, not matched by the allocation of all the resources deemed necessary by the Secretary General. The Security Council's short-term focus on immediate requirements was at odds with the longer term approach followed by the Secretary General to create capacity in areas of potential instability prior to the elections in 2006. This led to the requirement for the EU augmentation during 2006.

The more robust mandate and increased force levels did, however, lead to a change from a reactive posture, which essentially ceded the initiative to armed groups, to proactive military operations which limited the freedom of action of these groups. At the tactical level the innovative use of mobile operating bases created the impression that MONUC was operating on a wider front than was actually the case and assisted in containing the activities of the armed groups and other spoilers. Creating a completely stable Eastern DRC was never a realistic objective for MONUC, given the size of the theatre and the fact that a political solution is required to address the primary conflict drivers such as the presence of the FDLR and the Congolese Tutsi citizenship issue. MONUC did, however, succeed in dislocating the various foreign armed groups and local militia to the extent that they were unable to exert a negative influence on the electoral process and the holding of elections during 2006.

The disparity between the expectations of the signatories to the *Lusaka Agreement* and the actual initial MONUC mandate was glaringly apparent in relation to the DDRRR process. The signatories intended for the UN to use force in tracking down and disarming the 'negative forces' (as identified in the *Lusaka Agreement*), whereas this was never seriously contemplated by the UN, which, from the outset maintained that DDRRR would be a voluntary process. The UN also steadfastly maintained that MONUC would only assist the DDRRR process and later the internal DDR process, despite the Secretary General having identified the issue of foreign armed groups as pivotal to the solution of the instability of the Eastern DRC. Calls by the DRC government and its eastern neighbours for the amendment of the mandate to authorise MONUC to use force to disarm the foreign armed groups persisted during the period under review.

From a theoretical perspective it would be ideal to employ a large peacekeeping force with a robust mandate against the identified primary source of instability in order to neutralise this threat and then to gradually scale down the operation to 'keep the peace' and then to ultimately withdraw. This approach is premised on the understanding that the necessary political will, especially among the major powers, exists to provide an appropriate mandate, and that troop contributing states would be prepared to deploy appropriately trained and equipped forces for the task. In the case of the DRC, the process predictably operated in reverse order, owing largely to the lack of such political will amongst the major powers. A 'peace enforcement' approach to DDRRR (and later DDR) was therefore never viable, especially when given the nature of the operational theatre in the Eastern DRC and the composition of the peacekeeping forces. The result of the approach taken by the UN, coupled to the lack of capacity of the FARDC, is that the military threat posed by the foreign armed groups and later the indigenous militia and dissident FARC elements to the post-election constitutional order, has remained intact and an unresolved security issue for the elected government of the DRC.

It is therefore evident that the initial MONUC mandate did not meet the expectations of the signatories of the *Lusaka Agreement* who wished to shift the responsibility for DDRRR to the UN. The adoption of a graduated approach by the UN to developments in the DRC peace process, however, ensured that the signatories retained the major responsibility for the implementation the progress. The graduated approach which initially authorised an observer mission with 'first generation'-type peacekeeping tasks, also ensured that any UN response to developments in the DRC was incremental. 'Mission creep' therefore became a natural by-product of this approach as MONUC was forced by circumstances on the ground to expand the scope of its operations, especially regarding the protection of civilians, in order to fulfil its mandate and to maintain its credibility.

The evaluation of the MONUC role in the termination of conflict in the DRC can only be determined when its actual achievements are measured against its mandate. MONUC's assistance to the transition over the period 2003-2006 ensured that by the end of 2006 the security situation was conducive for the holding of elections and the installation of an elected government. In terms of this interim objective MONUC was therefore successful in managing the conflict to reach this point.

To evaluate the MONUC role in a broader context and in an effort to determine lessons that could be learned from the experience, it is necessary to revisit the key recommendations of the *Brahimi Report:*

- Contrary to the Brahimi recommendation, MONUC deployed into a situation where 'there was no peace to keep' in 1999. 'Low-level conflict', especially in the Eastern DRC, persisted during the entire period under review, despite a peace agreement having been signed. Although the key parties agreed to the UN's involvement, the parties and the DRC government in particular, in the early stages of the mission, often went out of their way to obstruct MONUC in the execution of its tasks. In contrast to the Brahimi recommendations that the parties agree to the UN's role in helping to resolve the conflict, the parties to the *Lusaka Agreement* formulated a role for the UN (in terms of DDRRR) which it was never able to fulfil. It is therefore important that the UN should be consulted during conflict resolution efforts in order to formulate a realistic role for the organisation, should it be required to deploy a peacekeeping mission.
- MONUC fell far short of the Brahimi recommendations regarding the rapid deployment of personnel and material (90 days in the case of a complex emergency). Apart from the fact that the mission did not meet the expectations in terms of the enforcement of DDRRR, it took almost a year for the first formed units to deploy, which can be ascribed to the graduated approach followed by the UN and the lack of cooperation from the parties (especially the government of the DRC). This not only undermined the credibility of the mission, but also provided African states with justification to criticise the UN's commitment to conflict resolution in the DRC.
- In accordance with the Brahimi recommendations, MONUC's peacekeeping operation formed part of a comprehensive strategy to resolve the conflict. This requirement was identified by the Secretary General and implemented during the early stages of the mission. The regional external involvement in the DRC conflict forced the UN and MONUC to address the regional dimension of the conflict. The political component of the mission was successful in keeping all relevant role-players engaged and provided the necessary momentum for the peace process. The DRC situation underlined the need for this multidimensional approach in future missions
- In terms of the mission mandate, Brahimi was explicit that the mandate must be clear and achievable. A major problem with the MONUC mandate was that it was neither. Requests by the Secretary General for clarification of aspects of the mandate during 2003 and his repeated warnings that the mission was unable to fulfil its 'responsibility to protect' mandate, bear testimony to this. The mission was also, contrary to the Brahimi recommendations, not adequately resourced in terms of troop numbers and appropriately trained and equipped troops. Brahimi recommended that the RoE be sufficiently robust to prevent UN contingents from ceding the advantage to attackers.

However, in the early stages of the mission and until the last quarter of 2003, this was precisely what MONUC did, largely as a result of a common lack of understanding of the Rules of Engagement (RoE) and a lack of military capacity. This aspect did improve during the latter part of the period under review, when the troop ceiling was increased.

- The most serious deviation from the Brahimi recommendations occurred in terms of MONUC's 'responsibility to protect' mandate. Because the various MONUC mandates made explicit reference to this responsibility, expectations were created amongst the Congolese people that MONUC was not able to satisfy. This undermined the credibility of the mission and placed unnecessary pressure on MONUC personnel.

In addition to the above, several other deficiencies are evident. The UN initially spread its limited capacity too widely, as was the case with the ONUC mission in 1960. While it created the impression of a countrywide 'presence', MONUC was totally dependent on the 'goodwill' of the belligerents to fulfil its mandate. MONUC was therefore unable to meet the Brahimi requirement of demonstrating 'the fundamental ability to project credible force'. The later consolidation of the mission to focus on the Eastern DRC and Kinshasa did address this problem, but there is a need in future operations to allocate UN resources against the major source(s) of instability, especially during the initial stages. A further lesson from the MONUC experience is the need for success criteria to be determined before a mission deploys. While a certain measure of flexibility will always be required, the articulation of an 'end state' is necessary to prevent an open-ended deployment of the military component of the peace mission.

The MONUC experience clearly indicated a requirement for quality troops. Contemporary peace missions can no longer accommodate troop contingents who are merely able to conduct static guarding tasks. In addition, the UN cannot accept troops as part of a mission if restrictions are placed on their employment by their national authorities. Well-trained, adequately resourced troops are essential in order to provide UN commanders with the necessary flexibility to attain mission success. Quality troops are also essential to enable a mission to execute its 'responsibility to protect' mandate. Along with quality troops it is also essential that the commanders at all levels and headquarter staffs have a thorough and functional understanding of the RoE to prevent a situation where UN peacekeepers are perceived to be powerless in the face of serious human rights violations The RoE are in turn dependent on a clear mission mandate.

The need for quality intelligence during contemporary peace missions was underscored by the MONUC experience. Intelligence is vitally important to the UN commanders on the various levels for the effective deployment of peacekeeping forces. Accurate and timely intelligence can facilitate proactive action in defence of the mission's mandate. Owing to the fact that the UN peacekeeping system is dependent on national contingents for intelligence assets and personnel, this aspect of contemporary peace missions will require further refinement to ensure that the security concerns of the contributing contingents and the UN requirement for intelligence are carefully balanced.

In order to prevent an incremental approach to peace missions it is recommended that the decision to authorise a peace mission should not be predicated on the cooperation of the belligerents. The mandate should be sufficiently clear and robust to allow the peacekeepers to take action 'in defence of the mandate'. This implies that the peacekeepers are provided with the necessary resources to be able to conduct credible operations from the outset, should the need arise. The augmentation of a UN operation by other external entities (such as the EU) could be used in the initial phases of a mission in order to establish the authority of a peacekeeping mission, rather than bolstering a flagging UN mission at a late stage.

Further research is, however, required to determine the trajectory of UN peace missions after the holding of democratic elections and the role that peacekeepers are expected play, especially in the context of post-election, rather than post-conflict, confidence-building. In this regard the post-2006 period in the DRC requires investigation, against the background of persistent low-level conflict, particularly in the Eastern DRC. Linked to this, the exit criteria for UN peace missions also requires further investigation in order to determine the circumstances and time scale that will permit the reduction or withdrawal of the military component of peace mission. A comparative study of recently completed UN missions such as the UN Mission in Sierra Leone (UNAMSIL), the UN Transitional Administration in East Timor (UNTAET) and the UN Mission of Support in East Timor (UNMISET) needs to be undertaken.

In response to the main research question, it is concluded that MONUC, during the 1999-2006 period, made a contribution to the termination of conflict in the DRC by managing the conflict in a fashion that permitted democratic elections to be held. Considering the subsidiary research questions and the explanatory propositions as initially formulated, this was achieved despite the fact that the actual deployment of MONUC (in terms of its functioning, especially regarding DDRRR) did not meet the requirements for a UN force as envisaged by the signatories of the Lusaka *Agreement*. The expectations of the signatories regarding DDRRR were not realistic,

but the UN response in terms of the mandate and allocation of resources also fell far below what was required to establish a credible UN peace mission. Furthermore, the graduated approach ensured a reactive MONUC posture in the field and a reticence to provide adequate resources in response to political and operational developments necessitated the external augmentation of the mission on two occasions. While this development brought a new facet of 'co-deployment' in UN peacekeeping operations to the fore, it also served to highlight the MONUC deficiencies in terms of its 'responsibility to protect' civilians under threat of violence. MONUC was mandated from its inception to discharge this responsibility, without receiving the necessary resources to enable the conduct of operations to protect civilians. This inability resulted in the mission lacking credibility amongst the population of the DRC.

Conflict management, however, remains a facet of conflict termination and although a democratic government was elected, the security situation in the DRC remains precarious in areas such as Equateur, Ituri, the Kivus, Katanga and the Kasais, Bas-Congo and Kinshasa and continues to pose a challenge for MONUC and the DRC government. Although this study only covers the period until the end of 2006, the conflict drivers in the Eastern DRC have remained intact. At the end of 2008 the situation in the DRC remains characterised by conflict between the renegade elements of 'General' Nkunda and the FARDC in the Eastern DRC, and the continued presence of negative forces such as the FDLR, the ADF/NALU and the LRA, as well as Mai Mai militias in the same area. The conflict is exacerbated by the competition for resources and the ability of the various armed groups to finance themselves through the exploitation of natural resources such as timber and minerals. Progress with security sector reform remains slow and contributes to the difficulties experienced by the government to extend governance to all parts of the DRC (IISS 2008:255-256).

The aforesaid validates the need for an extended and comparative research agenda as previously indicated and justifies the need for further research on MONUC's post-election (post-2006) role in the termination of internal conflict in the DRC. However, the responsibility for the final termination of conflict in the DRC rests with the elected government. The UN and MONUC can only facilitate and provide support in this regard as they have done from 1999 to 2006, and the UN will have to find a way of extricating MONUC from long-term involvement in an open-ended conflict management mission.

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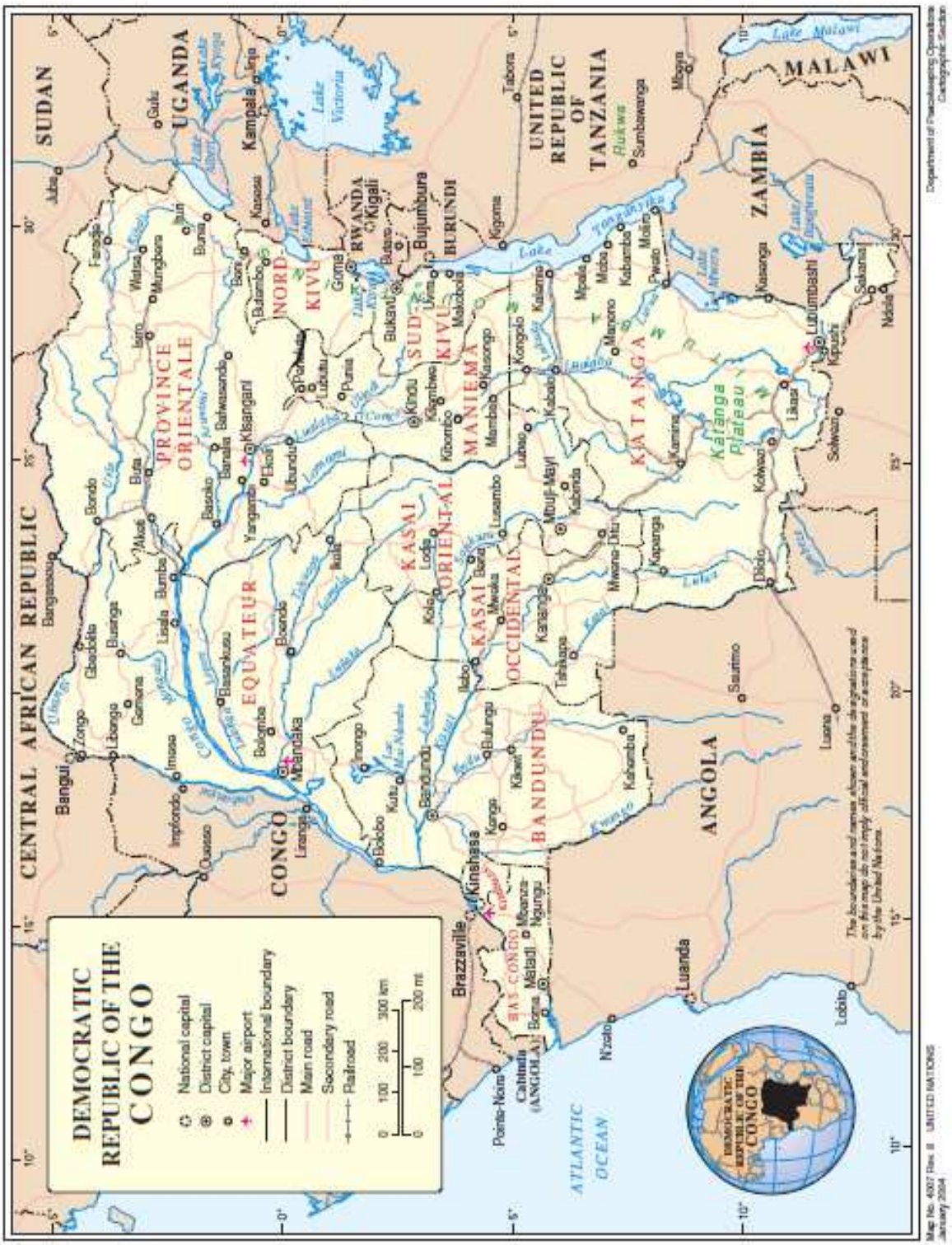
MAP OF THE DEMOCRATIC REPUBLIC OF THE CONGO



SUMMARY

THE UNITED NATIONS AND THE TERMINATION OF INTERNAL CONFLICT WITH REFERENCE TO THE UNITED NATIONS ORGANISATION MISSION IN THE DEMOCRATIC REPUBLIC OF THE CONGO: 1999-2006

by

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The aim of this study is to evaluate the United Nations (UN) role in the resolution, management and termination of the conflict in the Democratic Republic of the Congo (DRC) with specific reference to the UN Organisation Mission in the Democratic Republic of the Congo (MONUC). The aim emanates from the basic research question: *To what extent did the deployment of MONUC contribute to the termination of internal conflict in the DRC and create conditions conducive for the holding of democratic elections?* The research problem generated four subsidiary questions: *Was the intention of the drafters of the Lusaka Agreement for the UN converted into a viable peacekeeping mission, especially in the early phases of the mission? Did MONUC receive adequate resources to fulfil its task, commensurate with the size and complexity of the operational theatre and its mandate? Why was a development such as the deployment of Interim Emergency Multi National Force (IEMF) in Ituri (2003) necessary, given the fact that MONUC was deployed? Were the expectations regarding MONUC involvement in the disarmament, demobilisation, reintegration, resettlement and repatriation (DDRRR) programme and the domestic disarmament, demobilisation, reintegration (DDR) programme realistic?* Therefore four sub-problems were addressed, namely the issue of the mission mandate; the resourcing of the mission relative to the mandate and the operational theatre; the external augmentation of the mission; and the MONUC role in DDRRR and DDR.

Following a definition of the concept internal conflict and a discussion of the factors contributing to internal conflict, the theory of peacekeeping was described to determine a framework for the evaluation of the UN peace mission in the DRC, based on the recommendations of the 2000 *Brahimi Report.* Emphasis was placed on the mandate, force levels and composition, and operational capability. A historic overview contextualised the complex conflict situation in the DRC that the UN was required to help ameliorate.

MONUC made a contribution to the termination of internal conflict in the DRC by managing the conflict in a fashion that permitted democratic elections to be held. This was achieved despite the fact that the actual deployment of MONUC (in terms of its functioning, especially regarding DDRRR) did not meet the requirements for a UN force as envisaged by the signatories of the 1999 *Lusaka Agreement*. The expectations of the signatories regarding DDRRR were not realistic, but the UN response in terms of the mandate and allocation of resources also fell far below what was required to establish a credible UN peace mission. The graduated approach ensured a reactive MONUC posture in the field, but the reticence to provide adequate resources in response to political and operational developments necessitated the external augmentation of the mission on two occasions. While this development brought a new facet of 'co-deployment' in UN peacekeeping operations to he fore, it also served to highlight the MONUC deficiencies in terms of its 'responsibility to protect' civilians under threat of violence. MONUC was mandated from its inception to discharge this responsibility, without receiving the necessary resources to enable the conduct of operations to protect civilians. This inability resulted in the mission lacking credibility amongst the population of the DRC.

Key Terms

conflict
internal conflict
United Nations
peacekeeping
peace missions
peace support operations
mandate
peacekeeping resources
responsibility to protect
co-deployment