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Congo: Staying Engaged after the Elections

I. OVERVIEW

On 6 December 2006, Joseph Kabila was sworn in as the first democratically elected president since Congolese independence, concluding a landmark electoral process largely devoid of major violence or gross irregularities. Democratic governance is now expected to support peacebuilding and reconstruction. The new government has weak and barely functioning institutions, however, and the international community, which has given decisive support to the peace process, must continue to help it overcome serious security and political challenges. Immediate agenda items include to set up promptly a new structure to coordinate aid efforts, renew the United Nations Mission (MONUC) with a strong mandate and increase efforts to improve security throughout the country.

The second-round challenger in the presidential election, Jean-Pierre Bemba, conceded defeat and has committed to lead the opposition in parliament once elected senator, although he did not accept the validity of the poll results. Kabila's election, establishment of a newly elected parliament and implementation of the constitution adopted by referendum on 18 December 2005 bring an end to the transition born out of the 2002 Comprehensive Peace Agreement signed in Pretoria. They provide the fundamental elements of the political dispensation promised to the Congolese people during the peace talks and open a new era for the country. With a reasonably clear popular mandate – 58 per cent in the run-off round – and a strong majority in parliament, Kabila controls roughly three fifths of both houses and is empowered to consolidate peace and stability in the country.

The peace process, however, is not complete. Its successes have to be consolidated and its achievements safeguarded. The situation in the East in particular remains extremely volatile, and little state authority exists in most of the opposition-dominated West. The defiant capital, Kinshasa, is permanently at risk of large-scale civil unrest. Kabila's control of most state institutions also entails a risk. Indeed, political repression is already on the rise, with triumphant hawks demanding a review of some of the transition's key

legislative milestones. There are signs of opposition marginalisation in the national assembly and of former rebel forces being sidelined in the security services.

This briefing focuses on two significant and related pending decisions: the MONUC mandate renewal, which comes up in February, and the establishment of new international structures to support the peace process following dissolution of the Kinshasa-based International Committee for Supporting the Transition (CIAT). (A more comprehensive analysis, including a full overview of the transition's achievements and the remaining peace process challenges, will be provided in a subsequent report.) Some donors indicate that they want to reduce MONUC to a pure security mission, charged only with supporting the Congolese army in the troubled East and providing technical assistance on human rights, demobilisation and civil affairs. This would strip away its important political capacity to act in a conflict prevention or conflict management mode.

The Kabila government and some donors also appear to want to replace CIAT with a purely technical structure concentrated on development and humanitarian assistance and to treat most aid matters on a purely bilateral basis. This would weaken the capacity of the international community to work collectively to support democratic practices and safeguard other peace process achievements.

Donors and others in the international community should pursue three policy priorities:

- ❑ Diplomatic and political coordination. The UN Security Council should mandate MONUC to consult with the new Congolese institutions and key countries (the Council's five permanent members, Belgium, South Africa, Angola) to create a limited-membership international political forum. That forum should advise and support the government on national and regional conflict prevention and management and on protecting the achievements of the peace process. A larger group, which might include all donors, should be set up separately, dedicated to humanitarian and development assistance.

- Support to Congo's emerging institutions. The Council should mandate MONUC to facilitate establishment of a joint commission on legal reform and state reconstruction, involving representatives of government, parliament and key major donors. It would support and advise key state institutions on implementation of the new constitution and the completion of legal reforms agreed upon at the Inter-Congolese dialogue (such as devolution of central government responsibilities to the newly created provinces, judicial reform and anti-corruption legislation). The joint commission on security sector reform (SSR) created during the transition should be renewed, with a clear mandate to support the implementation of an integrated and comprehensive strategy, including the key issue of vetting, donor coordination and payment and sustainment of the integrated national army (FARDC).
- Securing the country. MONUC's troop level should be kept around 17,000 in 2007 and the draw-down of its brigades should begin only when there has been decisive progress in restoring state authority, particularly in Ituri, the Kivus and Katanga. MONUC's plan to give short-term military training to the integrated brigades should be supported by donors, in connection with implementation of transitional justice measures in the security forces. Donors should insist in particular that the new government work with the EU mission and MONUC to carry out, through the joint commission on SSR, a system of vetting within the security forces, so as progressively to exclude those guilty of the most serious abuses during the war and the transition.

II. POST-ELECTORAL CHALLENGES

The incoming administration – the first one elected in over 40 years – is confronted with numerous difficulties, underlining the need for continued international support and mediation assistance. While there is often less conflict in a fragile state during an election year, as leaders focus on the campaign, there is frequently a greater risk of conflict in the following years.¹ Only 45 of the 500 members of the national assembly have been re-elected; some who signed on to the peace process

have lost almost all representation in state bodies,² creating a danger that they will seek to regain lost power through military as well as political challenges to the new government.

A. POLITICAL RISKS

The first risk for the peace process comes from the sidelining of the political opposition. Kabila appears to have won a majority in the national and in eight of the eleven provincial assemblies, and as expected, his main political ally, the *Parti Lumumbiste Unifié* (PALU) patriarch Antoine Gizenga, has been appointed prime minister.³ The judiciary is very weak and, at the highest level at least, has favoured Kabila in the past.⁴ Within parliament, the opposition's influence has been severely limited by procedural rules passed by Kabila's coalition that exclude their parties from most if not all significant positions, including in committees.⁵

These rules and the dominance of Kabila's Alliance de la Majorité Présidentielle (AMP) greatly reduce the legislature's ability to provide a check on the executive and could encourage a frustrated opposition to resort to street action.⁶ An MLC leader stated: "if this continues ..., the opposition will be in the streets, not in political

² Crisis Group interview, Congolese parliamentarian, Kinshasa, November 2006. The *Rassemblement Congolais pour la Démocratie* (RCD) has eighteen seats in the national assembly and 34 in the provincial assemblies. During the transition, it had 94 in the national assembly.

³ The distribution of power in the various legislatures will depend on party coalitions, which are still in flux. If the coalition that backed Kabila in the presidential race holds, he will probably control eight provinces: Katanga, South Kivu, North Kivu, Maniema, Province Orientale, Kasai-Occidentale, Kasai-Orientale and Bandundu.

⁴ The Supreme Court decision in 2005 excluding the assassins of Kabila's father, the former president, from benefit of the amnesty was an example. All the Supreme Court judges were named by the younger Kabila.

⁵ Articles 23 and 49 of these by-laws state that all positions in the managing office (Bureau) of the national assembly, as well as in its committees and sub-committees, are to be elected by majority vote. The main opposition party, the Movement for the Liberation of Congo (MLC) of defeated presidential candidate Jean-Pierre Bemba, challenged those rules in the Supreme Court but their suit was turned down.

⁶ It still remains to be seen how strong Kabila's majority in the national assembly will actually be. Political platforms during the campaign were quite vague, so his coalition may include many different opinions. Voting discipline is also an open question. On the frustration of the opposition, Crisis Group interviews, MLC officials such as Yves Kisombe, Kinshasa, November 2006.

¹ Paul Collier, Anke Hoeffler and Mans Soderbom, "Post-Conflict Risks", Centre for the Study of African Economies, Oxford University, 2006.

institutions”.⁷ Bemba’s decision to stand for a Senate seat is a welcome commitment to democracy but civil disorder triggered by hardliners on either side cannot be excluded.⁸

In the West, the opposition may be bolstered by widespread popular resentment of Kabila. There and in the centre of the country over 75 per cent voted for Bemba in the run-off election, and many believe Kabila won by fraud.⁹ Resentment could lead to unrest in major cities, followed by brutal repression from security forces.¹⁰

A second risk could come from within Kabila’s own coalition. Over 30 parties joined the AMP in September 2006, and Kabila depends on them to maintain his majority in national and provincial assemblies. There are several centres of gravity in this coalition: four parties won more than 25 national assembly seats each, while twenty small parties and independent candidates together hold over 100.¹¹ All demand representation in government, and the prime minister’s nomination of a cabinet will be a first litmus test for how well they can hold together. Officials indicate they will keep a very large cabinet, with some 60 ministers and vice-ministers.¹² A reported lack of money in the state treasury might curb the immediate sharing of spoils promised during the electoral campaign and endanger the payment of salaries, bringing civil servants into the

streets and becoming an early point of contention in the first months of the new administration.¹³

Corruption and the weakness of state institutions are likely to continue to cripple government. During the transition, between 60 and 80 per cent of customs revenue was embezzled, a quarter of the national budget was not accounted for and millions of dollars were misappropriated in the army, government institutions and state-run companies.¹⁴ It will be hard for Kabila to curb this theft, which leaves the state weak and factionalised, because his entourage includes officials identified in UN reports as taking part in the plundering.

The planned decentralisation should be seen in this light. The new constitution calls for 26 provinces to replace the current eleven within three years. In an important break from the past, these will manage 40 per cent of national revenue, quadrupling their current budgets. Decentralisation is a key part of the peace process, meant to promote accountability and give local government the means to solve its own problems. However, the process will be contentious, not least because the centre will not be keen to lose so much money, especially to the three current provinces the opposition controls.¹⁵ International political engagement will be needed to help ease political tensions, facilitate conflict prevention and support full implementation of the constitution and completion of the peace process legislative reform program.

B. SECURITY RISKS

There are two main security problems: an ill-disciplined, often abusive national army, and the possibility of military confrontations in both the East, where militias still control large areas, and the West, where there may be civil unrest or violence. The problems are closely linked, as it is the weakness of the security forces that

⁷ Crisis Group telephone interviews, MLC officials, November 2006.

⁸ The new provincial assemblies are to elect 108 senators on 19 January 2007, based on open lists with proportional representation.

⁹ Most election observation missions concluded that, while there were irregularities and fraud during the second round, both sides were guilty, and the number of votes affected was not enough to have changed the outcome. Opposition and civil society figures have, however, criticised the system that was put in place during the transition as too favourable to Kabila and accused the international community of wanting to legitimise the sitting president.

¹⁰ This divide was most apparent in the presidential elections. In the provincial assembly elections, Kabila’s coalition won more than half the seats in the western and central provinces.

¹¹ The People’s Party for Reconstruction and Democracy (PPRD) led by Vital Kamerhe has 112 seats, the Lumumbist Party (PALU) has 34, the Forces for Renewal of Mbusa Nyamwisi have 45 and the Social Movement for Renewal has 26.

¹² According to Gizenga’s spokesman, there will be 38 ministers, twenty deputy ministers and two ministers attached to the president’s and the prime minister’s offices. “Nouveau gouvernement”, Radio Okapi, 3 January 2007.

¹³ Crisis Group interview, UN official, Kinshasa, December 2006.

¹⁴ “Report of the United Nations expert panel on the arms embargo in the Democratic Republic of Congo”, 26 July 2005, UN S/2005/436, p. 15; Crisis Group interview, state auditor, April 2006; Crisis Group interview, military expert, Kinshasa, October 2005; Crisis Group Africa Report N°114, *Escaping the Conflict Trap: Promoting Good Governance in the Congo*, 20 July 2006. According to a local NGO, the most corrupt state institutions during the transition were customs, the Ministry of Finance, the judiciary and the presidential office, “Observatoire du Code d’Ethique Professionnelle de la Fonction Publique (OCEP)”, enquête, Kinshasa, 9 December 2006.

¹⁵ On the difficulties of the decentralisation process, RFI interview with Cléophas Kamitatu, provincial parliamentarian in Bandundu, 19 December 2006.

has allowed a military opposition to flourish. MONUC troops, with a stronger mandate, will be required for at least another year, and donors will need to prioritise their efforts at creating a national army.

1. The national army

Creating a national, apolitical army out of the various armed groups is key to preventing further unrest.¹⁶ However, donors have been unwilling to tackle the political impediments to army reform, in particular corruption and lingering political networks within the security services. Until recently, up to half the army payroll was being embezzled with the complicity of senior commanders, with no real penalty imposed by donors involved in army reform. In addition, Kabila maintains a bloated presidential guard of 10,000 to 15,000, which has better equipment and pay than other units, and remains grossly ethnically biased. There have been reports in recent months of discrimination against officers from former rebel groups, in particular Bemba's Army for the Liberation of the Congo (ALC).¹⁷ This sort of factionalism could galvanise dissent.

There are also problems on the technical level. No donor has taken the lead in army reform. Instead, several bilateral military missions – Angola, South Africa and Belgium – sent officers to the six integration sites around the country to train troops.¹⁸ Military integration was relatively successful at breaking down chains of command and merging armed groups but lack of donor coordination and the uneasy sharing of political power during the transition impeded creation of a disciplined, professional army.

Institutions such as military tribunals, army administration and health services are largely defunct. Living conditions for soldiers are appalling: most units lack barracks and canteens, and the \$24 a month salary is not a living wage. The monthly food allowance is less than \$5 per soldier, half of which is diverted by commanders to pay for other logistical costs.¹⁹ Integrated brigades are deployed without the necessary resources or equipment

and often resort to taxing and abusing the local population. As a result, the army is still the largest human rights abuser in the country.²⁰

Enormous financial resources can be quickly generated in the mineral rich Congo and could be made available to sustain a professional army, provided the appropriate good governance measures are implemented but this will require both national political will and a measure of international pressure. The joint commission on SSR still has an important role to play. It should be reestablished and strengthened, in order to support the coordination and implementation of a comprehensive SSR strategy involving MONUC, donors and all relevant Congolese actors.

2. Remaining armed groups and armed opposition

There are roughly 8,000-9,000 Rwandan and Ugandan rebels on Congolese soil and perhaps another 5,000-8,000 Congolese militiamen.²¹ These groups control densely populated parts of the hinterland in the East and have the capacity for considerable violence. The gold-rich district of Ituri, among others, has suffered from renewed violence in the past few weeks. Many local conflicts are linked to ethnic communities – for example, the Hutu *Forces Democratiques de Liberation du Rwanda* (FDLR) and Laurent Nkunda's predominantly Banyarwanda forces. Clashes regularly degenerate into communal violence.²² While foreign armed groups no longer have the capacity to seriously destabilise neighbouring countries, their presence is an impediment to improving regional relations and a permanent source of misery for local communities. Peacekeeping is still relevant for the East.

The security situation in the West also remains volatile. This was brought to the fore by the fighting that broke out on 20 August 2006 between troops loyal to Bemba and Kabila, when the first-round election results were

¹⁶ Crisis Group Africa Report N°104, *Security Sector Reform in the Congo*, 13 February 2006.

¹⁷ Crisis Group telephone interview, international expert, December 2006.

¹⁸ By December 2006, fourteen brigades totalling some 46,000 soldiers had been integrated, 94,000 had been demobilised and up to 80,000 remained in pre-transition units. Crisis Group interviews, MONUC and EUSEC officials, Kinshasa, November 2006.

¹⁹ The European Union has put in place a system separating payment of salaries from the chain of command in order to tackle corruption but this has not helped with the food allowances. Crisis Group interviews, Kinshasa, November 2006.

²⁰ Crisis Group telephone interview, MONUC official, November 2006.

²¹ For foreign combatants, see "Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649", 2005, p. 2. This figure includes around 7,000 FDLR combatants in the Kivus and 1,000 to 2,000 from the ADF-NALU in North Kivu, as well as LRA close to the Garamba national park. The figure for Congolese combatants includes 3,000-4,000 belonging to Laurent Nkunda and 2,000-4,000 Ituri militiamen and Mai-Mai.

²² Nkunda's attack on Bukavu in May 2004, for example, triggered persecution of Tutsi in South Kivu. Much of the fighting in the Kivus and Ituri during the past decade has led to ethnicity-connected attacks against civilians.

announced.²³ Violence flared again twice in the following months, the result of poor security arrangements in the capital, where Bemba had around 1,000 troops and Kabila 5,000-6,000 presidential guards. Kinshasa is calm for now, and most of Bemba's troops have been transferred to his farm outside town. However, many weapons remain in Kinshasa, and thousands of demobilised combatants in Equateur province have recently demonstrated against problems with the payment of their reintegration allowance. They are a potential reserve force for Bemba and a permanent security threat in Equateur.

The unrest in the neighbouring Central African Republic (CAR) could also impinge on the stability of that province and offer Bemba an opportunity to launch a new rebellion if peaceful opposition politics does not satisfy his ambitions. Soldiers who are formally aligned to former President Ange-Felix Patassé and are currently fighting the government of François Bozizé could join former MLC comrades to establish rear bases in Equateur for destabilising both Congo and the CAR.

III. THE WAY FORWARD

A. POST-CIAT MECHANISM

The CIAT was an institution of the transition enshrined in the peace accord and destined to provide international political support for its implementation. CIAT members, including major donors and regional actors, sought to articulate common positions with Congolese and regional actors so as to ease political tensions, support conflict prevention and management and safeguard the peace process.²⁴ CIAT members delivered collective demarches to transition leaders and institutions and issued communiqués articulating the international community's position on the challenges and successes of the peace process. CIAT also regularly visited the provinces to display support for the transition. It will

disband formally when the new government is inaugurated in January 2007.

While CIAT was often useful, it was also undermined by weak political will and leadership. Matters deemed too delicate, such as the size of the presidential guard and economic governance, were rarely raised, and therefore diminished its impact on political decision-making. During the last days of the transition, its relations with the government soured, as Kabila claimed various members acted "like conquistadores".²⁵ He has insisted there be no similar structure to replace it, and members of his staff have indicated they want to deal with donors bilaterally to avoid interference in domestic affairs. The only structure the government says it is willing to accept is a technical body that would limit itself to aid coordination.²⁶

Donors have not reached a consensus on how to structure their future engagement. The World Bank and the European Union (EU) have drafted a "Governance Compact", with policy guidelines for working with the new government to build state institutions and promote good governance. This concept paper includes a proposal to create an enlarged donors group that would both coordinate aid and discuss political affairs²⁷ as well as be chaired by the Congolese prime minister.²⁸ Other donors have emphasised the importance of smaller focus groups on specific issues such as SSR, justice and economic governance.

The challenge of coordinating domestic and international support for the consolidation of the political, economic and security processes in post-electoral Congo may benefit from the engagement of the UN's new Peacebuilding Commission (PBC). This body, created in December 2005, is designed to bring a post-conflict government together with major current and potential donors, including the World Bank, the EU, the African Union, UN specialised agencies, bilateral donors and civil society. The PBC's organisational committee

²³ Crisis Group Africa Briefing N°42, *Securing Congo's Elections: Lessons from the Kinshasa Showdown*, 2 October 2006.

²⁴ CIAT members have been the five permanent members of the Security Council (China, U.S., France, the UK and Russia), South Africa, Angola, Belgium, Canada, Gabon, Zambia, the African Union (Commission and Presidency), the European Union (Commission and Presidency) and the Special Representative of the UN Secretary-General running MONUC. It met weekly on a routine basis and held more intense extraordinary sessions at times of crisis such as during the Nkunda insurrection in June 2004, after the Gatumba massacre of August 2004 and during the attack on Bemba's residence by the Presidential Guard in August 2006.

²⁵ Crisis Group interview, CIAT participant, November 2006.

²⁶ Crisis Group interview, adviser to President Kabila, Kinshasa, November 2006. In an interview with *Le Soir* published on 16 November 2006, Kabila said: "From now on we will insist on bilateral cooperation between the Congo and various countries. There is no question of having a structure above us all. I am determined to take things into my hands, to retake 100 per cent control of the situation, and it is not the CIAT who will stop me".

²⁷ This is in line with the Cotonou Agreement (2000), which laid out guidelines for cooperation between the European Union and countries from Africa, the Caribbean and Pacific (ACP). Article 8 emphasises the need for donors to engage in continuous political dialogue with their development partners.

²⁸ Crisis Group interview, UN officials, Kinshasa, July 2006.

should consider whether to establish a country-specific committee for Congo, like those that exist for post-conflict Sierra Leone and Burundi. The Secretary-General should consider whether there is scope for an immediate, strategic infusion of \$25 million from the UN Peacebuilding Support Fund for quick impact projects. Given the newness of the PBC and the contrast between its limited financial and organisational capacities and the scope of Congo's challenges, however, the institution should not be seen as supplanting other forums for coordination, consultation, and funding.

In the meantime and despite President Kabila's reluctance, an international mechanism designed to support completion of the peace process is needed to foster stability and the consolidation of democracy in Congo. In the contingency of a renewed military or political crisis, for example, international actors must be able to harmonise their actions and their message quickly. They should also be able to take public positions on gross human rights violations and political trends likely to damage peace process achievements. The Security Council should mandate MONUC to launch consultations between key members of the international community, notably its five permanent members (China, France, Russia, UK, U.S.) as well as Belgium, South Africa, Angola, the EU and the African Union, and the new Congolese institutions, for the rapid establishment and facilitation of such a mechanism.

B. MONUC

1. Support to Congo's emerging institutions

During the transition, the mission had the mandate to "provide advice and assistance to the transitional government and authorities" in accordance with the peace deal.²⁹ Through various resolutions, the Security Council also mandated it to "provide assistance ... for the reestablishment of a State based on the rule of law" and to "strengthen good governance and transparent economic management".³⁰ This gave it authority to advise the transitional government at key points and avert political crises. Together with members of parliament, representatives of the executive, and key donors, MONUC facilitated the establishment of joint commissions on essential legislation and SSR, which were instrumental to sustaining progress during the transition. Although it has sometimes been criticised for lack of initiative, on several crucial occasions, MONUC,

together with CIAT, kept the transition from derailing and pushed it forward.³¹

Nevertheless, the Security Council must now redefine MONUC's political role with regard to the new, democratically legitimated Congolese institutions. While there is little question that its mandate to protect civilians, monitor human rights abuses and enforce the arms embargo will be renewed, it is not clear how far MONUC is to remain involved in promoting and safeguarding the remaining agendas of the peace process, such as judicial reform, devolution of central government powers to provincial assemblies and anti-corruption legislation.³² Its new mandate should include:

- ❑ Launching a consultation with key donors and the new Congolese institutions for establishment of a joint commission on legal reform and state reconstruction. This would be devoted to supporting and advising key state institutions on implementation of the constitution and completion of legal reforms agreed upon at the Inter-Congolese dialogue, including devolution of central government responsibilities to the newly created provinces, judicial reform and anti-corruption legislation.
- ❑ Regional peace-building. Relations between the Congo, Uganda and Rwanda are still fragile. MONUC should continue to promote their dialogue and support implementation of joint policies and regional agreements, notably in relation to the disarmament, demobilisation and reintegration (DDR) of foreign armed groups and allegations of support to Congolese militias by neighbours.

2. Strengthening the national army

Donors must not treat SSR as purely technical. The command structure, size and control of the FARDC (in particular the presidential guard) and financial administration of the defence sector have all suffered from political manipulation. In coordination with the EU and its member states and regional powers, MONUC

²⁹ UN Security Council Resolution 1565, paragraph 7.

³⁰ UN Security Council Resolutions 1493, paragraph 5 and 1635, paragraph 7.

³¹ Such international pressure was key, for example, in keeping the Congolese Rally for Democracy (RCD) rebels from leaving the transition after the Gatumba massacre in August 2004 and in preventing Bemba from withdrawing in January 2005 due to disagreements with Kabila over a cabinet reshuffle and civil service appointments. The joint commission on essential legislation was notably important in guaranteeing the drafting and adoption of a democratic constitution.

³² Crisis Group interview, UN official, Kinshasa, November 2006.

has an important role to play, particularly with regard to short-term army training (and also police reform).

MONUC has proposed to the Security Council that it take over training of the integrated brigades, using troops currently in the Congo to work on-site with the eighteen integrated brigades.³³ This would have the advantage that UN trainers would supervise these new units in the field, thus curbing abuses and improving performance. MONUC troops are already conducting joint operations with integrated brigades, and this proposal would strengthen that cooperation.³⁴ However, the UN plan does not include the following institutional support:

- ❑ improving soldiers' standard of living by raising salaries, providing adequate food and health care and building decent barracks for them and their families;
- ❑ supplying equipment and other resources necessary for operations, including fuel, communications and transport; and
- ❑ reforming military administration, including military tribunals, financial management and the army inspectorate.

Due to restrictions on international development assistance for military purposes, much support of this kind will have to come from bilateral defence budgets.³⁵ Some governments are understandably hesitant about supporting an army renowned for its abuses in a country where appropriate management of natural resources could rapidly provide the financial means needed for sustaining the military. MONUC's plan also has significant limitations. It would provide stop-gap training but not the deep restructuring and institutional reinforcement needed. This should be a long-term project for the donor community, which must first develop, together with the Congolese and within the

framework of the joint commission for SSR, a white paper on army reform that evaluates the threats the country faces and what kind of army is needed to tackle them.

Justice has been one of the greatest deficits of SSR. Impunity for war criminals has not been addressed in army integration, allowing serious abusers to join the new force, where they undermine operations and continue preying on the population. Donors must insist, as they have done in Bosnia, Liberia and Haiti, that the government implement a system for screening security officials so that those who have committed serious crimes are excluded. This would go far towards gaining the trust of the population and reducing abuses and could be included in the mandate of a revived SSR joint commission.³⁶

MONUC's proposal for army training should be adopted but the Security Council and donors need to recognise that it is not the answer for or an alternative to SSR. Donors will still need to engage urgently in a comprehensive review of their bilateral policies, so that good governance and the appropriate management of the Congo's vast natural resources provide the much needed financial support for its army reform. The transition suffered from international complacency on good governance in the name of safeguarding stability. International political will to address key governance issues now has to be expressed in support of the key remaining areas of the peace process, such as SSR.

The Security Council should mandate MONUC to start consultations with Congolese leaders and donors for renewing and strengthening the joint commission on SSR. The joint commission would supervise production of a white paper and monitor implementation of its recommendations, to include a vetting mechanism for screening out human rights abusers, total overhaul of FARDC's administration and strong coordination between national and international actors. The credibility of the joint commission could be established by donors conditioning their SSR aid on implementation of its recommendations.

³³ The proposal entails training eighteen brigades, totalling some 60,000 soldiers, over one and a half years. Each brigade would receive three months training based on a standard manual developed by MONUC with the Congolese army. Fourteen brigades have already been formed, with another four to be completed in early 2007. The remaining 60,000-70,000 soldiers would either be demobilised or join specialised units such as the navy, military courts or artillery.

³⁴ Some Congolese military are, however, very dissatisfied with MONUC, arguing that it aims at merely containing the FDLR, not fighting them, but at the same time prevents the Congolese army for doing so itself on the ground that this would cause a humanitarian crisis. Crisis Group interviews, senior military, Kinshasa, 19 and 20 December 2007.

³⁵ Crisis Group Africa Report N°104, *Security Sector Reform in the Congo*, 13 February 2006.

³⁶ "Vetting, Institutional reform and transitional justice: An operation framework", International Centre for Transitional Justice and United Nations Development Program (UNDP), July 2005. The programs in those countries have suffered from technical problems, an analysis of which should serve as the basis for vetting in the Congo. The burden of proof with vetting is lower than in a war crimes tribunal, and penalties are usually administrative, making the process much faster and less contentious. However, vetting would not preclude later investigation by judicial authorities.

3. Dealing with militias in the eastern Congo

The Congolese army cannot yet deal on its own with the remaining militias in the East. Recent fighting in Ituri and North Kivu, during which FARDC units have collapsed under pressure, underlines that MONUC remains militarily indispensable and needs to maintain its troop level around 17,000, at least through 2007.

There is no quick military solution to the militia problem in the East. An all-out offensive against the militias would result in hundreds if not thousands of civilian fatalities. During recent operations in Ituri, Congolese units killed, raped and tortured dozens of civilians.³⁷ And when MONUC stepped up its operations against the FDLR in 2005, that militia massacred some 75 civilians in South Kivu.³⁸

At the same time, the various voluntary demobilisation programs have revealed their limits. At the current rate, it could take five to ten years for the remaining FDLR fighters to be repatriated, and Ituri militias – whose recent signature of a peace deal needs to be backed up by action – have recruited many demobilised combatants. The Congolese demobilisation commission (CONADER) has demobilised approximately 120,000 combatants throughout the country but has acute administrative problems that call into question its capability to reintegrate them into society effectively and demobilise the remainder.³⁹ Thousands of demobilised soldiers have protested and even rioted in many towns across the country.⁴⁰

The then Secretary-General, Kofi Annan, stated in his report on the foreign armed groups that: “I cannot overemphasise the need for sustained, inclusive, positive and result-oriented dialogue at the national and sub-regional level, to achieve a lasting resolution of the problem of foreign armed groups in the Democratic

Republic of the Congo”.⁴¹ The international community should launch a new effort to promote the return of individual FDLR commanders not guilty of the 1994 Rwanda genocide. According to Rwandan government sources, most brigade commanders are innocent of serious crimes, though Rwandan courts want the four highest-ranking officers for participation in the genocide.⁴²

The recent détente between Kigali and Kinshasa opens new options, and both MONUC and the Tripartite Plus Initiative⁴³ should aim at holding technical meetings between the Rwandan security services and their Congolese counterparts to determine how best to isolate the extremists and repatriate moderates. Kigali should provide incentives for the latter, including positions in the army. Similar cross-border efforts are needed to deal with the recent advances of the Ugandan rebel group, the Lord’s Resistance Army (LRA), into north-eastern Congo.⁴⁴ Ugandan army incursions underline the fragility of the peace in the region.⁴⁵ Donors should tell Kampala clearly that such action is not acceptable.

MONUC should continue to facilitate negotiations between the leaders of Congolese armed groups and the government in order to promote their integration into FARDC, provided perpetrators of serious crimes are brought to justice. In the cases of the Ituri militia and Nkunda’s soldiers, addressing the root causes of the conflict is crucial to a solution.⁴⁶ In particular, MONUC should encourage the government to deal with land conflicts and promote local reconciliation efforts.

Political efforts must be backed up with military operations, hence the importance of SSR. The Security Council should give MONUC a clear mandate to carry out such operations against illegal armed groups, in

³⁷ “UN finds mass grave in eastern Congo”, BBC World News, 24 November 2006; Crisis Group interview, Human Rights Watch, November 2006.

³⁸ “Report of the Secretary-General”, op. cit., p. 8. It is not clear whether FDLR or a dissident group called the Rasta carried out the massacres but many believe it was in response to robust MONUC operations.

³⁹ “Multi-Country Demobilisation and Reintegration Program”, available at www.mdrp.org.

⁴⁰ “Province de l’Equateur, la Conader et la FAO réagissent à l’agitation des démobilisés de Basankusu”, *Le Potentiel*, 9 November 2006; “Katanga : Protestation des ex-combattants a Kalemie”, Radio Okapi, 21 November 2006; “Kasai-Oriental : Les démobilisés de Kabinda en colère”, Radio Okapi, 21 October 2006; “Manifestation violente des démobilisés à Lubumbashi”, Radio Okapi, 16 July 2006.

⁴¹ “Report of the Secretary-General”, op. cit., p. 14.

⁴² Crisis Group telephone interview, Rwandan government official, November 2006. The four commanders are General Sylvestre Mudacumura, Colonel Rumuli Michel, Colonel Kanyandekwe and Colonel Mugaragu.

⁴³ The Tripartite Joint Commission was promoted by the U.S. and created in October 2004 by Congo, Uganda and Rwanda. Based in Kisangani, it became known as the Tripartite Plus when Burundi joined. It seeks to deal with cross-border security issues, particularly foreign armed groups.

⁴⁴ For detailed discussion of the LRA, see Crisis Group Africa Briefing N°41, *Peace in Northern Uganda*, 13 September 2006.

⁴⁵ “L’infiltration des soldats ougandais en Ituri confirmée”, Radio Okapi, 15 Novembre 2006.

⁴⁶ It is argued that if many Rwandophones, Hutus or Tutsis, do not support Nkunda’s armed opposition, they share his concern for their safety and the need for reconciliation. Should these issues be addressed and Nkunda still refuse to disarm, he might lose much tacit support within his community.

urgent situations also without the ill-disciplined Congolese army. MONUC commanders indicate they have the capacity to do so.⁴⁷

Efforts to weaken the militias have been undermined by the difficulties MONUC has had implementing the arms embargo. The UN lacks adequate resources for this task, as it has very limited manpower and intelligence capabilities on the ground. MONUC has mainly relied on its military observers (MILOBs) for gathering information, many of whom do not speak French and have little experience in obtaining and analysing intelligence. Despite repeated requests to donors, MONUC also lacks adequate electronic surveillance equipment and aerial reconnaissance and enough riverine units to patrol key border locations. It needs to hire more locals to help with intelligence gathering and place officers in demobilisation camps to debrief combatants.

IV. CONCLUSION

With the peaceful and successful completion of the Congolese electoral process, another milestone has been achieved in the restoration of stability in the Great Lakes region. Congo now has for only the second time in its history democratically elected institutions, empowered to consolidate peace and lead the giant country towards recovery. Despite the unquestionable achievements of the transition and the electoral process, this is still a daunting challenge. Most of the elected current leaders demonstrated little genuine commitment to actual implementation of the peace agreements during the transition. The chances are high that the peace process would unravel if international engagement and guarantees were to be withdrawn precipitously.

It is of the utmost importance for the stability of the Great Lakes region and the sustainability of the Congo peace process that the international community remain strongly and collectively engaged. SSR, restoration of state authority, consolidation of democratic institutions and implementation of decentralisation are four key agendas for which strong international commitment is essential to success. A renewed MONUC political mandate and a successor international political forum to CIAT need to be provided in the coming weeks.

Nairobi/Brussels, 9 January 2007

⁴⁷ Crisis Group telephone interview, MONUC commander, November 2006.

APPENDIX A

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