

## Democratic Republic of Congo

The year 2009 marked the tenth anniversary of the establishment of the UN Organization Mission in the Democratic Republic of Congo (MONUC) and ten years since the signing of the Lusaka Agreement, which ended the second Congo war (1998–1999). MONUC stands among the largest and most expensive UN peacekeeping operations to date. Despite this considerable contribution of resources, persistent insecurity in the DRC's eastern provinces in 2009 and the lack of clear operational guidance for MONUC's complex mandate continued to challenge stabilization and peace consolidation efforts. Joint military operations by MONUC and the DRC's national armed forces (Forces Armées du République Démocratique du Congo [FARDC]) against armed groups have yielded mixed results, raised legal and ethical questions about the mission's partiality, and exposed operational tensions in the mission's multiple mandates called for in Security Council Resolution 1856. Meanwhile, the living conditions for civilian populations in the eastern provinces remain dire, while the viability of the peace that has been achieved over the course of a decade remains in question.

Developments in the DRC and the Great Lakes region in 2009 have significantly reshaped the political and security landscape in the country. Relations between the DRC and Rwanda have improved, and the rebellion by the Congrès National pour la Défense du Peuple (CNDP), which led to a resumption of armed conflict in August 2008, has ended. On 23 March, CNDP troops and other smaller Congolese armed groups signed agreements with the government to integrate into the FARDC.



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The continued illegal exploitation of natural resources by various armed actors, both foreign and domestic, and the weak capacity of state institutions—in particular the national armed forces, police, and justice and corrections institutions—have impeded efforts to find a lasting solution to the conflicts in the DRC. Other root causes of the violence in the east, including the rights of minorities and land tenure issues, have yet to be addressed. At the national level, the narrowing of political space and the trend toward authoritarian rule are of growing concern.

### Background

MONUC entered its third, and some expect final, phase in 2009. First deployed as a modest observer mission in 1999—following the first

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

• Authorization and Start Date	30 November 1999 (UNSC Res. 1279)
• SRSG	Alan Doss (United Kingdom)
• Force Commander	Lieutenant-General Babacar Gaye (Senegal)
• Police Commissioner	Sudesh Kumar (India)
• Budget	\$1,351.6 million (1 July 2009–30 June 2010)
• Strength as of 31 October 2009	Troops: 17,768 Military Observers: 692 Police: 1,210 International Civilian Staff: 1,005 Local Civilian Staff: 2,613 UN Volunteers: 628

*For detailed mission information see p. 232*

and second Congo wars (1996–1997 and 1998–1999), its initial mandate was to help monitor the Lusaka Agreement, which was signed in August 1999 by most Congolese armed groups and key state actors involved in the second war. The Lusaka Agreement called for the immediate cessation of hostilities, the disarming of foreign militia groups in the DRC, and the withdrawal of all foreign forces from the country.

By 2004, MONUC had grown into a substantial integrated mission with the mandate to support the Government of National Unity and the political transition begun in 2003, as well as to support the national electoral process in 2006, which resulted in Joseph Kabila's election as president.

In 2009, and in keeping with its reinforced mandate, MONUC entered a more robust peace-keeping phase, focusing largely on the unfinished business of the stabilization of eastern Congo. Despite the end of the second war and national elections, North and South Kivu and Orientale provinces continue to be the battleground for various local and foreign armed groups. These include the Forces Démocratiques de la Libération du Rwanda (FDLR), which in its earlier composition (ex-Forces Armées Rwandaises [FAR] and Interahamwe rebels) in the

aftermath of the Rwanda genocide was the principal trigger for the Rwandan-led invasion of then-Zaire and thus the start of the first Congo war; the mostly Congolese, Tutsi-led, and Rwandan-supported CNDP, headed by renegade Congolese general Laurent Nkunda; and the Ugandan Lord's Resistance Army (LRA).

Following the collapse of the FARDC and the near collapse of MONUC in the face of CNDP advances on Goma in October 2008, intense fighting broke out between the CNDP and Mayi-Mayi fighters in the North Kivu town of Kiwanja. On 4–5 November 2008, CNDP elements conducted targeted and reprisal killings of an estimated 150 villagers, mainly young men whom they suspected were Mayi-Mayi. Although MONUC had approximately 120 peacekeepers stationed in Kiwanja, they were unable to stop the killings. On 20 November, in the wake of these events and intense criticism of MONUC for the failure to implement its mandate to protect civilians under imminent threat of physical violence, UN Security Council Resolution 1843 authorized a long-sought troop increase of 3,000. While the mission had received only two-thirds of the troop increase by the end of 2009, the sixteen authorized helicopters as well as the intelligence equipment requested to support the surge also continued to lag behind.

In December 2008, UN Security Council Resolution 1856 renewed MONUC's mandate and asked the mission to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to progressively concentrate its action in 2009 in the eastern part of the DRC. It also tasked MONUC with coordinating operations with the FARDC-integrated brigades deployed in the eastern part of the DRC and to support their operations aimed at disarming recalcitrant local groups.

## Key Developments

### *Kinshasa-Kigali Rapprochement*

A key development in early 2009 was the growing leadership struggle within the CNDP and

the increased international pressure on Kigali to rein in Nkunda, who was arrested by Rwandan authorities in January following an agreement between Kigali, Kinshasa, and Nkunda's former chief of staff, General Bosco Ntaganda, to cease hostilities and to cooperate in pursuing the FDLR. Agreements reached in Goma on 23 March between the DRC government and the CNDP (as well as with other smaller armed groups in North and South Kivu) began a program to integrate the CNDP and other forces into the FARDC, transform the CNDP into a political party, grant amnesty to political prisoners, and prepare for the safe return of refugees and internally displaced persons (IDPs).

The sudden and rapid rapprochement between the two governments and their joint military operation against the FDLR—Operation Umoja Wetu (Our Unity)—caught MONUC and the Secretary-General's Special Envoy for the Great Lakes, former Nigerian president Olusegun Obasanjo, by surprise. By midyear, the DRC and Rwanda had exchanged ambassadors and held a presidential summit in Goma. While the cooperation was welcomed by the international community, the presence in January 2009 of an estimated 4,000 Rwandan Defense Forces (RDF) troops in North Kivu was met with caution in the DRC and, in some cases, alarm that Rwandan forces had returned. Critics of President Kabila's rapid warming to Rwanda, notably to then-president of the parliament Vital Kamerhe, were swiftly punished. Kamerhe was forcibly removed from his leadership position in parliament and then ousted from the president's party (People's Party for Reconstruction and Democracy [PPRD]).

While some progress was made with respect to the implementation of the 23 March agreements, challenges remain, including on key security and governance aspects of the agreements, the promotion of community reconciliation and greater political participation, and control over mining concessions. The ad hoc and incomplete integration of Congolese armed groups into the FARDC, foremost of those the CNDP, is a particular source of concern. Former elements of the CNDP continue to operate tax barriers and control other parallel territorial

administration arrangements in parts of North Kivu, and maintain parallel command structures within the national army.

By year's end, the bilateral agreement seemed to be losing steam as Kinshasa began backtracking on its commitments and as Nkunda's future continued to be contested. Despite Congolese calls for Nkunda's extradition to the DRC to be tried for treason, Nkunda remains under house arrest in Rwanda.

#### *Joint Military Operations Against the FDLR and LRA and Civilian Protection*

Following the departure of Rwandan forces at the beginning of the year, MONUC began providing assistance to 16,000 FARDC troops in follow-up operations against the FDLR and the LRA. The joint FARDC-MONUC operations against the FDLR, known as Kimia II, have had some success: the FDLR headquarters have been destroyed and the group's command and control, logistics, and administrative and political structures in both North and South Kivu have been disrupted. By October 2009, MONUC reported that its efforts toward disarmament, demobilization, repatriation, reintegration, and rehabilitation (DDRRR) had resulted in the repatriation of 1,126 FDLR combatants and



MONUC paramedics evacuate a victim of an FDLR massacre, North Kivu, Democratic Republic of Congo, 15 May 2009.

1,622 dependents, in addition to the repatriation of 11,383 Rwandan civilians by the UN High Commissioner for Refugees (UNHCR). By the end of the year, an estimated 4,500 FDLR combatants remained spread throughout the east.

Despite these achievements, the impact of these joint MONUC-FARDC military operations on civilians was a source of concern throughout the year. The UN Special Rapporteur on extrajudicial executions, on concluding a mission to the DRC, called it “catastrophic.” In the face of FARDC advances, the FDLR targeted civilians in reprisal attacks, causing significant additional population displacement. Over 400,000 civilians had been forced to flee their homes since the start of these operations, and of the 2.2 million IDPs in the DRC, 1.7 million of those were estimated to be in the Kivus. Reprisal killings targeting communities suspected of collaborating with the FARDC and MONUC were often accompanied by brutal rapes, which were on the rise throughout the year.

Operation Rudia II, the joint FARDC-MONUC operation against the LRA in Orientale province, caused the LRA to splinter across three separate areas in the region, making it a regional force not only in composition but also in area of operation. While there was no repeat of the devastating reprisal massacres that followed joint operations Rudia I in September 2008 (the FARDC and MONUC) and Lightning Thunder in December 2008 (the FARDC, Uganda, the Sudan People’s Liberation Army [SPLA], and the United States), LRA attacks against civilians continued unabated. An estimated 1,200 civilians have been killed by the LRA since Rudia I.

The civilian costs of the joint operations in the Kivus and Orientale were not limited to reprisal attacks by FDLR and LRA elements. One of the biggest security threats throughout the year was the FARDC itself, which is undisciplined and unpaid, and extorts, loots, and attacks the population with impunity. The fast-track integration of former CNDP elements into the national army exacerbated these problems, and these elements have been particularly abusive, as they use the same scorched-earth

tactics they employed when operating as the CNDP.

In the face of mounting criticism from human rights and humanitarian communities and from capitals, MONUC created Joint Protection Teams (JPTs)—multidisciplinary teams that include human rights, civil affairs, and child protection officers—with the aim to improve MONUC’s early warning and threat assessment capacity. The JPTs are supported by a rapid response and early warning cell, and have been deployed throughout North and South Kivu and parts of Orientale.

By the end of 2009, it was clear that MONUC had encountered considerable difficulty in implementing its civilian protection mandate. Despite the creation of JPTs and other technical innovations to enhance protection activities, the inability to provide security to civilians had serious consequences for the mission’s public image and exposed a fundamental contradiction in its mandate, which requires MONUC to prioritize the protection of civilians (see Box 2.3.1) while supporting the military operations of the FARDC—a conglomeration of various armed groups and one of the worst violators of human rights in the country. In the face of increasing scrutiny of MONUC’s support to the FARDC, in December the mission announced that it would cease supporting operations.

#### *Security Sector Reform and Rule of Law*

Progress in the area of security sector reform was limited in 2009, despite this being an obvious priority for the country. Training, the building of barracks, and the secure payment of salaries have been identified as key steps to consolidating the integration process. However, the lack of a broader national debate on security sector reform policy and the lack of political will to prioritize this issue, combined with a lack of coordination and consensus among member states engaged in bilateral security sector reform initiatives, continued to hamper progress. The pervasiveness of impunity and lack of army discipline throughout the DRC remained a source of concern, as did the slow pace of legislation

### Box 2.3.1 Protecting Civilians in the Context of UN Peacekeeping Operations

The operational and political challenges of protecting civilian populations in Darfur, the Democratic Republic of Congo, and elsewhere have dramatically underscored the growing divide between ambitious mandates issued by the Security Council and the ability and willingness of UN peacekeepers to implement them in the field. This reality has prompted much debate among member states and the UN Secretariat. Further, the failure to deliver on protection-of-civilians mandates has had negative impacts on the broader image of the UN peacekeeping enterprise. With this in mind, during 2009 the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the UN Department of Peacekeeping Operations (DPKO) commissioned a study on protection of civilians in peacekeeping contexts to help enhance the ability of UN peacekeeping missions to effectively achieve this frequently mandated task.

Released in November 2009, as a point of departure, the study acknowledges the severe difficulty that UN peacekeeping missions have faced in maintaining

legitimacy among host countries due to constant attacks against civilians and lack of proper protection. Similarly important is the fact that peace agreements often do not stop armed violence or widespread human rights abuses, and thus peacekeeping missions are the most visible components of the UN system for the protection of civilians in these contexts.

In order for UN peacekeeping to better protect civilians, the study identified a series of challenges to be addressed: a capacity gap between mandates and available required resources; a conceptual gap between policy and strategy, given lack of clarity concerning operational concepts and rules of engagement, especially regarding the use of force; an information collection and analysis gap; a leadership gap, given lack of consistent understanding of planning and strategy for civilian protection across missions; and a readiness gap, as peacekeepers are rarely trained to protect civilians.

The study was released with consensus passage of UN Security Council Resolution 1894 on 11 November 2009. The

resolution mandated UN peacekeeping and other relevant missions to assist in creating conditions conducive to safe, timely, and unimpeded humanitarian assistance and in the training of public officials, members of armed forces and armed groups, personnel associated to armed forces, civilian police, and law enforcement on civilian protection.

Protecting civilians in conflict zones is a difficult task, especially with the rise of irregular warfare and insurgencies. Distinguishing between who is a civilian and who is party to a conflict is often difficult. Protection is also hindered by the current problem of perpetrators seeing the UN as a legitimate target for violence. The study and the resolution acknowledge that peacekeeping missions are limited in the extent to which they can protect, but also that improvements can be made in utilizing their capacity to do more.

*Note:* For more information, see *Protecting Civilians in the Context of UN Peacekeeping Operations*, <http://www.peacekeepingbestpractices.unlb.org/pbps/pages/public/viewdocument.aspx?id=2&docid=1014>; and UN Security Council Resolution 1894, 11 November 2009.

related to reform of the national army. The justice sector infrastructure throughout the country remained severely compromised.

Due to the ongoing Kimia II operations in the Kivus, MONUC's training program of FARDC units was suspended for a large part of the year. This was partly due to a lack of logistics and equipment and delays in the payment of salaries, but also because the FARDC did not commit units to participate in the training until late in the year. However, MONUC continued to support other partners, including a Netherlands-funded joint program that was implemented in all provinces to train military justice personnel and FARDC commanders, and

organized a joint program with the United States to train FARDC officers (of whom 400 benefited) on the rule of law and military justice in professional armed forces. The EU Security Reform Mission in the Democratic Republic of Congo (EUSEC RD Congo) continued its census of the FARDC—a key component of any security sector reform process—and focused on establishing payment procedures for newly integrated battalions, while the EU Police Mission in the Democratic Republic of Congo (EUPOL RD Congo) devoted its efforts to undertaking a census of the police.

Under international pressure to address the lack of discipline in the FARDC, President

Kabila announced a zero-tolerance policy for violators and established a new operational military court for Kimia II. While the military court has had some success in prosecuting low-ranking perpetrators, it is still not adequately staffed or sufficiently independent to conduct its own investigations.

To underscore its support for the zero-tolerance policy, late in the year MONUC announced that it would withhold support from battalions that violate international law, though observers note that the mission has yet to impose this conditionality on units led by General Bosco Ntaganda, who was integrated into the FARDC despite the fact that the International Criminal Court had issued a warrant for his arrest. Moreover, of the “list of five” FARDC perpetrators whom the Security Council had asked the DRC government to arrest, two were in Makala prison, a third had been removed from active duty but was still in Goma, a fourth was under loose house arrest, and the fifth had gone missing. In pointing to the lack of accountability in the DRC, many argued that MONUC’s mandate to partner with the FARDC had created a conflict of interest in terms of the mission’s willingness to publicly condemn and report allegations of abuses by the FARDC, particularly during joint operations.

During the year, MONUC made some modest progress in enhancing the operational capacity of the Congolese National Police. It convened a meeting of the main police reform stakeholders to strengthen coordination of bilateral efforts,

and began training 75,000 officers in Kinshasa to provide security during local elections, should they be held. An organic law to guide the police reform process was adopted by the Council of Ministers at the end of June, and then sent to parliament for discussion and adoption.

MONUC also continued its support for strengthening the prison system, with an emphasis on the creation of prison farms and other self-sufficiency programs to improve conditions in detention centers. However, the lack of trained staff and the crumbling infrastructure meant continued overcrowding and malnutrition, and provided opportunities for mutiny and escape. In prisons located in populated areas, these conditions created flashpoints for violence.

#### *Political Developments*

During 2009 the DRC made little headway in tackling the pervasive corruption and reducing the growing influence of the executive over the judiciary and legislature. The security services act with relative impunity, and continue the pattern of targeting political opponents of the president, human rights defenders, and the press. The past year saw a progressive concentration of power in the hands of the president. The weak leadership of the two successive prime ministers, the dysfunction of resource-starved provincial institutions, the effective marginalization of the National Assembly after Vitale Kamerhe’s forcible removal, and a fragmented and weak political opposition have all contributed to this. Recent instructions from the presidency curtailing the financial independence of the prime minister and the dismissal of judges and civil servants by presidential decree, as well as efforts to revisit constitutional mandates, all point to the use of state institutions in an effort to consolidate this authoritarian trend.

The sustainability of the new DRC-Rwanda relationship—which is key to the success of international efforts to stabilize the east—has yet to be determined. Nevertheless, in November 2009 the UN’s Special Envoy to the Great Lakes, Olusegun Obasanjo, scaled back his mediation

#### **EU Security Reform Mission in the Democratic Republic of Congo (EUSEC RD Congo)**

• Authorization Date	2 May 2005 (EU Council Joint Action 2005/355/CFSP)
• Start Date	June 2005
• Head of Mission	General Jean-Paul Michel (France)
• Budget	\$9.1 million (1 October 2008–30 September 2009)
• Strength as of 30 September 2009	Civilian Staff: 43

activities on account of the improved ties between the two countries. Insecurity in the region remains high and the prospect of a contested or postponed national election in the DRC, currently scheduled for 2011, is likely to heighten regional tensions. Local elections, scheduled for 2009, were repeatedly postponed and are unlikely to be held before the next national election. Some have argued that not holding local elections while the peace process remains fragile is a positive development, given the stalled process of decentralization and the proposed and hotly contested *découpage* of new provinces and provincial territories, not to mention the potential of local political races to deepen local cleavages.

### Conclusion

It is against this backdrop, and in anticipation of a call by Kinshasa authorities for a MONUC drawdown in 2010 to mark the fiftieth anniversary of Congolese independence, that MONUC and the UN Country Team began developing an overarching strategy for the UN system in the DRC. This integrated strategic framework, requested by the Secretary-General's Policy Committee in mid-2009, follows the twofold recommendation from a UN technical assessment mission to the DRC in March 2009: first, that

#### EU Police Mission in the Democratic Republic of Congo (EUPOL RD Congo)

• Authorization Date	12 June 2007 (EU Council Joint Action 2007/405/CFSP)
• Start Date	July 2007
• Head of Mission	Adilio Custodio (Portugal)
• Budget	\$7.0 million (1 October 2008–30 September 2009)
• Strength as of 30 September 2009	Civilian Police: 30 Civilian Staff: 7

the benchmarks for drawing down outlined by the Secretary-General in 2007 should remain valid; and second, that given limited resources and relatively nonviolent conditions in the western provinces, the mission should transition all of its peacekeeping resources and activities to the east, while handing over peacebuilding activities in the west to other international partners and state authorities. The extent to which this strategy would enhance MONUC's capacity to protect civilians, while still allowing it to build a sustainable peace in the DRC that is sufficient to permit a withdrawal of UN forces, remains unclear.