



# **The Politics of Conflict Resolution in the Democratic Republic of Congo: The Inter-Congolese Dialogue Process**

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## **Abstract**

The overall aim of the paper is to examine the process of the Inter-Congolese Dialogue (ICD) from the aborted Addis Ababa meeting, through the Sun City I process of February-April 2002, the December 2002 Pretoria agreement up to the Sun City II final talks of April 2003. The specific aim is to look at the politics surrounding the conclusion of the ‘final’ peace agreement of Pretoria

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in December 2002. We explore the debate as to whether this agreement will hold, thus finally bringing peace to the Democratic Republic of Congo (DRC). The thesis of the paper is that the agreement affords the DRC the second opportunity, after the failed national conferences of 1991-1992, to peacefully settle the conflict that has been on-going since DRC's independence in 1960. However, we also note that many obstacles remain before total peace can be achieved in the DRC.

## **1. Introduction**

A committee, composed of Bemba's Congolese Liberation Movement (CLM), Joseph Kabila's government and other elements of the civil society in the DRC, has since May 2002 been huddled in the port city of Matadi, over-seeing the writing of a new constitution<sup>1</sup> which will lead to the establishment of an interim administration and to general elections after thirty months. Under the agreement that was reached between the Kabila government and Bemba's CLM on the fringes of the Sun City talks, the former remains president for the interim period and the latter becomes the Prime Minister. The other major rebel group, the Rally for Congolese Democracy (RCD-Goma), and some unarmed opposition groups have been left in the cold. The deal as it has been noted, 'heralds the end of anti-Kabila coalition and confirms the isolation of RCD-Goma and its principal ally, Rwanda' (International Crisis Group 2002).

The Sun City I talks were part of the Inter-Congolese Dialogue (ICD) initiated under the Lusaka Agreement of 1999. The ICD is aimed at forging a new political dispensation in the DRC that involves not only incorporating the Congolese belligerents, but also the unarmed political opposition to the Kinshasa government and the 'life blood of the nation' represented by the members of the civil society. The Sun City talks brought together 360 delegates from all the groups mentioned above.

Firstly, this paper is premised on the argument that the Inter-Congolese Dialogue has provided an opportunity for all stakeholders in DRC politics to discuss the future of their country. Since the country attained independence

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1 Differences are reported to have cropped up as delegates in the Kabila camp of *Mouvement du 17 Mai* who have accused Jean Pierre Bemba of trying to hand over power to the followers of Mobutu. See *Africa Confidential*, 43 (10), 17 May 2002, p. 8.

in 1960, this is only the second time that the Congolese people have gathered and genuinely looked at the way they are governed. The first time was the 1991-1992 national conferences that brought together all the political forces in the then Zaire to chart out the future of the country. This process was scuttled by dictator Mobutu.

Also, the Sun City I through the Sun City II talks marked the beginning of a real regional discussion on the security and economic issues at the heart of the Congolese conflict. It also tackled the issue of Rwanda's security, and especially the disarmament of the Hutu militia based in the DRC (International Crisis Group 2002).

Secondly, we argue that the international community has played a great role in seeing to it that the conflict in the DRC ends peacefully. Part of the reason the parties to the conflict came to the negotiating table was the pressure exerted on them by both the regional and international communities. The current fighting that is taking place in the Ituri region and parts of North Kivu calls for renewed international pressure on the belligerents to go to the negotiating table.

## 2. Situating the Argument

Intra-state armed conflict was, especially in the past, frequently seen as a zero-sum game. Outcomes other than winning or losing were inherently atypical (Ohlson & Söderberg 2002:13). The arguments raised were, for example, that the conflict issues were too intractable, the goals too incompatible and the values at stake completely indivisible, leading to strong polarisation that impeded negotiated compromise solutions to intra-state conflict. Zartman (1995:332-333), however, notes that analysts are today more inclined to see intra-state war as something that can be traced back to *legitimate grievances* and 'normal politics gone bad', and that such wars can and should be resolved through negotiated compromise. Fischer (1993:247-248) on the other hand, has noted that protracted social conflicts are often rooted in the frustration of basic needs, such as denial of recognition, participation or distributive justice. When two actors get stuck over one or more intractable and seemingly indivisible issue, conflict resolution becomes more difficult. This is often the case with intra-state conflicts.

Conflict resolution can be seen as a phased process (Ohlson & Söderberg 2002:15). The phases in a conflict resolution process overlap in

time and substance. Each phase has certain key characteristics and critical elements. In addition, developments during one phase influence the potential for action in the next one. Sometimes, the process arrives at a crucial breakpoint, necessitating a choice between alternative courses of action. One such course of action is the signing of a peace agreement. On the basis of phase shifts and breakpoints, three general phases can be distinguished: the dialogue phase, which precedes a peace agreement; the implementation phase, when the stipulations of the agreement are carried out; and the consolidation phase, when consequences and changing circumstances resulting from the implementation of the agreement are to be internalised and accepted by peoples and elites. Our concern here is the peace agreement, implementation and consolidation.

If the dialogue phase leads to a mutually agreed upon peace agreement, then the power-induced ‘negative’ pressures that initiated the dialogue must be complemented by more constructive pressures that bring down the levels of mutual fear and distrust, and generate increasing trust between the party elites.

There are at least three hypotheses on peace agreements (Ohlson & Söderberg 2002:15). First, durable peace is, as a rule, not likely to be achieved if, through the use of leverage, third parties impose a settlement on the parties. Agreements signed under pressure are less likely to hold than voluntarily signed agreements. Second, agreements that address the key conflict issues and concerns of the parties – as perceived by the parties at the time of the agreement – are more likely to hold than agreements that do not. Third, an agreement that includes all parties with potential to resume hostilities is more likely to hold than one that does not. We shall discuss the Inter-Congolese Dialogue within this conceptual framework.

### **3. The Road to the Sun City II Agreement**

The DRC has been mired in conflict since the war that ousted former dictator Mobutu started in October 1996. The war tentatively ended in May 1997 when Laurent Desire Kabila<sup>2</sup> took over power in Kinshasa. However, the

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2 Laurent Desire Kabila was assassinated on 17th January 2001 purportedly by one of his bodyguards, and his son Joseph Kabila succeeded him as President of the Democratic Republic of Congo (DRC).

peace was short-lived, as soon thereafter Kabila fell out with Uganda and Rwanda, two of his principle allies that had helped him come to power. A new war started in the DRC in August 1998 when Kabila decided to send home the Rwandese soldiers who had all along been providing his security. Soon thereafter, fighting broke out between the Congolese army and the Rwandese. Uganda later joined the fight, ostensibly accusing Kabila of failing to curb the rebel incursions of the Allied Democratic Forces (ADF) into Uganda. Other motives, such as Uganda wanting to lay its hands on Congolese natural resources, have been cited, however, as having motivated the government of Museveni to intervene.

When the Rwandese and their rebel allies of the Rally for Congolese Democracy-Liberation Movement (RCD-ML) threatened to take the capital Kinshasa, Angola, Namibia, Zimbabwe and initially Chad joined the fighting on behalf of Kabila. The Rwandese and the rebel RCD-ML were soon stopped in their tracks from taking Kinshasa. Zimbabwe, Angola and Namibia argued that they had intervened to save Kabila under the auspices of the Southern African Development Community (SADC) whose constitution demanded that member states come to the aid of one of their own if she was attacked. Suffice to note that the DRC joined the SADC soon after Kabila came to power.

The RCD was created by Uganda and Rwanda when it became clear to the two countries that Kabila was not the right person to be leading the DRC. Initially, the idea was to have the RCD replace Kabila and remove him from power. The RCD was initially led by Professor Wamba dia Wamba. However, due to leadership wrangles, it broke into the two factions of RCD-Goma and RCD-Kisangani at the end of May 1999.

After many diplomatic meetings<sup>3</sup> and conferences to end the conflict in the DRC, the Lusaka Agreement was finally negotiated and signed in July 1999. The agreement has been hailed as the real 'African solution to an African problem'. It was mooted and negotiated by the parties to the conflict themselves. Among the issues covered by the agreement is that of initiating, under a neutral facilitator, an Inter-Congolese Dialogue (ICD) aimed at establishing a new political dispensation for the DRC. The facilitator, chosen by the Organisation of African Unity (OAU) after consulting the parties, was the former president of Botswana, Sir Ketumile Masire. Initially, the Kabila

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3 For the full details on the numerous diplomatic summits and meetings, see Apuuli 2000.

government frustrated Masire's work. This was because Laurent Kabila tried very hard to avoid a dialogue that he considered too threatening to his power.<sup>4</sup> However, after Laurent Kabila's assassination, his son, who succeeded him unequivocally, agreed to support Masire's work as a way to show the international community that he was committed to ending the war.

#### **4. The Failed Addis Ababa Talks**

Former President Masire went about trying to kick-start the dialogue. Under the Lusaka Agreement, the dialogue was aimed at bringing both the armed and unarmed opposition in the DRC together. Between July and August 2001, a preparatory meeting was held in Gaborone, Botswana, to come up with an agenda for the talks.<sup>5</sup> A follow-up meeting between the three main belligerents – the government, the RCD and CLM – was to follow in Abuja, Nigeria, in September 2001.<sup>6</sup> Finally in October 2001, the dialogue took off in the Ethiopian capital, Addis Ababa. The talks did not go far, as delegates were soon contesting the presence and absence of some other delegates. The Kinshasa government contested the absence of the Mai Mai, religious denominations, political parties and the RCD-ML representatives. Also the issue of money cropped up. The donors had pledged to finance the talks to the tune of \$5 million, but only \$250 000 was available. The talks ended unceremoniously. The Kinshasa representatives were the first to leave Addis Ababa. Suffice to note that earlier on, the talks had been dealt a blow when President Joseph Kabila announced that he would not be travelling to the talks. Instead he announced that he would be holding elections in the DRC as soon as possible because the Addis talks were in danger of being manipulated by forces who were not included in the talks (International Crisis Group 2002:7). The facilitator of the talks promised that they would be continued at an unspecified date in South Africa.

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4 For a detailed discussion on what Laurent Kabila did to frustrate Masire's efforts, see International Crisis Group 2000.

5 For a complete discussion on what transpired in Gaborone, see International Crisis Group 2001:5-7.

6 The talks did not take off as the RCD's Alphonse Onusumba and CLM's Jean Pierre Bemba did not show up.

## 5. The Sun City I Talks

The Sun City talks, lasting 45 days, were meant to open on 25th February 2002. However, the opening was marred by disagreements over representation and accreditation of the representatives. The delegations manifested a lot of mistrust for each other. It is reported that ‘scuffles broke out as delegates were being issued accreditation [and] members of the rival political groupings started pushing each other around in the crowded offices.’<sup>7</sup> The rebel representatives argued that some people that had come from Kinshasa were a creation of Kabila and, therefore, stooges of the Kinshasa government. Before the talks opened, Jean Pierre Bemba declared that he would boycott the meeting because ‘it lacked legitimacy as many of the political parties invited to the talks [were] not true opposition groups but fronts for [President Joseph] Kabila’s supporters.’<sup>8</sup> The talks were delayed by a few days due to these wrangles. Finally, when they got underway, there was the issue of the position of Kabila. The rebel representatives, especially of RCD-Goma, argued that since the talks were aimed at establishing a transition government for Congo, Kabila could not remain president.

Soon, after all the initial hitches had been dealt with, the talks were threatened by renewed fighting in the DRC. Also, in the middle of March 2002, fighting broke out between government forces and the rebel RCD-Goma troops for the town of Molero on the shores of Lake Tanganyika, ending with the latter capturing the town. Earlier on, the RCD-Goma rebels had captured the town of Pweto. As a result of this fighting, the government delegation at Sun City quit the talks. The facilitator sent out two envoys to verify reports of the fighting. The Security Council condemned the fighting and demanded that the rebels withdraw from the captured towns.<sup>9</sup> The international community had grown tired of the continued conflict in the DRC and the Security Council was ready, therefore, to bring its influence to bear and see to it that the talks proceeded. The government delegation only returned after the rebels agreed to quit the town.

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7 *The Monitor*, Wednesday, February 27, 2002.

8 *The Monitor*, Wednesday, February 27, 2002. See story, ‘Congolese discuss new Government’, p. 16.

9 Resolution 1399 (2002).

## **6. The Mbeki Plans**

The most contentious issue at the dialogue concerned the sharing of power. Before President Mbeki got involved in the talks, the delegates had been wrangling over whether Kabila should remain the transitional head of state or not. The position of RCD-Goma was that Kabila is/was part of transition for up to thirty months.

The Mbeki Plans can be outlined as follows. The Council (also called the *Conseil Supérieur de la République*) would be made up of: the transitional president, five vice-presidents from the rebel movements (for Defence, Security, Interior and Elections, Finance, Economy and Reconstruction), a prime minister, and five deputy prime ministers from the unarmed opposition. This Council would supervise the process of unifying the Congolese territory and the armies of the warring parties. It would also set up a Defence Council including armed rebels to oversee the withdrawal of all foreign troops.

There would also be a cabinet that would guarantee national reconciliation and prepare for elections. In addition, a parliament of 500 hundred members would be created (drawn from the five components of the national dialogue), a special court, an appeals court (to deal with the legal aspects of the transition), an electoral commission and a media commission.

Disagreements arose as to the distribution of positions, the most contentious one being that of the transitional president. Initially the two main armed groups, RCD-Goma and CLM, and Tshisekedi's Union for Democracy and Social Progress (UDPS) were opposed to Joseph Kabila remaining transitional president. The UDPS in particular, through its delegation of Valentin Mabuke and Eve Bazaiba Masudi, argued that appointing a belligerent as head of state would be to reward fighting, and hence it demanded that Tshisekedi be appointed the transitional president. However, at the eleventh hour the CLM dropped its objections to Kabila being the transitional president. The RCD-Goma agreed on this position as well, knowing that it would get a vice-president's post and control both the integrated army and arrangements for general elections. The Kabila government got worried by this and argued that this was almost equivalent to a *coup d'état*, as it would bring conflict from the field into the government. As a result, it went ahead to seal a deal with the CLM on the fringes.

However, both the UDPS and RCD-Goma were not to lose out completely under the Mbeki plan. Both groups stood to gain something. Under the plan, Kabila would remain the president. However, his decisions



would have to be approved by the two vice-presidents made up of the CLM's Jean Pierre Bemba and RCD-Goma's Adolphe Onusumba<sup>10</sup>. Mbeki wanted Etienne Tshisekedi wa Mulumba to be the prime minister, with the vice prime ministerial positions going to Roger Lumbala of RCD-Nationale (RCD-N) and Mbusa Nyamwisi of RCD-ML. This was supposed to be the deal that was to be reached on the 15th April 2002.

Under the RCD-Goma proposal, Kabila would be a non-executive president. The position of first vice-president, which would also be responsible for the Defence, Finance and Elections portfolios, would be taken by itself. Under the deal, Bemba would be the second vice-president, with veteran Etienne Tshisekedi being the prime minister. Five posts of deputy prime minister would be created under the RCD-Goma proposals. However, as everybody knows now, everything was scuttled by the Kabila-Bemba deal as negotiations were continuing.

### 7. The Kabila-Bemba Deal

The deal that was announced on 18th April 2002 is titled, 'The Political Agreement on Consensual Management of the Transition in the Democratic Republic of Congo'. The deal, apart from nominating Joseph Kabila and Jean Pierre Bemba as transitional president and prime minister respectively, creates several new institutions of the Assembly, Senate and Senior Army Council.

The president would be the supreme commander of the army, which he would control through the Senior Army Council. A law would be passed determining the precise powers and functioning of this Council. The president would nominate and revoke ministers and senior officials with the counter signature of the prime minister, who would be the head of government and preside over the Council of Ministers.

The prime minister would have the power to turn down a candidate after consultation with the group concerned that would have nominated him/her. The president would have the power to turn down candidates for posts concerned with the Ministries of Foreign Affairs, Defence and Interior.

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10 As at the time of writing, Azarias Ruberwa had replaced Onusumba as the leader of RCD-Goma.

The deal further states that given the consensual character of the transition, the Assembly cannot vote on a motion of no confidence in the Prime Minister and his government. In addition, it states that except in cases of treason, extortion or corruption, the president of the Republic, the prime minister and the presidents of the Assembly and Senate will remain in office throughout the transition.

The Assembly would consist of 425 members designated by the groups represented at the ICD, and the Senate would have sixty-five members. The president of the Assembly would come from RCD-Goma, and that of the Senate from the opposition parties.

A mechanism would be put in place for the formation of a new national army, which would comprise the forces of the government, the CLM and the RCD. The RCD-Goma would have a Deputy Prime Minister in charge of Defence and also have equal representation with the government and the CLM in the National Defence Council, which is to preside over the reform of the national army. The RCD-ML, RCD-N and the Mai Mai would also be part of the mechanism.

Further, a working group would be established to develop a transitional constitution for the country. As we write, a draft constitution has already been produced.

Lastly, the civil society would be allotted the responsibility of organising Elections, the Media, a Truth and Reconciliation Commission, a Human Rights Commission, and an Ethics and Anti-Corruption Committee.

This agreement was signed by more than 70 per cent of the delegates taking part in the Dialogue. Out of the 366 delegates at the ICD, at least 258 signed the deal. Besides the government and CLM delegations, all but five civil society delegates, at least thirty of the sixty-nine unarmed opposition delegates, RCD-ML and RCD-N have supported it. The rest of the delegates comprising close to 30 per cent, led by RCD-Goma, opposed the Kabila-Bemba deal.

## **8. Bemba's Unpredictability**

Jean Pierre Bemba is a creation of Uganda. Initially, Uganda supported the RCD before it became fictionalised. But it appears that Uganda changed its mind and decided to throw its weight behind a new group, the Congolese Liberation Movement (CLM). It is actually reported that the Uganda army, the

Uganda Peoples Defence Force (UPDF), actively participated in some of the rebel CLM's offensives against the Kinshasa government troops.<sup>11</sup> Over the years, however, the behaviour of the CLM and Bemba in particular has become unpredictable for Uganda. This unpredictability can partly be explained by the behaviour of President Museveni. Not wanting to put his eggs in one basket, President Museveni increasingly supported numerous rebel groups in the DRC conflict. This was viewed by the CLM as under-cutting its power. For example, President Museveni supported Wamba dia Wamba's RCD-ML, Mbusa Nyamwisi and Tibasiima Ateenyi's RCD-ML and Roger Lumbala's RCD-N. The leaders of these groups were habitual residents in Kampala. Even when conflicts arose within these groups, Museveni played a mediating role.<sup>12</sup> Museveni is quoted as having said, 'a good hunter sends out several dogs to hunt because he cannot know in advance which one will be the best.'<sup>13</sup> Museveni's support of the various groups fighting in the DRC therefore unsettled the CLM.

Before the aborted Addis Ababa talks, the CLM and RCD-Goma entered into an agreement. Olivier Kamitatu, the Secretary General of CLM, and Azarias Ruberwa, the Secretary General of RCD-Goma, signed a declaration adopting a common strategy for the talks. The two groups also created a special military unit aimed at neutralising the negative forces which are mentioned in the Lusaka Agreement. Also it is reported that the CLM forces have been getting help from the Rwandese Patriotic Army (RPA) to fight the forces of RCD-ML of Mbusa Nyamwisi.

Relations between Uganda and Rwanda have not been on good brotherly terms over the last few years. The two governments of Uganda and Rwanda have been at each other's throats since their armies clashed three times in the DRC city of Kisangani. Thus, accusations and counter-accusations have recently characterised their relations. How Bemba could strike deals with

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11 For example, when the CLM forces were fighting for the control of the town of Buta in Eastern Congo, the Ugandan army actively participated in this battle. See Apuuli 2001/2:22.

12 For example, when in November 2000 differences cropped up in Wamba's RCD-ML, the Kampala authorities brought all the different factions together and established a united group called the Congolese Liberation Front under the leadership of Jean Pierre Bemba.

13 *The East African*, 29 April 2002. See story 'Museveni's dog that broke away from the pack.'

RCD-Goma and Rwanda without the nod of Uganda is mind-boggling. However, Bemba's deal with the Kinshasa government at Sun City must be seen in the context of the recent CLM's unpredictability. It appears as if Uganda gave Bemba a go-ahead. For example, President Museveni was the first foreign leader to congratulate Bemba on becoming the transitional Prime Minister of the DRC.<sup>14</sup> President Museveni could have done this in order to spite Rwanda, whose RCD-Goma had got practically nothing from the Sun City I talks.

As the other delegates were haggling in the plenary, the Kinshasa government and the CLM were huddled in fringe talks. Before the official talks were to close, a bombshell from the fringe talks was dropped. The CLM and the Kinshasa government had clinched a deal. Under the agreement reached, Jean Pierre Bemba would become the interim Prime Minister of the DRC while Kabila would remain as president for an interim period lasting 30 months.

Disbelief, defiance and cries of foul from the other delegates greeted the announcement of the deal. The RCD-Goma has even gone to the extent of calling the deal a 'coup d'état'.<sup>15</sup> The deal has left the RCD-Goma accusing the CLM and the government of Kabila of bad faith. Adolphe Onusumba, the former leader of RCD-Goma, argued in anger: '[W]e are on the legal side. They are the ones who spoiled what the Congolese were expecting.'<sup>16</sup> The deal sent all the other groups into disarray. However, they attempted to save face by establishing an alliance of their own to counter the deal. As a result, the groups that were left out have established the Alliance for the Protection of the Inter-Congolese Dialogue (ASD). The alliance brought together both armed and unarmed groups. These include: veteran opposition politician Etienne Tshisekedi's UDPS, Rafael Katebe Katoto's Dynamic for a Neutral Transition, the USA based Rally for a New Society, the Congolese National Movement-Lumumba, and the Lumumbist Progressive Movement.<sup>17</sup>

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14 IRIN Reporting, April 24, 2002. See story 'Bemba, Okitundu visit Kampala.'

15 BBC News Reporting, Friday, 26 April 2002. See story 'New Alliance in DR Congo', [www.bbc.co.uk/hi/english/world/newsid\\_1952000/1952857.stm](http://www.bbc.co.uk/hi/english/world/newsid_1952000/1952857.stm).

16 See note 15.

17 *The Monitor*, Saturday, 27 April 2002. See story 'Rebels unite against Bemba-Kabila deal, Congo split feared', p.1.

## 9. The Pretoria Process

The Sun City Kabila-Bemba agreement was attacked as not being all-inclusive. Both parties to the agreement and the international community as a whole called on the parties of the ICD to re-open the talks so as to reach an all-inclusive agreement.

According to Zartman (1995:341-42), successful mediation must involve the key external patrons of the belligerents. The pact was vehemently contested by Rwanda, who intimated that the deal would fail because it had left out the RCD-Goma, a principle player in the conflict. Patrick Mazimhaka, President Kagame's Senior Advisor and Congo Envoy is reported to have said that '[T]his so called peace accord [of Kabila and Bemba] does not only leave out the RCD-Goma but all the other parties. It is a provocation that is likely to cause more problems than solving them.'<sup>18</sup> Colonel Charles Kayonga, a Defence Advisor to President Kagame is reported to have echoed similar sentiments when he said, '[T]hat deal cannot work when the RCD is out. It is only one side that has signed it, yet there are many players in the DRC conflict.'<sup>19</sup> Uganda's Foreign Minister James Waphakabulo went to the Rwandese capital Kigali, trying to sell the deal to the Rwandese.<sup>20</sup> The Kabila-Bemba deal was actually concluded by default. Fundamentally it was done because of the intransigence of RCD-Goma on the question of power sharing. And in the background lay the failed negotiations between the governments of Rwanda and the DRC over the disarmament of the Hutu rebels known as the *Armée pour la libération du Rwanda* (AliR).<sup>21</sup>

Rwanda also accused President Kabila of bad faith. When the heads of state and government met in Lusaka in March 2002 to review the extent to which the Lusaka agreement had been implemented, they asked the Kinshasa government to be open and allow the Inter-Congolese Dialogue to map out institutions for a new dispensation in Congo.<sup>22</sup> By reaching a deal with only

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18 *The East African*, Monday, April 22 2002. See story 'Rwanda pours cold water on DRC peace deal', p. 1.

19 See note 18.

20 *The Monitor*, Wednesday, February 27, 2002. See story 'Congolese discuss new Government', p. 16.

21 International Crisis Group 2002.

22 See note 13.

one party, Rwanda contended that the Kabila government had abandoned the spirit of Lusaka.

A new process to reach an all-inclusive agreement to end the DRC conflict opened in Pretoria, South Africa, in October 2002. The beginning of this process marked the end of the Kabila-Bemba deal of April 2002. The Pretoria meeting brought together representatives of the government, RCD-Goma, CLM, political opposition, civil society, RCD-ML, RCD-N, and the Mai Mai.<sup>23</sup> This process was held under the mediation of the United Nations Secretary General's Special Representative to the DRC, Moustapha Niasse, and South Africa's Local Government Minister, Sydney Mufamadi. The spirit within which the Pretoria agreement was concluded was that of 'inclusion, nation building, accountability and respect for the territorial integrity of the DRC'.

However, we should understand the political context in which these talks were held. All the parties to the DRC conflict were under tremendous pressure to end the conflict. The international community, including the United Nations and the donor community, exerted tremendous pressure on the belligerents to find a peaceful settlement to the conflict. It began dawning on the rebel movements on the ground and the government of Congo that the conflict could not be won militarily. But let us see how the pressure was exerted.

The donor countries and institutions were unhappy with the continued unrest in the DRC. The governments of Uganda and Rwanda were under pressure to withdraw their troops from the DRC lest they risk losing continued donor aid. In turn, these two countries exerted pressure on the rebel movements they supported to reach an all-inclusive agreement. On July 30th 2002, the government of Rwanda concluded a peace agreement with the government of the DRC in Pretoria, South Africa. Under the agreement, Rwanda committed herself to withdraw her troops from the territory of the DRC. In turn, the Kabila government promised to apprehend all the *genocidaires* who were operating on its territory. However, the donor institutions had a hand in the conclusion of this agreement. It is reported that 'the donors forced [Rwanda] two weeks before the signing of the Pretoria agreement during its Article IV consultations with the IMF in Washington. ...during the consultations, it became evident that Rwanda could not expect to get access

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23 See the Preamble of the Global and all-Inclusive Agreement on the Transition in the DRC, 16 December 2002.

to donor funds while its troops remained in the DRC'.<sup>24</sup> This set the tone for the government of Uganda to conclude a peace agreement with the government of Kabila.

In September 2002 the governments of Uganda and DRC reached a settlement in Luanda, Angola. Under the agreement, Uganda committed to withdrawing her troops from the DRC by April 2003. Also, the parties agreed to set up the Ituri Pacification Committee to bring peace to the troubled Ituri region where ethnic conflict between the Hemas and the Lendu was simmering. Suffice to note that the government of President Museveni was under tremendous domestic and international pressure to withdraw the Uganda troops from the DRC.

The United Nations Security Council also precipitated the re-starting of the ICD process at Pretoria. Since the start of the second rebellion in the DRC, allegations of the illegal exploitation of the Congolese natural resources by the invading foreign forces had become rife. In November 2002, the United Nations Panel on the Illegal Exploitation of Congolese Natural Resources and Other Forms of Wealth in the DRC came out with its final report. Before this, they had come out with interim and addendum reports. One conclusion of the panel was that the foreign forces of Uganda and Rwanda had engaged in the illegal exploitation of Congolese natural resources including gold, diamonds, timber, nobium and tantalite. In the interim report released in January 2001, the panel asserted that Presidents Kagame and Museveni were on the verge of becoming the godfathers of the illegal exploitation.<sup>25</sup> This prompted President Museveni to institute an internal Commission of Inquiry<sup>26</sup> of his own, to probe the allegations. The allegations nevertheless tarnished Museveni's good guy

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24 *Africa Analysis*, No. 408, 13 October 2002.

25 The UN Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other forms of Wealth of DRC of 16 January 2001, para. 211.

26 The Judicial Commission of Inquiry into Allegations of illegal exploitation of natural resources and other forms of wealth in the DRC. The Commission was established under Legal Notice Number 5 of the Uganda Gazette of 25 May 2001 issued by the Minister of Foreign Affairs. The Commission was composed of Justice David Porter as Chairman, and Justice J.P. Berko and Mr. John Rwambuya as members. Mr. Bisereko Kyomuhendo was secretary, and Alan Shonubi the lead Counsel. It released its final report in May 2003. President Museveni and his family were found not to have either engaged or benefited from the illegal exploitation of Congolese natural resources. But his brother Salim Saleh, in-law Jovia Salim Saleh and former Army Commander James Kazini were found to have engaged in the illegal exploitation.

image, in the end wounding it especially in the eyes of his admirers. As a result, Museveni was encouraged to find a peaceful exit strategy from a conflict that had become messy.

The withdrawal of the allied forces from Zimbabwe, Namibia and Angola put pressure on the Kabila government to reach a peaceful settlement with its belligerents. After the inconclusive Sun City process, both domestic and international pressure was exerted on President Kabila to re-start the dialogue that would involve all the belligerents. The pressure was exacerbated by Rwanda's threat to restart the war if all-inclusive talks were not held. President Kagame's Advisor, Patrick Mazimhaka was quoted as saying, 'Kabila could have speculated that with Bemba on his side he could have more power ... and might try to push RCD [Goma] out. If that is the case it will lead to another war.'<sup>27</sup> Having no allies on its side to counter the Rwandese threats, the Kabila government had no choice to take a peaceful trajectory.

The multifarious rebel movements that dot the DRC landscape had no choice other than seeking a peaceful settlement through the ICD process. A number of things happened since the signing of the inconclusive Sun City agreement. Firstly, international and regional diplomacy was dead against the continuation of the conflict. Secondly, new groups were established since Sun City I. These new groups arose from the disintegration of the old rebel movements, but also completely new ones were formed. For example, in the South Kivu province, a new federal movement sprung up, with the aim of fighting for a federal state exclusively for the Banyamulenge. In Ituri province, Mbusa Nyamwisi's militia called *Armée Patriotique Congolais* (APC) disintegrated into factions. Some sections of the militia do not like the idea that Mbusa Nyamwisi joined the Kabila-Bemba transitional government.<sup>28</sup> Thirdly, as the conflict dragged on, it became evident that no group would ultimately win outright. Some groups therefore started fighting rearguard

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27 BBC News Reporting, Monday, 22 April 2002. See story 'Government snubs new DR Congo Talks', [www.bbc.co.uk/hi/english/world/africa/newsid\\_1944000/1944299.htm](http://www.bbc.co.uk/hi/english/world/africa/newsid_1944000/1944299.htm)

28 Fighting has been raging since January 2003 in the Ituri region as the numerous forces, mainly those of Lumbala, Nyamwisi, Lubanga, Chief Kahwa and Bemba, attempted to capture the main centres in the region. The situation has been complicated by the ethnic clashes that have continued to occur between the Hema's and Lendu, the two main ethnic groups that inhabit the region.



rebellions.<sup>29</sup> As a result the frontline military positions became frozen. Peaceful settlement therefore, became the only way forward.

Therefore, the re-opening of the ICD process in Pretoria in October 2002 should be seen in the context of the domestic, regional and international political environments.

## 10. Details of the Pretoria Agreement

The agreement provides for a transitional president assisted by four vice-presidents drawn from RCD-Goma, CLM, the government and the political opposition.<sup>30</sup> The four vice-presidents will also be in charge of the following commissions: Political – RCD-Goma, Finance and Economic – CLM, Reconstruction and Development – the government, and Social and Culture – the political opposition.<sup>31</sup>

The transitional legislature will be composed of a National Assembly composed of 500 members<sup>32</sup>, and a Senate composed of 120 members.<sup>33</sup>

The agreement provides for the creation of a united national army. This is to be drawn from the government forces, RCD-Goma forces, and CLM forces. In the same spirit of uniting and reconciling the different forces, the army will include elements of RCD-Liberation Movement, RCD-N and the Mai Mai.<sup>34</sup>

The agreement creates a Superior Defence Council (*Conseil supérieur de la Défense*) to be composed of the president, the four vice-presidents, the minister of defence, the minister of internal affairs, the minister of foreign affairs, the army commander, and the commanders of the air force, land forces and navy.<sup>35</sup>

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29 For example, RCD-Goma has been fighting a rebellion started by an ex-Tutsi Congolese officer called Commander Masunzu in the South Kivu province. A group called RCD-Originale broke off from RCD-Kisangani with an aim of joining the Kinshasa government.

30 The Pretoria Agreement, Article V (1) (B) (d).

31 The Pretoria Agreement, Article V (1) (C) (h).

32 The Pretoria Agreement, Article V (2) (b).

33 The Pretoria Agreement, Article V (2) (f).

34 The Pretoria Agreement, Article VI (a) and (b).

35 The Pretoria Agreement, Article VI (e).

The agreement distributes ministries between the parties<sup>36</sup> as follows: Seven ministerial slots and a vice-president for each of the following: the government, RCD-Goma, CLM and the political opposition. The civil society groups will receive two ministerial and three vice-ministerial slots. The RCD-ML, RCD-N, and the Mai Mai will each get two ministries and two slots of vice-ministers.

The Pretoria agreement was handed over to the Inter-Congolese Dialogue facilitator, Ketumile Masire, who organised a meeting in Sun City aimed at hammering out the final stages of the whole dialogue process. This meeting brought together all the parties to the Pretoria process, which culminated in the signing of the Sun City II agreement of 1 April 2003. This agreement was concluded against a backdrop of ethnic conflict in the Ituri region between the Hema and the Lendu. The conflict was exacerbated by the involvement of the Rwanda and Uganda troops. The delegates were under regional and international pressure to reach a final settlement, so that the Ituri region could be sorted out. At the time of writing most of the parties have designated their people to the different posts given to them under the agreement.<sup>37</sup> The transition government was to have been inaugurated on 29 May 2003, but was put off due to the withdrawal of RCD-Goma from the committee that was drawing up the final settlement. The dispute arose when the group accused the Kinshasa government of trying to keep the post of head of the army and of wanting to control the majority of the military regions.<sup>38</sup> At the time of writing, the transitional government is yet to be installed. Three things however have been reported. These are – the renewed fighting in the East of the country involving (allegedly) the Rwandese army, and the ethnic conflict pitting the Hema and the Lendu in the Ituri region. President Joseph Kabila attempted to reach a ceasefire agreement at Dar es Salaam with all the five factions<sup>39</sup> in the Ituri conflict, but nothing has come out of this.<sup>40</sup> Thirdly,

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36 The Pretoria Agreement, Annex I (4), (5) and (6).

37 For example, the RCD-Goma and the government have designated Azarias Ruberwa and Abdoulaye Yerodia Ndongbansi as vice-presidents in the transition government.

38 UN Integrated Regional Information Networks, May 29 2003. See story 'Swearing-in of transitional government delayed'.

39 These are: Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo (PUSIC), Front des Nationalistes et Intégrationnistes (FNI), Forces Populaire pour la Démocratie au Congo (FPDC), Forces Armées du Peuple Congolais (FAPC), and the Union des Patriotes Congolais (UPC).

under international pressure the Uganda army has withdrawn from the Ituri hot crucible. The results of the withdrawal are yet to be seen, but fighting has continued to rage in the region despite the presence of the observers of the United Nations Mission to Congo (MONUC). The United Nations Security Council has authorised the deployment of a robust force composed of the French, Belgians and the British. South Africa has also announced that it will be sending troops to be part of the multinational force. The Canadians are assisting with logistics. However, peace is yet to be brought to the area.

### 11. Conclusion

Our exposition above has attempted to describe the Inter-Congolese peace process from the failed Addis Ababa talks to the ‘final’ talks concluded with the signing of the Sun City II agreement in April 2003. We have also attempted to give reasons behind the conclusion of the agreements under the dialogue process. We have noted that the parties in the DRC conflict have been pressured to engage in the process by the regional, international and even domestic communities. If peace is to finally come to the country, then this pressure on the parties has to be sustained because it seems that left on their own, they would renege on their promises.

Secondly, the situation in the East of the country continues to be worrying. Ethnic fighting continues in the Ituri region between the Hema and the Lendu. The ethnic conflict is being stoked by the national power struggle between the Kabila government of Kinshasa, RCD-Goma, the CLM of Bemba and a myriad of new groups who have come up in this confusion. The situation has been exacerbated by the involvement of the countries of Uganda and Rwanda who continue to bicker over a number of issues, the most important of which being the unresolved question of who started the three Kisangani clashes that pitted the Rwandese and the Uganda armies against each other. The governments of Uganda, Rwanda and DRC are solely responsible for training and arming the different militias that are operating in the Ituri region. These third parties have a responsibility to rein in the Ituri parties, whom they helped create, and get them to accept the ICD process. As Ohlson

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40 UN Integrated Regional Information Networks, 16 May 2003. See story ‘Ituri factions recommit themselves to peace’.

and Söderberg have pointed out above, durable peace can only be ensured through this.

While contextualising the ICD process, we noted that Ohlson and Söderberg have averred that peace agreements that are all-inclusive are likely to hold. This pertains truly to the conflict in the DRC today. Since the signing of the Sun City II agreement, rebel factions that had been left out of the peace process have arrived in Kinshasa ready to join the transition government. Even when disagreements have emerged during the construction of the government, parties have not gone back to war, but rather they have agreed to settle their differences at the negotiating table. No group wants to be associated with having been the one that scuttled the process.

## **Sources**

- Apuuli, Kasaija Phillip 2000. Uganda's Diplomatic Strategy in the DRC Conflict. Typescript, Makerere University, June 2000.
- Apuuli, Kasaija Phillip 2001-2. International Law and Uganda's involvement in the Democratic Republic of Congo (DRC), in University of Miami International and Comparative Law Review, Vol. 10, 2001-2.
- Fischer, R. 1993. The potential for peace building: Forging a bridge from Peackeeping to Peacemaking, in *Peace and Change*, 18 (3), pp. 247-266.
- International Crisis Group 2000. Africa Report No. 26: Scramble for the Congo: Anatomy of an Ugly War. 20 December 2000.
- International Crisis Group 2001. Africa Report No. 37: The Inter-Congolese Dialogue: Political Negotiations or Game of Bluff? 16 November 2001.
- International Crisis Group 2002. Africa Report No. 44. Storm Clouds over Sun City: The urgent need to recast the Congolese Peace Process, Brussels/Nairobi. 14 May 2002. Can be found at <http://www.crisisweb.org>. A full report is in French but a summarised version appears in English, which we have quoted here.
- The Monitor*, Kampala, various issues. Can also be found at [www.monitor.co.ug](http://www.monitor.co.ug).
- The New Vision*, Kampala, various issues. Can also be found at [www.newvision.co.ug](http://www.newvision.co.ug).
- Ohlson, T. & Söderberg, M. 2002. From Intra-State War to Democratic Peace in Weak States. Uppsala: Department of Peace and Conflict Research, Uppsala University.
- Zartman, I.W. (ed) 1995. Elusive Peace: Negotiating and end to Civil Wars. Washington D.C: The Brookings Institution.