

Democratic Republic of Congo

From October 2004 to October 2005 the UN Organization Mission in the Democratic Republic of Congo (MONUC) saw its authorized strength increase from 10,800 to 17,042 personnel, with the further addition of 300 troops authorized in late October 2005. Its mandate was also expanded, in terms of both the tasks it was to accomplish and its ability to use force to accomplish them. A three-phase military campaign plan was launched in the eastern region of the Democratic Republic of Congo (DRC) in March 2005, starting with the province of Ituri and then moving southward to the Kivus. As the end of the year approached, significant military operations by Congolese troops and MONUC peacekeepers were underway in the east, along with other forms of pressure to get the militias to disarm, demobilize, and, in the case of foreign armed elements, to repatriate, following expiration at the end of September of a deadline for all foreign troops to leave the country. MONUC also took on an ever-widening range of tasks related to the DRC's political, economic, and social transition. A successful program of voter registration was undertaken throughout the country, in anticipation of a constitutional referendum at the end of 2005 and elections scheduled for June 2006.

Background

Laurent-Desiré Kabila seized the presidency of the DRC in 1997, after a year-long insurgency supported by regional actors. Following a brief period of stability, war resumed, pitting government forces supported by Angola,

Namibia, and Zimbabwe against multiple rebels backed by Uganda and Rwanda. A cease-fire agreement was signed in 1999 by all six governments and two rebel movements—the Movement for the Liberation of the Congo (MLC) and the Congolese Rally for Democracy (RCD)—that called for deployment of a UN force to monitor and assist its implementation. While the UN Security Council approved an initial peacekeeping mission, hostilities continued.

In January 2001, Laurent Kabila was shot and his son Joseph took over the presidency. The Inter-Congolese Dialogue opened later that year. In 2002, both Rwanda and Uganda struck deals with the DRC to withdraw their forces from the east, and by the end of the year, most forces of the five neighboring states involved in the conflict were out of the country, although Uganda only formally withdrew in the spring of 2003.

In December 2002, the Global and All-Inclusive Accord between the government and main rebel groups was signed in Pretoria, South Africa, formally putting an end to the civil war in the DRC. A transitional government was established, with Joseph Kabila as president and representatives of the president's party, the RCD-Goma, the MLC, and the unarmed opposition and civil society as four vice presidents. The Government of National Unity and Transition was launched in June 2003, and a two-year timeline was agreed to for the holding of elections, involving a referendum on the constitution, followed by legislative and presidential elections. Given that the accord allowed for two

possible six-month extensions of the transition, the ultimate cutoff date for the transitional period was envisaged to be 30 June 2006.

Insecurity in eastern parts of the country also continued to destabilize the transition. A crisis in Bunia in the spring of 2003 led to the temporary deployment of an EU-mandated, French-led emergency force (Operation Artemis), with a mandate to provide security

for a three-month period pending reinforcement of the UN presence in the area. An even more serious challenge to the DRC's peace process came in May–June 2004, when two groups of dissidents led by Laurent Nkunda and Jules Mutebutsi overran the town of Bukavu in South Kivu. MONUC's inability to prevent this takeover led to riots and serious violence throughout the DRC, some directed at MONUC. The dissidents withdrew in June, but the loss of credibility of the peace operation and the transitional government led to an increase in MONUC's strength and a more robust mandate.

Mission Mandate and Deployment

The UN's initial mandate of 6 August 1999 in the DRC was limited, and only ninety military liaison personnel were deployed to implement it. They were later incorporated into MONUC when the mission was established by the Security Council in November 1999. By Resolution 1291 of 24 February 2000, MONUC's mandate was expanded to include monitoring the cease-fire agreement, developing an action plan for overall implementation of the agreement, verifying the disengagement and redeployment of forces, facilitating humanitarian assistance and human rights monitoring, and, under Chapter VII, taking the necessary action "in the areas of deployment of its battalion and as it deems it within its capabilities" to protect civilians under imminent threat of physical violence. The Security Council authorized the deployment of 5,537 military personnel. MONUC grew incrementally over the years to reach an authorized strength of 17,841 at the end of October 2005, the largest peace operation under UN command. Over 2,500 civilian staff and UN volunteers are also part of the mission.

Thus MONUC started as a small liaison mission and grew to a major multidimensional operation with significant responsibilities to support a complex transitional process in a highly volatile environment. Its political



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UN Organization Mission in the Democratic Republic of Congo (MONUC)

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| • Resolution passage and start date | 30 November 1999 (UNSC Res. 1279) |
| • SRSRG | William Lacy Swing (United States) |
| • Force commander | Lieutenant General Babacar Gaye (Senegal) |
| • Police commissioner | Daniel Cure (France) |
| • Budget | \$1,133.67 million
(1 July 2005–30 June 2006) |
| • Strength as of 31 October 2005 | Troops: 15,197
Military observers: 724
Civilian police: 300
International civilian staff: 811
Local civilian staff: 1,373
UN volunteers: 470 |

and civilian tasks range from supporting the transitional government and helping to run credible elections, to facilitating the return of hundreds of thousands of refugees and internally displaced persons, and monitoring human rights. MONUC is deeply involved in the disarmament, demobilization, and reintegration (DDR) process, as well as broad-based security sector reform of both the military and police.¹

The prevailing insecurity in the country meant the mission was given a more robust Chapter VII mandate as it progressed. Resolution 1493, adopted in the aftermath of the crisis in Ituri in April/May 2003, delineated a set of purposes for which force could be used: in self-defense; to protect United Nations personnel, facilities, installations, and equipment; 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 the security conditions in which humanitarian assistance is provided. These specific mandated tasks were followed by the more generic authorization of MONUC “to use all necessary means to fulfill its mandate in the Ituri district and, as it deems within its capabilities, in North and South Kivu.” Thus MONUC had Chapter VII authority for its entire mandate, full enforcement power in Ituri, and limited enforcement power “within its capabilities” for the protection of civilians and in the Kivus.

Security Council Resolution 1565 (2004)—adopted in the aftermath of the Bukavu crisis—expanded MONUC’s enforcement powers to include maintaining a presence in volatile areas, deterring the use of force that threatened the political process, discouraging cross border movements of combatants between the DRC and Burundi, and seizing arms that violated the embargo imposed in resolution 1493. In addition, it was tasked with supporting the transitional government in maintaining order in strategic areas, disarming foreign combatants, contributing to the disarmament portion of the national DDR program, and providing a secure

environment for free, transparent, and peaceful elections. The increase in troop strength by 5,900 personnel allowed for the deployment of an Indian brigade to North Kivu and a Pakistani brigade to South Kivu, both equipped with force multipliers such as attack and surveillance helicopters. This also allowed MONUC to create a mobile reserve force from its remaining contingents, which could be moved to different locations in the east, depending on requirements. In this manner, MONUC had at its disposition three full brigades in the east (Ituri, North Kivu, and South Kivu), as well as a reserve force.

In an innovative step to improve command and control over forces operating in a complex environment, MONUC created a divisional headquarters led by a two-star general. The divisional headquarters, rendered operational on 14 February 2005 and situated in Kisangani, is responsible for tactical operations in eastern DRC, commanding and coordinating the day-to-day activities of the three eastern brigades. It initially chose Ituri as its main effort, conducting frequent, mobile, and temporary operations with the aim of disarming the Ituri armed groups. In July 2005 the main effort switched to South Kivu and then to North Kivu later in the year.

MONUC’s increasingly robust posture from 2003 onward reflects the Security Council’s determination to bring the DRC peace process to a successful conclusion, which would not be possible without the creation of a secure environment for the holding of credible elections. Resolutions 1493 and 1565 form the basis for robust measures against Ituri militia groups and foreign armed combatants in support of the FARDC, particularly the ex-FAR/Interahamwe. This was reinforced by resolution 1649 adopted on 21 December 2005, as was MONUC’s authority to use force to deter armed groups from threatening the political process and to protect civilians, which had been interpreted to allow for preemptive action when necessary. Impartiality has been understood to mean adherence to the objectives of the mandate: force can be used against parties that fail to comply with agree-

Box 3.7.1 Sexual Exploitation and Abuse in UN Peace Operations

In 2004 there was considerable coverage of allegations of sexual exploitation and abuse (SEA) by UN peacekeeping mission staff in the DRC. As the UN attempted to improve its complaints mechanism, there was a sharp increase in reports of SEA. Whereas the UN Department of Peacekeeping Operations (DPKO) had investigated allegations of SEA against five staff and nineteen military personnel in 2003 worldwide, MONUC received seventy complaints from May to September 2004 alone. The UN Office of Internal Oversight Services (OIOS) reported sexual favors being bought with food—as little as two eggs—and the exploitation of orphans.

Further to a request from the UN General Assembly's Special Committee on Peacekeeping Operations, the Secretary-General invited Prince Zeid, permanent representative of Jordan to the United Nations, to conduct a comprehensive analysis on SEA by peacekeeping personnel. Released in March 2005, the study identified five principal challenges:

- The diverse categories of personnel employed in each peace operation are governed by different legal systems.

- A lack of specialized investigative expertise limits the capacity for thorough reviews of allegations.
- There is a need to raise awareness of SEA and establish organizational, managerial, and command responsibility for the problem.
- There is a need for compliance measures and individual disciplinary, financial, and criminal accountability for SEA.
- While UN personnel have immunity in their countries of deployment, this can be waived, but local judicial systems may be insufficient to assure fair trial.

In response to this analysis and policy proposals by Prince Zeid, the UN has implemented and planned a variety of measures to prevent SEA, including:

- Amending the legal agreements with troop-contributing countries and contracts with all categories of peacekeeping personnel to include prohibitions on SEA.
- Investigating allegations of SEA abuse in ten missions, and establishing conduct and discipline units in eight.

- Briefing personnel at all levels on the problem, developing interagency networks to coordinate responses in the field, and creating a database to track misconduct in all missions.
- Developing compliance measures in missions, including the designation of “off-limits premises” and requiring military personnel to remain in uniform when off-base.
- Designing a policy on victim assistance and focal points on SEA within missions to work with local populations and facilitate the receipt of complaints.
- Handing over investigations into allegations to OIOS, which is also conducting a global review of the state of discipline in peace operations.
- Establishing a Group of Legal Experts to study means of strengthening criminal accountability of UN staff for crimes committed while serving in peacekeeping operations.

As of November 2005 these policies had resulted in 221 investigations of SEA, of which nearly half had resulted in the repatriation of military personnel or sacking of civilian staff.

Source: United Nations, *Measures Implemented in 2004–2005 in Peacekeeping Operations to Address Sexual Exploitation and Abuse* (New York: Peacekeeping Best Practices Unit/DPKO, 28 July 2005); UN News Center, “UN Refugee Official Sentenced to Three Year’s Jail for Underage Sex” (1 November 2005).

ments and Security Council resolutions, particularly when civilian lives are at risk. Given that the Ituri armed groups failed to respect their commitments under the Acte d’Engagement of May 2004 and continued to pose a serious threat to the civilian population, the mission was prepared to engage in their forcible disarmament. The relatively strong consensual framework between the main parties of the transition has relegated smaller groups such as the Ituri militias to the status of unlawful bandits, allowing force to be used

against them without undermining the transition as a whole (see below).

Key Developments and Challenges

Important revisions to the mandate at the end of 2004 and an increase in MONUC’s military strength enhanced the mission’s capacity to help the transition move forward. It assumed a wider range of tasks in the political, economic, and social spheres and became deeply involved in elections, “essential legislation,”

and security sector reform. The primary mechanism for involvement in these fields is the device of the joint commission, three of which were established.

The joint commission on essential legislation worked to move the legislative agenda forward and to ensure that the promulgated laws conform to international legal and democratic standards. The transitional government promulgated twelve laws in the last year, including the law on voter registration and a draft constitution in May 2005. A draft electoral law—adopted by the Council of Ministers on 25 October—went to the National Assembly on 7 November but had not been adopted by the end of November.

The joint commission on elections was instrumental in helping the Independent Electoral Commission (IEC) establish an electoral budget and a plan of action for the voter registration process. With the help of UNDP, MONUC, and international donors, the IEC succeeded in opening offices throughout the DRC and in completing the voter registration process in a country the size of Western Europe with no road infrastructure. As of 21 November, 22.3 million people had registered out of an estimated electorate of 22–28 million. The referendum on the draft constitution, originally scheduled to take place on 27 November was postponed to 18 December 2005.

Although initially less productive than the other joint commissions, mainly due to lack of political will on the part of former belligerents keen to maintain a military power base, the joint commission on security sector reform became more active in the latter part of the year. The transitional government, faced with strong international pressure, created ten DDR orientation centers and five *brassage* centers for the disarmament of combatants, followed by integration for soldiers wanting to remain within the Forces Armées de la République Démocratique du Congo (FARDC). With the assistance of Belgium, Angola, South Africa, the EU, and MONUC, six integrated brigades, currently deployed in

Ituri and North and South Kivu, were formed, although their deployment was complicated by irregular salary payments, as well as inadequate supply of equipment and basic resources by the transitional government. A plan was established to deploy twelve more integrated brigades by March 2006. All issues pertaining to DDR and police reform are also discussed in this joint commission, and extensive police training is underway by MONUC's civilian police personnel as well as the EU.

The need to address issues of good governance and sound economic management was actively considered in the latter part of 2005. As a first step, it was agreed that these issues would be discussed in biweekly meetings between the International Committee in Support of the Transition (ICST) and *espace presidential*. While an ad hoc committee of experts would provide background analysis, a joint commission was not formed because of concerns within the DRC government and on the Security Council about undue interference in sovereign affairs.

In response to continued insecurity in eastern DRC and in the context of the forthcoming elections, the newly strengthened MONUC imposed a deadline of 1 April 2005 for voluntary disarmament in Ituri, stepping up its cordon and search operations. In a strong display of force, MONUC dismantled the Front Nationaliste Intégrioniste (FNI) headquarters in Loga, killing almost sixty militia members in the exchange of fire. This growing robustness on the part of the mission was not without risk: on 25 February 2005, nine Bangladeshi peacekeepers were killed in an ambush as they carried out a foot patrol near a displaced persons camp. However, the use of force convinced most Ituri militias to lay down their arms: 15,600 had disarmed by 25 June 2005, leaving behind a recalcitrant group of about 1,500 (according to MONUC) who continued to receive military and financial assistance from neighboring states. In November, MONUC stepped up, with some success, military efforts to deal once and for all with these diehard remnants. Meanwhile, incursions of

elements of the Lord's Resistance Army (LRA) prompted the FARDC to deploy two battalions to the border with Sudan, alongside a MONUC military observer team and company.

Having stabilized Ituri to a considerable degree, MONUC switched its main military effort to the Kivus. The mission worked in conjunction with the FARDC to weaken and repatriate the ADF/Nalu (1,500–2,000 Ugandan combatants in North Kivu) and the FDLR (10,000–12,000 former Rwandan combatants in North and South Kivu, some but not all of whom were involved in the 1994 genocide). Following the failure of the Rome Sant'Egidio mediation process to result in any significant voluntary demobilization of the FDLR, despite the promise on 31 March to lay down arms and return to Rwanda, MONUC and the FARDC commenced joint-operations to disrupt and destabilize them. During these operations, MONUC and the FARDC destroyed six empty camps on 14 July 2005, after having first given warnings to the FDLR to leave. A deadline for voluntary repatriation of 30 September was issued to the FDLR by the Tripartite Plus Joint Committee, a US-sponsored confidence-building mechanism comprising the DRC, Rwanda, Uganda, and Burundi. Further robust action by MONUC and the FARDC began on 31 October, which included the use of UN attack helicopters, heliborn troops, and armored personnel carriers in an attempt to rid North Kivu's Virunga National Park of FDLR fighters and renegade Mayi-Mayi elements. An important goal of such operations is to take advantage of a growing split within the FDLR.

The "protection of civilians" mandate gives MONUC the authority to act forcefully in the Kivus, although there were concerns about reprisals against civilians and the impact robust action would have on voter registration. Some FDLR-perpetrated attacks against Congolese civilians did occur as a result of the more robust posture, and those responsible threatened further attacks. Nevertheless, voter registration proceeded smoothly in both North and South Kivu. It is still too soon to tell whether or not this military pres-

sure on the FDLR will lead to their wholesale repatriation to Rwanda, but these hardened fighters proved to be more resilient than the Ituri militias.

Most MONUC operations were undertaken jointly with the FARDC. A question that concerned the mission throughout 2005 was whether it should hold off on robust operations until the FARDC had sufficient capacity to take the lead. Under resolution 1565, MONUC has a mandate to *support* FARDC-led operations to disarm foreign combatants. The Tripartite Plus Joint Committee proposed that the mandate be changed to give MONUC the authority to take the lead in these operations—an issue that was being discussed in the Security Council in the latter part of the year. To some, the impending elections lent a sense of urgency to this and a closely related question: could the UN operate jointly with the FARDC without simultaneously taking on responsibility for training the Congolese army, which itself was a source of insecurity and human rights abuses in some areas?

Efforts to improve regional relations were also actively pursued during 2005. Rwanda's renewed threat in late November 2004 to undertake military operations in the DRC if something were not done against the FDLR, and Uganda's very vocal criticisms about the DRC's incapacity to deal with either the ADF/Nalu problem or the Lord's Resistance Army incursion, indicated the fragile nature of these relations. However, progress was made on a number of fronts, most notably on the creation of an "intelligence fusion cell" to assist the three governments in generating actionable intelligence on armed groups. In addition to its ongoing logistical and secretariat support to the joint verification mechanism, which allows the DRC and Rwanda to verify each other's claims regarding FDLR positions and alleged Rwandan Defense Forces incursions into the DRC, MONUC provides assistance to the fusion cell.

Although MONUC's strength and capacity to use force has increased markedly through-out the year, the large size of the

DRC, the complexity of its peace process, and the country's very poor infrastructure render the provision of security for credible elections difficult. In this connection, the Secretary-General identified two sources of insecurity: the continued existence of armed groups who might try to disrupt or delay elections and law and order problems associated with tensions between political parties in the major urban centers. MONUC has no troops in large parts of the country and even where it has substantial deployments, it is impossible to secure all towns and villages at the same time. The Security Council's response to the Secretary-General's request for an additional brigade to help provide security for the elections in Katanga province was to authorize a personnel increase of 300. It also authorized five additional formed police units, for a total of 750 officers, to be deployed in major cities with a mandate to support the national police in crowd control and to protect UN facilities. Two of these units had been deployed by 15 November.

The intertwined political, security, humanitarian, and human rights challenges prompted MONUC to adopt an "integrated mission concept,"² which is designed to ensure that the UN system as a whole shares an overall strategic objective for the peace process and coordinates its responses and activities in an effective manner. This coordinated approach is especially important in the east where disarmament and demobilization must be followed by swift reintegration of ex-combatants and more broad-based reconstruction.

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The challenges ahead for MONUC are substantial. The shift toward a more robust approach met with considerable success in the Ituri region in the east; whether a similar success can be achieved in the Kivus remained to be seen as 2005 drew to a close. The presence of foreign armed groups in the DRC was certainly a threat to regional security, but the primary responsibility for disarming and



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South African peacekeepers with MONUC patrol in the sunset, 25 December 2004, at the outskirts of Kirumba, after they established a buffer zone to stop clashes between rival army factions