

CRS Report for Congress

Received through the CRS Web

Democratic Republic of Congo: Transitional Process and U.N. Mission

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Summary

The Democratic Republic of Congo (DRC) is expected to hold local and national elections in mid-2005, as called for in the 2002 South African-sponsored Pretoria Agreement. The Transitional Government faces daunting challenges. The eastern part of the country is marred by insecurity and instability due to factional fighting and the presence of the Interhamwe, the group responsible for the 1994 Rwandan genocide. For background information on the DRC and the Great Lakes region, see CRS Report RL32128, *Africa's Great Lakes Region: Current Conditions in Burundi, the Democratic Republic of Congo, Rwanda, and Uganda*. This report will be updated as events warrant.

Recent Developments: Status of the Transition Process

The transitional process in the Democratic Republic of Congo (DRC) has reached a critical stage with elections scheduled for mid-2005. The Transitional Government has taken a number of important steps, as called for in the Global and All-Inclusive Agreement¹. In November 2004, the Transitional Government promulgated laws on Nationality and Defense Forces reform programs, although final action on the constitution remains in limbo due to disagreement among the signatories of the 2002 Pretoria Agreement. Meanwhile, the Independent Electoral Commission (IEC) has taken a number of steps to prepare the country for the elections, although the Commission is behind schedule on voter registration and establishing mechanisms for election monitoring. The Commission has prepared, with the support of the United Nations Mission in DRC (MONUC), a budget for expenses related for the elections. However,

¹ The All-Inclusive Agreement calls for a two-year transition period headed by President Kabila and four Vice Presidents.

of the \$285 million budgeted for the elections, an estimated \$167 million has been pledged, but only \$8 million has been disbursed as of December 2004.²

The transitional process faces serious challenges, and senior DRC government officials are suggesting a delay in the elections. In February 2005, Vice President Azarias Ruberwa stated that the government may postpone the elections because of delays in adopting essential legislation and massive logistics difficulties. The Electoral Commission has opened liaison offices in 8 out of the 11 provinces as of late December 2004, and plans to set up 9,000 voter registration centers in the provinces. Meanwhile, insecurity and factional fighting in the east of the country continue to hinder the work of the Commission. Moreover, serious political problems within the Transitional Government itself are frustrating progress, according to observers. President Joseph Kabila appears to exert influence within the Transitional Government, but his political control and influence outside the capital, Kinshasa, is very limited. Members of the Transitional Government are also concerned about the growing popularity and influence of opposition leader Etienne Tshisekedi. In the absence of a strong coalition against Tshisekedi, key players in the Transitional Government have become increasingly concerned about the prospect of an opposition upset.

Regional Issues

Insecurity in parts of the DRC, especially in the east of the country, continue to pose a serious threat to political stability in the Great Lakes region. The 2002 Pretoria Agreement between Rwanda and DRC led to significant improvements in border security in the region. The agreement called for a cessation of hostilities, an inter-Congolese dialogue, withdrawal of foreign forces, and disarmament of the “negative forces”, armed groups responsible for the 1994 Rwandan genocide. The parties have implemented all of these agreements except for the demobilization of the negative forces in DRC — a major source of tension between Rwanda and DRC. Repeated efforts to deal with this problem have not succeeded because the Transitional Government has not been forceful in its efforts to disarm the negative forces, and the United Nations Security Council has not given United Nations Organization Mission in DRC (MONUC) the mandate to use force to disarm these forces. Indeed, the Security Council has given MONUC a Chapter VII mandate for its other activities, except for the disarmament of the negative forces in DRC.³

On September 22, 2004, the governments of DRC and Rwanda signed the terms of reference for a Joint Verification Mechanism (JVM), an agreement designed to address cross-border issues, specifically to deal with the threats of the Interhamwe and ex-FAR — groups responsible for the 1994 genocide in Rwanda. The Mechanism consists of a Joint Verification Team of experts from the parties, representatives from MONUC and the African Union. In October 2004, the group had its first meeting, and in late November the parties adopted operational procedures for the Joint Verification Teams. In addition, the United States has been facilitating Tripartite talks among the three key regional players: DRC, Rwanda, and Uganda. The parties held several meetings in the region and

² Sixteenth Report of the Secretary General on the United Nations Organization Mission in the Democratic Republic of Congo, Dec. 31, 2004.

³ For more on MONUC's mandate see [<http://www.monuc.org>].

in Washington. The most recent meeting took place in Washington in February 2005. The parties agreed that the most serious threat to regional stability is the presence of the negative forces in DRC.⁴ In order to deal with this threat, the parties established a Tripartite Joint Commission and agreed to disarm, demobilize, and repatriate foreign armed groups within 12 months. In November, a Conference on Peace, Security, Democracy, and Development took place in Tanzania, which was attended by 11 heads of state. The parties agreed to pursue the above mentioned goals and decided to hold a second round of talks in 2005.

Insecurity in the region remains a serious concern, despite improved cooperation between Rwanda and the DRC. In November 2004, the government of Rwanda threatened to send troops into DRC after several attacks inside Rwanda by ex-FAR and Interhamwe elements. The government of President Kabila filed complaints with the Joint Verification Commission accusing Rwanda of sending thousands of troops into DRC. The Joint Verification Team investigated DRC's claim and concluded that there were no Rwandan troops inside DRC territory. In December 2004, the government of Rwanda withdrew its threat to send troops into DRC, and called on the international community to help disarm the ex-FAR and Interhamwe. Meanwhile, the security situation in the Ituri region and the Kivus continue to deteriorate. Over the past year, hundreds of civilians have been killed as a result of factional fighting between Mai Mai forces and the Rally for Democracy of Congo (RCD)-Goma. Fighting between ex-FAR /Interhamwe elements and RCD-Goma continues to destabilize the Kivus, and has led to massive human rights abuses against civilians.

MONUC: Status of Forces and Human Rights Abuses

MONUC's record has been marred by persistent allegations that it has not been able to halt gross human rights violations of civilians in the Ituri region and charges of incompetence since its deployment in 1999. The United Nations operation in the DRC is currently the largest U.N. mission in the world, with an estimated 14,000 personnel as of January 2005. Insecurity in the East of the country is MONUC's principal challenge in DRC. In late February 2005, nine Bangladeshi peacekeepers were killed by militia members in the Ituri region. Secretary General Kofi Annan condemned the killings and called on the Transitional Government to "hold accountable those responsible for this reprehensible and criminal attack." The United Nations has increased the number of troops recently to help bring stability and security, especially in the Kivus and Ituri region. The killing of the nine MONUC troops represents the largest loss of life for the United Nations mission in DRC since the deployment of forces in 1999.

MONUC has also been the focus of allegations of sexual exploitation and abuse of women and children. In December 2004, in his report to the Security Council, Secretary General Annan stated that "between June and September 2004, an Office of Internal Oversight Services investigation into sexual misconduct in Bunia revealed that 8 of some 72 allegations could be corroborated." The report reveals that the majority of these allegations involve "soliciting the services of prostitutes." This kind of behavior by U.N. peacekeeping troops, the report contends, is a violation of the United Nations "Code of Conduct" for peacekeeping troops. In November 2004, a team from the United Nations

⁴ Author's interview with senior U.S. officials and regional leaders, Feb. 2005.

Department of Peacekeeping Operations was sent to investigate allegations of sexual exploitation by several United Nations civilian personnel in other parts of DRC. Another team led by the Assistant Secretary-General for General Assembly and Conference Management was sent to DRC to investigate allegations against MONUC personnel.

On January 5, 2005, a report by the United Nations Office of Internal Oversight Services (OIOS), issued its findings about sexual exploitation and abuse by MONUC personnel in DRC. According to a summary of the report:

Interviews with Congolese women and girls confirmed that sexual contact with peacekeepers occurred with regularity, usually in exchange for food or small sums of money. Many of these contacts, which were further confirmed by evidence from others adduced by the OIOS team, involved girls under the age of 18, with some as young as 13. Many of the 72 allegations originally reported to MONUC could not be substantiated or even fully investigated because of their non-specific nature. Nevertheless, OIOS was able to compile 20 case reports. One case that was substantiated involved an international civilian post. The remaining 19 cases involved peacekeepers from 3 contingents. Of those, six cases were fully substantiated. In another two cases, the identification of the perpetrators was not fully corroborated. In the remaining 11 cases, the victims and witnesses were unable to clearly identify the perpetrators.⁵

The OIOS has made a number of recommendations, which it claims have been accepted by the United Nations Department of Peacekeeping Operations. The recommendations include the following:

Recommendation 1. When peacekeepers are implicated, the contributing country should be notified and appropriate measures should be taken by the contributing country.

Recommendation 2. The Department of Peacekeeping Operations and MONUC should institute a strong preventive and early detection program to protect civilians against abuses.

Recommendation 3. Senior MONUC officials must be vigilant, engaged, and demand accountability from their subordinates.

Recommendation 4. Regularly brief United Nations personnel about their responsibilities and ensure that they are well aware of United Nations policies.

Recommendation 5. United Nations officials and senior commanders should enforce strict discipline on United Nations personnel who violate U.N. policies.

⁵The report, A/59/661, can be found at [<http://daccessdds.un.org/doc/UNDOC/GEN/N05/200/55/PDF/N0520055.pdf?OpenElement>].

Background: The Crisis in DRC and MONUC

The Democratic Republic of Congo, formerly Zaire, has been in political turmoil for years. In May 1997, the Alliance of the Democratic Forces for the Liberation of Congo-Zaire (AFDL), with the support of Rwanda and Uganda, marched into Kinshasa and ousted longtime dictator Mobutu Sese Seko. Within one year, tensions between President Laurent Kabila and his Rwandan and Ugandan allies began to mount. By August 1998, open conflict erupted between Kabila and Congolese forces supported by Rwanda. Angola, Namibia, and Zimbabwe joined the fighting in support of Kabila.

In July 1999, at a summit in Lusaka, Zambia, the leaders of Uganda, Rwanda, Congo, Zimbabwe, Namibia, and Angola signed a peace agreement. The agreement called for a cease-fire within 24 hours of the signing of the agreement. Nonetheless, both sides to the conflict consistently violated the cease-fire agreement. The Lusaka Accords established a joint military commission (JMC) to investigate cease-fire violations and to disarm militia groups. The withdrawal of foreign forces from Congo was one of the key elements of the Lusaka Accords. The Accords also called for political dialogue among Congolese political and armed groups to settle their differences peacefully and to map out a new political chapter for Congo. The former president of Botswana, Sir Ketumile Masire, was appointed to facilitate the talks.

The Accords called for the deployment of U.N. military observers, and in August 1999, the United Nations Security Council authorized the deployment of 90 United Nations military liaison personnel to the DRC. In November 1999, Security Council Resolution 1279 affirmed that the previously authorized United Nations personnel would constitute the United Nations Organization Mission in the DRC (MONUC). In July 2003, the Council authorized an increase of MONUC forces to 10,800 troops. MONUC is mandated through March 31, 2005 (U.N. Security Council Resolution 1565), to monitor the cease-fire agreement to verify disengagement of forces, to facilitate humanitarian assistance, and to oversee disarmament and demobilization of combatants. The operation is authorized under Chapter VII of the United Nations Charter, which allows peacekeepers to use force, if necessary, to carry out their mandate. As of August 31, 2004, an estimated “10,715 uniformed personnel, including 10,022 troops, 554 military observers, 139 civilian police supported by 699 international civilian personnel and 1,114 local civilian staff” have been deployed to DRC. French-led multi-national peacekeeping troops, which arrived at the end of May 2003 to secure areas in the northeast of the country, withdrew in September 2003. This European force, dubbed “Artemis,” was incrementally replaced by a 3,800 multinational MONUC force from Asia and South Africa, mostly composed of Bangladeshi and Pakistani troops.

On October 1, 2004, the United Nations Security Council increased the number of MONUC’s force by 5,900 personnel, including up to 341 civilian police personnel, although Secretary General Kofi Annan requested a much larger increase for DRC. In his August 16, 2004 report to the Security Council, Annan recommended that the Council “consider increasing the current military strength of MONUC of 10,800 in all ranks by an additional 13,100, thus bringing the Mission’s authorized strength to 23,900.” He argued that the transitional process in the Democratic Republic of Congo is “at a critical juncture” and stabilizing and carrying out the Mission’s mandate will require a robust UN presence in DRC.

Challenges to the U.N. Mission

The U.N. mission in Congo faces challenges as the transition period comes to an end. The Kinshasa government still does not have political and security control outside the capital, especially in the eastern part of the country. In early June 2004, rebel groups led by General Laurent Nkunda and Colonel Jules Mutebutsi attacked and captured the eastern town of Bukavu, killing many civilians and forcing MONUC forces to flee the town. General Nkunda argues that he attacked the town in order to protect civilians of Tutsi origin, who had been targeted by pro-government forces. The rebel forces were forced out of Bukavu, but the incident in Bukavu demonstrated the fragile nature of the transitional peace process. The DRC government accused the Government of Rwanda of backing the rebels. Rwanda denied that its forces were involved in eastern Congo. The Bukavu incident intensified tensions between Rwanda and Congo and it seemed the DRC might once again plunge into a major conflict. In late June, however, President Paul Kagame of Rwanda and President Joseph Kabila of Congo met in Nigeria under the auspices of President Obasanjo of Nigeria. The parties agreed to set up a Joint Verification Committee to ensure border security. In July 2004, a United Nations expert panel issued a report pursuant to Security Council Resolution 1493, which imposed an arms embargo on foreign and Congolese armed groups not party to the peace agreement. The report alleged that the governments of Rwanda, DRC, and Uganda provided support to rebel groups inside Congo.⁶

In May and July 2004, the Bush Administration hosted talks in Washington between Rwanda, Uganda, and DRC in an effort to ease tensions in the region. Again in September, the United States hosted talks in New York and the parties are scheduled to meet in Kigali, Rwanda in late October. While these efforts have eased tensions among these regional actors, the internal political situation in Congo has deteriorated over the past several months. According to the Third Special Report of the Secretary General, “the atmosphere of mistrust among the parties has grown and the lack of political will of some influential players to implement the transitional agenda remains a serious hindrance to progress.” Organizing and conducting free and fair national elections in the absence of security in parts of DRC and lack of basic infrastructure could be a major challenge to the fragile Transitional Government. Moreover, lack of progress on the military integration of the various groups in the Transitional Government has raised serious concerns about lasting peace in Congo. Since the deployment of regional military commanders in late 2003, little progress has been made in force integration and other areas. Another complicating factor for MONUC is how to deal with the Interhamwe militia and former Rwandan forces active in eastern Congo. MONUC does not have the mandate to disarm these militia groups, a major source of instability in the Congo. The government of President Kabila has been unable or unwilling to disarm the Interhamwe, and negotiations with neighboring countries to create a mechanism to deal with this problem have been stalled.

⁶ *All Africa*. “Mozambique, South Africa Set Conditions for Full Deployment of Peacekeepers.” Sept. 12, 2003.