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**Kabemba, Claude Kambuya**

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# Democratisation and the Political Economy of a Dysfunctional State: The Case of the Democratic Republic of Congo

Claude Kambuya Kabemba

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University of Witwatersrand

Supervisor: Professor Gilbert Khadiagala

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Abstract

Democratisation and the Political Economy of a Dysfunctional State: The Case of the Democratic Republic of Congo

Claude Kambuya Kabemba

In 2006 the Democratic Republic of Congo (DRC) organized landmark presidential and parliamentary elections after three decades of the dictatorship of President Mobutu Sese Seko and a decade of war. After three years of a difficult transition, the elections produced a legitimate government under President Joseph Kabila. Subsequently, however, the democratic dispensation has struggled to transform the DRC from a failed to a functional state. This thesis examines the causes of state failure and explores conditions that would restore statehood. The central thesis of this research is that successful state building cannot rely primarily on formal institutions such as the holding of elections, but must be linked to nation-building and building of democracy from below. Empirically the thesis looks at the development of statehood in the DRC from the pre-colonial to contemporary period. In this respect, it analyses the historical trajectories that have shaped the development of the state over the course of decades and identifies attempts to break the impasse around reforms. This thesis contributes to the existing literature on state failure in the DRC by showing how past and present conditions and circumstances are intertwined and impact on the course of state building. It argues that while the origins of state failure are located in Belgian colonization, internal Congolese weaknesses have maintained and reproduced state failure. Furthermore, the thesis proposes that although external actors, interests, and policies continue to determine political and economic dynamics in the DRC, the main challenges revolve around resolving the internal contradictions characterized by democratization without state consolidation. In addition to bad governance, the thesis considers the various strains facing the Congolese state such as the continued conflicts over resources that are fuelled by regional and international actors in collusion with local actors. The thesis concludes that external efforts to build democracy are unlikely to succeed unless there are parallel attempts to reconcile state building with nation building in the DRC.

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ABBREVIATIONS

| | |
|---|---|
| AAC | Anglo-American Corporation |
| Abako | *Alliance des Bakong*o (Alliance of Bakongo) |
| ACC | Anti-Corruption Commission |
| ADP | *Alliance Démocratique des Peuples* |
| AFDL | *Alliance des Forces Démocratiques pour la Libération du Congo* |
| AfriMap | Africa Governance Monitoring and Advocacy Project |
| AFTP | *Associations des Femmes Théologiennes Protestantes* |
| AMFI | American Mineral Fields |
| AMP | *Alliance de la Majorité Présidentielle* |
| APIC | Africa Policy Information Centre |
| AU | African Union |
| BCG | Barrick Gold Corporation |
| CAR | Central African Republic |
| CCCI | *Compagnie du Congo pour le Commerce et l'Industrie* |
| CDC | *Convention des Démocrates Congolais* |
| CDR | *Convention pour la Démocratie et la République* |
| CEEAC | *Communauté Economique des Etats d'Afrique Centrale* |
| CENADEP | *Centre National d'Appui au Développement et à la Participation Populaire* |
| CEPAS | *Centre d'Etudes pour l'Action Sociale* |
| CEPGEL | *Communauté Economique des Pays des Grands Lacs* |
| CIA | Central Intelligent Agency (US) |
| CIAT | *Comité International d'Assistance ā la Transition* |
| ICGLR | International Conference on the Great Lakes Region |
| CNDP | National Congress for the Defence of the People |
| CNRD | *Conseil National de Resistance pour la Démocratie* |
| COMESA | Common Market for Eastern and Southern Africa |
| CONADER | Commission on Disarmament, Demobilisation and Reinsertion |
| CONAKAT | *Confédération des Associations du Katanga* |
| CPP | Committee of Popular Power |
| DDR | Disarmament, Demobilisation, and Reintegration |
| DGI | *Direction Générale des Impôts* |

| | |
|---|---|
| DGRAD | *Direction Générale des Recettes Administratives et Douanières* |
| DRC | Democratic Republic of Congo |
| EIC | *Etat Independent du Congo* |
| EIR | Executive Intelligent Review |
| EISA | Electoral Institute of Southern Africa |
| EISA | Electoral Institute of Southern Africa |
| EITI | Extractive Industries Transparency Initiative |
| EU | European Union |
| FAR | *Forces Armées du Rwanda* |
| FDD | *Forces de défense de la démocratie* |
| FEC | *Fédération des Entreprise du Congo* |
| FLC | *Front pour la libération du Congo* |
| FNL | *Front national Pour la Libération* |
| GECOMIN | *Société générale Congolaise des Minerais* |
| HAM | *La Haute Autorité des Media* (High Authority of the Media) |
| HCR | High Council of the Republic |
| HRC | Human Rights Commission |
| HRW | Human Rights Watch |
| IAA | International African Association |
| ICD | Inter-Congolese Dialogue |
| ICG | International Crisis Group |
| IEC | Independent Electoral Commission |
| IFES | International Foundation of Electoral Systems |
| IFRIS | *Institut Française des Relations Internationales* |
| IMF | International Monetary Fund |
| ISCOR | Iron and Steel Industrial Corporation (South African) |
| ISS | Institute for Security Studies |
| JMC | Joint Military Commission |
| LE | *Ligue des Electeurs* |
| Licoco | *Ligue Congolaise contre la Corruption* |
| LINELIT | National League for Free Elections |

| | |
|---|---|
| LPA | Lusaka Peace Accord |
| LTU | Large Taxpayers' Unit |
| MDGs | Millennium Development Goals |
| MIBA | *Minière de Bakwanga* |
| MLC | *Mouvement de Libération du Congo* |
| MONUC | *Mission des Nations Unies au Congo* |
| MP | Member of Parliament |
| MPAI | Marcus Garvey Pan-Afrikan Institute |
| MPLA | Popular Movement for the Liberation of Angola |
| MPR | *Mouvement Populaire de la Révolution* |
| MRLZ | *Mouvement Révolutionnaire pour la Libération du Zaïre* |
| NATO | North Atlantic Treaty Organisation |
| NDI | National Democratic Institute |
| NDI | National Democratic Institute |
| NEPAD | New Partnership for Africa's Development |
| NIR | Network for Integrity in Reconstruction |
| NLC | National Legislative Council |
| NSC | National Sovereign Conference |
| ODA | Official Development Assistance |
| OECD | Organisation for Economic Cooperation and Development |
| OFIDA | *Office des Douanes et Accises* |
| OSISA | Open Society Initiative for Southern Africa |
| PALU | *Parti Lumumbiste Unifié* |
| PDSC | *Parti Démocrate Social Chrétien* |
| PPRD | *Parti du Peuple pour la Reconstruction et la Développement* |
| PRP | *Le Parti de la révolution Populaire* |
| RCD-Gome | *Rassemblement Congolaises pour la Démocratie - Goma* (Congolese Rally for Democracy-Goma) |
| RCD-ML | *Rassemblement Congolaise pour la Démocraties - Mouvement de Libération* (Congolese Rally for Democracy—Liberation Mouvement) |
| RCD-N | *Rassemblement Congolaise pour la Démocraties - Nationale* (Congolese Rally for Democracy—National) |
| RPA | Rwanda Patriotic Army |

| | |
|---|---|
| RPF | Rwandan Patriotic Front |
| SA | South Africa |
| SADC | Southern African Development Community |
| SAP | Structural Adjustment Programme |
| SARW | Southern Africa Resources watch (SARW) |
| SGB | *Société Générale de Belgique* |
| SGP | S*péciale Garde Présidentielle*. |
| SPLF | Sudan People's Liberation Front |
| TF | Tenke-Fungurume |
| TRC | Truth and Reconciliation Commission |
| UAR | United Arab Republic |
| UDPS | *Union pour la Démocratie et le Progrès Sociale* (Union for Democracy and Social Progress) |
| UM | *Union Minière* |
| UMK | *Union Minière du Katanga* |
| UN | United Nations |
| UNDP | UN Development Programme |
| UNESCO | UN Education, Scientific, Cultural Organisation |
| UNITA | National Union for the Total Independence of Angola |
| UNSC | UN Security Council |
| UPDF | Uganda's People Defense Force |
| US | United States |
| USAID | United States Aid |
| USSR | Union of Soviet Socialist Republics |
| VAT | Value–added tax |
| WB | World Bank |
| WNBF | West Nile Bank Front |
| WTO | World Trade Organisation |

## Introduction

The Democratic Republic of Congo (DRC)[1] has not experienced political and economic stability since 1884. It was a personal possession of Leopold II from 1885 to 1908. Leopold II ruthlessly plundered its resources until international outrage and pressure forced the elected Belgian government to take control of the colony in 1908 (Lipset, 1995:1403). The Belgian colony that followed, although well structured, continued Leopold II's exploitation and brutality.

Independence found the Congolese people unprepared to organise and lead the state. Since independence in June 1960, the DRC has been characterised by both democratic and developmental failures. Soon after independence, the country degenerated into ethnic conflicts and secessions. Over the next five years, it was a country without a single and effective political authority. These chaotic five years led scholars to conclude that "The genesis of the independent state in Congo was a result of state collapse" (Zartman: 1995). The possibility of total balkanisation of the newly independent state forced the UN to send its first ever peace-keeping operation.

In the ensuing political instability, and against the background of the Cold War, the United States, in ideological confrontation with the Soviet Union, was not prepared to see the Congo disintegrate. Thus, on the 24 November 1965, they masterminded a coup d'état in which Colonel Mobutu Sese Seko seized power. The US was convinced that the Congo's geographic position, size and natural resources could be used to stem the advance of the Soviet Union in Central and Southern Africa. Mobutu's consistent pro-western stand served to underscore DRC's strategic importance in view of the US perceptions of a Renewed Soviet interest in Africa in the 1960s and 1970s (Leslie:1993). Mobutu parlayed his reputation as a reliable Cold War ally into substantial economic and military aid from the time he seized power until the early 1990s, when the Cold War ended (Schatzberg: 1991).

[1] For consistency in this thesis, the name DRC is used even during the period when the country was called Zaire. At independence it was known as the Democratic Republic of Congo (DRC). Soon after independence President Mobutu Sese Seko renamed it Zaire. Recently, following the overthrow of President Mobutu by the forces of the Alliance of Democratic Forces of the Congo (Alliance des Forces Démocratiques pour la Libération or ADFL) led by Laurent Désiré Kabila and backed by the forces of Rwanda and Uganda, it regained its name at independence, the Democratic Republic of Congo.

Despite having an abundance of natural resources (minerals, oil, timber, energy, water and fertile land) and a relatively good infrastructure for the tiny colonial population, the Congolese state continued to disintegrate under Mobutu. Thus, Zartman, Mathews *et al* concluded that the post-independence DRC falls squarely in the category of states termed "failed states", "dysfunctional states" or "collapsed states" (Zartman: 1995; Mathews and Salomon: 2001), confirming the assertion that one of the significant aspects of contemporary politics in Africa is the withering of the state. Mobutu's weak state was protected from total collapse by financial and military support that he received from the west. This support was not for the benefit of the Congolese people, but to empower Mobutu as a "*bouclier*" against communist penetration, and to control access to the country's mineral resources.[2] Unlike many other leaders on the continent who were in the same situation, Mobutu had a trusted relationship with the west and few conditions were attached regarding what he could do or not do in terms of the resolution of the social questions at home. He received more aid than any other leader in the developing world. Instead of using the west's closeness to his regime to build a caring state during the 32 years he was in power, Mobutu established one of the cruellest and most corrupt dictatorial regimes on the continent, and used state resources and aid money for himself and his closest friends, both national and foreign. Under Mobutu, the DRC knew neither real peace nor sound government. The Mobutu regime was not a normal type of political regime, but a kleptocracy bent on promoting a narrow group interest to the detriment of the general welfare.

Under Mobutu, the deliberate refusal to create new conditions for state reconstruction was the main problem. The Congolese population was subjected to a restrictive security system supported by western governments. Today, the country is in ruins and the economy is in need of revitalisation. The formal economy had collapsed long before anybody realised. By 1995 the national bank was almost bankrupt, the IMF and World Bank withdrew from the country, and the World Bank omitted Zaire from its statistics. Economic and financial difficulties, in conjunction with poor management of public finances, contributed to the degradation of the already obsolete and decrepit infrastructure in the areas of transport, telecommunications, production, energy distribution, health, and education. This in turn created hyperinflation, periodic civil violence and

[2] The DRC is capable of producing eighty per cent of the world's industrial diamonds, possesses eighty per cent of the world's known reserve of coltan in its eastern provinces; and is also a source of cassiterite, tin, copper, cobalt and gold.

looting, abandonment of businesses, and loss of jobs. In general, the authoritarian regime of Mobutu kept peace for a fairly long period on the entire territory, but was not functional because it could not attend to the needs of its people.

With the end of the Cold War, and after the dismantling of the Soviet Union, the generation of African dictators was being abandoned in favour of a new generation of leaders who accepted the new creed of globalisation (or the Washington Consensus). Mobutu's usefulness came to an end with the collapse of communism and the break-up of the Soviet Union. Attempts at democratisation in early 1990s failed under Mobutu. Mobutu's reluctance to follow the new directives forced his western allies to consider regime change. It was not accidental that western powers, especially the US, accepted the first invasion of the DRC by Rwanda and Uganda in 1996 to overthrow Mobutu and install Laurent Desiré Kabila as president. The end of Mobutu's rule found the Congolese people once again unprepared to initiate a home-grown political process.

Like Mobutu, Kabila was seen as a saviour when he came to power. He was accepted by the entire population. But very quickly his undemocratic and nationalist behaviour alienated most Congolese and the west. Instead of building an inclusive government with the democratic forces in the country, he crushed them. In an effort to place people he could trust around him, he disregarded merit, experience and expertise. Like Mobutu before him, he created an administration whose agents were either loyal to him or dependent upon him and dedicated to their self-enrichment.[3] He was dependent on Rwandan and Ugandan forces for his own security and the security of the state. Kabila did not have the capacity to assure even a minimum degree of physical security for his country. It was a replica of Mobutu's Congo which relied on the west to protect the regime and the integrity of the borders. But Kabila was different from Mobutu in one aspect**.** He was not prepared to expose the country's resources to external plunder. Because of this ideological and nationalist stand he also rejected attempts by western governments to continue with their policy of control over the Congo's resources, and he quickly lost favour in the west.

[3] On 20 April 1999, Kabila announced the dissolution of AFDL, which had swept him to power in 1997, accusing some members of opportunism and self-enrichment.

The second invasion of the DRC, which started on 2 August 1998 (only seven months after the first one), was supposed to be quick and narrowly focused. However, the Rwandans and Ugandan intervention was quickly blocked by Zimbabwe, Angola and Namibia, with lesser involvement from Sudan and Chad. These countries sent troops to help Kabila's government, and to advance their own strategic economic and political interests. Besides the presence of these national armies, at least 12 irregular armed groups (including rebel groups and militias) were active in the DRC. Efforts to bring peace to the DRC culminated in the signing of the Lusaka Peace Accord (LPA) by all parties involved in the war. However, the LPA remained just a piece of paper as belligerents continuously violated it. Kabila's reluctance to implement the Lusaka Accord was considered by many as the main obstacle to peace. His abrupt disappearance from the Congolese political scene, after his assassination[4] in 2001, was welcomed as an opportunity to stop the three-year war that started in August 1998. The assassination came as a surprise to many external and internal observers, since President Kabila gave the impression of being in control of affairs, at least in the area held by his government. During his short stay in power many people went as far as comparing him to President Mobutu. Many feared a return to a kind of Mobutuism without Mobutu (Schatzberg G, 1997:71). But few people saw Kabila's antagonistic attitude towards the west, his inability to create minimum democratic conditions for the people within his area of control, and his reluctance to implement the July 1999 Lusaka Accord as strong enough reasons to predict his sudden downfall.

Kabila was replaced by his son, Joseph Kabila. Kabila Jr negotiated a transitional government with the different rebel groups, civil society, and non-armed oppositions. The transition led to democratic elections in 2006. Many people, though, have no confidence that the political process currently underway will bring about democracy and stability. This doubt is not different from the doubt expressed about the DRC by Joseph Conrad, author of *The Heart of Darkness*, in his notebook on the 13 June 1890: "I feel considerably in doubt about the future."

There are three reasons for this doubt. Firstly, the predisposition of Congolese leadership at all levels of society to act outside the rule (law) or revert to undemocratic acts (corruption, embezzlement of funds, nepotism, disregard for the rule of law, etc.) remains the biggest threat

[4]The question of who was actually behind the assassination remains unanswered.

to change. Secondly, Congolese politicians' predisposition to accept outside influence on how to manage their internal affairs, and to seek political protection from outside forces rather than from the citizens, hinders any attempt to build the state-society relations on which democracy is based. Thirdly, the Congolese leadership is not capable of conceptualising a progressive developmental agenda that could respond effectively to the country's socio-economic and political challenges. These three weaknesses undermine state reconstruction, and all three have been present since independence.

## The Problem

The conditions of a failed state remain a major obstacle to democracy, stability and sustainable development in the DRC. The DRC is an illustration of the law of Lavoisier "As things change everything remains the same." After the end of one of the cruellest regimes in Africa, after a war which has left more dead than the second world war[5], after the long negotiations to end the war, and after the establishment of the transitional government followed by the 2006 democratic elections (which put in place the first legitimate government in four decades), the state in the DRC shows no sign of emerging from collapse, and the future remains uncertain and with little hope for the people of the DRC.

Experiences elsewhere point to the conclusion that, on the whole, the move to multi-party politics is a necessary but not a sufficient condition for democracy (Bayart, 1994, xii) and state-building. The same causes create the same outcomes. The DRC after democratic elections remains embroiled in old habits. The central government exists only in name, state institutions have not been reformed in such a manner that they are able to perform their responsibilities, and the political elite is as corrupt as ever. While the collapse of the Congolese state has its roots in the colonial past, the post-independent leadership has shown total inability and unwillingness to engage in a sustained process of state building, even under the conditions of a democratically elected government.

[5] According to the International Rescue Committee, the aid agency responsible for these estimates, 10 per cent of the victims died violently while the rest died from starvation and decease because of the various armed groups activities. The DRC Conflict Deadliest since World War II- Aid Agency, IRI, 8 April 2003

## Central questions

In 2006, the DRC organised its first democratic elections in 46 years of independence, after 32 years of dictatorship and a decade of war. The holding of democratic elections was a positive development that began to change DRC politics away from an authoritarian state. The main question facing transitional societies (and with which this thesis deals) is how can democracy become a transformative base for a stateless society? Related questions that the thesis deals with are the following: Why does the DRC, despite relatively successful elections, continue to exhibit the same characteristics of a dysfunctional state (defined here as lack of capacity to protect and provide welfare to citizens, social corrosion, and weak political direction)? What is it that is preventing the Congolese people from initiating a process of state transformation? In answering these questions the thesis will be answering another simple but complex question: what are the causes, internal and external, which are maintaining the dysfunctional nature of the Congolese state, and how does the dysfunctional state reinforce these causes?

## The Hypothesis

Since independence, the DRC has made numerous attempts at a democratic transition. Until the 2006 elections, the failure of democratic transition under Lumumba and Kasavubu in the immediate post-independence period, or under Mobutu, or since his demise, led many observers to conclude that the DRC is emblematic of the "failed-state syndrome." However, since 2003 the DRC seems to have been following a consistent tendency to democratise. The process has survived the first democratic elections (in 2006) and the country is in the process of organising its second democratic elections.

This thesis seeks to examine efforts pursued since 1998 to reform the state and consolidate democracy in the DRC. These efforts include war, inter-Congolese negotiations, the transition, and electoral democracy. The thesis argues that, despite progress observed towards electoral democracy, it will be difficult for the DRC to become a fully functional state and to consolidate its democracy for three main raisons:

- Firstly, the remedies based solely on ending the war through power-sharing and elections (as an end in themselves) are not sufficient, because they deal with the symptoms and not the real causes of state dysfunctionality.

- Secondly, the crisis of the state is so deep and multifaceted that it will take a very long period to start seeing signs of change. The reform of the state needs commitment and sustained efforts driven by a visionary and courageous leadership that the country lacks.

- Thirdly, the DRC remains locked into colonial relationships. The country, through its leaders, continues to behave as a colonial state, and its external partners treat it as such. There is no ownership of processes of change by the Congolese people. This situation is reinforced by the existence of a corrupt relationship between external forces and the internal political elite that prevents the emergence of a genuine organised centre of power.

## Objectives of the Thesis

The objective of the study is twofold. First, to identify and analyse factors, internal and external, that have contributed to the weakening the Congolese state and which have paralysed the entire society. Second, the thesis seeks to analyse the effectiveness and efficacy of the process of change which is being followed to bring about democracy and peace, and to rebuild a new state. In an effort to understand the present, the thesis does not forget the fact that the DRC can only be properly understood if the past is properly comprehended.

## Significance of the thesis

The study is significant in that it will contribute to the search for solutions to the problem of the state in Africa in general, and in the DRC in particular. The search for a functional state in the DRC has evaded both the Congolese and the international community since independence. State-building on the continent has become a leading priority for Africans and for the international community. The massive external support that the peace process (2001-2003), the transitional government (2003-2006) and the democratic elections (2006) received, have not provided the

foundation for a truly stable, functional and democratic state to emerge in the DRC. An ongoing search for solutions is therefore required.

This study attempts to contribute to the debate on democratisation and state building, not only in the DRC but also on the continent. While state-building trajectories have varied considerably over time, lessons from historical and current experiences are relevant in informing state-building in the DRC.

## Structure of the thesis

Given the long history of failed attempts to build a functional and democratic state in the DRC, the thesis aims for both breadth and depth. Beyond this introduction, the thesis is divided into six chapters and a conclusion. Chapter one lays out the theoretical and conceptual foundation of the state, state collapse, democratisation and state-building. Chapter two provides an historical background of the evolution of state formation in the DRC from pre-colonial to post-independence periods. Chapter three covers the war which provided the fatal blow to the Congolese state and precipitated its total collapse. Chapter four reflects on the challenges of renegotiating peace and initiating the process of post-war state-building. Chapter five analyses the strength of the foundation for state-building provided by the transition period and the 2006 democratic elections. Chapter six identifies the crises that the state in the DRC now faces, how they manifest themselves, and how they hinder the consolidation of democracy and state reform. The conclusion sums-up the key points of the preceding chapters.

## Research methods and sources

The methodology used in this study is qualitative as opposed to quantitative in nature, since the study does not involve statistics. Where statistics appear, it is to support a particular argument.

The thesis is based on both primary and secondary data. The analysis developed in this study is based on an extended fieldwork over six years. To a large extent, this work is shaped by the author's professional career as a researcher for the past 15 years. The primary materials and interviews used in this study were collected over time. The thesis has benefited from many interactions as part of the author's work as a researcher at the Centre for Policy Studies (CPS)

from 1996 to 2001, as a programme manager at the Electoral Institute of Southern Africa (EISA) from 2001 to 2005, as chief programme manager at the Human Science Research Council (HSRC) in 2006, and as the director of the Southern Africa Resource Watch (SARW) since 2006. During this extended period the author has travelled extensively to the DRC and interacted with a number of people. Equally, during the course of writing this thesis, he has organised and attended numerous international conferences, both in the DRC and outside the DRC, where the DRC was extensively discussed. These meetings were used to conduct informal conversations on the research topic. The discussions focussed on collecting views on the nature of the Congolese state, the causes of the war and why it ended the way it did, the process of democratisation, and the chances of a true democracy emerging in the DRC. They covered the role of natural resources and the international community in the conflict, peace resolution and democratisation, and included the views of political figures, businesses and civil society leaders.

Formal collection of data for the thesis began in 2006 when the author registered for the PhD. The author spent two months (one in February 2006 and another in August 2008) in Kinshasa collecting information. The author spent two more weeks in January 2011 (one in Kinshasa and another in Lubumbashi) conducting interviews. He used extended open-ended interviews with Congolese academics, political party leaders, church leaders and civil society. These interviews were most beneficial. Questions were not structured. The approach was to use key issues and discuss them with interviewees. This approach gave interviewees space to bring into the conversation issues which may not have been discussed in a structured interview. Subsequent interviews were organised during my many travels to the DRC as part of my work.

The author  understood very early that to gain the relevant insights and evidence, he would need to access information and talk with people close to the war, and those who were part of the negotiation to end the war and initiate the democratisation process. Since the core part of the research covers the period from 1996 to 2006, he classified the people to be interviewed according the successive events that led to democratic elections in 2006. The first group included people who were involved in the war (Congolese rebels and government officials). In this group the author interviewed the Secretary General of all key political parties which took part in the war. For the Rally for Democracy (RCD) he interviewed Mr Mumba Gama Secretary General and his successor Babo Bakatulonji; for the Movement for the Liberation of Congo (MLC), he

interviewed the Secretary General Thomas Luhaka; for the PPRD, the party of President Joseph Kabila, he interviewed President Kabila's special secretary Kikaya Bin Karubi, who also was the DRC Ambassador to Zimbabwe during the war (1998-2001). The author also managed to speak to key political figures such as Professor Wamba dia Wamba who was the first to lead the Rwandan-created Rally for Democracy, and later led a splinter group (Rally for Democracy-Kisangani).

The second group includes people who were part of efforts to negotiate peace, from the Lusaka peace negotiations to Sun City Inter-Congolese Dialogue (ICD). Here key figures interviewed include: the Congolese Ambassador to South Africa Ben M'Poko, and the South African Ambassador to the DRC, Siza Ngombane.

The third group includes people who were part of the transitional government, and the fourth group includes Congolese and Congolese academics, policy analysts and civil society. In this group key people interviewed include leading academic and policy analysts such as Professor Biyoya Mukutu, Professor Goma Binda and Professor Noel Obotela Rashidi. The author also interviewed a number of key leaders in civil society, both in the country and in the Diaspora, including Pascal Kambale (deputy director of AfriMap) and Paul Nsapu (Former Executive Director of the *ligue des Electeurs).*

Given the diversity of opinions on their own country, the selection of people interviewed was carefully designed to include not only their intellectual capabilities and understanding of events as stakeholders or observers; gender, class and geographical origin were taken into account. There are opposing views even today on the real causes of the war. It depends on whether you are talking to those Congolese who took up arms to fight the government, or government officials. The outcomes of the 2006 elections and how they were organised also still divide people according to their political affiliation and their closeness to those who lost or won the elections. The result of the elections shows the DRC as a country divided into two geographical spaces, east and west. Within these blocs, there were divisions along ethnic and provincial lines. These divisions influence the interpretation of events and the search for solutions in the DRC, and the divisions go deep into the spectrum of Congolese life, including the intelligentsia and ordinary observers.

A snowball method was used to locate appropriate activists and known analysts in the DRC and outside the DRC: starting with well-known activists, the author sought suggestions from interviewees and others. Their suggestions were supplemented by archival research that pointed to yet others. Most of the information was collected in Kinshasa (the capital) and Lubumbashi (the second city). One would have liked to visit the east of the country which experienced much of the war, but this gap was compensated for by the presence of many people from this part of the country in Kinshasa. Other interviews were conducted during many research visits the author made to the DRC. Many meetings were informal, conducted with friends, or with ordinary people such as taxi drivers. The people whose names appear in this work agreed to it. Others requested not to be referred to directly in the study.

As far as the secondary data is concerned, the study used the abundant literature on the DRC, which is readily available and quite extensive. I consulted publicly available sources such as books and journal literature. The University of the Witwatersrand Africa Library was used extensively. I also spent time at the Africa Institute of South Africa, reputed to have the richest library on African politics. The author made use of the library at the Human Science Research Council, and spent a week at *Centre d' Etudes pour l'Action Sociale* (CEPAS) in Kinshasa. CEPAS has collections of books and journals on the DRC from colonial periods to date. CEPAS also has a collection of all materials published by the Congolese, and it was a valuable source for this study. In addition to academic reports, the author consulted the reports of numerous transitional human rights non-governmental organisations (NGOs) with a track record of conducting field missions in the DRC, including Amnesty International, Human Rights Watch (HRW), Oxfam, the International Crisis Group Committee and others which have consistently reported on the human consequences of the conflict. It is important to indicate that the analysis of most of these organisations does not focus on the state and democratisation. They have tended to be policy-orientated, focusing on how to resolve the conflict and the role of the international community. Magazines and newspaper clippings were consulted, as well as reports and documentation from a range of international and regional organisations such as the Southern Africa Development Community (SADC), the United Nations (UN), the European Union (EU) and the African Union (AU) and United Nations Mission in Congo *(Mission de l'Organisation des Nations Unies en RDC)* (MONUC).

This thesis is not a comparative work. The case study approach is justified considering "the large amounts of information the author collected across a wide range of dimensions" (Gomm, Hammersley and Foster, 2002:2). In this work, comparisons are implicit than explicit. The aim of the study is not to produce general conclusions. The DRC is of sufficient interest in itself to a number of constituencies to have an intrinsic value. The DRC, because of its history, its abundance of natural resources, world interest in these resources, the political instability (interrupted periodically by wars), and the inability to find a working approach to building a functional state makes the DRC an "intrinsic case study." This study traces the process by which events chain on to one another (Mitchell, 2002:171). It traces state formation and state disintegration from the prehistoric period up to today. As Robert Yin (2003:2) puts it, "the case study method allows investigators to retain the holistic and meaningful characteristics of real-life events..." In this case, it's the life cycle of a state, and the result is a typical example of an extendedcase.

This study posits two competing but complementary theories to explain the failed state in the DRC. One theory is that the causes of state failure are external (the failed state is a result of external influence and manipulations), and the other is that the causes are internal (the failed state is a result of internal weaknesses, and specifically bad governance). The study shows the explanatory (and not just the descriptive or exploratory) functions of a single case study. The lessons from this work can therefore be generalised not only to African failed states but also to a whole variety of complex international relations and government actions.

# Chapter 1: The State, state collapse, state-building and democratisation: theoretical underpinning

Three main conceptual clusters inform the theoretical base of this study: state collapse, state-building, and democratisation. We cannot speak of state collapse, democratisation and state-building without understanding the state itself. Clearly the passage from a collapsed state to a functional state is not automatic. There are things which need to happen for the change to materialise. Two key concepts are democracy and good governance.

## 1.1 The State

Discussing state collapse and state reconstruction calls for a clear understanding of what the state is in the first instance. There are two main definitions of the state, the empirical (focusing on the internal environment of the state) and the juridical (focusing on the external environment of the state). Most empirical definitions of the concept of the state are influenced by Max Weber's famous "classic definition"[6] of the state as "a corporate group that has compulsory jurisdiction, exercises continuous organisation, and claims a monopoly of force over a territory and its population, including all actions taking place in the area of its jurisdiction" (Weber M, 1964:156; Robert, J and Rosberg, 1983:1). Weber's definition draws its inspiration from the sociological definition developed by Niccolo Machiavelli, who emphasised the use of force, and force alone, as the foundational element of the state. This state-centric understanding of security comes from the realist school for which security (different from the more broad human security discussed below) is subsumed under the rubric of power and state. Conceptually as Tickner (1995:176) comments, "it was synonymous with the security of the state against external dangers, which was to be achieved by increasing military capabilities." In Weber and Machiavelli's definition, the basic test of the existence of the state is whether or not its national government can lay claim to a

[6] Another classic definition of the state is one provided by Charles Tally (1975) who argues that '[a]no organisation which controls the population occupying a defined territory is a state in so far as (1) it is differentiated from other organisations operating in the same territory; (2) it is autonomous; (3) it is centralised; (4) its divisions are formally coordinated with one another.

monopoly of force in the territory under its jurisdiction (Jackson and Rosberg, 1983:1). If the state is to exist, the dominated must obey the authority claimed by the power that is (Fritz and Rocha, 2007:11). It is the view that Saskia and Stefaan (2002:575) also espouse when they argue that the strength of the state has to do with the recognition and acceptance of its authority independent of repression. This means that if at some stage external or internal organisations (rebel, secessionist or irredentist movements) can effectively challenge a national government and control part of the territory and population for itself, the rebellion (or secession) thereby acquires the essential characteristic of statehood. However, in a situation where one of several rival groups claiming statehood is unable to establish permanent control over a contested territory, Weber maintains that it is more appropriate to speak of "statelessness" (Weber, 1964:156). By this definition, the DRC government under Mobutu could be considered as having been a state. It was able to claim to a monopoly of force throughout its territorial jurisdictions (even if sometimes it was supported by foreign forces). But the stateless definition can apply for the period of 1996-1997 and 1998 to the present, when foreign forces and rebel groups have been able to control some parts of the Congolese territory. They succeeded in establishing parallel governments, sometimes with the capacity to collect taxes and impose sanctions on citizens.

Under the juridical definition, the state is described as a legal institution, recognised by international law, with the following attributes: a defined territory, a permanent population, an effective and independent government, or the right "to enter into relations with others" (Brownlie, 1979:73-76). The juridical definition of the state is often used by international legal scholars and institutionally orientated international theorists. It emerged after the Montevideo Convention on the Rights and Duties of the State. Statehood does not require diplomatic recognition by other states, but rather a recognition that it exists. Since Westphalia (1648), the state has been the central organisational structure in international relations, and the concept of "sovereignty" has underpinned relations among states. Since then, a state has been considered sovereign and autonomous at the international level once the United Nations (UN) recognises it as such, regardless of whether or not the state meets any criteria laid out by Weber, Mann and others (Fritz and Rocha, 2007:12).

If the assumption of juridical statehood as a sociological given is a shortcoming of Weber's definition, a limitation of Brownlie's (1979: 73-76) definition is the tendency to postulate that

the empirical attributes of statehood (i.e., a permanent population and effective government) are as definite as the juridical attributes. A clear observation of the African state reveals that these empirical properties have been highly variable, while the juridical components have been constant (Robert and Rosberg, 1983: 3). Brownlie's definition of the state can best be understood through the lenses of political sociology, where "societies are seen as integrated or disunited, culturally homogenous or fragmented, resting on common norms and values or not" (Robert and Rosberg, 1983: 5). If we take "a stable community" to signify an integrated political community resting on a common culture and values, we must conclude that few African states can be said to possess this attribute. The DRC will also not fit this description.

The DRC is not a homogenous entity. In the DRC populations are divided into many distinctive ethnic entities and tribes. These cleavages have been at the centre of bitter ethnic conflicts and nepotism. As a result, political tensions and conflicts arising from ethnic divisions, unequal distribution of resources between tribes and regions, and unbalanced development have seriously affected national political stability in the DRC and weakened the capacity of the governments to control its territory. Therefore, a monopoly of force (as defined by Weber, Machiavelli and Tally) under the juridical description is not sufficient for a claim to statehood. Even when government is in control of its territory, statelessness can manifest itself in its inability to have effective control of all of the important public activities within its jurisdiction; in some, the government is perilously uncertain, so that important laws and regulations cannot be enforced with confidence and are not always complied with (Jackson, 1983:1). According to this understanding, Mobutu's state loses its significance because it lacked what Michael Mann (1996) calls "infrastructure power", which is the dimension of the state that refers to the actual penetration of societies by state bureaucracies and state-sponsored programmes (such as public education, health, transport, water and electricity). It is also what Fritz and Rocha (2000: 11) refer to as a state's ability to enforce policy throughout the state's entire territory.

Yoweri Kaguta Museveni defines a state as "the package of pillars of power and authority that enable the exercise of control over any given country. These are the army, police, prisons, judiciary, civil service, the executive, parliament and the organs that regulate the professions and the economy" (Museveni, 2003). For Museveni, every country must have a state over it to enable law and order and economic activities to be realised (Ibid). Government capabilities must be

measured by the ability to exercise control over a state's territory and the people residing in it. By "exercise control" we mean the ability to pronounce, implement, and enforce commands, laws, policies, and regulations. Most African governments, including those which have been stable for a long period, only control the main productive centres (mining zones) and the outlets for evacuation of minerals (road and ports), and have very little or no control over peripheral areas. It is not surprising that most African governments have not succeeded with rural development. The inability of the state to be present manifests itself by huge parts of the country left out of service delivery and development. This empirical understanding of the state would disqualify the DRC from statehood. States that fail to meet these minimal standards have been described as "weak", "fragile", or "poorly performing states" (Torres and Anderson 2004: 5).

Both the juridical and empirical definitions show great limitations. It is also not only the notion of "a stable community" with its crucial empirical component (a permanent population) that poses problems for the African state. The notion of an "effective government" must also be analysed. Both Weber and Brownlie define effective states as having a "compulsory jurisdiction: centralised administrative and legislative organs." While most African states have put in place these organs, they are not effective and efficient. In many African societies, government decisions are not only governed by legislation or policy, but also by personal rules which often operate in an arbitrary and autocratic manner by means of commands, edicts, decrees, and so forth (Robert and Rosberg, 1982). The capacity to exercise control raises the question of means. According to Michael Oakeshott (1977) the modern state consists, among other things, of both an "office of authority" and an "apparatus of power." The office of authority refers to domestic authority or the right to govern (legitimacy), and apparatus of power is the ability or power to govern. The application of authority and power gives rise to different scenarios: a government can possess authority to issue regulations, with or without the power to regulate at the same time. A government can possess legitimacy, but have little in the way of an effective apparatus of power; or it may have an imposing power apparatus, but little legitimacy in the eyes of citizens; or it may lack both.

The empirical understanding of the state must go beyond simply regulations and enforcement. It must include state-society relations. An effective government is one that pays attention to social questions. When it fails in its social responsibilities, this can undermine state stability. State-

society relations, in terms of rights and obligations, become critical. In this way, a broader definition of the state should involve the idea of a "social contract", which focuses on the relationship between the state and its citizens.

In general, African states tend to exercise only a minimal control of the territory, and have not been able to provide services to the majority of their people. Equally, African states lack the capacity to extract resources from society in terms tax collection. They are mostly dependent on external resources (aid and technical support) to maintain domestic power structures. This amounts to a grant of sovereignty through what Herbst (1996:120-14) calls administrative fiat. This situation has resulted in a large number of quasi-states with "juridical sovereignty", but lacking empirical sovereignty (Jackson, 1990). This has contributed to the complication of state-making in Africa. The post-1945 international norms, which guaranteed inalienable juridical sovereignty or statehood, have been a double-edged sword, protecting the legal existence of states without regard to their empirical capacity. Mobutu's regime survived for so long because of the support it received from the international community. Mobutu used the Cold War, the centrality of the Congolese state in Africa, and its abundant mineral resources to ensure western diplomatic, military and financial support. This is in line with Bayart's (1994) argument that African states pursue a strategy of "extraversion" in which they use their domestic weakness strategically to derive advantages from the international community. Jackson and Rosberg (1982) argue that the states in Sub-Saharan Africa managed to compensate their low levels of "empirical statehood" with much higher levels of "juridical statehood", the latter largely conferred on these states by the international community of states. The end of the Cold War saw the west changing their strategy. The blind support of corrupt and weak states changed to supporting those governments that were introducing democratic principles and market-orientated economic policies. These policies have not been implemented consistently and have not produced efficient states. Mobutu was one of the casualties of this change. There are inconsistencies in the way the west support these reform efforts. Where the national interests are at stake (particularly defined in terms of easy access to strategic commodities such oil and minerals and security), demands for reforms have been timid and limited.

From the preceding discussion and the political history of Africa, we are able to identify three factors that impede the capacity of Africa's governments to exercise control: domestic authority,

the apparatus of power, and economic circumstances **(**Jackson and Rosberg, 1983:7). First, political authority in Africa tends to be personal rather than institutional. In most cases, government administrations tend to be highly personal and replete with patronage and corruption. These values and practices are at odds with the rules that characterise a modern state, and accordingly undermine rather than reinforce state-society relations (Omanh, 2003:19-20). Government corruption and inefficiency have left the majority of the population and territories at the periphery of state control. In many instances, governments have been unable to be present everywhere. The African state has been unable to penetrate society through the expansion of state power – both soft power and hard power. Constitutional and institutional offices that are independent of the personal authority of rulers have not taken root in most of black Africa (Ibid), or are only taking shape in some with the advent of democratisation in early 1990s. Instead, the state and state offices are dominated by ambitious individuals, civilians or military. Until the early 1990s, when multi-party democracy started taking root on the continent, politics was dominated by strong men who were above the law. During this period there was a strong military intervention in politics, characterised by *coup d'états*. The advent of multi-party democracies on the continent, while it has given people the power to elect their own leaders, remains opaque and untrustworthy, with flawed elections having replaced *coup d'états*. Instead of strengthening the state, elections in many countries have done the opposite. New democratically elected leaders are far from being accountable to the citizens.

Second, the apparatus of power in African governments – the agents and agencies that implement and enforce government laws, edicts, decrees, orders – can in general be considered "underdeveloped" in regard to both their stock of resources and the deployment of these resources. In this sense governments do not have the necessary capacity to implement their decisions. As a result, the concept of governmental administration as a policy instrument bears little relation to reality. In fact, it is also African governments that are underdeveloped, and in most countries they are very far from being an instrument of development (Myrdal, 1968). One-party states and new democratic governments in Africa share one thing in common – a weak government system maintained by inadequate and insufficient staff and limited resources. This weakness is a manifestation of the persistence of what Gunnar Myrdal call "soft states". Soft states are those which continue to exist amidst corruption and disorder. It is the inability of African governments to deal with issues of corruption and inefficiency that continues to maintain

a weak administration that reproduces similar results despite the changes in the political system. There are those, like South Africa, Botswana, Ghana, Senegal and Namibia which are making considerable efforts to maintain an efficient and clean government system, but even with these best performers, it has not been easy.

Third, governmental incapacity in Africa is affected by economic circumstances, which are exacerbated by a shortage of skilled labour. Despite their abundant natural resources, African countries remain the poorest and weakest in the world. They are also the most disintegrated, which exposes them to manipulation from powerful states. Human security recognises that states do not only face internal challenges. The challenges to the survival and safety of the people are global in their origins and their effects. As such the security of people is interdependent. For example, the African state faces an unequal and unfair international trade regime.

In many instances, attempts to establish the state as the dominant authority throughout the entire national territory (enabling the state's institutions to wield control over local forces and socio-political structures) have been resisted by resilient and deeply entrenched traditional, ethnic, religious and other forces (Forrest, 1998: 423-442). Further, in many cases the projection of authority has been impeded by high costs of expending domestic power infrastructure, associated with low population densities, ecological and geographical factors (Herbst: 2000).

## 1.2 Collapsed or failed states

A better understanding of what constitutes a collapsed state should give us insight into what makes states work. If states are expected to project power, collapsed or failed states are unable to project that power. Herbst (2000) argues that the inability of African states to project power through a strong presence contributes to their weakness. Many African states are weak in the Weberian sense and as a result they are, in some cases, unable to prevent violent conflict (Desjarlais and Kleinman 1994**;** Brubaker and Laitin 1998). The concept emerged when the juridical statehood of the African state was attacked with the end of the Cold War. Helman and Ratner (1993) were among the first analysts to use the concept of "failed state". They were concerned about the disturbing new phenomenon "whereby a state was becoming utterly incapable of sustaining itself as a member of the international community" (DiJohn, 2008:4). It is not a coincidence that the concept itself and the debate around it emerged in the period following the Cold War. In reality, the failed state is a continuation of the

post-colonial state, which was not considered as a state because it lacked important characteristics of a modern (western) state. While most African states comprised a territory and a people, often they lacked legitimate or capable governments which could provide basic services to all the population. This is why some have argued that the state in Africa has not failed. What has failed is the post-colonial social construction of the state. African states are weak and artificial, the result of an arbitrary colonial partition, lacking in general internal coherence, failing and dysfunctional. This is reflected by Clapham (2001:7) when he argues that Europe is the home of strong states, founded on nationalism and sustained by centuries of history.

A functional state does not just collapse. It goes through different stages of fragility, weaknesses and crisis. Fragile or weak states are characterised by structural deficits in terms of service provision (public goods and security), without loss of the monopoly on legitimate use of force or permanent loss of sovereignty over parts of the state's territory (Erdmann 2002, 5f). At this stage the state is characterised by its inability to provide basic services to the citizens, there are signs of the total collapse of the health and education system, deterioration of the infrastructure network, the shrinking of the formal economy (and the predominance of the informal economy), unprecedented increase in corruption and privatisation of public security. Clapham (1996) argues that the failure of African states to effectively navigate the passage from "quasi-statehood" to "empirical statehood" has resulted in economic stagnation, an expansion of refugee populations, and a rise in armed insurgencies. Most African states (with the exception of a few) will fall in this category. When a state collapses, disintegration of the structure, authority, law and order within the state occurs (Zartman, W, 1995: 1) and security is no longer guaranteed. African states do not guarantee security or rights, and neither do they facilitate citizens' access to public and private goods.[7] They do not control the territory as a whole from the point of view of public security, administration of justice and provision of services, and they do not have a monopoly on the use of force. This is why Martin Meredith (2006: 688) has suggested that the majority of African states "are no longer instruments capable of serving the public good. Indeed, far from being able to provide aid and protection to their citizens, African governments and the vampire-like politicians that run them are regarded by the populations they rule as yet another burden they have to bear in the struggle for survival."

[7] To use these adjectives to generalise the incapacity of all African states would be simplistic, but it does nevertheless point to prevalent institutional deficiencies.

Weak or fragile states succumb easily to crisis and can easily turn into a situation of collapse**.** Fragile states can also be defined as states where economic development has lagged behind the rich countries, and where the institutions that manage conflict and govern the organisation of economic, political and social life are vulnerable to crisis. A crisis is defined as a situation where the political, economic or social system is confronted with challenges with which reigning institutions are potentially unable to cope. Put differently, a crisis is a condition of disruption severe enough to threaten the continued existence of established systems (see Crisis State Research Centre at LSE). A sustained situation of crisis leads to state collapse. A collapsed state is one that can no longer reproduce the conditions for its own existence. State collapse can also be understood as a condition of "failed state." Different qualifications have been given to states that have failed to perform their duties, but state failure can occur in many dimensions (such as security, economic development, political representation, income distribution and so on). Put differently, it is often the case that within the conditions of failed states, we find some zones which still keep some elements of the state.

There are different kinds of collapsed or failed states. Firstly, we have state inversion (Forrest 1998), or dysfunctional states. These are states in the processes of state collapse (Zartman 1995, Mair 1999) or state decay. State decay signifies "the total collapse of a state and can take two forms: partial or total decay". While the former represents the total loss of the monopoly of legitimate force (including a threat to the territorial integrity of the state), the latter characterises administration with no or little central authority over the former state territory (Erdmann 2002:5f). This would include Somalia, and in previous decades Liberia and Sierra Leone, and is what Jean-Germain Gros (1996) calls a phantom or mirage state. State decay (or phantom states) may characterise the Mobutu regime of the late 1990s, when troops from Rwanda and Uganda invaded the country. Phantom states exercise only a semblance of central authority, and can manage just a few core tasks (such as protecting the president and his circle). In this category we can add fragile states. These are states with low decision-making and implementing capacity (such as Angola and Mozambique). They are different from weak states which have limited decision-making and implementing capacity (such as Zambia and Malawi).

Secondly, collapsed states can also be understood as "eroded states." The erosion of state viability, as Richard Joseph puts it, "often results from the combined effects of external

manipulation over an extended, period and internal misrule and mismanagement" (Richard Joseph, 1997). These have been the characteristics of the state in the DRC since independence.

Thirdly, we have fragmented states. Fragmented states are states in which central administration does not control the national territory as a whole. This definition resembles the DRC of 1998 to the present. During this period, the state presents the characteristics of both fragmentation and collapse.

Fourthly, we have what we can call captured states. In central Africa, a captured state reflects the post-genocide state in Rwanda, where an insecure but strong centralised ethnic authority emerged, which is primarily concerned with defending itself against rival elites.[8]

If we speak of a collapsed state in the case of the DRC, it implies that there must have been a state at some stage. There are three phases in the evolution of African states in general (and the Congolese state in particular): the pre-colonial state, the colonial state and the post-colonial state. The collapse of the African state in general draws its origin from its proto-colonial nature and its failure to devise innovative institutional arrangements that accommodate various cultural and political entities. The post–independent African political elite largely inherited the structures of a highly predatory colonial state with its extractive institutions and repressive security apparatus. Instead of reconstituting the state so that it becomes an agent for the advancement of broader social interests, the African elite perpetuated the characteristics of the colonial state.

The study will use the definition given by William Zartman (1995**)** that "failed states are those states in which the structure, authority (legitimate power), law and political order have fallen apart and must be reconstructed in some form, old or new". The empirical evidence provided not only by the case of the DRC (which is the focus of this thesis) but also by the cases of Liberia, Sierra Leone, Burundi and Somalia shows a decline of central state authority followed by systemic violence and acute poverty. The failed nature of a state could be evaluated using two parameters: absolute parameters which measure the capacity of the state against an ideal model of how a state should function, and relative parameters which judge dysfunctionality on the basis of the state capacity to attain its own goals. Robert Rosberg has introduced the idea that it is

[8]But if Rwanda recent economic achievements is felt by everyone (Hutu and Tutsi), they can start to change the situation of fear that characterise politics in that country. The fear is the result of unequal distribution.

possible to rank failures according to how many ways in which a state fails to deliver positive political goods. He argues that nation-states exist to deliver political goods – security, education, health, economic opportunities, environmental surveillance, making and enforcing an institutional framework, providing and maintaining infrastructure. He proposes a hierarchy of positive state functions in order to rank the severity of state failure. These include: security, institutions to regulate and adjudicate conflicts, rule of law, property rights, contract enforcement, political participation, social delivery, infrastructure, and regulation of the economy. The Congolese state has reached a stage where it is incapable of applying the constitution (which is the ideal model of how it should function) and cannot achieve even minimal results according to its own set of goals.

Despite widespread popularity, the idea of the "failed state" in Africa has not been without criticism. Fatton (1982:172), for example, pointed out that, with the process of class formation on the continent being incomplete, African states tend to be repressive, rather than hegemonic, but nevertheless fully functioning for the purposes of the class alliance in power. For Fatton (1989:14) efficiency stressed by the Weberian model is not a necessary prerequisite for a functioning state. Similarly, Bayart (1999:105) stresses that the African role in the global system is not one of marginalisation or dependence, but one of extraversion, through which elites have long constructed external relations to strengthen their power within their own spheres. That these relations have been asymmetrical does not detract from the fact that they worked well for these elites.

## 1.3 State-building or state formation

There have been different phases of state formation. The first phase was the formation of western European states; the second phase was the failed state formation following decolonisation in sub-Saharan Africa and Asia; and the third phase followed the end of the Cold war, the Berlin Wall and the dissolution of USSR which saw a wave of new states, especially in the former Soviet Union and former Yugoslavia. From the historical political economy perspective, state formation and state-building have emerged as long-term, tumultuous, inherently violent and conflict-ridden processes that are also deeply political.

There is no blueprint that gives precise steps for state-building. Therefore, it is not possible when attempting to state-build to simply copy what was applied in one country. Countries differ in many dimensions – historic legacy, the nature of colonisation, post-independence processes, social organisation, economic indicators, leadership skills, and the nature of the democratic transition. While it is possible to compare countries, the process should be adapted to specific contexts. A better approach to dysfunctional states in Africa, argues Stephen Ellis (2005), should begin with a diagnosis that takes full account of their individual character, and does not assume that the same therapy will work on all of them. However, it is possible (as suggested by Doornbos, 2006) to draw parallel insights with respect to state formation and restructuring from situations far apart in time and space.

State-building or state formation is explained by two main theories, contract theories and predatory or exploitation theories (North, 1981:21). The first are the domain of economists who seek to elaborate the form that property rights should take to efficiently produce economic growth. What is of interest to us is the second theory, which draws a distinction between state-building and nation-building. These two are sometimes used interchangeably, which impacts negatively on interventions. State-building is about "constructing the foundations of the very (government) edifice within which governance ought to operate. Without the construction of this edifice, governance interventions cannot have an impact." (Fritz and Rocha, 2007:4). State-building can also be a shift from one set of political procedures (negative) to another (positive), from old patterns of rules to new ones to enhance governance. For Kidani Mengistead (2007:68), state-building refers to developing the institutions of state to enhance the capacity and effectiveness of the state in advancing the well-being of citizens, and in managing society in line with the authority mandated to it by citizens. In its simplest formulation, state-building, especially as understood by international community since 1990s, refers to the set of actions undertaken by national or international actors to establish, reform and strengthen state institutions where these have been seriously eroded or are missing (Caplan R 2005). Despite the fact that today state-building has become a major issue of concern, its application has lacked conceptual clarity. In many instances, state-building has been confused with other concepts such

as governance, democratisation and nation-building.[9] The confusion has been acute between state-building and nation-building, and the two are sometime used as interrelated concepts. In fact they are different and very specific. Any confusion on the understanding and application of these two could jeopardise intervention efforts to build a state. This is exactly what is happening in the DRC in the post-Sun City and post-election periods.

Nation-building refers to the complex process of forging national unity, and integrating the various identities in a country to form a community of citizens (a national citizenship) under shared political and economic systems (Mengisteab, 2007:68). In the DRC, nation- building will begin with rebuilding what colonialism and dictatorship destroyed: national identity, values and national cohesion. It is a move away from certain anti-values such as corruption, nepotism, regionalism, tribalism and ethnicity, which found their origin in the colonial politics of divide and rule. It means a move away from the colonial heritage. It can be argued that nation-building is a critical component of state-building in the DRC. In general, state- building in Africa requires a move away from the predatory colonial experiences where the state largely operates outside the control of its citizens and in isolation from the traditional institutions and cultural values of its constituencies (Mengisteab K, 2007:69). It is therefore important to underscore the fact that "state-building and nation-building are distinct processes" (Fritz and Rocha, 2007: 5) but that they reinforce each other. Neglecting nation-building in an effort to build the state, especially in multi-ethnic and post-war states such as the DRC, could render the process ineffective.[10] A central question in state formation should be "What are or could be the social and cultural bases for fresh efforts at political structuring, and what vision for a collective future is likely to be offered, and to be found acceptable?"(Doornbos: 2006).

Most efforts to rebuild the state in Africa are informed by wrong identification of the problems. These efforts are designed on western models. This is why much of the recent literature and research analysis on state-building has focused more on external intervention than on inner logic.

[9] Within policy circles, there has been a tendency to conflate certain key concepts such as state-building, nation-building, governance, and democratisation. These concepts while overlapping in several respects are nevertheless distinct.

[10] The building of the state (establishing and strengthening of institutions) remains an enormous challenge not only in practice but conceptually too. This is not specific to only failed states, it includes stable or normal states.

Most current thinking and conceptualisation of what state-building is emanates from the north or west, with very few contributions from southern researchers and policymakers (see Fritz and Rocha 2007). The western approach to state-building efforts gives scant attention to society as the epicentre of building a functional state. These efforts are used interchangeably from one country to another without taking into account the history and the structural conditions of each society. The view, for example, that if war is stopped, elections (relatively open and transparent) are organised, and institutions are reformed and given the necessary capacity, the state in the DRC will be restored is short-sighted. This approach rests essentially on the old constructivist conception of nationalism, which maintains, as Christopher Clapham (2001) puts it, that "it is possible for any ruling elite, guided by appropriate policies, to create a sense of common identity among people they rule." Prescriptions to build the state which are driven by identity might prove insufficient. This was, of course, an ideology that justified expedients such as leadership personality cults and the imposition of single-party states in Sub Saharan Africa, which were evidently far more in the interests of the rulers than of those whom they ruled. We know today the criticism that constructivist theories of nationalism took, especially in the ignominious collapse of the Soviet Union into its constituent ethnic units.

State-building in the DRC is complicated because it is a post-dictatorship and post-war state. The challenge is not only how to rebuild and give capacity to state institutions[11] (which were neglected and misused by the dictator); rebuilding will also include, as Falk and Kim (1980) point out, the accumulation of knowledge about the underlying causes of the war. Immediate post-war governments are by definition weak. The war itself may have institutional legacies that contribute to weaknesses. One of the imponderables about post-conflict reconstruction and development is its place in peace processes. Does it start during the process of peace-making or only after the belligerents have laid down their arms and a process of peace consolidation has ensued? (Kotze D, 2008:107). The defining threat of post-war countries is the risk of a return to

[11] At independence the DRC emerged as weak state. It was a state designed to service minority white colonialist interests and to suppress the Congolese population. Little state capacity existed at independence. The state needed to be transformed into a majority state by expanding state institutions and giving them capacity to serve all the Congolese citizens. Instead Mobutu transformed the state into a corrupt and ethnic focus instrument servicing the interests of the holder of power.

violence (as in Lebanon, Angola, and Afghanistan)[12]. This is why "understanding the root causes of a war is critical to managing it" (Biong Deng, 2005: 259). According to Paul Collier (2004), 50 per cent of countries that have entered a peace agreement after persistent conflict have descended into violent conflict again within 10 years. The challenge for post-dictatorship and post-war countries is the need to balance the competing priorities between four resource-intensive, complex agendas: the peace settlement and security concerns; humanitarian needs; public institution building; and socio-economic development (Network for Integrity in Reconstruction, 2007: 3).

## 1.4 Democracy and democratic consolidation

Since the end of the Cold War a consensus has emerged within the western-dominated international community "that democracy is a necessary condition for and constitutes an element of development" (De Herdt, 2002:446), and that real and sustainable reconstruction of a post-dictatorial and post-war state cannot happen outside democratisation. Like the state, democracy is historically and socially constructed. As in the case of state-building, democracy is an outcome of historical struggles against arbitrary and authoritarian power. As such democracy is a process and not a simple event or outcome. However, democracy is a contested concept. Its meaning, understanding and implementation differ from country to country and countries will always be at different level in the process of consolidating their democracies.

Various authors have endowed it with different meanings. What is similar, however, is the recognition in all definitions that democracy is a political and social construct anchored on three key ideas (Pisani A: 2006). These ideas are clearly articulated by Nzongola-Ntalaja (1997:8-24). They include: democracy as a value, democracy as a process, and democracy as a practice. These three ideas provide the very foundations of democracy as a universal concept and help to explain its appeal and institutional design in diverse historical and cultural contexts. They also provide the theoretical basis for exploring the complex relationship between democracy, development and human security.

[12] In Lebanon, the nature of the peace settlement enshrined state weaknesses; The Sun City agreement reinforced state weaknesses, and in Afghanistan, the buy in of local power-holders in the immediate post-war phase contributed to institutional weaknesses at the local level.

Democracy as a moral value or imperative is widely linked to four virtues: liberty (freedom), human dignity, justice, and tolerance. These values, according to David Beetham (1997), should be underpinned by popular control and political equality (cited in Baker. B, 2002:81). They are linked to the concept of human rights. Human rights is a philosophy that suggests that human beings have a sense of identity through which they secure what is generally referred to as "human dignity"(Acheampong K, 1996:62). The protection and maintenance of this "dignity" is what the concept of human rights entails (Ibid). In the current international perception, human rights can be generally defined as "those rights which are inherent in our nature and without which we cannot live as a human being". Since World War I and II, the United Nations has drafted and adopted human rights instruments which are collectively known as the International Bill of Human Rights. These fundamental human rights and liberties include, at least since the 1948 United Nations (UN) Universal Declaration of Human Rights, the following:

- the fundamental right of the human person to life, dignity, and security;
- freedom of religion, assembly, expression, the press, and conscience;
- economic, social, and cultural rights – the idea of democracy as a mean of satisfying and responding to basic human needs (social democracy); and
- the right to political self-determination.

Underneath these values, we find elements of integrity such as accountability, participation, professionalism and corruption control. These values resonate with the model of participatory and democratic governance as the preeminent model of political organisation, with human rights and political liberty as preeminent concepts (Opio 2000:1). This liberal democracy requires a state to create an open and just society where no one is above the law and where there is transparency and accountability, freedom of expression and equitable share of resources. The question that arises is if democracy can resolve problems of justice, equality and tolerance when people have different needs and aspirations and do not have the same merit? Justice and equity touch to the issue of democratic egalitarianism. This type of democracy advocates a conception of democracy as a form of social or political participation, which undermines class distinctions and promotes equality of opportunity for all citizens (Birch 1993:46).

For Pateman (1979:27), democratic egalitarianism emphasises participation on the grounds of equality and liberty; that is, people have the right to act on their own lives, and to become competent at self-management and self-governance. She articulates that this kind of democracy is a direct participatory form of democracy whereby people directly participate in economic, political and social life (Ibid). In this way democracy could mean freedom of speech and assembly, the very bases of their ability to act publicly (Elkin, 1991: 56); because "it is in the exchange of information and argument that citizenry is born" (Stephen L. Ibid). This is why Falk (1995:253) proposes the concept of "positive citizenship" as extending beyond state-society relations and involving all relationships of a participatory nature. While in many African societies today people read and say what they like, and form organisations without government interference, it is government's ability to provide freedom of expression while remaining accountable to the public that makes a democratic government democratic. In this context, people seem to understand instinctively the late political philosopher Primo Levi's comment that "in countries and epochs in which communication is impeded, soon all other liberties wither." This was a reference to deliberative democracy, a term that simply refers to a "conception of democratic government that secures a central place for reasoned discussion (rational deliberation) in political life" (Cooke2000:947).

"Democracy as a practice" refers to specific institutional habits and practices for organising and exercising public power. These habits and practices produce a legitimate government (accepted by its people as the rightful power). This is achieved through free, fair and transparent elections. The DRC has a legitimate government and institutions following the 2006 elections. In a democracy the exercise of power follows known and established universal norms and principles. Democracy is, at a requisite minimum, a regime in which office bearers and public policy are chosen via contested elections (Nel, 2005:22). Key in this is the centrality of citizens in political decisions (Dumisani Moyo, 2010:8). This form of democracy is known as electoral democracy. In electoral democracy political competition to access and control political power becomes the main goal. As such, state-building can be depicted as a struggle between competing political forces over the rules of the political game, and for the resources for which the game is played. In this struggle, "democracy" becomes the end goal. The essence of electoral democracy is to create opportunities for permanently legitimate, transparent and accountable governments. The

expectation is that successive legitimate and accountable governments will create an environment where democratic values are protected.

In its essence electoral democracy must include regular and transparent competitive elections, with the proviso that real contestation requires an opposition with some non-trivial chance of winning office. Electoral democracy, its form and nature, reflects the strength of political parties. Political parties are an indispensable instrument for the articulation, aggregation and representation of political interests and principles in a modern, large-scale democratic system (Diamond: 1984). There cannot be multiparty democracy without strong and democratic political parties. In Africa, political parties are designed around one person and are lacking in internal democracy. Often democracy is being forged by political parties formed on the basis of ethnic groups. It is the ethnicisation of politics in Africa that is frustrating the birth of a national ideology. There are no ideologies around which to reconstruct the state. Through what are called political parties, Africans reproduce a certain identity by creating ethnic alliances which consolidate into what can be called "ethnic politics". In the ensuing neo-patrimonial arrangement, the identity of the party and the leader appears as a giant octopus swallowing other identities and social groups such the intelligentsia, the working class, women, businessmen or youth (Richards 2005). The challenge is always how to establish rules and guidelines which will minimise the role of ethnicity as the main instrument of political mobilisation. It is here that efforts to build the state must focus. Anyone seeking to dismiss this form of politics as no more than a symptom of decadence of the state is making a big mistake. These representations are the causes of political stagnation in most African countries and factors that undermine the emergence of functional state. The challenge is "how to enable parties to develop features that are the mark of institutional maturity and strength: coherence, complexity, autonomy and adaptability" (Huntington S, 1968: 12-14).

Focussing on contested elections, Lane and Ersson (2003:2) define democracy as "a political regime where the will of the people *ex ante* becomes the law of the country... *ex post*." Staffan Lindberg (2006:227) arrives at a conclusion that "elections not only signify democracy, but in fact, through their self-reinforcing and self-improving quality, breed democracy, especially when repeated over time. He also suggests that elections in new electoral regimes in Africa demonstrate a significant and positive causal effect, and that this power of elections has been

underestimated and understudied. He maintains that the moving from authoritarian rule to a competitive electoral regime tends to lead to further democratisation: successive uninterrupted cycles of elections tend to promote greater "democraticness" of both the electoral regime and the society in general, including expansion of civil liberties, a competitive party system, participatory politics, and enhanced political legitimacy." Lindberg's position departs from other Africanist studies of the democratisation trajectory on account of its optimism. Most Africanist scholarship of the mid-1990s – such as Larry Diamond (1996) who argues that the "third wave is over" in regard to Africa; John W. Harbeson (1999) who argues that the initial emphasis on elections in the democratic transition in Africa was a mistake and needs "rethinking" because, as Crawford Young (1999, 1994) puts it, this political imperative is full of "ambiguities and contradictions" on the continent – have been overly pessimistic about the prospects of democracy in Africa. Although Lindberg refutes their claim when he argues that repeated elections, even when flawed, are among the most important causal factors of democratisation because they create incentives and disincentives that foster democratic behaviour – effects that in turn facilitate the emergence of a more democratic culture.

If we agree that elections contribute to democratisation significantly, can this universal conclusion be transposed to individual countries intact, even if countries' internal dynamics (including their histories) are different? This question is fundamental. While political institutions, cultures and procedures might vary from country to country, the test of democratic worth remains the same: to establish whether they are consistent with universal democratic principles such as the following informed by the writings of Ake (1996), Pateman (1970), Dahl (1989; 1991) and Cheru (2002):

- the idea that legitimate power or authority emanates from the people, who exercise it either directly through popular assembly or indirectly through elected assemblies, elected executives, or other modes of representation;

- the concept of the rule of law, which means that power should not be arbitrary, and that its exercise must be circumscribed by agreed rules that define its scope (limits) and modes of operation;

- the principle that leaders are chosen by and accountable to the people – the element of choice logically implies that democracy is government by the consent of the governed;

- the right of citizens to participate in the management of public affairs through a variety of means, such as free, transparent, and democratic elections, decentralised governmental structures, non-governmental organisations (NGOs) and community-based organisations – all of which implies participation through civil society formations as distinct from the state; and

- the right of citizens to change a government that no longer serves their interests or the right to a revolution – a right that is qualified in the sense that it can be exercised against non-democratic regimes.

Robert Dahl (1971) argues that democracy includes two dimensions, political contestation (elections) and civil liberties (political rights, the rule of law, free press and separation of powers). Many theorists since Dahl have observed that true representative government cannot thrive without strong performance on both of these scales. As critical as elections might be to democracy, democracy is not elections alone. Beyond elections, democracy also refers to a consistent application of the law, and respect for basic freedoms (AfriMap, 2006:3) such as civil liberties and political freedoms. This raises the issue of democratic consolidation. Larry Diamond (1994:15) defines democratic consolidation as "...the process by which democracy becomes so broadly and profoundly legitimate among its citizens that it is unlikely to break down." It involves behavioural and institutional changes that normalise democratic politics and narrow uncertainty. This normalisation requires the expansion of citizen access, development of democratic citizenship and culture, broadening of leadership recruitment and training, and other functions that civil society performs. David Beetham (1994) identifies four other factors which are central to the process of democratic consolidation. These include: the experience of transition to democracy, the economic system, the political culture, and the constitutional arrangement in place. Gunter, Diamandourous and Puhle in their Publication entitled the Politics of Democratic Consolidation: Southern Europe in Comparative Perspective (1995) advance the view that democratic consolidation is complete when there has been an adoption of democratic institutions, processes and values by the political class and masses. In addition, Juan Linz and Alfred Stephen

(1996:14-18) provide five other conditions which must be met: a free and lively civil society, a relatively autonomous political society, a rule of law to which all are subject, a functioning state bureaucracy, and an institutionalised economic society. Nzongola Ntalaja (2009:247) adds another dimension, when he says that "the consolidation of democracy is only possible if it is constituted by women and men representing veritable democratic forces, imbued with patriotism and enjoying the people's confidence." What makes a democratic government democratic is the ability to provide political freedom while remaining accountable to the public. This form of democracy is opposite to what is called democratic elitism articulated by Schumpeter. Schumpeter's **(**1940:269) seminal ideas on democratic elitism explain democracy as a form of representative government, which restricts political decision-making to elected representatives and thus excludes electoral voters from any further political representation.

As a social construct, democracy is never complete or fully consolidated, but it is a continuous social and political process enlarging access to fundamental human rights and civil liberties for all. Consolidated democracies are those in which, as Juan Linz and Alfred Stephan (1996:15) put it, "democratic processes are the only game in town." Democratisation is never an easy business because of competing interests and values. This is why no society has ever leapfrogged its way into democracy overnight, not even by holding multiparty elections.[13] The United States, buffered by two oceans and blessed with an abundance of land, resources, and eager citizens, needed a century of trial and error —including a civil war — before it could consolidate its democracy (Rigger 2004: 285).

As a practice, elections are not a one-off exercise. They must be periodically organised in respect of the constitution and the rules of the game. In electoral democracies, routine is an important barometer of stability and consolidation. In a post-war democracy, Popperian methods (1962) of transferring power without violence must become preponderant. Elections are, therefore, a mechanism of control of the ability of competing political formations to access political power at various levels — national, provincial and local — without resorting to violence. This means that " in a democracy no one can choose himself, no one can invest himself with power to rule, and

[13] Many new — and, perhaps, established — democracies on the continent find it more difficult to perform tasks expected of democratic states. Nevertheless there are sufficient experiences across the globe from old democracies and new ones from which Congolese can learn to protect and fast-track their democratisation process.

therefore no one can give himself unconditional and unlimited power" (Landsberg and Mckay, 2005). As such, multiparty democracy becomes a mechanism for political stability. Elections can also be a mechanism for accountability. A legitimate government that comes from democratic elections must be accountable. It must accept scrutiny by citizens. As such a government needs to respond with effective public policy to the popular preferences expressed through a free media and electoral process.

Democracy as a social process happens when a government is preoccupied with protecting the state and meeting its citizens' needs and aspirations. The stability of a state goes far beyond the essential formal elements of a democracy (elections, multiparty systems, institution building) which are not sufficient to guarantee broad-based participatory democracy. So beyond procedural democracy (electoral democracy), there is need for substantive democracy (socio-economic progress) for a democracy to be seen to be consolidating. Stability should be used in its complex but more useful conception, which stresses not just the legitimisation of a government but also its ability to operate as an autonomous and independent entity that controls the entire country's territory and its resources, and reflects on the values, aspirations and identities of the people it governs. Africa's failure to produce desired growth-related objectives despite the growth of electoral democracy has been caused by the inability on the part of elected decision-makers to establish a meaningful "fit" between economic progress, power politics and the good of the society (the common good) (Opio 2000:2). This flaw in the process has undermined the consolidation of democracy and state-building.

The point here is that procedural democracy, or what Verena Fritz and Alina Rocha Menocal (2007:5) call "constitutive domains of the state"[14], cannot be sustained without substantive democracy (without dealing with the big socio-economic issues of poverty, economic growth and development) or "output domains"[15] (Fritz and Menocal, 2007:5). This concern is reflected in the Political Regime Change Dataset (PRCD) produced by Gasiorowski (1995) and updated by Reich (2002), which introduces an important distinction between liberal democracies on the one hand, and "incomplete' or failing or pseudo democracies (i.e. semi-democracies) on the other. This

[14] They define among constitutive domains of the state issues such as political settlement, security, establishing the monopoly on violence and the rule of law, and building an administrative and fiscal system.

[15] Output domains include issues of public services that the state provides.

distinction reflects a growing concern in democracy studies that competitive elections have been introduced to many polities that have not had them before, but that in many cases this has not produced fundamental changes to the way in which power and privileges are organised in these societies. The question of poverty, for example, poses a serious security threat to state reconstruction and democratic consolidation. Inattentiveness by African leaders to the economic needs of the most vulnerable members of society explains why African states which have excelled in pursuing liberal economic strategies do not rank as the most humane, and are more often than not prone to revolt and dictatorship (Opio, 2000: 6). Democratisation should include the empowerment of the broad majority of people who have been left out of economic and social development and decision-making. Where the state is unable to deal with social questions (poverty, health, education, clean water, electricity and access to justice) "the logic of the 'exit' option" as described by Hirschman become compelling (Fukuda Parr, Fuentes and Picciotto: 2007).

Poverty has a negative impact on the levels of participation in governance by ordinary citizens. Poor people inevitably find it difficult to participate in the political process because they lack access, which leads to a lack of power to exercise influence over decision-makers (Pityana, 2007). A democracy that cannot deliver on the basic needs of the people will be short-lived. This is why South Africa, for example, included very early in its transition a macroeconomic strategy on reconstruction and development (the Reconstruction and Development Programme or RDP). The sustainability of the transition and poverty alleviation must go hand in hand — they are mutually reinforcing. It is therefore logical to argue that the DRC democratisation process will never be on the right track if it is not serving the social interest of the poorest Congolese.

According to Pridham (1990:8), democratic consolidation as a concept and as an analytical framework has so far suffered from poverty of theory. Another important perspective is contained in so-called theories of modernisation. These suggest that democratic consolidation depends on such structural factors as economic development, modernisation, urbanisation, and so on. These studies focus on factors that can facilitate consolidation. Philippe Schmitter (1985:10) argues that a regime is consolidated when "social relations become social structures, i.e. patterns of interaction can become so regular in their occurrence, so endowed with meaning, so capable of motivating behaviour that they become autonomous in their internal function and resistant to

externally induced change. Adam Przeworski (1991:23) states that "democracy is consolidated when under given political and economic conditions a particular system of institutions becomes the only game in town; when no one can imagine acting outside the democratic institutions, when all losers want to do is to try again within the same institutions under which they have just lost. O'Donnell (1996:38) measures whether a democracy is consolidated by means of the following indicators: 1) alternation in power between former rivals; 2) continued widespread support and stability during times of extreme economic hardship; 3) successful defeat and punishment of a handful of strategically placed rebels; 4) regime stability in the face of a radical restructuring of the party system; 5) the absence of politically significant anti-system party or social movement.

In the final analysis, democracy as value, democracy as practice and democracy as a social process correspond to three inter-related aspects central to an understanding of democracy identified by Carr and Hartnett (1996:40). These are democracy as a system, democracy as a sphere for debate, and democracy as a set of meanings. The first two depictions can be linked to two broad conceptions of democracy. First, democracy as a representative system of political decision-making, and second, democracy as a sphere for social and political life in which people enjoy equal opportunities and engage in self-development, self-fulfilment and self-determination. Democracy as a sphere for social and political life is constituted by values of positive liberty (freedom of self-development) and political equality (Carr and Hartnett, Op.cit, p41). In a democracy values and ideas need to be disseminated throughout the society to ensure that the regime will remain democratic, even in the face of important challenges such as economic crisis and the possibility of losing elections. In this way, it is possible to argue that democracy is consolidated not according to the number of free and fair elections or alternations in office, but according to the ideas, values, motivations and behaviour that individuals reveal in those processes. We can have positive democratic consolidation and negative democratic consolidation. Positive consolidation places more emphasis on attitudinal patterns and it refers to the inculcation of democratic values at mass level. Negative consolidation is reached when the presence or capacity of disruptive anti-system groups or individuals becomes numerically or politically insignificant. Obviously the reference to this dimension of consolidation is to elites, political parties and the behaviour during regime consolidation.

Democratisation and state reforms are influenced by the quality of internal drivers or agents such as political leadership and civil society. The leadership behind transformation plays a cardinal role in the success or failure of any project. The concept of leadership has been variously defined. For instance, Gary Yukl (2002:7) defines leadership as both a "process of influencing others to understand and agree about what needs to be done effectively, and the process of facilitating individual and collective efforts to accomplish the shared objectives". James MacGregor Burns (1977:274) defines leadership as "inducing followers to act for certain goals that represent the values and the motivation (the wants and needs, aspirations and expectations) of both leaders and followers". James Kouzes and Barry Posner (1995:30) describe it as "the art of mobilising others to want to struggle for shared inspiration." Domestic actors are crucial but often their perspectives on state-building have been weak and conflictual. They have not been able to drive the state-building process, preferring to leave it in the care of outsiders with very limited knowledge of internal dynamics, culture and needs. The lack of ownership of the process poses a serious impediment to any state-building. Post-colonial DRC has survived, despite lacking the minimum attributes of statehood because of the supportive international normative environment.

Civil society also plays an important role in consolidating democracy and state-building. It is highly unlikely that any democratic struggle will succeed unless there is an organised domestic civil society that organises local efforts to ensure that the democratic process is respected and consolidated. While there is much dispute over the different meanings of civil society, there seems to be a relatively broad agreement about the constituent elements. They are ' the set' of 'self-organised intermediary groups' characterised by autonomy from both social interest and the state, capacity to collective action promoting interests and passions, absence of an intention to govern the polity and agreement to act within civil rules conveying mutual respect" (Kasfir, 1998:126). In state-society relations, civil society plays an important role in channelling citizen's concerns in constructive ways to deliver decent, accountable and effective governance. Civil society organisations are expected to provide outlets for popular concerns and grievances, while also acting as watchdogs against the abuse of rights, power and freedom in the new dispensation.

The democracy discourse on the continent has been marked by a critical probe into the role of civil society organisations in the governance process (Sachikonye 1995:400). A question posed

in societies in transition is whether pro-democracy NGOs influence the process and the design of transitional policies and laws. In the voluminous democratisation literature, civil society is loosely conceived of as "public political activity that occurs in the realm between state and family", or as "the realm of organised social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a large order or set of shared rules." It involves "citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state and hold state official accountable" (Bratton, 1994: 56.). By its nature, civil society should contribute to building and consolidating democracy by fostering political pluralism, engendering democratic values, and enhancing political participation. The contribution of civil society to pluralism can be assessed on the basis of three criteria:

- Multiplicity: The multiplicity of a well organised civil society exercises a balancing role by providing a bulwark against despotic tendencies in political life and a defence against oppression.

- Autonomy: A high degree of autonomy is required for civil society organisations to be effective in influencing the behaviour and actions of state actors.

- Organisational diversity: This allows a wide range of groups and interests to form networks and associations. The capacity of civil society to foster political participation is reflected by its internal structures, in terms of its ability to influence state decision-making and behaviour and establish productive relationships with other organisations.

## Chapter 2: External control, internal factors and the evolution of a failed state

The abundant literature on the DRC speaks of a failed or collapsed state. State collapse seems to be the central problem facing the DRC. The challenge facing both the Congolese people and the international community is how to reconstitute it. The state can only be successfully reconstituted if the causes of its collapse are properly understood. Often the factors that strengthen the dynamics that created and maintain the collapsed nature of the state in the DRC do not receive the necessary attention when efforts to reconstitute it are discussed. The focus is usually on the state phenomenon or its symptoms. A better approach would be to begin with a diagnosis that takes full account of what caused the collapse. This chapter identifies the causes of state collapse, and analyses the factors that are maintaining it. It argues that the origin of the collapse is external, and that the maintenance has both external and internal factors. These can be divided into remote and immediate causes. Speaking to both remote and immediate causes, the chapter argues that imperialism and colonialism stopped the normal evolution of the original states (early social organisation) in the DRC, and post-colonial DRC inherited a weak colonial governance structure and a dysfunctional economy. The post-colonial nature of the state is being maintained by neo-colonialism and by the Congolese inability to remodel society differently, away from the immoral system left behind by the departing colonialists.

Colonialism did not leave behind an environment in which a stable and a capable state could emerge in the DRC. Our objective here is not necessarily to repeat attacks on imperialism and colonialism; it is to use history to show the Congolese people's own responsibility in having failed to transform an unjust and unequal society, despite not only abundant resources, but also the abundance of human resources available. The criminal nature of the colonial system helps to define what set in motion the continual political crisis in the DRC.

### 2.1 Remote causes of state collapse: imperialism and colonialism revisited

Colonialism can be defined as the implanting of settlements on distant territory. It is always a consequence of imperialism. Imperialism itself means the practice, the theory and the attitudes of a dominating metropolitan centre ruling a distant territory. As Michael Doyle (1986:45) puts it, "Empire is a relationship, formal or informal, in which one state controls the effective political

sovereignty of another political society." As such imperialism means, as Edward Said (1993:7) puts it "thinking about, settling on, controlling land that you do not possess, that is distant and lived on (owned by others). It often involves untold misery for others." This control can be achieved by force, by political collaboration, by economic, social, or cultural dependence. Imperialism is, therefore, simply "the process or policy of establishing or maintaining an empire" (Doyle 1986: 45).

Colonialism and imperialism involved the politics of power of western civilisations over non-western civilisations, which occurred through the discourse and dynamics of economic domination, deemed necessary not only for the coloniser, but also and especially for the colonised (Sartre 1964). The imperial culture is well elaborated by DK Fieldhouse (1991:103) when he suggests that "The basis of imperial authority was the mental attitude of the colonist; his acceptance of subordination, whether through a positive sense of common interest with the parent state, or through inability to conceive of any alternative." It was this social relationship that made empires durable. The concept of "others" or the idea of "otherness" is a creation and imposition of the universal European will to paternalistically educate colonised people according to its own morality and values. Colonisation strategy was based on the definition of others as inferior and savage. In this system the coloniser monopolised power to psychologically and physically enforce the identity of the "other". As Sartre (1943:302) explains, "other human beings are perceived as objects, as tools or as obstacles, and because 'I am not them', I only know them as object." This attitude was so entrenched that colonised people became unable to define themselves. But there was more to imperialism and colonialism. They were also about brainwashing white women and men. The expansion of great western empires, besides the cultural domination, was motivated by economic profit, and the hope of further profit was obviously important (as the attraction of spices, sugar, slaves, rubber, cotton, opium, tin, gold, and silver amply testifies). To ensure the sustainability of the project there was the need for a constant circulation and recirculation, which, on the one hand, allowed decent men and women (Europeans) to accept the notion that distant territories and their native people should be subjugated, and, on the other, replenished metropolitan energies so that these decent people could think of the *imperium* as a protected, almost metaphysical obligation to rule, to subordinate those whom they perceived as less advanced people.

It is not possible to understand the causes of state collapse and the inability of the Congolese to re-create a new state without a critical eye on the history of the country. The history of the DRC is dominated by its encounter with western powers. Put differently, Congolese society, its failures and successes, cannot be understood without reference to Europe, slavery, imperialism and colonialism. Remote causes of the current situation will therefore be drawn from two periods: the pre-colonial and the colonial. Revisiting these two periods might raise concerns in some quarters that this work is trying to find pretexts (to blame Europe) for the malfunctioning of the Congolese state which has had half a century of self-rule. While it is not possible to avoid blaming the west for the atrocities they committed against the African people and the destruction of African civilisation, the intention here is to show the Congolese, as they seek relevance and attempt to organise their society, that they can find inspiration in their history of organised and powerful kingdoms.

History gives reference points, negative or positive, to present and future generations. If the future of any civilisation is determined by present appreciations, then the present should logically be rooted in the country's history. Recent history (the post-independence period) does not give the Congolese historical reference points that can help them regroup, or feed them with confidence that they are capable of undoing the failures and reconstructing a functional and capable state. How the Congolese formulate and represent their past continues to shape their understanding and views of the present. Because the Congolese past is portrayed as meaningless, useless and uncivilised, it undermines their self-esteem and continues to strengthen the spirit of hopelessness, which impacts negatively on their day-to-day behaviour. Nations need myths to live by. This is why nationalists always look back to a golden age (if not always to an original ancestor) for strength, courage and resilience. It is generally an account of heroism of how and when their people established themselves in the homeland, the trials and tribulations they survived, and the victories they achieved. These representations contribute to tempering their national character and direction. When you represent the past in a positive way, it gives you inspiration and the ability to overcome present challenges. Students of nationalism are inclined to be more sceptical, to point out that the assertion of a national culture is functionally necessary to the modern state (Smith, 1992:10), or that the myth is not a true account but a work of imagination (Anderson, 1993: 76), or even that the rituals and symbols through which the myth is celebrated are a deliberate political invention (Smith, 1992:10). All the great nations celebrate

their glorious past as a source of inspiration. It is therefore not acceptable that the Congolese in the face of adversities have remained insensitive to their past. Past and present inform each other, and each coexists with the other. Neither the past nor the present has a complete meaning alone. The focus that is put on the negative impact of imperialism and colonialism without reference to the greatness of Congolese civilisation (of which normal progression was forcefully stopped) denies the Congolese a source of inspiration and energy that they need to rebuild the state.

*2.1.1 The impact of pre-colonial politics on the nature of the Congolese state*

The formation of the Congolese state was interrupted and disrupted by the arrival of Europeans. The latter, in an effort to ease their access to resources (human and otherwise), using the advantage of firepower, forcefully weakened and disrupted Congolese social organisational structures and succeeded in subjugating them to their rule. They then made sure that they denied the Congolese any form of political organisation, by discrediting what they found. The objective was to induce an inferiority complex amongst the Congolese by carefully distorting their once proud history embodied in great kingdoms. This is why a careful periodisation of colonisation is necessary. Colonialism started during the first encounter of western civilisation with Congolese civilisation, and not as the result of the Berlin Conference. The periodisation that identifies colonisation with the Berlin Conference is a distortion. Such a periodisation is an attempt to obscure the most important period when the damage to the Congolese people (psychological, physical and mental) was done. Colonisation in the DRC started with the slave trade. Depelchin (1992:35) postulates that:

> "The Berlin Conference did not arise from thin air. It marked the end of an old phase in the history of the exploitation of the human and material resources of the African continent, as well as the beginning of a new phase... a periodisation that starts with the Berlin Conference is unjustified because it imposes on Africa a historical framework based entirely on the political and diplomatic history of European intervention in Africa beginning 1884-1885."

It is not surprising, therefore, that many studies of the African state attempt to understand it by analogy to the western state, and not through original African states organised as kingdoms. It is important, therefore, to look at patterns of identity that were formed in pre-colonial DRC, with

focus on how local cultures and ways of life were destroyed with the introduction of western values such as Christianity, guns, and corruption. The political cleavages in contemporary DRC, and all other sensitivities and divisions, beliefs, opinions and ideologies that interfere in the management of the state, belong to the past and are modified continuously to fit changing realities.

The representation that suggests that the DRC never had a civilisation before its encounter with Europe is untrue. The "heart of darkness", in fact, was a space with light and established civilisations. This light was switched off deliberately to exploit Congolese resources. The doubt raised as to whether Congolese societies were organised before the Europeans arrived is not justified. Sir Harry H Johnson, one of the theorists of British imperialism, doubted whether Africans had had a history before the coming of the Asian and European invaders (Bayart, 1993:2). Captain Vallier wrote in 1900 from the depths of the Congo rainforest "We find here nothing but anarchy and ill-will, in other words, a society in its infancy, without any organisation, a scattering of humanity, who escape from contact with us and paralyse our most generous efforts with inertia"(Bayart, 1993:3). Gourou in his book *Les pays Tropicaux* puts forwards a fundamental thesis that "there has never been a great tropical civilisation; that great civilisations have existed only in temperate climates, that in every tropical country the germ of civilisation comes, and can only come, from some other place outside the tropics" (Césaire : 1955, 34). The pre-colonial history of the Congolese has been presented as backward and uncivilised, operating without any agreed system and values. The denial of subjectivity to the Congolese was a result of the emphasis on differences. But the difference which produces the DRC as the "other" of Europe also requires as its condition an identity of Europe and Congo; otherwise they would be mutually unintelligible. By "emphasising" either identity or difference, however, it is possible to produce varied meanings which differ from the original ones; in this case, the effects noticed by Europeans historians and explorers as backward society in Congo were in fact Congolese authenticity, which was different from the European way of life. To any intelligent being, it is quite stupid to believe that two societies which have evolved quite apart could be the same. The Congolese have been forced to ignore the positive aspects of their original civilisation. This serves to refute a common wisdom. As Descartes puts it in his chapter of universalism, "reason is found whole and entire in each man," and "where individuals of the same species are concerned, there may be degrees in respect of their accidental qualities, but not

in respect of their forms, or nature" (Descartes, 1960). This is why Aimé Césaire argues that "the idea of the barbaric negro is a European invention" (Césaire 1955:32). It is a representation that deliberately attempts to hide past African achievements or to present them as insignificant. In this encounter, Europe is presented as the point of reference for the Congolese. Unfortunately, especially in the Congolese context, it is this representation that continues up until today to dictate relations with Europe. Although the DRC is not the only state on the African continent whose future continues to be dictated from outside, the level of this foreign control is quite unique. This situation is preventing the Congolese from reinventing themselves in an effort to control their own future.

It is malicious and incorrect to argue that there was no civilisation or organised life in pre-colonial DRC. This position deliberately fails to recognise the socio-political and cultural system that dictated relations in the DRC before Europeans arrived. This is the magic about historical theories written by other people: they can wash away so easily the violent intrusion of slavery and imperialism, and make all of its features the innate property of an indigenous history. African pre-colonial society was seen as backward because it has been since its birth different from western society. It is because it was different and capable of protecting itself that western civilisation had to use force and corruption to interrupt its normal evolution. What would have happened if it had been left to follow its own course? This is not the point, although it is an important one that starts to put things into perspective. Any people who have gone through humiliation must recreate themselves before they can aspire to do better than their masters. It is imperative for an agenda of self-representation to reclaim the nation that was distorted by foreign interpreters. The Congolese cannot as a people move forwards with a distorted history. They need to find inspiration in the existence of great kingdoms.

In an effort to legitimise colonial invasion, Europeans argue that the Congo was inhabited by people organised in clans which had no contact with each other. It is said that "their primitive political organisations were not yet at the stage of a state" (Cattier 1904: 36). It is at this stage that the notion of failed state was articulated for the first time, although the academic debate started in the post-Cold War period (as discussed in the next chapter). Historians contradict the view that state organisation in pre-colonial Congo was either weak or inexistent. Before the arrival of the colonial powers, the Congolese were people of an old culture, exquisite and

refined. Father A Vermeersch (1906, 23-24) writes that "the Kingdom of Congo was well organised. In fact, when the Portuguese arrived in the capital Mbanza-Kongo in 1491, they found a great village. They transformed it into a great commercial centre which they called San Salvador." And when Diego Cao arrived, he found that the kingdom was divided into six regions. The king maintained a centralised system of power until the Sixteenth Century. The power of the king was more spiritual than political. He was surrounded by great chiefs, governors and judges in each of the regions (Balandier 1968). This leadership was different to the current corrupt leadership of the DRC. In this period, in the Kingdom of Kongo, according to the findings of Africanist ethnology, the king (in taking the throne) had to demonstrate in a symbolic manner that he renounced all family ties. He agreed to become solitary, and placed himself over everyone. King Alfonso I, in 1540, is said to have committed his government to the promotion of education among its subjects. "He connected the consolidation of his power and that of the state with the creation of a literate class and the establishment of a more bureaucratic government. By 1509 he had built school buildings for four hundred pupils" (Balandier, 1968:54). It is important to recognise that other parts of the continent also had well organised kingdoms (for example, the Zulu kingdom in South Africa, and the kingdom of Abomet in Benin). History also informs us that when Catholic missionaries arrived in the Congo basin in the Fifteenth Century, they found well organised political entities. A map of the Congo published in Amsterdam in 1733 shows the basin of the Congo river subdivided into kingdoms: on the right bank, the kingdoms of Loango (French Congo), of Anzico, of Fungeno and of Matamba; on the left Bank, there was the kingdom of the Congo having on the south the kingdom of Angola, and on the southeast the kingdom of Dongo (which was destroyed by the Portuguese). In the year 1880, says Father Vermeersch, "the Low-Congo recognised the kingship of King (Ntontela) de San Salvador. The Kingdom of Congo was powerful and had well-structured institutions, which opened opportunities to establish diplomatic relations with Portugal and to maintain good relations with the Vatican" (Balandier G, 1968:54). Historians also tell that the Kingdom of Loango experienced political stability and had an efficient administration. These were states in their own right. Leo Frobenius lent his lyricism when he said: "…large states well organised down to the last detail, powerful sovereigns, wealth industries" (Balandier 1968:19). The cry of admiration of these kingdoms was also taken up by Andre Breton in his preface to the poet Aimé Césaire 's *Cahier d'un retour au pays natal*, in which he proclaims "the grandeur of Africa that

was." The existence of such organisational levels starts to challenge the commonly held assertion that the Congo is politically unique because of the attempt is to try to establish order where order has never existed. There was a pre-colonial order. The order was interrupted.

The state as a form of organisation involving a group of people settled within a defined territory is not new to Africa. Although pre-colonial states had no written norms, they had regulations and checks and balances to prevent the abuse of power and the violent redistribution of goods. In fact the most important lesson to be learned from African experience, which the evolutionary and structural approaches ignored, was the diversity of forms of social and political systems to be found at each stage of the development of the state (Nabudere 2003). The misfortune for Congolese started when the Kingdom of Kongo and others acceded to Christianity brought by the Portuguese and Spanish in the Fifteenth and Sixteenth Centuries. All the chiefs in the kingdom were converted, and became propagandists of the Christian faith. It was during this period that the centralisation of power in the hands of the king also started to change its nature, away from a pure concern to protect his subjects into a dictatorship sustained by a network of patronage similar to the kind we see in the DRC today. For example, to reassure the King of Portugal that he had control of his territory, Alfonso I made his brother and sons governors in all the regions (Balandier, 1968: 60). This was the beginning of Congo's misfortunes; corruption and nepotism became the order of the day, and have never stopped since.

The imperial masters destroyed all organisational capability that could have become centres of resistance to their stay and domination. This was a critical episode, made easier by the commencement of a second phase of destruction designed by the Berlin Conference. The slave trade and the introduction of Christianity ensured a "consecutive human impoverishment" of the DRC (Mupapa, 2004: 23). The expansion of Christianity and trade (above all slave trade) created a clash of civilisations. For the Portuguese sovereign who drafted the *regimento* of 1512, commercial monopoly and spiritual conquest were the ends and means of an unstated policy towards the Kongo (Balandier 1968:60). Slavery systematically reduced the Congolese population, slowed the economic growth, and destroyed many political formations. Congolese chiefs and kings became corrupt, and many were forced to work for the slave traders, capturing and selling their own brothers and sisters. This practice flourished due to the economic viability of the institution, based not only on exorbitant monetary payments (in contrast to what was

otherwise obtainable through agricultural or other such pursuits) but also on payments in goods, such as guns, otherwise not obtainable (Kwezi, 1999).

The most damaging behaviour introduced in Congolese society during the slave trade was corruption. The involvement of chiefs (the African collaborators) in the slave trade created tensions and wars, because certain chiefs were forced to look beyond their boundaries for slaves to sell. This was one of the principal causes of local wars that were tearing up Africa before the physical occupation by Europeans (Van Wing, 1921). According to Father Rinchon (1929), "slavery in 1830 succeeded in the deportation of 13 million and 250 thousand Congolese." Other figures put the total loss at 30 million, half the present population. At the height of slavery 50 000 men, women, and children were taken annually from the Congo to the New World (Legun, 1961). Slavery targeted the best, the most intelligent, and the strong Congolese. Weak, physically challenged and sick Congolese were left behind. Slave traders wanted only the best. The Atlantic slave trade was the initial phase of colonisation on the continent. It is only when the slave trade became costly in the Nineteenth Century that European firms shifted to trading in products brought in by local labour (Depelchin, 1992:42). The political, social and cultural unity of the pre-colonial period suffered mutations and divisions. When colonisation proper started, it found a fertile terrain for its implantation. It found the DRC depleted of its best human resources, led by corrupt leaders, and with weak organisational capacity. Colonialism further weakened and destroyed whatever remained of the indigenous system of governance.

*2.1.2 Imperialism and colonialism under Leopold II*

While colonisation seemed similar in its manifestation across the continent, something was unique in the DRC, specifically its historical circumstances and the nature of the colony and the society that came out the Berlin Conference. Before the Berlin Conference of 1885[16], the Congo Basin was the point of major disputes and contentions following reports of explorers that testified to the natural resources potential that the territory could have. It was already established at the time that the Congo Basin contained products of great importance – ivory, copper and rubber, which the indigenous people were already exploiting. Congo's economic aspects

German, Australia, Belgium, Denmark, Spain, United States, France, Britain, Italy, Holland, Portugal, Russia, Sweden and Norway, and Turkey took part.

dominated all discourses surrounding its creation at the Berlin Conference (Mupasa, 2004: 19). The conference calmed down war tension caused by heated colonial competition in Africa, and defined the trade rules. From this time, the Congo Free State was looked upon as available for exploitation by the capitalist world (Nabudere, 2003: 40).

The fact that the DRC came to belong to Leopold II and not to Belgium was simply a matter of tactics. There was complicity between Belgium and its king in an effort to secure the Congo as a Belgian colony. There could not possibly be a conflict of interest between Leopold II and his subjects over the Congo. Leopold II was the monarch of Belgium. Belgium was an insignificant European nation, but one which had ambitions. Pre-empting potential confrontations over the DRC, the king of Belgium in 1876 summoned a conference in Brussels, to which he invited representatives from Europe and America to launch the International African Association (IAA). He used this platform to put his diplomacy in motion for the control of the Congo. Knowing the tension that existed over the Congo between the great powers, his diplomacy was based on humanitarian arguments. He presented himself as a man not interested in profit but in serving others. The king convincingly used the notion of a failed state which needed to be rebuilt to justify his argument that his rule would bring an end to "savage'' and "barbarous" rule in the colonies (DiJohn, 2008:2). He set himself above those who had pretensions to exploit the Congo. He convinced the other powers – Britain, France, Germany, Portugal and the United States[17] – to give him control of this vast territory after he demonstrated his philanthropic concern for the natives who had been displaced and decimated by slavery.[18] He argued:

> "The slave trade, which still exists over a large part of the African continent, is a plague spot that every friend of civilisation would desire to see disappear. The horror of traffic,

[17] It is important to understand that until today (with the exception of Portugal) these powers continue to exert tremendous influence on the DRC. None of these powers wanted to see another power gaining a foothold in the Congo. Germany and France were quick to accept the Belgian King's authority over the Congo. Neither wished to see Britain or her ally Portugal entrenched in the Congo. It was, in fact, Bismarck who persuaded France to hold a conference in Berlin to settle the future the Congo. Britain was left with no alternative to go to Berlin when the United States accepted the idea of the Berlin Conference.

[18] It is important to state that Leopold was a minor monarch in the *realpolitik* of the times. Belgium was an insignificant power vis-a-vis the other European powers. He was a figure who one might have had every reason to expect, would devote himself to maintaining his country's strict neutrality, avoiding giving offense to any of his powerful neighbours.

> the thousands of victims massacred each year… the still greater number of perfectly innocent beings who, brutally reduced to captivity, are condemned en masse to forced labour… makes our epoch blush."

He spoke of opening "civilisation to the only area of the globe to which it has not yet penetrated, to pierce the gloom which hangs over entire races, constitute a crusade worthy of this century of progress…" (Forbath, 1977:331). The other powers saw in Leopold II a compromise. Belgium was too small to pose a threat to big and powerful nations' ambitions. To avoid going to war over the Congo, the European powers decided to give to the king the authority to oversee the DRC on behalf of all powers. The king assured the conference that he would simply be the guardian of western interests in Congo. Even though Leopold succeeded in giving Belgium an important victory when he was allowed to create the Congo Free State (which would become a Belgian colony later) the understanding among European powers was always that he would serve the interests of all capitalist powers. He convincingly argued to the powerful nations that "If Belgium is small she is happy and satisfied with her lot" (Legun, 1972: 18). Beneath this affable altruism there was a hidden mercantilist agenda to benefit Belgium.

After the Berlin Conference, and now very much in control of the Congo, in 1888 Leopold II's language changed and he clearly stated his intention: "If the fatherland remains our headquarters, the world ought to be our objective…There are no small nations, there are only small minds" (Daye 1934:309). This was a clear indication that the king was in the Congo to advance the interests of his monarchy and his subjects. This can also be seen in the language of the Belgian Minister of Finance in a speech asking the Belgian Chamber to ratify the decision of Berlin, " May the Congo, gentlemen, from this day forth, offer to our superabundant activity, to our industries, more and more confined, outlets by which we shall know how to profit" (Legum, 1961:26). For Leopold II and the Belgian government, the Congo was primarily a business enterprise. Leopold II created the Congo Free State administration to facilitate international trade. In order to make a quick profit from the investments in the venture, Leopold II introduced forced labour on a scale unknown in modern times until the advent of Hitler (Legun, 1972:15). For Leopold II, the primitive nature of the Congolese required the use of force and violence to make them provide as many commodities as were needed by the capitalist world. It seems the other powers accepted this. He suggested that "death or extended punishment be considered

when ‘they’ misbehaved and became rebellious, because ‘they’ mainly understood force or violence best... they were not like us”, and for that reason deserved to be ruled (Said, 1993: XI). The pillage of resources was done through forced labour in the rubber plantations, and millions of Congolese perished. The Congolese conquerors lost all sense of humanity. Adam Hochschild in his book *King Leopold’s Ghost* (1998) shows how the Congolese were turned into zombies through forced labour for the enrichment of his majesty the king. During King Leopold II’s reign, indigenous structures of governance were further weakened. The king also leased land to western companies which committed all kinds of atrocities.

The basis of the Leopoldine system was a state ordinance of 1885, which declared that vacant lands (that is, lands not occupied by Africans or anyone else) belonged to the state (Anstey 1966:4). This principle, common amongst colonial governments, was applied in a distinctive way in the Congo. It was adopted as a way of raising more money to meet the expenses of administration, and in the long-term hope of making a profit. The products for which it was eminently worthwhile to take such measures were wild rubber, very much in demand in Europe, and, to a lesser extent, ivory. In 1892, following the application of the principle that all vacant lands belonged to the state (Said 1993: 4), there was a sting added to the rubber policy in that the Congolese had to pay taxes. Until 1903, there existed legislation which determined the amount of tax to be paid, and since there was no currency, taxation could only be levied in labour or in kind. Rubber collection dominated the activities of officials and agents, and its exploitation was accompanied by atrocities against Congolese citizens. The treaty of Palla Balla gives a general idea of what Congolese chiefs received for giving up their rights to their land. They received one coat of red cloth with gold facing, one red cap, one white tunic, one piece of white craft, one piece of red points, one dozen boxes of liqueurs, four demijohns of rum, two boxes of gin, 128 bottles of gin (Holland’s), twenty pieces of red handkerchiefs, forty ringlets and forty red cotton caps. The entire colonial mechanism was extractive, oppressive, and authoritarian (Jewsiewicki, 1980, pp.45-46). Colonisation was not simply a racist enterprise carried out by Europeans; it was the justification of economic exploitation, which allowed industrial expansion to new nations (Juge and Perez 2006:193). In 15 years of extraction, the king claimed falsely a cumulative loss of US$5 million on his Congo enterprises. In actual fact, he had earned US$25 million in profits (Askin and Collins, 1993:72). To escape taxation and to conceal the profits, the king used an

intricate system of double bookkeeping and false trade statistics. He poured most of his benefits into luxurious estates across the world. As Steve Askin and Carale Collins (1993:73) report:

> "Leopold poured his African earnings into foreign investments and real estate, including a French Riviera estate at Cap Ferret, just ten miles from one of Mobutu's favourite estates. The King spent US$ 6 million upgrading his palace at Laeken; at least US$ 3,5 million on other Belgian real estate; a million more in Belgian and French properties purchased secretly through his doctor or his architects; and unaccounted additional sums for a dazzling array of investments in Asia, Latin America and the Near East"[19]

Colonial administrations ruled for decades relying on village chiefs to keep the masses quiet. Congolese kings were transformed into administrative clerks of the new state. The colonial society was divided in two: a civilised society for the conquerors, and savage societies for the conquered. The latter were administratively organised in tribal groups. This allowed the conquerors to divide the Congolese. This separation strategy, a form of colonial apartheid, was methodically enforced and internalised, for the Congolese to apply against themselves when they gained their independence. What is not adequately recognised by Europe is that it (Europe) benefited from free African labour, commodities and land, which has contributed immensely to the economic development and growth of Europe.

*2.1.3 Imperialism and colonisation under Belgium*

As stated above, there must have been complicity between the king and the Belgium government. Leopold II's intention that the Congo should eventually fall to Belgium was made explicit in the publication of his will and testament already in 1890, whereby cession of the Congo to Belgium was to take place on Leopold's death (Anstey, 1966:20). Leopold II agreed at the same time that Belgium was free to annex the Congo in 1901 (Stenmans, 1949: 113). It is also understood that he was prepared as early as 1895 to make an immediate cession (Ibid, 179) following pressure from other powers over his human rights abuses and his dubious dealing which prevented others from benefiting to the maximum from the venture (as has been agreed at

[19] Not surprisingly, the animal part in Mobutu copied exactly what the king of Belgium had done before.

the Berlin Conference). In the 1890s, periodic reports of abuses from the Congo started to be received through the international press. In the Belgian parliament, voices began to be raised in protest against their king. These Belgian voices were raised not so much against the abuses, as against the selfishness of the king. In fact, Belgian protests came in a bit late compared to the British. In 1897, Sgr. Charles Dilke asked the House of Commons and the government to consider taking international action to secure "equitable treatment of natives of Africa", by which was particularly meant the Congo State. The British government asked the powers which signed the Berlin Act of 1885 to work out a solution to the Congo question.

Unfortunately, the British call did not receive a positive response, not because of lack of evidence of atrocities, but more because Leopold II countered British actions by Belgian diplomats in Europe's capitals (Cookey, 1968). King Leopold II and the Belgian government (or a section of the Belgian government) worked together to hide atrocities from the world. In an effort to control information, the Congo government decided to carry out an inquiry, officially denied, into the alleged atrocities. The British also commissioned their investigation through Roger Casement. The British report, which was published in 1903, confirmed serious atrocities in the rubber trade in the Upper Congo. In reality, the Belgian government was not entirely against the atrocities perpetrated by its king. The government was only disappointed with Leopold II commercial dealings, especially for having entered into dubious financial arrangements with Browne de Tiege of Antwerp. The deal was aimed at giving Leopold II relief in his continuing financial difficulties in the Congo. Leopold II agreed to relinquish ownership of the Congo only because he had no other choice.

When the Belgians took over from Leopold II in 1908, the Congo became once again forgotten until the World War II, when it played a modest (although very important) role with its copper, diamonds, rubber, cotton, and its uranium which were of great strategic value to the Allied forces (Brausch, 1961:3). The colonial state that replaced Leopold II was rigidly controlled by a small managerial group in Brussels representing an alliance between the government, the Catholic Church and the giant mining and business corporations whose activities were virtually exempt from outside scrutiny (Meredith, 2005:96). Belgian administration was much denser than that of other colonial powers in Africa. Joseph Conrad in his book *Heart of Darkness*, describes Congo under the Belgians as an "inferno" in which "a lot of people, mostly black and naked, moved

about like ants" building the railway. Just as under Leopold II, colonialism under Belgium was by and large a profitable venture. Belgian financial interests were an integral part of the colonial enterprise, especially after the discovery of mineral deposits in Katanga (Schatzberg, 1984: 286). Belgian capital played a major role in the colonial system, but always in close collaboration with the colonial state (Shaw and Aluko 1994:288).

The breadth and depth of the Belgian colonial penetration in DRC was probably second to none in sub-Saharan Africa. One historian has labelled the colonial state in Congo "totaritarian." Although this designation might be debated, there can be little doubt that the entire colonial mechanism was extractive, oppressive, and authoritarian (Jewsiewicki, 1980:45—46). Like all imperialists, the Belgians justified colonialism on cultural, religions and economic grounds. They argued that colonialism was a solution to the problems of underdeveloped people. The classic works of Fanon (1963, 1965 and 1967) and Aimé Césaire (1955), on the other hand, demonstrate the annihilation of colonised people at the hands of imperialists. The colonial state and its large financial allies involved themselves even in the most mundane aspects of the daily life. Europeans controlled nearly all economic activities, and eventually monopolised industry, agriculture, mining and commerce, impeding the development of rural agriculture and a commercial petty bourgeoisie. Belgian colonialism was unparalleled on the continent in its control and penetration of African society, organised by the trinity of bureaucracy, capital and the church (Young, 1965:32). European core powers forced religion on indigenous people. The church worked with elites to empower imperialism. This was not particular to the Belgians. When Russia defeated the Mongols at Kazan in Sixteenth Century, the Russian Orthodox Church started building monasteries. Russian economic presence flowed from the religious monasteries.

If there is anything about the Congo on which there is instant agreement, it is certainly the economic impetus given to the country by the Belgians. With the exception of the Union of South Africa, no territory in sub-Saharan Africa attained such a high level of industrial development as the Congo. In 1953 the Congo was the leading African producer of cobalt (86 per cent of the total African production), diamonds (64 per cent), tin (60 per cent), tungsten and zinc mineral (53 per cent), silver (51 per cent); the second biggest producer of copper (34 per cent) after Northern Rhodesia, and an important producer of gold. The raw material products were, as a rule, treated in the country and this favoured the creation of secondary industries,

which doubled their production between 1950 and 1953. Another indication of the high degree of industrialisation is the production of electrical energy. In 1956, the DRC produced 1743 million kilowatt hours, the highest in Africa after South Africa (Brausch, 1961: 3). The post-war period (1946-1955) saw the economy of the Congo performing very well. The volume of mining production–the backbone of the country's development–increased by more than 60 per cent in ten years. Copper output went from 144 000 to 235 000 tons. Industrial growth was even more impressive: the volume of industrial production tripled between 1947 and 1949. Energy produced by hydroelectric generators quadrupled. External trade exhibited the same rise: the value of exports moved from an index of 100 to 388, and the value of imports from 100 to 553 (Stengers, 1982:307). Between 1950 and 1955, the national income rose from 29 to 47 billion francs (*Bulletin de la Banque Centrale du Congo Belge et du Rwanda-Urundi, 1956*). For this the Congo earned admiration in Europe, with distinguished British and American newspapers calling it a country of peace during the decade between 1946 and 1956.

The DRC was the jewel in the crown of the Belgian Colonies. However, the economy was not serving the Congolese. It was an economy built to serve Belgium and the small white community in the Congo. It was also used to keep the Congolese from political consciousness, which was taking place elsewhere on the continent. There exists a lively debate on the impact of colonialism on African society. Two main arguments can be distinguished: The first suggests that the bitterness and humiliation of the experience under slavery and colonisation has been compensated by the benefit in terms of liberal ideas, national self-consciousness and technological goods that, over time, seem to have made imperialism much less unpleasant. The second argument suggests that colonialism was the most humiliating phenomenon, and did more harm than good. Aimé Césaire and Frantz Fanon are two of the proponents of the second position. They disputes the idea of progress, of achievement, diseases cured and improved standards of living of the African. Aimé Césaire (1955:42-43) speaks of societies drained of their essence, cultures trampled underfoot, institutions undermined, lands confiscated, religions smashed, magnificent artistic creations destroyed and extraordinary possibilities wiped out. For Césaire (Ibid) colonisation equals thingification:

> "They talk about progress, about 'achievement', diseases cured, improved standards of living. I am talking about natural economies that have been disrupted

> – harmonious and viable economies adapted to the indigenous population – about food crops destroyed, malnutrition introduced, agriculture development orientated solely towards the benefit of the metropolitan countries."

Frantz Fanon supports Césaire's position when he argues, "We should flatly refuse the situation to which the western countries wish to condemn us. Colonialism and imperialism have not paid their score when they withdrew their flags and police forces from our territories. For centuries the (foreign) capitalists have behaved in the underdeveloped world like nothing more than criminals" (Fanon. F, 1968:101). The level of criminality that Césaire and Fanon are referring to can be found in Adam Hochschild's compelling narrative, *King Leopold's Ghost*.

*2.1.4 The Congolese ideological response to colonialism*

Belgian domination was the most cruel and dehumanising on the continent. The Congolese never stood up in a coordinated manner to challenge it, not because they lacked the ability, but because they were disempowered (both physically and intellectually) and divided. Despite sporadic resistance that took place across the entire territory, the Congolese response was timid and reserved. Resistance movements were localised and easily suppressed. The first challenge to colonial rule, and the first call for independence of the Congo, was made well before the movements of independence started on the continent. In the 1920s, Paul Panda Farnana, who had been educated in Belgium and had fought for Belgium during World War I, made some noise for Congo's independence when he represented the Congo at the 1921 pan-African Congress in Brussels, where he was exposed to the thinking of other black intellectuals from around the world (Kodi 184,1993). It was also in 1920s that a messianic movement, Kimbanguism, was created by Simon Kimbangu in the lower Congo. Kimbanguism had two concomitant goals: the salvation of the soul and the liberation of Congo from Belgian colonisation. Kimbangu and his followers urged the Congolese to resist and overthrow colonial rule. He was arrested and sentenced to life imprisonment. In 1941, in the Kivu, the leader of a religious sect called the Kitawala, Jean Bushiri was executed together with 73 of his followers for having organised a revolt of farmworkers in the Manono in 1941. At the end of 1941 workers of *Union Miniere* in the Haut-Katanga (UMHK) decided to go on strike together with their white colleagues. The colonial government reacted violently, killing 48 and wounding 80 in Lubumbashi (Ibid).

In 1944 General de Gaule envisaged a new common constitution for France and the colonies, which would give the later some level of internal autonomy. This was the policy of assimilation which allowed Africans to become members of local legislatures starting in 1946. While the French and the British were taking steps to introduce Africans to management and prepare them for a take-over, the Belgians were putting in place strategies to further undermine and calm an increasingly agitated African population. Belgium introduced class stratification in the DRC by creating a small group of Congolese, called *évolués*. *Les évolués* were modernised Congolese (those who had acquired European lifestyle). The rest of the Congolese were considered uncivilised. These *évolués* were a false intermediary bourgeoisie. The strategy of assimilation was in reality a strategy to perpetuate white domination. Belgium's desire through the class of *évolués* was to create a group that might be instrumental in forging a vaguely defined Belgo-Congolese community; a group which could be used to preserve and protect Belgian domination.

Throughout its existence, colonisation was in perpetual adjustment to remain a dominant force with relevance to the black population. This model of divide-and-rule and the tacit acceptance by the Congolese contributed to further undermining their identity and dignity, and retarded their emancipation. The colonial state enforced a dual political identity, one civic and the other ethnic (Mamdani, 1998:74). The civic political identity was organised on the basis of the civil law, which was under the authority of the central state and was applicable to Belgian citizens only (not even to Congolese living in urban areas). The natives were portrayed as creatures of habit, incapable of a rational exercise of freedom (Ibid). Ethnic political identity was organised on the basis of customary law, and was under the authority of the chiefs. One would have expected to see the emergence of one customary law and a single customary regime ruling all the natives, but the colonial power claimed that each ethnic group had its own distinctive customs, so it created a different set of customary laws for each ethnic group, and established a separate native authority to enforce each set of laws (ibid). This is still a debilitating feature of Congolese political life, since citizens' loyalty extends no further than their own groups. When writers such as Newbury (1984) express doubt over the continued existence of the Congolese state, they are referring to the urban authority. The ethnicisation of politics that Mamdani (2002) speaks about started with the construction of ethnicity as a legal entity that was elevated over otherwise fluid and loose characteristics of populations. The Belgians permitted cultural organisations based on a single

ethnic identity, but banned political parties transcending ethnic groups. Consequently, ethnic affiliations became the mode of identification, and later the mode of political mobilisation.

The modernisation of the DRC was about disorganising what existed in terms of cultural, social, political, economic and psychological realities. The strategy of divide-and-rule allowed the Belgians to continue exploitation and exportation of natural resources without being challenged. Ethnicity became axial to the colonial legal project, used for the purpose of political control, enforcement of taxes and extraction of wealth (Broch-Due 2005). Colonial rule, in an effort to remain in control of the invaded territory, was in constant search for new formulas to legitimise its presence and reinforce its domination. This is what Wamba dia Wamba has called "Congolisation", or the process of the creation of Congo to favour the Europeans. This process of destructing and reconstructing left serious cicatrices on the Congolese state and its population.

It was in the education sphere that the Belgian colonisation ensured that the colonised remained a useless creature. Civilisation, development, and education for Congolese were not part of the Belgians' colonial policies. The education system deepened the difficulty in training Congolese to assume technical functions in the economy and the administration. Under the Belgians, education opportunities were severely restricted, and those who had access to education could only read elementary level. The colonial education system stressed traditional general formation in the humanities – a type of schooling not adapted to Congolese's needs. The worst thing that could happen for the Belgians was to allow Congolese students to attend universities in Europe. Belgians were not in favour of enlightened Congolese. For the Belgians, the French and British examples demonstrated that, once educated, Africans would become dangerous revolutionaries. Until the late 1950s, the Belgians remained convinced that their political dominance corresponded to an overwhelming intellectual superiority. This gave them a quiet conscience. They remained hostile to bookish education for the blacks. As we will see, after independence the education system remained based on the Belgian education system. This is one reason why progressive transformation has not happened in the DRC.

It was the ability of Belgium to subjugate the Congolese and to maintain calm in the colony at a time other African countries were going through political turmoil that in 1953 pushed Minister Buisseret to postpone the Belgian government policy for the emancipation of the indigenous

people: “We have temporarily postponed political reforms, as we believe that economic expansion and efforts to improve the social structure should come first. We believe that this policy is bound to create the fundamental conditions for peaceful coexistence in the framework of economic and social progress” (Young1995:2). The Belgian strategy to keep the natives happy by looking after their welfare, their housing, and their health seemed to work. International public opinion entirely approved, despite the fact that the Belgian Congo was one of the most intensively administered states in sub-Saharan Africa. Three factors can explain Congolese lethargy: first the Congolese were disinclined to involve themselves in affairs which the Belgians held secret, or even simply to ask to participate, because they were taught that they owed their existence to the Belgians; second the fear of the whites; and third the lack of political thought through which political aspiration grows. Political thought requires a certain conceptualisation of political phenomenon and a certain ability to use abstract notions and to reason from them; these were things for which the African education had in no way prepared the Congolese. The running of the state long seemed to them to be a European secret, just as curing sickness was the doctor’s.

In July 1955 a Belgian journalist, Louis Dumont-Wilden (1955:22), presented a paper to the *Académie des Sciences Morales et Politiques de Paris*, entitled “*Une réussite coloniale: le Congo Belge.”* He wrote that the Belgian Congo was the most prosperous and tranquil colony, one whose evolution was the most peaceful and normal. In December of the same year, van Bilsen, a professor at the University of Louvain in Belgium, published his plan for the emancipation of Belgium colonies in 30 years. No voice was raised to question the Belgians before 1955. Congolese voices, to the extent they were heard, uttered no discordant sound. One of the *évolués* in 1950 expressed the sentiment of the time: “We subjects of the Belgians know and understand that it will require sixty or hundred years, or more, before we shall be ready to be left to ourselves” (Antoine-Roger Bolamba, 1950:64). In 1956 even Lumumba was thinking in the same way. He wrote at the time “The day when the Congo has its own technicians in all fields, its doctors, agronomists, engineers, entrepreneurs, geologists, administrators, foreman, skilled workers, social workers , nurses, midwives: only then must we speak of independence and self-government, for then we shall be intellectually, technically and materially strong enough to rule ourselves, should this be necessary”(Lumumba,1961:168,314).

Following the proposed plan, Congo should have gained its independence in 1985 instead of 1960; but in 1956 a group of intellectuals had the courage to publish a document called "*Manisfeste de Conscience Africaine*" in reaction to Van Bilsen's plan. In this document, for the first time, the Congolese raised questions of national emancipation and the political future of the country. In one of the passages, the group says:

> "We believe that the Congo is called to become, at the centre of the African continent, a great nation... The Belgians should not see in our desire for emancipation a sentiment of hostility. On the contrary our desire is expressed without hate or revenge... But the Belgians should understand that from now on their domination of the Congo is not eternal..."

The document called for immediate political, economic and social emancipation. It also referred to the need for national unity. This document greatly influenced the decision of cultural groups such as *Alliance des Bakongo* (Abako) led by Joseph Kasavubu to transform into political parties and reject van Bilsen's 30-year plan. The decision by the Belgian government in January 1959 to grant Congo its independence (without any preparation) found the Congolese unprepared to assume control of the state. The situation in the DRC that necessitated the planning and actual beginning of the transfer of power was different to what happened in other countries, especially in West Africa. It was not about giving the country together with its resources to the Congolese people. It was about giving independence but still controlling the new state from Belgium. Already in 1947, in some British colonies, Britain abandoned indirect rule and began democratising African colonial administration from below, and planned a controlled transfer of power to seduce the African intelligentsia into cooperating. They foresaw that these measures would bring the colonies to self-government within a generation; and yet they also believed that such colonial reform would extend the life of colonial control (Jean Stingers, 1982:51).

We need to accept that the European conquest of the Congo was achieved and ended with very little resistance from Congolese. The Belgian conquest of the DRC was a deployment of negative psychology, corruption and violent tactics, which totally disempowered the Congolese. The Congolese in general remained docile until the sudden change of mind on the part of Belgium. This was different from colonial intervention and resistance that occurred in other parts of the

continent. The resistance in South Africa, for example, contributed to the political maturation of black people, who went on to create the first black political party on the continent, the African National Congress (ANC) in 1912. Most Anglophone countries, because of the struggle (both armed and intellectual) were better prepared to embrace independence than their Francophone counterparts. This historical phenomenon would also reproduce itself in the early 1990s, when Anglophone countries embraced electoral democracy more easily than Francophone countries (which instead chose the route of national conferences to prepare themselves for what was seen as real political freedom).

Political stagnation was followed by an abrupt decolonisation in the DRC. In January 1959, the Belgian government announced the first measures that were to lead to decolonisation. Hardly were these measures taken, when, in December 1959, Belgium promised the Congo independence the following year. On June 30, 1960, independence was proclAiméd. This was contrary to what was happening in other countries, where colonisers prepared the indigenous people to take over of the management of the colony (Jean Stengers, 1982:306). The paradox of transferring power in order to keep it is resolved if it is understood that the British unlike the Belgians, had never regarded the colonial empire as part of Great Britain itself, or believed in ruling it from Downing Street.

## 2.2 Post- independent causes of state collapse

The failure by the post-independence Congolese leadership to have a plan readily available to reform colonial political organisation contributed to the post-independence political crisis. Three main factors ensured that the colonial political organisation remained in place: the unpreparedness of Congolese political leadership, divisions among western powers over the control the Congo minerals, and the Cold War. These three factors were key to perpetuating the dysfunctional nature of the Congolese state. Other factors (including poor governance characterised by corruption, bad economic and development policy choices, and externally imposed structural adjustment programmes) further destroyed state.

*2.2.1 Post-independence leadership and state collapse*

In 1960, the DRC achieved its independence with a serious weakness, a deficit of managers. This was a deliberate strategy of the colonial master. Belgium's intention was to catch Congolese unprepared to assume their responsibility. Independence was given before resistance was organised into a coherent movement of liberation. The Belgian decision to give independence to Congolese before they had the necessary preliminary managerial skill was strategic. By granting independence, the Belgians hoped to create a pseudo-independent state, or what Ghana's President Kwame Khrumah (1961) called "clientele-sovereignty," a practice of granting a sort of independence, with the concealed intention of making the liberated country a client-state and controlling it effectively by means other than political ones. For Belgium, Congolese independence was supposed to be a transfer of partial political power to a group of local bourgeoisie who could be trusted to preserve and extend some of the colonial relationships of domination and exploitation. Independence, in reality, was about creating neo-colonial relationships which, if closely analysed, simply meant a continuation of pre-independence control. Belgium clearly intended to dominate the politico-economic life of the new state, hence the slogan "before independence equals after independence." Thomas Pakenham (1999:672,679) speaking of the state within which Belgium left its colonies (Rwanda, Burundi and the Congo) says: "Belgium scuttled out leaving these countries ready for civil war."

The lack of political consciousness and a devotion to the common good on the part of Congolese independent leadership played a key role in accelerating the collapse of the state. The country obtained its independence with middle managers trained by the colonial education system, the "*evolués"*. They were not prepared to manage a sophisticated administration, the army, the police and the economy left behind by the Belgians. Also, very few understood international politics and the place of the Congo in the global economy. Although the Belgians gave the colony an ostensibly democratic constitution, it did not take into account local realities. The transition was hasty and ill-conceived, and the new order could not shake off the Belgian system and adapt to its new environment. Instead of reconstituting the state so that it became an agent for the advancement of broad social interests, the political elite in the post-independence period used it to advance their own interests, reducing the state into a semi-private apparatus where alternative views were suppressed. Crawford Young captured the impact of colonialism on state-

making in Africa when he argued that many of the pathologies of modern Africa could be traced to the particularities of colonialism (Crawford 1998: 25-26). For example, in terms of party politics, "until 1959, a year before independence, the law prohibited the organisation of political parties" (Kaputo 1985). Despite the fact that some parties were tentatively created between 1957 and 1960, they operated as tribal organisations. When the date of independence was announced, these parties had no time to reconstitute into national political parties. Political competition was between tribal groups transformed into political parties. This approach to politics has been passed on to subsequent generations.

Unlike countries that fought for many years for their independence and had a transitional period, the Congo's experience of political pluralism did not have a period of transition. It moved from colonial obscurantism to total political independence. The speed with which the Belgians agreed to and implemented Congolese independence ensured that the country passed from one extreme to another without trained political cadres, and without any chance for the Congolese to reflect on what they needed to do to ensure that they maintained peace and stability, politically, economically and socially. Beside the lack of preparation to take over the management of the state, most Congolese leadership did not know each other well enough to form a cohesive team to deal with the many challenges the state was faced with on the eve of independence. In these circumstances, neither the constitution nor the elections were sufficient to guarantee political stability and social cohesion. What united the Congolese before independence was a desire to replace the colonial elites. The political elite did not understand how to protect the sovereignty of the state. It seems that the Congolese simply wanted independence for the sake of it, because that was the fashion across the continent. Some Congolese today – in the face of poverty, war and chronic political instability – are of the view that maybe it would have been in their interests to have postponed independence; to delay it long enough to allow for a responsible and mature leadership to emerge ( Kabumgulu, interview, Kinshasa, 1996).

The wind of change which was blowing throughout the continent put pressure on the Congolese leadership to speed up its demands for independence. In this precipitation, the challenges – internal and external – were not properly apprehended. The biggest challenge the new leadership was to face was not so much how to run the state administration, but how to ensure stability after the democratic elections, when leaders had very little experience of multiparty democracy. The

election of May 1960 was accompanied by a series of crises. The meltdown at independence was reinforced by the inability of the Congolese political class to govern a fairly sophisticated administration. The suggestion that the Belgians should have prepared the Congolese to manage the state is too idealistic. The Belgians could not possibly have trained the Congolese; this would have been against their economic interests and their intention to control the country's minerals after independence. After losing direct political control, the Belgians were hoping to control the Congo economically. The Congolese had the responsibility to prepare themselves to take over the management of the state. From the time they started asking for independence (late as it was) they should have also started to discuss how an African-led government of a strategic state (both in terms of its geographic position and its abundant natural resources) would present itself to the Congolese people and to the world. There is no policy document of this period that confirms the internal capacity of the indigenous people to reflect on the future state. There are those who say that because the Congolese did not suffer enough to get their independence, they took it for granted (Obotele, interview, Kinshasa 1996). But Lumumba from time to time raised critical strategic issues for the new state. He believed that political independence was not enough to free Africa from the colonial past. He believed that the continent must also cease to be an economic colony of Europe (Hochschild 2006:300). This is why Ludo correctly argues that once Lumumba's government was ousted, an attempt was made to deprive the Congolese of the true story of his overthrow. Not only had Lumumba been physically eliminated; his life and work were not to become a source of inspiration for the people of Africa either. His vision of creating a unified nation-state and an economy serving the needs of the people were to be wiped out. In an attempt to prevent another Lumumba from appearing, his ideas and his struggle against colonial and neo-colonial domination had to be purged from collective memory (De Witte 2002). The killing of Lumumba was an expression of the determination of the west to continue controlling the Congo. What followed after Lumumba has been a continuation of Leopold II and the Belgian colonial governance system.

In general, the absence of a common vision and purpose within the Congolese political leadership would affect the future of the DRC for decades to come, as the country reproduced again and again irresponsible and weak leadership. From the first day of independence, the inexperienced Congolese leadership was not interested in issues of governance and the management of political power (Kabumgulu, interview, Kinshasa, 2007). This was last on their

agenda. What they wanted was to replace the colonial elite, to take their houses and cars. They were not interested in the drafting of the constitution, which was put together entirely by the Belgian parliament. Even when they participated in the negotiations for independence, their contribution was minimal. For them it was more about economic issues; they were not interested in how they would govern. In fact most of them had returned home to prepare for the takeover even before the constitution was finalised.[20] Economic benefits increased tension in the contest to control political power. This became clear as early as the inauguration day, when Kasavubu conspired with the Belgian administration to exclude Lumumba from addressing the nation, and Lumumba (without authorisation) forced his way in to make a speech that would create tension between Belgium and the Congo. This tension between the centre and the periphery may not have been necessary at this early stage, considering that the Belgians still retained the capacity to pull the strings and undermine the new dispensation (Nabudere, interview, Johannesburg, 2008). From this time on, Lumumba became the number one enemy of the west because of his open opposition to their supremacy. Thomas Kanza (1972:260), may be correct when he says that "Lumumba was an idealist, and like all pure and sincere idealists, he often lacked realism; all too often he thought that to want a thing was as good as already having it, and that to conceive an original idea was as good as already putting it into effect." This idealism Kanza is referring too was an expression of political immaturity and bad judgement. Lumumba (correctly) had come to the conclusion that the Congo was a prey for the west, and that it must be set free by Africans. But he over-estimated Africa's power to confront the west. Congo was not yet prepared to take on Belgium, and neither would the support of other African countries have been sufficient. An approach of accommodation between Congolese and Belgians could have been adopted, which would have allowed the real power transfer to happen. Lumumba committed a grave strategic error, and he received a harsh response from the west.

One of the critical challenges of all post-colonial states in Africa relates to the determination of independence in relation to the metropole. Post-independence DRC foreign policy (under the leadership of Lumumba) became a product of the fear of continued exploitation of its resources and political control by Belgium. Harris (2001:3) argues that African foreign policy in the

[20] There are even suggestions that Kasavubu and Lumumba never read the *loi Fundamental* before it was promulgated.

formative decade was a product of distinct fears of exploitation from both the west and the east, and indeed, the fear of western control resulted in Lumumba seeking support from the communist bloc and other African progressive leaders such as Kwame Nkrumah. Because of its weak internal capability to confront external forces, Lumumba sought to create an external security support system against western domination. His perceived closeness with the eastern bloc did not mean he believed in or trusted communism (or the communists); he was simply looking for anyone who was prepared to assist in restoring Congolese sovereignty and dignity. In fact, he was well disposed to work with the west, and once remarked "mistakes have been made in Africa in the past, but we are ready to work with the powers which have been in Africa to create a powerful bloc… If this effort fails, it will be through the fault of the west" (Clark, 2004).

*2.2.2 Western struggle over the control of resources*

It has been argued many times that at its birth, the Congolese state was a collapsed state because it slipped into conflict soon after independence. While this conflict seemed (on the surface) to be a conflict among the Congolese, underneath it was a conflict within the western bloc, and between western powers and the eastern bloc, for the control of the DRC's mineral resources.

The declaration of Congolese independence on the 30 June 1960 heralded the beginning of a grim struggle between western imperialists for possession of the DRC's mining industry. The western powers were united in their efforts to keep the independent countries of Africa within the sphere of their mode of production. They all agreed that these countries should remain under the control of an industrially developed capitalist world (Biyoya, interview, Kinshasa, 1997). They also agreed that any threat to this arrangement should be destroyed. This was what led the colonialists to begin, on the eve of independence more than ever before, to tap the immense neutralising force of regionalist ideologies (Kalele, 1993:21). The nationalist movements of the early 1960s, which called for national unity and economic independence, were a threat to western interests. Three strategies were used to weaken the nationalist movements: assassination of national leaders, disinformation against national leaders, and ethnic divisions. A NATO military manual called the *General Military Review* of the 1960s advised pro-western insurgent leaders to engage in assassination against nationalist leaders who were considered pro-communist. The same manual advised western agents to engage in propaganda that would turn

public opinion against these leaders and to engage into dividing communities against each other. This strategy was fiercely implemented in Katanga province which was the main source of raw materials. Indigenous Katangese were mobilised against Congolese brought from other provinces to work in the mines and railways, especially from Kasai. Leaders such as Moise Tshombe were used to promote tribal dissensions, intended to fragment united territories and exacerbate divisions, for the purpose of economic and political dominance by foreign powers. In this situation, the programme of eradication of colonial conditions called for by Lumumba in his independence speech had no chance of being implemented.

The capitalist bloc, though united in its willingness to see the Congo stay under its control, was divided regarding access to the resources. There were competing interests over the control of Katanga's mineral resources. The US was in competition with Belgium, France and Britain. They competed fiercely for the control of Congolese minerals in the early years of the country's independence. This competition sustained and prolonged the Congolese conflict. It is possible to argue that, had it not been for this rivalry between the imperialist powers, the post-independent Congolese conflict would have been resolved much easier and it would not have shaken the state to the extent that it did. Mario Cardoso, the Congo's representative at the UN put it very clearly, saying "Western capitalism (had) provoked Katanga's secession... It is not the Congolese that are divided; it is the world that is divided. Therefore, leave the Congo alone..." (Good, 1961:45). If the internal Congolese cohesion was fractured, it was a result not of genuine internal divisions, but of sabotage carried on by the colonial powers in order to wreck the emerging identity and cohesion that the Congolese needed to build (Ibid). But an important element here is that, just as during slavery and colonisation when Congolese chiefs were corrupted and co-opted to act on behalf of and to protect the interest of the colonisers, after independence the former colonisers had accomplices recruited among the Congolese elites. At independence, the progressive Congolese leaders had a double challenge; to control the imperialists on one hand, and to deal with stooges in their own ranks on the other. Wittingly or unwittingly, the stooge was the instrument of the neo-colonialists; he was the enemy within the gates. These stooges included Tshombe, Kasavubu and Mobutu. All three worked for the western powers to undermine the Lumumba programme. In fact Mobutu's dictatorship was erected on the heritage of colonial conquest and the exigencies of the Cold War, which portrayed Mobutu as an anti-communist leader and friend of the west.

Western competition in the new state was mostly over the control of Katanga's minerals. During colonisation, Congo's resources were exploited for many decades by British and Belgian capital. Before 1967, 14.47 per cent of the share capital of the Belgian company *Union Minière du Katanga (UMK)* belonged to the British Tanganyika Concessions (Tarabrin, 1974:469). The diamond industry was the monopoly of De Beers Consolidated Mines. But the USA since the 1940s also wanted to control some part of the Katanga mining sector. This approach started with the Roosevelt administration. President Roosevelt was of the view that the continued existence of empires would be a possible source of future wars. Thus he tried to bring pressure upon the imperial powers to decolonise. This decolonisation was not an end in itself; it was intended to create space for American businesses. Roosevelt was more interested in opening up the empires to American capital than in advancing order and development. For the US, the independence of the Congo offered a unique opportunity to break the Anglo-Belgian monopoly.

On the eve of the Congolese crisis, the Rockefeller group spent 1.3 million dollars acquiring shares in the Congolese firm *Compagnie du Congo pour le Commerce et l' Industrie (CCCL)*, controlled by the Belgian financial group *Société Générale de Belgique (SGB)* (Tarabrin, 1974: 468). This aggressive move by the US pushed Belgium and Britain to put in place some defensive mechanisms. Through Moise Tshombe[21], they persuaded the Katangese to create a break-away state and promised to support them. It is not accidental that Belgium sent troops into the Congo on the 4 July 1961, just a week before Tshombe declared the independence of Katanga (on the 11 July). This was the first time the idea of the balkanisation of the Congo was considered. Lumumba (1961) said in reference to this strategy that:

> "We know the objectives of the west. Yesterday it divided us at the level of tribes, clans and chiefs. Today because Africa is freeing itself, it wishes to create antagonistic blocs and satellites and from that state of Cold War accentuates the divisions with a view to maintaining its eternal trusteeship."

[21] When the Belgians began to allow political movements, Moise Tshombe, formed his political party CONAKAT in 1956. CONAKAT was primarily an ethnic party of Lundas.

It is important to understand that the Belgian military intervention was not part of the UN operation which was already in the country since 14 July 1960. The UN, under the control of the US, was not in favour of Belgian troops in Katanga; but the UN Secretary General, Dag Hammarskjold, was killed in a mysterious plane crash on his way to meet Tshombe in Ndola, Zambia. The objective of the meeting was to try to persuade Tshombe of the need to have UN troops stationed in Katanga in place of the Belgians. Tshombe's agreement to Hammarskjold's proposal would have been tantamount to siding with the US against Belgian and British interests in Katanga.

When the western powers were acting against each other, the Congolese elite did not understand the strategic battle that these powers were engaged in. The divisions among the western powers played themselves out in the UN Security Council. On the 14 July 1960 the US voted for a resolution calling for the withdrawal of Belgian troops from Congo. France voted against, and Britain abstained. When in November 1961 the African and Asian representatives to the Security Council (United Arab Republic, Liberia and Ceylon) tabled a resolution calling for the removal of the chief cause of the Congolese crisis (the colonial powers' military intervention in Katanga) Britain, Belgium and France opposed it. However, with US diplomatic manoeuvring, the resolution was adopted after amendments, with both France and Britain abstaining. It is clear that the struggle within the western bloc linked to control and extraction of minerals in Katanga, was the main factor that divided Congolese post-independence leaders in the conflict which is now solely attributed to lack of political maturity of the Congolese.

In 1961, the US, under President JF Kennedy (who succeeded President Dwight Eisenhower), was backing the government of Adoula in Kinshasa, a government that it helped to win the election.[22] Adoula won in a contest that, according to Gleijeses, could easily have been won by a Lumumbist if elections had been free and fair (Gleijeses, 2003:62). The Adoula government was the first imposition of a government over the Congolese people by the US. The imposition was resisted by two groups from vastly different backgrounds. The first was Moise Tshombe, who had the support of Belgium. The US pushed for reconciliation between Adoula and Tshombe, but

[22] Kennedy's administration was determined to crush Lumumba's support and keep Congo-Kinshasa away from the grasp of radicals and communists. The USA played a key role in ensuring that Adula was elected. The elections were not considered free and fair.

the latter rejected this move. Belgium, Britain and France were not in favour of Katanga being under the central government, now controlled by a pro-US leadership. As Walter Lippmann puts it, "Behind Adoula the main power was the United States government. Behind Tshombe the main power consisted of large private interests of Great Britain and Belgium" (New York Herald Tribune, July 24, 1962). Things only changed in December 1962, when President Kennedy approved the use of the UN force to put down the Katanga rebellion, and the Anglo-Belgian coalition compromised under UN pressure. The military operation organised by the US was described by a French paper *les echos* as an episode of the economic war that had begun in the Congo by several American groups seeking the control of the new markets. By late January 1963, the rebellion had been crushed and the province had been reintegrated into US-controlled Congo-Kinshasa. The US was so determined not to lose out in Katanga, that President Kennedy's Special Representative for African Affairs, Chester Bowles, even suggested that if the UN was unable to reunite the Congo, then the United States would probably do the job herself (Tarabrin 1994, 471). When secession attempts failed, Tshombe moved to self-imposed exile in Spain, and started to organise his political comeback. In the meantime, the pro-US administration in Kinshasa degenerated into a corrupt and oppressive regime that relied on brute force to muzzle all opposition. It is clear the UN was used by the US not to protect the Congolese state but to advance neo-colonialist ambitions. The fact that the UN refused to give support to a legitimate government that (of Lumumba) meant that, instead of being an instrument of conflict resolution, it became an added cause of the crisis.

After the victory in Katanga, the US also dealt with rebellion in Kivu. The UN troops left Congo on 30 June 1964. Immediately fierce fighting between Simba guerrillas and government troops broke in the east of the country. The Simba were able to take some important towns such Stanleyville (5 August 1964). Here Lumumba's deputy, Antoine Gisenga, established an alternative government. In the meantime, there was a change of government in the US following the assassination of President Kennedy, and Lyndon Johnson became president. Like his predecessors, Johnson viewed Congo-Kinshasa as strategic and was determined to crush the Simba rebellion. But his administration was confronted with two problems: first, the unpopularity of the Adoula government in Kinshasa, and second, the USA army was fully occupied with the war in Vietnam and could not send troops to the Congo. Two things happened.

First, Tshombe came back from exile in Spain, and replaced Adoula[23], and then the US asked the European powers and South Africa for military support in the Congo. The US promised to provide hardware and CIA instructors. The CIA used Italian-made aeroplanes, flown by exiled Cuban pilots, who bombed and crushed the Kivu uprisings. The ground offensive against the Simba was done mostly by mercenaries brought in from South Africa, and the air attacks by Belgian pilots. By 24 November 1964 the mercenaries had recaptured all the towns in Kivu Province. The US victory in Congo-Kinshasa was sealed when Joseph Mobutu staged a coup in 1965 with the backing of the CIA. With this victory, the American monopolies were able to share in the profit of the *Union Minière,* which continued to exploit Katanga up to January 1967, when Mobutu nationalised companies, and *Union Minière* became *Société générale Congolaise des Minerais* (GECOMIN). In this new company, 40 per cent of the share capital continued to belong to Belgian, British and US companies.

The post-independence instability was caused more by western attempts to control Congo's minerals then by ethnic conflict. Had it not been for the imperialist contradictions, the problem of Katanga would not have arisen, and even if it had, it would not have been so acute, and would not have undermined the life of the young state the way it did. Progressive forces in the Congo might have resolved the conflict quicker if there had been no foreign interests fuelling the conflict (Tarabrin 1994: 172).

## 2.3 Immediate causes of state collapse

### *2.3.1 Kinship politics under Mobutu*

The new political leadership, in an effort to control political power and the economic benefits that come with it, relied more and more on their ethnic regions of origin for support and political mobilisation. This was a carbon copy of Congolese society under the control of Belgium. The colonial order entrenched ethnicity as a centre of political mobilisation. During the colonial period, the Congolese population had no say in determining policy. The Belgians permitted

[23] Moise Tshombe's transformation from rebel and outcast to prime minister of the Congo came as a surprise to most people, and as a shock to many, especially African leaders. The question that many have asked is how was it possible for him to turn the tables on his powerful Congolese and foreign opponents, although there is no doubt that Tshombe was a skilled, courageous, and resilient leader.

cultural organisations based on a single ethnic identity, but banned political parties transcending ethnic groups. Consequently, ethnic affiliations became the primary mode of identification and political mobilisation. Belgium's gradualist colonial policy limited the possibilities for political emancipation, and most of the early nationalist groups grew out of ethnic associations. After independence, the result was confusion and conflict. Thus in 1960, less than a fortnight after independence, the Congolese leadership found itself unable to govern. No ethnic group was prepared to tolerate others. The army mutinied against its officers' corps, Katanga seceded, and a rebellion was launched in the east. Order was restored via foreign intervention (see previous section). When a solution was proposed, the new national elite without serious deliberation reinforced the regionalist ideology by dividing the country into 22 provinces, mainly demarcated along ethnic boundaries. For five years the Congo was a country without a single effective political authority, barely existing in a pre-civil condition until Sergeant Mobutu staged a successful *coup d'état* in 1965.

Members of the new ruling class clAiméd that they pulled off the coup because despite their reduction to three main coalitions, "the country's political parties, (supposedly numbering no fewer than 44) had tribalised the country, causing it to slide back into anarchy" (Kankwenda, 1993:6). Paradoxically, this is the regime that would deepen and expand regionalist ideology. Mobutu's regime, to quote Kalele, tribalised every citizen and every political-administrative unit, multiplied existing disputes between the inhabitants of each such unit, and even exacerbated tensions between members of the same ethnic group (Kalele, 1993: 23).

Under Mobutu, regionalism became a state policy, just as apartheid was in South Africa. Mobutu instituted identity cards that included each individual's regional and ethnic information. In terms of governance, and especially as far as access to resources was concerned, family and ethnic ties played a significant role in determining who could and who could not access resources. These divisions made it difficult for the country to create political communities with a sense of shared future, and they offset the power of the civic identity that ties citizens together. Discrimination based on ethnic identities and subjective approaches to governance contributed to destroying citizens' confidence in the state and in the political elite. Employment in state enterprises became dependent on political appointments, done on the basis of region and ethnic group. So, ethnicity became a parameter that determined "who gets what" both in politics and in the economy. While

the practice of political patronage based on ethnic ties was prohibited, the distribution of government positions and benefits was above all a presidential prerogative. The new centralised system allowed Mobutu to place people wherever he wanted outside their ethnic zones. While this policy seemed destined to de-ethnicise politics, in essence it was a policy conceived to use ethnicity by opposing one ethnic group to another, and controlling the geographic space of the vast territory of Zaire. Mobutu's manipulation can best be understood in terms of Sklar's (1967) hypothesis that "ethnicity tends to result from politicisation of demands in the interests of the new men in power." Mobutu was a shrewd leader who sought to ally powerful ethnic figures by granting them access to the state, in the process weakening potential ethnic trouble spots.

This policy pushed many groups to challenge the legitimacy of the Congolese state. The most significant challenges came from Katanga, where Mobutu had managed to put Kasaian in most key administrative positions. The Katangese felt that, despite the contribution of their resources to national development, they did not receive a fair share of political and economic resources. The consequence was the two Shaba wars of 1977 and 1978. These wars were direct separatist challenges to the state. They did not find their roots in the artificial nature of the post-colonial state, but in the unequal distribution of resources under Mobutu. In Mobutu's DRC, a particular group gained privileges within the state apparatus and used it to maximise its interests, undermining other groups in the process.

Mobutu used regionalism to maintain his political power. He was a master at opposing one leader, tribe, or ethnic group against another in order to get what he wanted. Two examples will serve to illustrate the huge damage this caused to the legitimacy of the Congolese state. The first was the ethnic conflict between Kasaians and Katangese in 1991.[24] In this conflict, President Mobutu used Gabriel Kyungu Wa Kumwanza, one of the three leaders of the National Federation of Convinced Democrats (NFCD) and governor of Katanga Province, to politically weaken Etienne Tshisekedi Wa Mulumba, who had been named by the National Sovereign Conference (NSC) as prime minister-elect, responsible for leading the transition. For Kyungu, it was impossible to accept a non-Katangese in this role. He felt that the Kinshasa government had sufficiently exploited and impoverished Katanga province over the years and it was time for this

[24] In the period before independence, the Belgians also created an ethnic conflict between these two groups for the same reason as Mobutu did.

part of the country to put its future into the hands of its own sons, the Katangese (Baleme 1999:91). The message was clear enough, and powerful enough, to threaten non-natives in Katanga. In the process, national unity in the DRC was threatened. The message was even more strongly felt by the Katangese, who considered that their contribution to the national budget (at times amounting to 70 per cent) should have earned them special treatment from the government. In June 1993, nearly 75 000 persons of Kasai origin were displaced from Likasi, and moved to improvised camps, awaiting an uncertain departure to their province of origin, Kasai. Many deaths were reported in the camps and in trains during the repatriation process. This process was only halted when President Mobutu was sufficiently convinced that Tshisekedi's power was seriously weakened.

Another case of exploitation of ethnic conflict concerns the Banyarwanda (also known as Banyamulenge) and the indigenous Congolese in Kivu. The problem of the nationality of this group of Rwandan origin was badly handled during the Second Republic. There are serious contradictions between the many legal texts that tried to deal with the problem. While the 1964 Luluabourg constitution itself is clear on the matter (stating in Article 6, Paragraph 2, that Congolese citizenship is granted as from 30 June 1960, to any person with an ancestor belonging to one of the tribes established in Congo before 18 October 1908), this article has had many interpretations, with many laws being put in place contradicting each other. Stripped of their citizenship, the Banyarwanda peasants were also denied land rights. The land question is at the heart of the conflicts that have shaken both South and North Kivu. Before the genocide in Rwanda, thousands of people died in inter-ethnic violence in 1992-1993 in North Kivu. Instead of finding ways of resolving the crisis in a responsible manner, the Congolese authorities (under Mobutu) added fuel to fire with xenophobic appeals. In September 1996, the South Kivu deputy governor stated in a radio broadcast that if the Tutsi Banyamulenge did not leave Zaire within a week, they would be interned in camps and exterminated (Nzongola, 1996:5). Today there is open conflict between the Banyarwanda and other tribes who over the years have lived in relative harmony, although the first big confrontations between the Banyarwanda and other tribes involved 80 per cent of the population of Rutshuru, Masisi, and Goma during the period 1961-1964 (Dupont, 1996:12).

*2.32 Infiltration of Cold War politics into DRC squabbles*

The Cold War is one of the main factors that contributed to the DRC's misfortunes, because it maintained and bolstered a regime that promoted human rights abuses, political centralisation, ethnic violence and corruption. During the bipolar world, the two superpowers – the United States and the then Soviet Union – used Africa as the play-ground of their rivalries. Most scholars agree that the Cold War intensified conflicts in Africa because these conflicts provided convenient battlegrounds for the eastern and western blocs in their struggle for supremacy (Osaghae 1994:90). In an effort to control space, they maintained and supported inadequate political systems and autocratic leaders on the continent, which in turn undermined stability and development on the continent. Under the pretext of the Cold War, the possibility of a true independence guided by nationalist leaders such Lumumba was seriously suppressed using all kinds of methods by the west. These included: organising secessions, provoking mutinies and rebellions against democratically elected governments, systematic dismantling of the nationalistic regimes, assassination of leaders, creation and maintenance of tyranny, and supporting the culture of pillage of resources.

The destructive influence of the Cold War on state-building in the DRC cannot be overstated. The first president, Patrice Lumumba, was a charismatic and popular leader of the Congolese National Movement. Lumumba was capable of explaining and connecting internal problems to external factors. He did it in clear terms. Lumumba was the only person to try to understand and explain why there were social injustices. He read the history of the French revolution and came to the conclusion that all revolutions are triggered by social injustices. He was committed to forming a government that would work against social injustices.[25] Lumumba had already distinguished himself as an ardent opponent of western imperialism in the Congo (Risquet J 1999:7). The west regarded him as a dangerous leader who posed a threat to their interests in central Africa. For the west (specifically the US) Congo was an important country, and had to be protected to ensure that it remained within the control of the west. By this time, the US had depleted its mineral reserves and was depending 100 per cent on imports of commodities such chromite, manganese, rutile and tin; 87 per cent of its nickel, and bauxite; 82 per cent of its

[25] Lumumba showed some positive instincts. However, his political orientation is still disputed, with some arguing that he would have been a dictator if he had survived.

asbestos; 77 per cent of its gold; 60 per cent of its zinc and lead; 50 per cent of its antimony; 34 per cent of its iron ore; 33 per cent of its titanium; and 25 per cent of its copper requirements. In addition to Egypt, Nigeria and South Africa, Congo-Kinshasa was strategically important for any imperial power that wanted to influence or dominate African affairs (Goldwater B 1961). When the US tried to secure free access to these resources through Lumumba, the Congolese leader was unsympathetic, saying to a group of US businessman (Kanza, 1972:24):

> "The exploitation of the mineral riches of the Congo should be primarily for the profit of our people and other Africans. We have decided to open the gates of the Congo to any foreign investment prepared to help us get the fullest and most immediate value from mineral resources and energy, so that we may achieve full employment, an improved standard of living for our people, and a stable currency for our young country. Belgium will no longer have a monopoly in the Congo."

During the first political crisis, Lumumba, after failing to secure both moral and military support from the west to suppress the Katangese rebellion, turned to the eastern bloc. The US then hatched plans to give active support to Lumumba's rival, President Kasavubu, and the country's Army Chief, Joseph Desire Mobutu. At the time, the latter was already working for the Central intelligence Agency (CIA) within the Congolese armed forces *(Bruce, O, 1976: 119-120).* Lumumba was arrested and killed on 17 January 1961.

When Mobutu came to power in 1965, Africa was becoming a battlefield of the east-west conflict. Mobutu came to power with the backing of the west, as part of the strategy to create careerists and new agents in the Cold War game. Mobutu became an instrument of imperialist tactics, and Zaire became a destabilising force in the region. In the early years, Mobutu projected himself as a nationalist and a Pan-Africanist. He declared that his country, Zaire, followed a foreign policy of "positive neutralism", in accordance with the non-aligned movement. In practice, Mobutu was an agent of the west, and the purpose of the country's foreign policy was to curtail the advancement of communism in central and southern Africa. Mobutu's first act after the assumption to power was to "expel seven Russian officers who in his own words had been disguised as technicians for spreading communist propaganda" (Jackson 181:157).

Under Mobutu's rule, the DRC was again subjected to western control. Kwame Nkrumah remarked at the time that "until his coup of November 1965, Mobutu's role had not been such as to commend him to progressive African opinion… There has also never been much doubt about Mobutu's special leaning towards western powers" (Nkrumah, 1967:288-289). Once in power, Mobutu declared war on communism and became the darling of the west. Together with the then South African president (PW Botha), and the then Kenyan president (Daniel Arap Moi), Mobutu was expected to play a key role in stopping the advance of communism in Africa. While leaders like Kenneth Kaunda of Zambia, Mwalimu Nyerere of Tanzania and Kwame Nkrumah of Ghana were considered to be obstacles to the west's ambitions, Mobutu was a reliable ally in the fight against communism. President George Bush Senior confirmed this with his statement that "Mobutu is a valued partner to every US president since Lyndon Johnson, in an effort to bring to Zaire and all Africa true economic and social progress" (*Times of Zambia* 1989).

Mobutu was astute enough to recognise that Soviet-Cuban military adventures in Africa (especially in Angola) gave him a great deal of room to manoeuvre without risking alienating the US completely. During his long reign, Mobutu was a realist and extremely pragmatic. Given his country's enormous mineral resources and its strategic position right in the heart of Africa, Mobutu knew better than anybody else the value of the cards he was holding, and he played them every time. By shrewdly playing the anti-communist card and pointing to a "Kremlin-inspired" plot against him, Mobutu succeeded in shrouding the deficiencies of his regime and gaining the patronage of policy-makers in Washington, Paris and Brussels. Successive US administrations firmly supported Mobutu. It is no secret that the Mobutu regime, with all its inadequacies – corruption, nepotism and dictatorship – was sustained and protected by the western powers, especially the US and France. Roger Morris, who handled African affairs for the National Security Council during the Johnson and Nixon administrations, has estimated that the Congolese ruler received close to US$150 million in bribes and secret payments from the CIA during the first decade of his rule (Mokoli 1997:128). Mobutu's support for the west afforded him easy access to international finance and military protection. According to the European Community, Zaire benefited from more debt rescheduling between 1975 and 1985 than any other country in the world, despite its human rights abuses and the country's inability to repay its debt. In the 1980s Mobutu's regime continuously defaulted on payment, but western powers were not

prepared to cripple a regime on which they were depending to deal with communism from Angola to Ethiopia (Young 1978).

The US had confidence in Mobutu to keep the DRC together and hence to protect their interests. To illustrate the level of confidence the US had in Mobutu, President George Bush Sr, welcoming Mobutu to the white house, once said "Zaire is among America's oldest friends and its President Mobutu one of our most valued friends and so I was honoured to invite President Mobutu to be the first African head of state to come to the United States of America for an official visit during my presidency" (Kelly, 1993:1). France and the US based their foreign policy towards the country on the premise that Zaire without President Mobutu would be in chaos. This special relationship was maintained over the years, even in times of revolutionary rhetoric or displeasure at US criticism of Mobutu's domestic policy. Successive US administrations considered Zaire (and President Mobutu) as friends. Mobutu enjoyed a privileged personal relationship with the US, second only to that of Musharaf (of Pakistan). Throughout the Cold War period the United States and its allies (especially France and Belgium) were quick to shore up the central government's political control whenever that became necessary. In March 1977 France and Morocco intervened to save Mobutu's regime from secessionists in the Shaba (Katanga) province. A year later France and Belgium intervened after armed groups seized the major mining town of Kolwezi in Shaba province. Mobutu played the communist card, citing Zaire's strategic importance to justify the need for western military interventions. In an effort to justify their support for a regime that was suppressing the rights of its people, Richard Moose (the US assistant secretary of state for African affairs) argued that "We are not simply trying to maintain a static situation [and] maintaining an individual in power. We are trying to support, to help, to reform, to strengthen an economy that is very important in the functioning of the western industrial system, a large economy with large resources which we would like to stay within the western economic system and in friendly political relationship to us" (Moose 1980:537, 539).

*2.3.3 One-party state: an incarnation of violence and dictatorship*

The resurgence of the state under Mobutu followed a period of political upheaval. Mobutu took over a state that had known no peace since independence. He quickly asserted control over the

country. Like the Belgians before him, Mobutu reverted to an oppressive form of strong centralised administration. He introduced the one-party state to suppress "all democratic institutions and processes by which ethnic loyalty could be mobilised" (Ofoaku, 1994:11). By hanging in public four former ministers from the first republic, in an affair known as the Pentecost Plot, Mobutu clearly sent a message to the Congolese people that opposition to his programme would not be tolerated (Leslie, J 1993:32).

He took advantage of the political chaos of multi-party democracy that had prevailed during the first five years of independence, to progressively dismantle the institutions of the first republic and to abolish, the first Congolese constitution.

In 1967, he introduced the one-party state, espousing the position of the fathers of African independence. Endemic ethnic conflicts across the continent became a threat to statehood. This forced the fathers of African independence to embrace the one-party state. Mobutu, using the same argument, preferred the one-party state over multi-partyism, claiming that unity was far more important than allowing ethnically formed political parties to divide the country. No efforts were made to see how the new system could coexist with the democratically established constitution. Mobutu banned the fledgling democratic structures inherited at independence, and created a system in which only his party, the Movement *Populaire de la Revolution (MPR)*, was legal. Under the MPR, Mobutu put in place a system of political mobilisation around an artificially created ideology, known as *Mobutism*. He quickly became a demi-god**.** Other political leaders had no choice but to join him or go into exile. He had the power to appoint, dismiss, restructure and install governments as he wished without any consideration of the constitution that was modified unilaterally.

Nigel Rodley (1996), the UN Special Rapporteur on torture, wrote in his annual reports to the world body that "methods of torture used in countries like the Democratic Republic of Congo during President Mobutu's reign included extreme physical beating, breaking of limbs, electric shocks, sexual abuse, deportation and execution." Other techniques included deprivation of salary, food, sleep and light. All these inhuman methods were monitored by the army, *la Garde Civil*, as well as by prison officials and other security forces (The Washington Office on Africa, 1992, 21-26). During the one-party state, the army played the role of the police (Lunda Bululu

2008). The Washington Office on Africa presented a non-exhaustive list of mass torture and killings undertaken by the state between 1965 and 1992. Prisons like Makala in Kinshasa, Kasapa in Lubumbashi, Buluo in Likasa, Angenga and Ekafela in Equator Province, as well as Luzumu in the Bas Congo, have seen thousands of innocent people tortured and murdered. It is unlikely that the number of people who have disappeared at the hands of Mobutu's secret services will ever be accurately determined.

Maybe the biggest failure of post-independence DRC has been the inability of its leaders to break with the colonial past. In the Congo, as in many other African countries, the state was under the power of a one-party system; and at the helm was one strong man who was above the law. The political legacy of the one-party system is perhaps the only way to understand why most African governments failed to implement effectively the passage to a properly functioning sovereign state. Mobutu continued to use inherited predatory colonial structures and the extractive institutions to loot the resources, and a repressive security apparatus to suppress the people. The nature of the colonial administration and its impact on the new state is well described by Achille Mbembe (in Richard Joseph, 1999:59):

> "The command nature of the colonial state, its ultimate reliance on brute force, and its highly exploitative practices paved the way for the predatory character of many post-colonial African regimes and the prevailing culture of impunity."

At some stage it became virtually impossible to replace Mobutu. The elections which were sometimes organised to elect members of parliament were flawed and controlled by the political bureau of the MPR. Internal pressure was too weak to force Mobutu to loosen his grip on social and political life. Mobutu closed opportunities, even those which did not endanger his hegemonic position (just as the Belgians excluded the Congolese in all economic activities). He failed to sponsor genuine democracy at local level. Mobutu did not prepare the Congolese for electoral democracy by providing regular opportunities for voters to understand the act of voting, and candidates the art of electioneering in an open and transparent way. Mobutu's approach departed from the early signs of democratisation which Lumumba's aspirations seemed to promise. Mobutu chose an authoritarian route, and politics based on patronage not democracy. This system of governance exposed Mobutu to outside manipulations. During this period the

international community reinforced Mobutu's one-party state by providing it with financial, military, political and moral support every time Mobutu needed it to suppress internal opposition and rebellions. In exchange, Mobutu ensured easy access to Congolese minerals for the west. With this support, Mobutu chose the path of stonewalling and suppression over a strategy of gradual and controlled concession.[26] The result was disregard for human rights, transparency accountability, and good governance.

*2.3.4 Badly conceived economic development strategies*

Favourable copper prices in the early days of the regime provided Mobutu with funds to design ambitious development plans. The demand for base metals, such copper and cobalt, was spurred notably by the Vietnam War and boosted the Congolese economy between 1968 and 1974. The demand for these metals by armament industries which supplied the US army in Vietnam increased the price to the highest levels on the world market (Nzongola-Ntalaja 2002:148). The newly-found stability inspired a climate of confidence (Schatzbert M 1984). During this period Mobutu proceeded with heavy borrowing to finance big projects. Between 1972 and 1974, Zaire contracted heavy external debts under stringent conditions to finance very doubtful projects (Wold Bank 1982: II). Western industrialists and bankers felt at home and believed that their investments and loans would be both safe and profitable. The early 1970s thus witnessed a resurgent, surefooted Zaire; a state fully prepared to exercise its responsibilities as one of the largest, wealthiest, and most powerful on the continent. During these years, Mobutu confidently expanded diplomatic contacts with China and North Korea in disregard of his strategic alliance with the west, and was even bold to rupture relations with Israel. His aim was to assert Zaire's claim to leadership in Africa and the Third World (Kaputo, interview, Kinshasa, 2006).

The regime put in place four main development strategies: economic development by concentrated industrialisation, agriculture as the engine of development, energy to support mineral extraction, and (finally) "Zairianisation". These strategies were to be financed by revenue from the sale of minerals and borrowed money. Contained in the *manifest de la Nsele,*

[26] The access to capital when things were going well proved irresistible to Mobutu. There was a compelling economic argument for borrowing (the rate of return on these investments exceeded the cost of capital) there was also a corresponding compelling political argument: the gains from borrowing would be felt immediately, and the problem of repayment would be someone else's problem.

the policies were well crafted, and presented a clear road for the country's development. Unfortunately, all four policies failed dismally. The policy of economic development by "focal node" or "pole" lasted until 1980. The government chose three poles, Kinshasa, Lubumbashi and Kisangani, around which heavy industries were to be located to drive the economy. Ambitious and ultimately disastrous development projects during the early 1970s were constructed and financed through external borrowing (Leslie, 1993: 104-6). These industries included for example, the steel mill of Maluku which swallowed an investment cost of US$250 million. The mill never operated at more than 10 per cent of its capacity, and by 1980 it had closed. Then, there was the radio-television complex in Kinshasa. It cost US$185 million, but the complex was never maintained, the entire infrastructure collapsed, and radio broadcasting never reached beyond 150 km of the capital. Another example is the Congolese international trading centre in Kinshasa with an investment cost of US$120 million. The building has been deserted by businesses. Closely linked to these failures was technological dependence, here referred to as the transfer of technical knowledge and technically skilled personnel from foreign sources. This process, in its broader aspects, engendered and perpetuated Zaire's external orientation and reliance on the international system for its economic well-being (Van Der Steen, 1979:127-128). For most of its industrial projects, Zaire depended upon foreign personnel to furnish technological know-how to keep the industries running. Foreign governments have been reluctant to train the Congolese; and formal training programmes during the Mobutu regime were very rare**.** It was naïve to believe that the process of technology transfer would ultimately rebound to Zaire' s long term advantage, with Congolese citizens trained to take over the technological functions accompanying the importation of relatively advanced infrastructural material. The education system deepened the difficulties in training the Congolese to assume technical functions in the economy. Before independence, educational opportunities were severely restricted, and in 1960 the new nation had to work with less than a score of university graduates. After independence, despite the expansion of the education system, the pattern remained based primarily on the classical Belgian educational system. Perhaps the biggest failure of the Mobutu regime was its failure to transform the colonial education system and render it relevant to the needs of the Congolese society.

Provision of energy to power the mining sector was focussed around the construction of the Inga dam in lower Zaire. In the late 1960s it appeared as though energy consumption was going to be

a problem in Katanga's copper-mining areas. Sufficient power was needed to extract and process the ores. This projected energy deficit was extremely serious, for it would force Gécamine to curtail its plans to expand production. The government commissioned a technical study of the problem. A cost-benefit study of the problem showed that the best way to accommodate the copper industry's needs for more power would be to construct a new hydro-electric station at Busanga, close to the heart of Katanga's mining complex. This would have been much less risky and cheaper than linking the Inga dam with Katanga – a decision that would require 2 000 kilometers of power line. Much of this line, moreover, would have to traverse under populated and largely inaccessible regions of the country. The World Bank was willing to finance the construction of the new Busanga station to the tune of US$65 million. Mobutu dismissed the research findings and opted to go ahead with the Inga dam.[27] Its construction was completed during the 1960s with foreign financial backing. It is, without doubt, one of the most impressive hydro-electric complexes in Africa. Inga projects were consuming 26 per cent of the entire debt but the line could only function at 10 per cent and the mining industry of Katanga, for which it was intended, could only absorb 20 per cent of Inga electricity (Willame, 1986:295).

As far as the agriculture strategy is concerned, agriculture was to become the engine of development. Agriculture, in the words of the government, was the "priority of priorities". It was supposed to reduce the importation of food which was taking the bulk of the country's foreign currency. In the abundance of revenue from copper and diamonds Mobutu's government lost concentration and abandoned its agriculture strategy. The government failed to realise its objective, never allocated more than three per cent of the state budget to the agriculture sector.

Then, there was the disastrous Policy of Zairianisation. A decade after independence, the economic resources of the country remained exclusively in foreign hands. President Mobutu decided (without consultation) to embark on what he clAiméd to be a quest for economic

[27]There was a surplus of energy in Lower Zaire. Inga had been expanded in preparation for the establishment of aluminium plants in that region and when these investments failed to materialise, the area was left with a surfeit of power. There is good reason to believe that Mobutu wished to reaffirm his political mastery of Shaba. Given both Shaba's history of secession and the state's dependence upon copper for its revenues, the president might well have looked favourably upon a solution which gave him (in Kinshasa) the ability to shut down the region's hydro-electric power thereby crippling any future attempt at separation. Finally, there are indications that Mobutu wished to diversify Zaire's dependency. The creation of Inga Shaba line could lead to competitive bidding from firms representing many industrialised nations.

sovereignty and economic development by putting back the resources into Congolese hands. In order to lead the economy into autonomy, Mobutu announced in a speech before the National Legislative Council (NLC) on 30 November 1973 that the government intended to seize all the small and medium businesses in foreign hands to complement earlier efforts to exert state control over the mineral resources of the country. The policy of Zairianisation was hastily conceived and poorly implemented. Approximately 2 000 businesses were appropriated by the state, the bulk of these companies going to individuals at the top of the regime's hierarchy. These included President Mobutu himself, his cronies and members of his family. The disastrous effects of Zairianisation became visible just a few months later, when most of the businesses in the hands of Congolese went bankrupt. Zairianisation destroyed the relatively small and modern industry and infrastructure. As a result, hundreds of thousands of workers lost their jobs. Government tax collection collapsed, and it was not in a position to maintain the infrastructure. The state became less and less able to pay salaries on a regular basis, and unemployment increased, giving birth to the informal economy.

All these economic strategies in the end provided opportunities for Mobutu and his cronies to pocket huge amounts of money through bribes and embezzlement, while for the majority of the people daily struggle for survival became more difficult. Social hardship since early 1990s started to send Congolese, young and old, beyond their borders in search of better life.[28] It was in this context of utter destitution that the moral values of the society were challenged. Corruption became an accepted reality in all institutions of the state, including education (primary, secondary and tertiary). The crowded classrooms reflected the lack of fresh investment in education. Increased shortages of medication and the collapse of health infrastructures followed. The road and rail system deteriorated, making it difficult for the Congolese to travel from one place to another and to move minerals out of the country. The mining infrastructure also started to collapse.

[28] In the DRC the refugee crisis did not start with the war. Economic hardship during the Mobutu era sent many outside the borders as economic refugees.

*2.3.5 Governance system built on corruption*

After the disastrous failure of Zairianisation, Mobutu adopted open-door diplomacy. He welcomed foreign investment in the Congolese economy. The Congolese leadership were concerned with maintaining the cash-flow which they had lost with the collapse of Congolese industry. It mattered little to them that expatriates controlled the economy, as long as they could draw benefits from it. Mobutu's open-door diplomacy meant that foreign participation in the economy was welcomed with open arms, as long as members of the dominant class were associated with it. Most of those who were ultimately selected to associate with these new foreign ventures were members of the politico-commercial bourgeoisie. The open-door diplomacy institutionalised corruption, diverting at least three-quarters of state revenue into private pockets. The political economy of the DRC under Mobutu became kleptocratic, and was viewed by many as a pyramidal system based on patrimonial redistribution. The process began with the relatively small presidential clan linked to President Mobutu through family or personal ties.

The Mobutu system of governance became the biggest contributor to the weakening of the state, although other factors also contributed (such as poor economic performance, dependence on primary commodity exports, uneven distribution of resources and competition over scarce resources within different ethno-region entities). Corruption was the main factor undermining state capacity. The public administration quickly became the space where corruption was nurtured. Unpaid civil servants were using their government offices to make personal deals. Because corrupt deals were now happening in view of everybody, it became a normal way of life for all Congolese citizens. Civil servants devised ways to force the public to part with their money before they could access state services. On top of this, the public also paid an inflated amount for the service which was being provided. The justice system and the police used the same system, and people had nowhere to complain. Corruption became institutionalised. The justice system was controlled by the corrupt executive branch of government. As in the case of other institutions of the state, the justice system came to incarnate injustice, corruption and tribalism.

Mobutu's governance system involved an intricate web of personal, family clientelist, and ethnic ties to social groups and individuals in society, and was to an extent dependent on such networks. It was a patrimonial state based on collaborative networks of reciprocities that made it unable to govern or rule effectively since it was vulnerable to pressures from without. It became a weak state in which the powers of its institutions were dependent upon elite networking, coercion and the distribution of resources within the elite. We can identify five networks which operated in the DRC under Mobutu: the army, the secret services, a dubious network of local and international businesses, state administration, and the party (MPR) itself. All five were interlinked to produce one effect, the protection of the regime and the enrichment of a small group of ethnically-defined political elite. "Those who benefited most in Mobutu's era were some natives of Equator, particularly the Ngbandi people, Mobutu's own clan" (*Le Potentiel* 1994). Participants in this network Aiméd at maximising their personal wealth and the welfare of their closest relatives, and disregarded national social welfare. They all occupied positions in hierarchically established structures, in which the paramount chief (President Mobutu), along with his various sub-chiefs and a variety of other administrative and military officials, exercised a type of political leadership in which they had genuine power – frequently life-and-death power – over others. This political economy was continuously and carefully redefined. It consisted of transforming the public resources of Congo into private wealth, while using bribery and violence to suppress any movement for change. This forced each concerned citizen to use his or her position in government institutions and parastatals to advance and protect his or her interests, and those of his or her immediate constituency. Because the state was the prime source of income, "recruitment and appointment to government positions, allocation of land, scholarships and public service accommodation etc. no longer depended on objective criteria. Rather everything depended increasingly on favouritism based on family, ethnic relations" (Baleme, 1999:82) and political allegiance to Mobutu and the MPR. Appointment to a government position, or a high position in the armed forces or public administration which gave the appointee access to state coffers, was greeted as a blessing by relatives and associates. They expected to benefit from the appointee's corrupt activities. This kleptocratic system came to be termed *le mal Zairois*, a term used by President Mobutu himself to describe the system he helped put in place. One outside observer describes Zaire as a "personally appropriated state", noting that during the 1980s

President Mobutu's wealth was estimated to be about the same as the whole national debt (Filatova. I, 2000:14).

There were four types of financial flows that helped to enrich President Mobutu, his family and associates. First, he had access to cover-up payments by foreign governments, including the US; second, he used the Congolese treasury as a personal account; third, he appropriated export revenues from Congolese mineral and natural resources; and lastly he misdirected foreign aid and investment funds into private accounts. It is estimated that President Mobutu, his family and associates misdirected, over the years, up to 40 per cent of the government's operating budget, up to 50 per cent of mineral export revenues, and up to 50 per cent of the government capital budget (Makoli G, 1997:123). Attempts to reform the financial system in Congo ended in utter failure. If the full history of Congo's foreign borrowing is ever reconstructed, it would be likely to show that most of the very heavy national foreign debt was stolen or squandered after it was borrowed. This reality was known not only to the Congolese but also to the lenders themselves who, despite this fact, continued to give the government more money to protect their geostrategic interests and access to mineral resources. The lenders were at ease because Mobutu's immorality opened outlets in the DRC economy which they used to maximise their return. It did not bother them whether other Congolese citizens ate or not, were educated or not, and had access to health care or not. Because all the resources were stolen, the state became unable to penetrate society through the expansion of state power by providing services and building infrastructure. Attempts to establish the state as the dominant authority throughout the entire national territory became impossible. As the state atrophied, it increasingly lost capacity to extract resources from society. It remained dependent on external financial aid to maintain domestic power structures.

At the beginning of 1980s, the regime started to face serious difficulties in servicing its debt. In 1983 the country's debt stood at US$5.8 billion. The IMF suspended its cooperation with the regime in 1982, but quickly restarted it in 1983. At the same time, it was estimated that corruption consumed US$4.7 billion (De Villier, 1995:150). The international community's concern over corruption and bad governance only started because Mobutu was increasingly unable to service the debt. The IMF sent Erwin Blumenthal, a senior banker, under the Carter Administration, to monitor the Congolese Central Bank and to promote financial integrity. Blumenthal left frustrated, declaring that the corrupt system in DRC, with all its wicked and ugly

manifestations, its chronic mismanagement and fraud, would destroy all endeavours for change (Burns J and Huband M, 1997). This reinforces the point made by Schatzberg and Callaghy, 1989:115) that "in the former Zaire, authority and political order were institutionalised through increasingly visible patterns of inequality and corruption." In the process, Mobutu neglected to build state institutions, including the army. Rwanda and Uganda would use this weakness to overthrow him. The description by President Yoweri Museveni (1997:45) of Uganda of the leadership formerly provided by Milton Obote and his Ugandan People's Congress can aptly be applied to those who wielded power in Mobutu's Zaire:

> "An uncouth breed, anxious to get rich as quickly as possible using state apparatus and regarding their own made style of operation... as the virtue of "political shrewdness." Ideologically they were bankrupt and they were certainly unequal to the task of national emancipation."

*2.36 Inadequate international remedies: structural adjustment programmes*

As with other countries that followed the Washington Consensus policies, the DRC experience was disappointing. In 1983 the IMF introduced a structural adjustment and economic liberalisation plan. The Structural Adjustment Programme (SAP) was not designed to help the DRC to recover; it was an action taken to ensure that the DRC continued to repay its debt to international financial institutions. The fall of prices of raw materials, along with the drop in production of certain raw materials (such as copper and cobalt), and the carelessness and corruption of the government, put the DRC into a difficult situation *vis-à-vis* international investors. In order to make the DRC live up to its debt repayment schedule, the international institutions compelled it to implement a set of economic policies such as deep cuts in state services (especially basic social services such as education and health), privatisation of state enterprises, currency devaluation (with its impact on the population's standard of living), trade liberalisation, and a revision of the fiscal regime.

Under the SAP, state revenues increased following an improvement in exports. But the increase in revenue did not translate into a better life for the population. A large percentage of the revenue was committed to repaying the debt. The repayments increased considerably in comparison to previous years. For example, between 1981 and 1983, US$566 million was used to repay the

debt, compared to US$110 million used between 1984 and 1986. The Paris Club also introduced new measures which increased the interest on the loan. This situation resulted in the DRC paying much more than it had borrowed. As a result, the state had no money to attend to the pressing social needs of the population, and the maintenance of basic infrastructure was totally abandoned. All important sectors – manufacture, machinery and equipment – started to decline. This translated into increased unemployment and the appearance of a large informal sector. The state became completely dependent on the World Bank and the IMF for its economic survival.

Between 1982 and 1985, employment in the public sector was cut by one-third from 429 000 to 289 000 (De Villier, 1995: 157). Although salaries of public servants remained static, they were less than one-tenth of 1975 levels (Manwana M, 1988:389-430). By 1985, a large number of people worked in the urban informal sector (World Bank 1985:46). Budgetary allocations for education and health decreased. In 1989, the World Bank summed up the balance sheet of social conditions: "The degradation of the health system threatens the productivity of the population; the critical situation could further be threatened by the incidence of HIV and AIDS…." Not only were success stories in sub-Saharan Africa few and far between, but the market-oriented reforms of the 1990s proved ill-suited to deal with the growing public health emergency in which the continent became embroiled (Rodrik, 2006:2). The only sector at this stage that was performing reasonably well was the mining sector – particularly copper, cobalt and diamonds. This is the sector that international institutions could not afford to see collapse. The repayment of the debt was dependent on the mining sector.

However, as time passed, the state continued to lose steam. Debt repayment became difficult, especially with deterioration in the price of minerals. In 1986, the quantity of exports increased by 136 per cent compared to that of 1966, but the value of exports in monetary terms was 12 per cent below the level of 1966, and only 31 per cent that of 1985. Faced with the possibility of social unrest in 1986, Mobutu's regime decided to increase the salaries of public servants, but the IMF vehemently objected. The situation created confrontation between the Congolese government and the IMF, which culminated in the suspension of cooperation in 1991. This repressive measure showed the authoritarian attitude which accompanied the implementation of the SAP. Where states attempted to accommodate domestic pressure against the neo-liberal market reform programme, they were accused by the World Bank and IMF of lacking in political

will (Mkandawire and Olukoshi, 1995:3). Beginning in 1993, the Congolese state was being prepared for privatisation. External debt stood at US$8 billion. As fortunes declined, the DRC state began to default on servicing debt. As a result, the IMF and the World Bank refused to advance any further loans until Mobutu agreed to the privatisation of the two state-owned mineral conglomerates Gécamine (copper and cobalt) and MIBA (diamonds). According to the US-based Executive Intelligent Review (EIR, 1997:28):

> "This was the excuse that the Bank wanted. They demanded that Zaire pay the debt, but also demanded that Zaire "democratise' its government and, especially, privatise its state-owned raw materials mining. Privatisation had three components: slashing the social services provided to miners by law, laying off half the workforce at Gécamines, and selling more than half of the different properties of Gécamines and Sominki to foreign investors."

The DRC was misled into thinking of foreign purchase of existing capital goods as foreign direct investment. Most of the investors who bought the mines made the purchase simply for the purpose of asset stripping, not wealth creation; in the long run the country became poorer. Under the SAP, the Congolese government lost control over decision-making, and assumed less and less of its responsibilities. Mobutu's regime used the opportunity to blame the IMF for all the socio-economic difficulties that the Congolese people were facing. While this is correct, it is only part of the truth. The other part is that during these difficult times, the political elite did not change its corrupt behaviour and the misuse of the state funds. While the Congo was a net exporter of capital under the SAP, the elite absorbed the little that remained, which could have gone to providing services for the people. While the SAP played a critical role in destroying the state's capacity, internal economic policies and corruption contributed equally. Instead of formulating new policy options in the face of the financial embargo of the IMF and the World Bank, the regime took the easy way out: it started counterfeiting Congolese currency to buy foreign currencies on the black market. Lebanese interests, linked to politicians, printed some of these counterfeit notes abroad, especially in Argentina, but some were printed locally under the protection of the big man (Mokoli 1997: 124).

In the early 1990s, the country experienced an impressive phenomenon of hyperinflation following monetary games involving fake monetary reforms and counterfeit money. The entire state became informal, and its capacity to collect ordinary tax revenues disappeared completely. In September and October 1991 and in the following two years, most towns of the DRC experienced popular eruption and scenes of pillage accompanied by unprecedented violence. During the 32 years of Mobutu's regime (and especially in the early 1990s when democratic discourse was introduced), the Congolese population protested periodically, but with little effect. When they did protest, it was usually as a result of concrete local or economic grievances rather than a clear wish to change the political system. It is possible to argue, that SAP created more hardship for the Congolese people than Mobutu's corrupt dictatorial regime did. In most cases of resistance, it was "resistance to authoritarianism arising from the implementation of SAP" (Mkandawire M and Olukoshi. 1995). To reinforce this point Bechman (1991) argued that "it is resistance to SAP, not SAP itself that breeds democratic forces. SAP can be credited with having contributed to this development not because of its liberalism but because of its authoritarianism." Mass resistance to the SAP coincided with the collapse of the eastern bloc. Pressure was mounting on the Mobutu regime to embrace the new democratic requirements.

The economic crisis continued to affect the legitimacy of the regime but it did not deter the political elite from its corrupt practices. Mobutu's charisma disappeared and he ruled increasingly through coercion, via his *spéciale garde présidentielle*. At the same time, economic hardship forced people to retreat from politics and attend to their own survival. In the face a regime that had decided to remain in power using force, impoverished Zairians citizens resorted to the informal economy.[29] As Christopher Clapham observes, "...as the economies atrophied and the populations retreated from the monopoly of state, the distance between the claims to juridical statehood and the reality of domestic ineffectiveness widened" (Clapham: 1999: 58). In this political and economic situation, an autonomous middle class with skill, confidence and international experience to participate in politics was unable to emerge. Most of the high-status

[29] The unofficial trade from Zaire to eastern and southern Africa (and other parts of the world) proliferated and expanded, as did the number of small-scale manufacturing, retail and service enterprises in the capital. Private schools and universities, hospitals and dispensaries sprung up to replace defunct public health and educational institutions. Despite the apparently impossible conditions of daily life, people somehow had the resources to buy imported goods.

positions available in the public sector, the private sector and civil society (including the institutions of higher learning) were in the hands of political appointees. Economic meltdown closed opportunities for the emergence of alternative poles of influence in society (such as business, doctors, lawyers and political opposition whose income and status were outside the state's reach).

While the collapse of the Congolese state has both external and internal causes, it is clear that the inability of the Congolese leadership to regroup in the face of external manipulation (and especially its inability to deal with malpractices within its ranks) played a more prominent role in the demise of the state than the manipulation itself. Thus the crisis in the DRC is more the outcome of decades of misrule and plunder by an unscrupulous autocrat and his henchmen than the outcome of manipulation by western powers. This is the conclusion that René Lemarchand (http://web.africa.ufl.edu) reaches when speaking of the causes of the demise of the state

> "Some are rooted in the cumulative effect of economic and financial constraints ranging from plummeting of copper prices in the 1970s and the ineptitudes of "Zairianisation", to a growing debt burden and widening gulf between a soaring supply of money and the availability of basic commodities, leading to runaway inflation. Others are clearly traceable to Mobutu's own neo-patrimonial style, which conjures up mixed images—Bula Matari working in tandem with the Medellin cartel or Corsa Nostra. The result has been a process of political involution centered around a handful of rent-seeking cronies."

The most dramatic finding of the Sovereign National Conference (SNC) was that the problem of the DRC under Mobutu in the 1990s was not so much about poor economic performance, but more about the breakdown of the legitimacy and political viability of the state. Indeed poor economic performance as a cause of state breakdown (Collier and Hoeffler 1998), while relevant, has not been a salient factor in state breakdown in Africa. There are many poorly performing states (in economic terms) that have not experienced anything like the breakdown of the kind we saw in the DRC. Mobutu's state reached in the 1990s a stage where it lacked the capacity to govern, functioning as little more than a vehicle to retain incumbents in office. Mobutu's power remained entirely coercive, and extended over a shrinking area of society.

Much of the country under Mobutu was under no effective government at all, yet it miraculously survived, (although with increasing difficulties).

*2.3.7 Failure of democratic transition*

In the early 1990s the wind of change that was blowing across the continent as a consequence of the end of the Cold War reached the DRC. Mobutu succumbed to both internal and external pressure and agreed to organise a Sovereign National Conference (SNC) in 1991, to discuss a move away from the one-party state to multi-partyism.

Following the fall of the Berlin Wall in November 1989 and the subsequent agitation for political liberalisation in Eastern Europe and around the world, resistance to authoritarian rule in the Congo took a dramatic turn. In the period after the Cold War, western powers started to advocate democracy and human rights as the cornerstones of foreign policy, and moved away from the security regime that had characterised their relations with many African governments. Western powers, who had protected dictatorial regimes across the continent, were increasingly demanding multi-party systems. Dictators were requested to break instantly with the way they had been governing, and to embrace democracy and good governance principles. With regard to security, they were also demanding that Africans resolve their own conflicts. President Mobutu was among the last of Africa's long-ruling leaders to give in to the pressure for political reform on the continent. On 24 April 1990, Mobutu announced the abolition of the one-party state, setting the stage for a return to multiparty democracy. One major consequence of the end of the Cold War on Mobutu's regime was the withdrawal of financial and political support by the west, and a direct request that he embraces multi-party democracy in exchange for financial support from the international community. When he announced an end to the one-party state, his 26-year grip on power was already weakened by a broad coalition of opposition groups and external pressure.[30] At this stage, Mobutu still had a chance to redeem himself and help to organise a smooth transition to multi-party democracy. Paradoxically, the Congolese state reached its most advanced state of collapse with the introduction of multi-party democracy.

[30] When on the 24 April 1990 Mobutu announced the democratisation of politics, a broad opposition coalition emerged, drawing support from dissatisfied regional elites, excluded politicians and army officers, businessmen seeking fair access to state resources, trade unions, professionals, scholars, civil servants, churches, media and youth.

The SNC was to establish the truth about the past, promote national reconciliation, and reach consensus on a transition to democracy. Despite all the manoeuvring to delay it, the SNC started on 7 August 1991 and ended on 6 December 1992. It was interrupted many times during the course of the negotiations. It was attended by more than 4 000 delegates. It played a dual role of promoting truth and reconciliation, and serving as a constitutional conference. The conference was successful beyond expectations. It reviewed the history of the country, governance during Mobutu's regime, and atrocities committed by the regime. It drafted and approved a new constitution, agreed on the timetable for national democratic elections, and elected Etienne Tshisekedi as prime minister of transition (with Mobutu as the president until elections). It also established itself as the High Council of the Republic (HCR) to act as a transitional parliament pending the organisation of national elections. The SNC discussed prescriptions for the new state. It was the representation of the mass movement in the SNC, for the first time in the history of Congolese politics that ensured improved participatory democratic processes in the drafting of the new constitution. According to Wamba dia Wamba (1995:127),

> "A powerful mass movement for democracy was being structured, bringing together a wide range of groupings: peasant organisations, including cooperatives and Peasant Solidarity (*Solidarité Paysanne*); artisans' organisations; trade unions; religious organisations, such as the Association of Protestant Theologian Women (*Associations des Femmes Théologiennes Protestantes*); youth organisations; formerly illegal parties such as the Union for Democracy and Social Progress (UDPS) and the United Lumumbist Party (PALU); newly registered parties, and others still in the process of being formed. An independent press, very critical of the regime, was emerging. The slogans were change and Mobutu must go."

Despite this opportunity for a smooth transition, Mobutu still wanted to disrupt the process. He created as many political parties as possible in an effort to divide and rule. Three months after the National Conference, the government had registered 381 political parties (Kabumgulu, 1995), but most of them never advanced beyond an embryonic stage of development. Very few attempted to extend their reach to other provinces and rural areas and to other ethnic groups. As mentioned elsewhere, all political parties in the Congo are ethnically based, arising from the

colonial cultural associations. The result was that President Mobutu, a tactical genius, continued to dominate Congolese politics until the rebellion of 1997 overthrew him. The paradox that emerged during the Mobutu era was that the masses were the ones who were demanding democracy and a state regulated by rights. The predatory ruling class, on the other hand, deprived of credibility and thus deprived of the possibility to operate on a regional and international level, sought in vain for a national legitimacy by resorting to vulgar populism.

Unlike in 1960, the country in the 1990s developed a civil society and a public opinion that wanted to participate in the wave of democracy which was sweeping the world. It is important to point out that the internal opposition forces pledged to maintain the principle of non-violence, while Mobutu resorted to violence. As President Mobutu's legitimacy dwindled, he ruled increasingly through coercion, mainly via the army. His units engaged in clashes with the opposition leadership and the population on several occasions. Notable among these were the attack on University of Lubumbashi students on 11 May 1990; the week following 23 September 1991, when frustration erupted into a week of rioting and looting in Kinshasa by the armed forces, which later spread to all major cities; the episode on 16 February 1992 when security forces opened fire on church parishioners who were engaged in a peaceful protest, killing at least 33 people; and the riots on 28 January 1993 over a currency dispute, with the death toll estimated at between 300 and 1000. In this latter incident, the French ambassador (Phillippe Bernard) was killed. At this stage, Mobutu had lost support from his allies and long-term supporter, the US. Mobutu's brutalities were now recorded as human right abuses. The "Mobutu or chaos" assumption did not hold in the post-Cold War era. The best the US administration could do for an old ally was to push for a peaceful transition. However, Mobutu continued to frustrate the implementation of the decision of the SNC, and in the process he exhausted the trust of its former allies. Whether or not Mitterand's (1990) famous thesis that "there cannot be democracy without development and no development without democracy" is correct, the DRC during the 1990s was a clear case demonstrating the close relationship between development and democratisation. The announcement that Mobutu might be facing electoral defeat brought with it a new threat to state stability. The dynamics of such a situation are well-known in the literature on experimental game theory. Only the most naïve actors would have expected Mobutu to abstain from using all the means at his disposal to frustrate the democratisation process. A successful transition from dictatorship to democracy would have contradicted the argument that,

in the case of DRC, the only choice was between Mobutu's authoritarian rule and chaos (Herdt, 2002:446). Mobutu continued to resist change by ordering troops to disperse demonstrators, and by arresting opposition leaders. Although he had agreed to the SNC, Mobutu rejected the notion that it could claim sovereignty over the country's affairs.

The national conference failed in its primary mission, that of arranging a peaceful transition to democracy. Mobutu accepted the introduction of multi-partyism, but used the multiparty system to reinforce his grip on power. The political impasse remained until the war started in the east of the country. One major factor which retarded the transition was the fact that the internal democratic movement had no capacity to mobilise people for a final push to unseat Mobutu. The main reason was that most of the members and the leadership of the opposition groups were themselves the product of Mobutu's regime, and as such had limited ability to outmanoeuvre him as he co-opted them repeatedly and divided them at will. But the absence of any effective state (maybe, to be precise, the state decay) informed Rwandan and Ugandan ambitions to overthrow Mobutu. The SNC decisions were never implemented in full, with Mobutu remaining absolutely in control of state institutions until he was forcefully removed from power by the AFDL forces led by Laurent Kabila.

## Chapter 3: War, natural resources and state collapse

The internal democratic forces failed to unseat Mobutu. Instead, it was the external factors that provided a significant opportunity for regime change. In October 1996 Rwanda, Uganda and Burundi (with support from Angola[31] and Zimbabwe) invaded the DRC in an attempt to resolve their own security problems. This intervention was quickly transformed into a movement for regime change in the DRC. The internal Congolese democratic forces which followed a non-violent approach were replaced by war as a means to effect change. The war would not only remove Mobutu; it would further destroy whatever semblance of a state remained. From this time on, the challenge to state-building also changed. It was no longer about Mobutu's ineffective, undemocratic and corrupt institutions, but now included questions of how to deal with the consequences of war, peace negotiations and peace-building. In 1998, war would again seek to remove Laurent Kabila.

At the outset, it is important to put forward an observation that will guide our analysis and interpretations. The two wars – the 1996 war that overthrew Mobutu and the 1998 war against Laurent Kabila – were really only one war. The latter was a continuation of the former, which had never attained its objectives. This external military occupation of the DRC, led by its smallest neighbour Rwanda (which was itself at an advanced state collapse), was enough indication of the extent of the collapse of the Congolese state.

This chapter provides a review of the causes of the war which ended the west's most trusted regime on the continent. It argues that the war was driven by both security and economic motives, but that economic interests far outweighed security considerations.

[31] The coalition that saw Angola under President Dos Santos and the Tutsi alliance pushing to overthrow Mobutu during the first war had the blessing of the US. There was already a rapprochement between Washington and Luanda at the time. With the instability in the Middle East, Africa was becoming an important source of oil, and Angola was becoming an increasingly important oil producer.

## 3.1 Security and political dimension of the war

The DRC war started as a spill-over of Rwanda's civil war. The war in Rwanda, which started in 1990 with the predominantly Tutsi rebellion under the Rwandan Patriotic Front (RPF) against the Hutu regime of President Juvenal Habyarimana, overflowed into the DRC. The RPF was made up of Rwandan Tutsis in exile in Uganda and throughout the Great Lakes region. These are people who had fled Rwanda after the abolition of the Tutsi monarchy at independence in 1960. In 1990, they decided to return to power by invading the North of Rwanda. Mobutu's army and French forces rescued Habyarimana's regime by stopping the advance of the RPF. Negotiations between the RPF and Habyarimana's government reached a deadlock in 1994. On 6 April 1994 a plane[32] carrying the presidents of Rwanda (Habyarimana) and Burundi (Cyprien Ntaryamira) was shot down killing both, and the RPF launched an offensive against Kigali. Extremist elements in the *Forces Armees du Rwanda* (FAR) launched an organised campaign to ethnically cleanse the country of Tutsi and moderate Hutu, of whom around 800 000 were massacred. When the RPF took control of Kigali, Hutu refugees (among them soldiers of the FAR who had committed the genocide) found refuge in the DRC. The presence of armed Hutu refugees along the border of Rwanda and the DRC posed a real security threat to the new regime in Kigali. The armed Hutu refugees were attacking Rwanda through Gizeni and Shangugu and retreating into the DRC (Karume, Interview, Kinshasa, December 2010). Most people agree that the immediate reason for the Rwandan and Ugandan Tutsi-led military intervention in the DRC was to destroy the presence of armed Hutu along the border with Rwanda (Ngongo and Karume, Interview, Kinshasa, December 2010).

Every episode of Hutu-Tutsi violence in Rwanda or Burundi provokes an outflow of refugees to neighbouring states, always with the potential for further conflict. René Lemarchand (2000) argues that the epicentre of the crisis in the Great Lakes region is Rwanda, based on the politics of exclusion relating to the Tutsi-Hutu relationship in that part of the world. Whoever is in power in Rwanda, being Hutu or Tutsi, their survival depends on retaining as much political power as

[32] One widely held view is that it was the work of the Rwandan Patriotic Front, the Tutsi-led rebel army that has since defeated and replaced the Hutu-led Government. The other assumption is that extremist Hutu killed the President because he was about to bring the Patriotic Front into the government, as required by a peace plan. There have also been allegations of Belgian or French complicity.

possible, to be distributed among their own ethnic group. The politics of ethnic exclusion in the management of the state has always been the cause of instability in Rwanda. The colonial state drove a wedge between the two ethnic groups. It gave preferential treatment to the Tutsi through appointments of local authorities or administrative staff in the colonial office. The Belgians ascribed a Hamitic racial identity to the Tutsi in Rwanda, and a Bantu tribal identity to Hutus (Hagg. G& Kagwanja P, 2007:15). This classification sowed the seeds for post- independence ethnic rivalries between the two groups. As such, "the explosion of ethnic-based violence in Rwanda is a manifestation of the brutal legacy of manipulation of ethnicity in the colonial past now returning to haunt the post-colonial state" (Mamdani 2001). The risk of the country returning to war is ever present. For the new regime in Kigali anything which is opposed to the regime is associated with genocide and must be confronted violently.

The presence of Hutu refugees in the Congo and their demand for a democratic Rwanda are perceived as threats to Tutsi's security. To destabilise the Hutu's organisational capacity inside the DRC is a vital objective of the Kigali regime. The DRC, especially Kivu, "is where losers in Rwanda end up; and it is here that they prepare to return to power in Rwanda" (Mamdani, 1998 b). That, at least, is how conventional wisdom in Goma and Bukavu has it. This, no doubt, introduces a double tension in Kivu – one within Kivu society, and the other between Kivu and the power in Rwanda. When ethnic links transcend formal boundaries, the spill-over is even more destabilising, not only for the immediate neighbours, but also for the entire sub-region (Evans G 1997:7). It is for this reason that we have witnessed an increase in intra-state conflict in the Great Lakes region. Rwanda has argued that its military actions were Aiméd at eliminating and dispersing members of the Interahamwe and others who had been responsible for the 1994 genocide, and to drive the mass of exiled Rwandans back to their country of origin, thereby bringing them under the effective supervision of the Tutsi government in Kigali. While Rwanda and Mobutu's governments agreed that the presence of Rwandese refugees in the DRC had contributed significantly to destabilise the region, they completely disagreed on how to resolve the problem. For Kagame, the presence of the extremist Hutus was a threat to Tutsi power, and they needed to be dismantled by Rwanda in the face of indifference and complicity of the international community. For the majority of Congolese, the presence of Hutu refugees constituted an exportation of Rwanda's conflict into the DRC, and as such it needed the international community's intervention to resolve it. Until this time, Rwanda's intervention (limited to the

dismantling of Hutu refugees) was morally justified. But the moral justification was lost when Rwanda decided to interfere in Congolese politics.

Rwanda was joined by Uganda and Burundi. Uganda argued that it was sucked into the DRC conflict because of destabilisation attacks on Uganda from the DRC by the Allied Democratic Forces (ADF) and other Ugandan rebel groups, as well as by Sudan. Uganda also accused Mobutu's regime of giving support to Ugandan armed groups operating in the DRC. The DRC was used as a rear base by anti-Museveni forces such as the West Nile Bank Front (WNBF) and the ADF, some of which were supported by the Sudanese government. Burundi has never clearly stated why it went into the DRC. However, directly or indirectly, President Mobutu supported militarism in Burundi, and a spill-over from Burundi's civil war has also contributed to chaos in the DRC. The armed oppositions to President Pierre Buyoya's military regime, particularly the *Forces de Défence de la Démocratie/Conseil National pour la Défense de la Démocratie* (FDD/CDD), had their headquarters in the DRC (although this does not mean that Mobutu did not support the regime in Burundi). Due to developments linked to the effects of the 1994 genocide in Rwanda, the *coups d'état* in Burundi, and the increased ethnic conflict fomented by Mobutu's geopolitics, Buyoya found himself on the side of Rwanda.

Rwanda, Uganda and Burundi entered into a security alliance to deal with the security threat emanating from the DRC. As Robert Rothstein (1968) argues, "an alliance is not only an instrument of controlling the environment, but also a part of a larger political strategy designed to avert potential danger." The decision by Rwanda and Uganda to enter deep into Congolese territory came about when Rwanda realised that the Congolese army had no capacity or willingness to fight" (Biyoya, Interview, Kinshasa January 2011). Because Rwanda could not enter into the DRC without the authorisation of Congolese government, Rwanda decided to create a rebellion led by Congolese Tutsi. Rwanda redefined its objectives as including the need to protect the Congolese Tutsi minority called Banyamulenge,[33] who were being persecuted by the Mobutu

[33] Most members of this ethnic group are concentrated in the Congo's Kivu province, which shares a border with Rwanda. Their presence on Congolese soil dates back to the colonial period, where they were brought in to work on mines and railway construction. The Belgians succeeded in establishing the three countries, Congo, Rwanda and Burundi, without a clear vision of a nation. Over 400 hundred Congolese ethnic groups and the three ethnic groups that are found in both Rwanda and Burundi progressed separately without real integration. The unique common denominator between them was their servitude to one master, the Belgians. The process of exploitation of the resources of the vast Congo territory, especially for the Katanga mining industry, pushed Belgium to look to the wider region for the supply of labour. It naturally turned to the vast population of Kivu, Rwanda and Burundi, Zambia and Kasai

regime. The Banyamulenge, a Congolese ethnic group of Rwandan origin, played a key role in transforming the Rwandan conflict into a Congolese conflict. When the war broke in 1996, Rwanda characterised it as a rebellion of Congolese Tutsi (or Banyamulenge) fighting for their recognition. Rwandese authorities affirmed that the Banyamulenge were Congolese nationals who had lived in that country for centuries and had revolted against the central authority in defence of their right to Congolese nationality so as to escape the massacres (AU report CM/1980). Congolese authorities, argued that there was no ethnic group known as "Banyamulenge" per se, and that those elements involved in the war were Rwandese who had come to DRC in the wake of the Belgian colonisation; Congolese nationality could therefore only be granted to them on case-by-case basis. The problem of the nationality of this group is not whether they should have DRC nationality, but who qualifies for it. Mamdani (1998:76 b) observes:

> "Starting from those who were there when the borders of colonial Congo were first demarcated, the identity Banyamulenge includes every wave of immigrants to Mulenge, including those who came in the wake of the 1994 genocide. They are all Banyamulenge. The irony of a common identification for all Rwandese-speaking persons resident in a single place, regardless of when they got there, is that the depth of claim of those longest resident is obscured by the shallowness of the claim of the latest wave of immigrants."

Rwanda's argument that its intervention should be seen as a protection of Congolese Tutsi confirms the assertion that "states might take advantage of ethnic troubles in neighbouring states to further their own strategic and political ends" (Michael Brown: 1993:21). The Congolese nationality of this group has always been disputed, and this has occasionally led to clashes with

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province (Baleme, 1999: 28 & 101). But the population of Rwanda constituted the main reliable source of labour. The Belgian authorities used "Rwanda's population as manpower for uninhabited Congolese land" (Pabanel, 1991:1-4). People were moved from Rwanda to empty spaces in the Congo. However, these immigrants from Rwanda, because of the colonial system which organised people according to their origin and tribe, were not integrated with the indigenous Congolese despite the fact they have lived together peacefully for many decades. Belgian policy did not favour integration of different ethnic groups. Colonial legislation was not clear on the status of the population of Rwandan origin in Congo. In 1960, Congo hastily gained its independence while major issues remained unresolved; issues that would sooner or later generate serious conflicts among the populations of the Great Lakes region (ibid). Congolese legislation dealt only with election-related problems and failed to address the citizenship question of what had become an extremely diverse population. Following the ethnic conflict of 1959 and 1961 in Rwanda, other Rwandese moved to Congo as refugees, and since then the movement of people from Rwanda to the DRC has never stopped.

indigenous Congolese in Kivu province. The main source of tension has been disputes over land. In the social systems of the people of the Great Lakes region, the notion of vacant land does not exist; there are no empty spaces without an owner. There is thus no way an immigrant can claim land. During the colonial period, indigenous people and immigrants were all controlled by the colonial power. Following independence, ancestral land occupied by immigrants became a serious source of conflict between settlers (immigrants) and indigenous people. The Banyamulenge "settlers" have always fought for land, but the laws of the country have denied them such access.[34] As Mahmood Mamdani (1998b) argues, "a settler, from the point of view of ethnic citizenship, will never become a native." When Rwanda realised that a rebellion led by the Banyamulenge would not be popular with the Congolese people, a new strategy was designed to let the rebellion be led by Congolese. According to Gerard Prunier, "…Rwandan defence minister Paul Kagame and Ugandan president Yoweri Museveni needed a Congolese face to make the rebellion more credible. It was clear from the start that a war driven solely by Rwanda, Uganda, Burundi and the Congolese Tutsi would be met with resistance by the Congolese people."

Laurent Desire Kabila was brought in to give the war a convincing Congolese character (Karume, interview, Kinshasa, December 2010). Using Kabila as a form of local cover solved the problem (*The Star*, 1997). Kabila was a good choice because he had a good record of opposing Mobutu's regime since the 1960s. But Kabila was not the only Congolese involved. He formed an alliance with other Congolese rebels to create the AFDL. The meeting to form the AFDL took place at Kidote, a locality at Lemera in Uvira in the east of the DRC (Kaboyi, Interview, Kinshasa, and January 2011). At this stage Uvira and Bukavu were already under the control of Rwandan troops. At the meeting in Kidote, four key Congolese figures, each representing an armed group, took part. They included Masasu Nindaga Anserme (a Mushi with a Tutsi mother), Laurent Desire Kabila (a Mulubakat from Katanga), Kissase Ngandu (a Mutetela) and Deogracia Bugera (a Tutsi, Rwandophone). They concluded a military alliance called AFDL to fight Mobutu's regime. On the basis of these accords Laurent Kabila was chosen as the spokesperson of the alliance. It must be said that Laurent Kabila joined the alliance to

[34] For example, the Citizenship Law adopted in the former Zaire in 1981 stated that anyone with an ancestor born before 1885 in the territory demarcated as Congo under colonial rule would be considered a citizen. This law only gave people civic citizenship; they were not considered as natives. This legal provision was confirmed by the 1991 National Conference.

reopen his own war against Mobutu, one that he had been engaged in since the 1960s.[35] The AFDL became the face of the war. From this time on, Rwanda refused to admit that its troops were in the DRC. However, Laurent Kabila knew that the Congolese were simply being used for the interests of Rwanda and Uganda. He was concerned that the Banyamulenge wanted to occupy only the most strategic positions (security, intelligence and finance) in the movement (Kaboyi, Ibid).

Rwanda and Uganda's decision to go to Kinshasa was also influenced by Mobutu's bellicose behaviour. The war was used to settle old scores against Mobutu. Mobutu's regime held back the entire people of Central Africa and used Congolese territory as a base for violence, intolerance and destabilisation of the region. Mobutu wanted to use the 1994 genocide in Rwanda to recoup his slipping power at home and tried, with the help of the French, to reorganise the remaining Hutu military elements on the basis of a commitment to support the defeated FAR (now in refugee camps) to retrieve power from the RPF (Wamba-dia-Wamba. E: 1998). Hutu extremists received training and were armed in preparation to take Rwanda back. The collapse of the refugee camps at Tingi Tingi in late 1996 under Rwandan attacks revealed a sophisticated network of arms suppliers, and detailed plans for invading Rwanda (Evans G 1997:9). When Rwanda and Uganda realised the extent of Mobutu's involvement in planning the return of the Hutu, they started to consider a far bigger objective: to overthrow him as revenge for his unscrupulous regional politics. For Rwanda and Uganda the threat was no longer the refugee camps, but the regime that was arming them. It became clear that, if left unchallenged, President Mobutu would continue to destabilise the region. As Paul Kagame puts it, "we had to look at the problem in a broader context. When the conflict started, they [the Interahamwe] were armed in broad daylight in Tingi Tingi [a refugee camp] in the presence of the UN and non-governmental organisations. This situation was creating a perpetual political threat to Rwanda" (Mamdani, 1997). According to Kagame, Rwanda asked the Ugandans and the Angolans to share the responsibility: "... there was actually a sharing of burden, though we bore the main burden" (Ibid). The Ugandan view was shaped very much by the experience of direct Tanzanian involvement in the war that removed Idi Amin in 1979. The two situations were similar.

[35] Laurent Kabila was a retired rebel when President Museveni invited him to join the rebellion. Laurent Kabila first found refuge in the Fiji (Hewa Bora) then he moved to Tanzania. But he remained under surveillance by Mobutu's intelligent. When Mobutu appointed a special consulate, Mr Isekusu, for Kigoma (Tanzania) with the mission of monitoring Kabila's movement (Kaboyi, Ibid), Kabila moved to Uganda.

President Mobutu had acquiesced in turning border camps for Rwandan refugees into armed training camps for the proponents of "Hutu Power". When Idi Amin invaded the Karega region of Tanzania and the Tanzanian forces pushed him out, the question arose, what next? Should the next step be for them to push forwards to Kampala, thus overthrowing the dictatorship? Or should they leave matters to Ugandan groups opposed to Amin, giving them as much material and political assistance as the situation called for? The second alternative involved a risk: if you hit a dictator but still let him recover, would that not be inviting a second and more lethal strike from him?

Rwanda, Uganda and Burundi received moral and logistical support from other African countries such as Zimbabwe and Angola. In the case of Angola, President Mobutu during the Cold War made Zaire a transit route for arms destined to UNITA from the US. Mobutu also used the Angolan conflict to build up his stature as peacemaker. He presided, for example, over an African diplomatic effort to broker a ceasefire between UNITA and MPLA. This was achieved at Gbadolite, his native town, on 22 June 1989. During Mobutu's visit to the White House, President Bush noted in his remarks regarding America's longstanding ally: "just last week, he (Mobutu) brought together for the first time and in the presence of eighteen African Head of states, the leadership of Angola, warring factions, setting the stage for national reconciliation in that country, and thanks to President Mobutu, we are nearer the goal, long sought yet long elusive, peace and opportunity." Mobutu was even hoping to win a Nobel Prize that year. It was an unrealistic hope; the cease-fire did not hold. What Bush and the Angolans did not know was that Mobutu negotiated different deals with each side, and deceived them both as to what they had agreed to. From the American side, the Bush administration continued to provide aid to Savimbi via the Congo. After Jonas Savimbi lost the elections in 1992, President Mobutu's troops participated directly in the siege of Luanda that laid waste to human lives while destroying the productive capacity of Angola (Mwesiga, Baregu, 1999:25). When the opportunity arose, President Eduardo dos Santos did not hesitate to accept Kagame's plan to get rid of President Mobutu. He also wanted to stop UNITA's diamond trade and cut off the Congo as its rear base. It was this background that dictated Angola's foreign policy toward the DRC. President Mugabe saw Mobutu as an instrument of western interests, which is why Mobutu's application to join SADC was refused. Mobutu was one of the African leaders who supported the apartheid regime in South Africa.

Behind the security considerations there was a much bigger political objective. Rwanda had an expansionist claim over parts of the DRC territory. Rwanda's expansionist intention (which represents both a territorial and an economic interest) was articulated by the then Rwandan President Pasteur Bizimungu. In the early stage of the war, on the 10 October 1996 at Cyangungu in Rwanda, President Bizimungu made an astonishing remark, calling for a Berlin II Conference to review the borders between the two countries (AU report CM/1980 (LXV): 4). This announcement, although downplayed by the Rwandan government afterwards constituted the base of Rwanda's war policy in the DRC. Rwanda wanted a piece of the Congolese territory. Bizimungu evoked the idea of a great Rwanda, which extended from Lake Rweru and Cyohoha through the Volcano chains up to the Rwicangize (Lake Edward). According to Bizimungu, "Rwanda was to be extended from Rusumo up to the border with Buhunde. Even the region previously called Bushugi, considered as the birth place of the Banyamulunge, was to become part of Rwanda. All inhabitants in this area were Rwandese" (Ibid). Short of this possibility, Rwanda would be satisfied with a permanent political control of the DRC through the regime that they would install in Kinshasa. This would have meant that whoever took over from Mobutu would have to take orders from Kigali. Political control would come with economic access. To guarantee the success of such a plan, Rwanda and Uganda needed a person in whom they had trust to take over the control of the state. But Laurent Kabila surprised them when he proclAiméd himself president when the rebellion reached Lubumbashi en route to Kinshasa. As Lambert Kaboyi (interview, January 2011, Kinshasa) explains, "Laurent Kabila's decision to proclaim himself president was informed by the realities on the ground. He was concerned that if he did not do it at that time the movement would impose a Tutsi as president. He was a spokesperson of the movement and this was not a guarantee that he would be selected to become the president." Kabila's self-selection provoked a major disappointment in the movement. As a rebel representative in South Africa once put it: "The alliance never chose Kabila as president; he imposed himself. In the interest of cohesion the decision was not challenged. He was allowed to rule but the plan was to replace him as soon as possible" (Ziratimana, interview, Johannesburg, 1997). Only two months after Kabila was installed as president, top Ugandan military officers clAiméd that "an elaborate plan by the Congolese-Tutsi led by Bizima Karaha (Kabila's foreign minister) was in place to assassinate him" (Aliro, 1998).

When the AFDL overthrow Mobutu, Kabila came under severe pressure from the Congolese people to break with his Rwandan allies (who controlled most of the country's strategic positions, and especially the army).[36] The tension between Kabila and his former allies started to build up when Kabila began to distance himself from them and to make pronouncements clearly suggesting that he wanted to become his own man. It became increasingly clear that war was unavoidable between Kabila and his allies. As a preventative mechanism, Kabila entered into new defensive alliances in preparation for the war. Kabila accepted Southern African Development Community (SADC) membership, a move regarded as an act of betrayal, especially by Museveni who was committed to the Common Market for Eastern and Southern Africa (COMESA), and who for economic reasons wanted Congo to join COMESA. Kabila's decision to join SADC was not so much to pursue economic integration, but to reduce the DRC's political vulnerability to Rwanda and Uganda. As Tshikala Biaya puts it "Kabila's affiliation to the SADC rather than the project of bringing together Eastern and Central African regions, which must be seen as a tactical choice, was not found to be very fruitful for Kabila who wanted to become emancipated from his former bosses, Museveni and Kagame, whose pan-Tutsi interests (sic) Kabila would have served" (Tshikala Biaya : 1998). Kabila also established warm relations with the Sudanese government. Uganda accused Sudan of supplying arms to the rebels in northern and western Uganda, and accused Kabila of "clandestine contacts with Khartoum and sponsoring ADF rebels against Uganda" (Aliro, 1998). Rwanda brought similar accusations. It accused Kabila of "giving support and military bases to the former Interahamwe [Hutu militia] genocidaires" (Ibid). According to Father Ferdinand Muhigirwa (interview, Kinshasa, 2011) Kabila had been in contact with the Hutu militia long before he took power. Kabila knew that his allies (Rwanda and Uganda) were not sincere and that what they wanted was to dominate the DRC politically and economically. He prepared Hutu militias to operate as a defensive mechanism in the event of conflict with his allies" (Koloso Sumahili, interview, Kinshasa, January 2011). Kabila's friendly relationship with the Hutu militias escaped to the attention of his allies throughout the war that brought him to power.

[36] Already in July 1997, President Kabila in preparation of the rupture hardened his voice. On the 26 July, speaking to officers and soldiers (at camp Tshatshi, most of them the FAZ) who came back from a session of political re-education, he introduced his speech in these words " *J'ai encore besoin de vous*" (I still need you). He announced his intention to create an army of 600 000 soldiers. He invited them to abandon Mobutism which made of the army a band of looters.

The war started again when President Kabila asked Rwandan and Ugandan armed forces to leave the country with immediate effect. He asked Rwanda and Uganda to give him the bill for their contribution to overthrow Mobutu (Tshiswaka, interview, Johannesburg, 2011). It was not an easy decision. Kabila's security and that of the state were in the hands of the same foreign forces he was chasing out (Rwandan and Ugandan officers occupied all key military and intelligence posts). Kabila had the backing of a 14 000-strong Tutsi-dominated army (*The Star*, 1997).[37] The Commander of the Congolese forces was James Kabarehe[38], a general of the Rwandese army; the Congolese minister of foreign affairs, Bizima Kahara, was a Tutsi-Munyamulenge with strong links to Rwanda and Uganda; the secretary-general of the AFDL, Deogracias Bugera, was of Rwandan origin and the intelligence services both civil and military were in the hands of Rwanda. The Banyamulenge, Rwanda's protégés, were controlling the security and the administration in North and South Kivu. The war of 1998 was hardly a surprise, as the marriage between Kabila, Kagame and Museveni was one of convenience. As Nzongola-Ntalaja (1998) puts it, "Having taken a dim view of the organisational capacity of the Congolese leadership involved, I was among the sceptics... on the grounds that the whole process was based on a purely militaristic strategy of liberation subordinated to an externally determined dynamic."

## 3.2 The Economic dimension of the war

### *3.2.1 The International economic context of the war*

The 1996 war intervened in a changing global context with the end of the Cold War, at a time when multinational mining companies were in search of new sources of raw materials. Most of the mines that had serviced the world were heavily exploited, and some had been exhausted. Rwanda and Uganda's invasion of the DRC in 1996 intervened when the west had started withdrawing their support to Mobutu following his reluctance to democratise. At the time, western powers had not agreed on how to go about replacing him, or with whom (Interview with Obotele, 2006).

[37] Kabila had to deal with the fact that the security of the country was in the hands of Rwanda and Uganda and their proxies, the Tutsi-Banyamulenge – but the Congolese saw this force as an army of occupation.
[38] Today he is the General of the Rwandan Army.

The DRC (because of its abundant mineral resources) is notorious for being one of the most pathological instances of European division in Africa (Herbst and Mills, 2009). Western powers were divided as to whether or not Mobutu's regime should survive. There were two groups. On the one hand, France and Belgium, who were not on good terms with Rwanda at the time, were not prepared to see Mobutu go (Obotele, Interview, Kinshasa 2006). On the other hand, the US and Britain were in favour of an immediate regime change in Kinshasa (Ibid). It seems that the last word depended on the US, the only superpower at that time. The DRC, as at the Berlin Conference and again at independence, became a source of tension between the western powers, this time along linguistic lines – Anglophone versus Francophone.

Mobutu was sick and ruling with no legitimacy. He had lost total control over of the country. The public administration had long ceased to function. But, he continued to resist the introduction of multiparty democracy, and the US feared losing control of the DRC. In weak states where sovereignty and territoriality are difficult to uphold, the pressure increases from internal and external actors to take the opportunity to advance their particular positions (Reimo delete Vayrynen 1984:337). Rwanda, Uganda and Burundi's decision to invade the DRC provided an opportunity for the US and Britain to implement regime change (Nsapu, interview, Brussels, November 2010). Museveni and Kagame were among the new breed of African leadership. Both were firmly in control of their respective states, and they had the monopoly of power through well-trained and organised armies. They gave a sense of assurance to the US that it could count on them to protect its interests in the DRC. Kagame's and Museveni's brutal intervention to end Mobutu's regime could only be done with the blessing and support of Washington, as Hendrick (1999) suggests:

> "When Rwanda, Uganda and Burundi, with the support of Angola, decided to enter DRC in pursuit of the Interahamwe and ex-FAR, they found Washington well disposed to sacrifice its old friend President Mobutu. Despite this tacit acceptance by the US of Rwanda's intervention in DRC, there was still the genuine fear that complete disengagement would lead to bloodbath."

It would have been unthinkable during the Cold War that the US would have left Rwanda and Uganda to enter the DRC even in the presence of genocide. This was a clear indication that

Mobutu's usefulness was finished. Mobutu was no longer able to protect US interests. The west, however, did not know how Mobutu's regime would end. Because the US was not sure of the outcome and did not trust Laurent Kabila as the future leader of the DRC, they followed a dual approach of supporting the war and promoting peace negotiations. This is why the US, through South Africa, would insist during the 1996 war on a negotiated settlement between Kabila and Mobutu. They hoped that negotiations would result in a government of national unity which they could control (Biyoya, interview, Kinshasa 1996). The US continued to view African politics through the prism of the Cold War (De Walle, 2006: 213). The West was not working for democracy in the DRC; it was working towards an outcome that would protect its control of the country's mineral resources (Biyoya, interview, 2009). This enabled western multinational companies to directly finance the war, and to sign dubious mining contracts with Laurent Kabila while promoting negotiations using President Nelson Mandela. Mandela might have been genuine in his undertaking, but the people he relied upon were playing a double game.

A criticism of US foreign policy in the Great Lakes region at the time is that the world superpower was not in possession of a correct assessment of the political situation in the DRC, or that it was simply blinded by its own interests. Paul Nsapu, for example, argues that "If the US wanted a peaceful transition to democracy in the DRC, it should have supported the internal non-violent democratic forces instead of promoting war as an instrument of change. He argues that the US had no reason to fear the progressive democratic forces which have always been pro-capitalist. By allowing Rwanda and Uganda to freely enter the DRC in the presence of a dying Mobutu was to further complicate the DRC equation" (Ibid). Because Mobutu was already weak, peaceful democratic change using internal forces would have been a much more promising avenue to bring about democratic transformation. At this stage, internal democratic forces, if properly supported, could have provided a suitable alternative to Mobutu's regime – more suitable perhaps than the war that the US encouraged and supported. The US decision turned out to be wrong, because the war did not bring stability but more collapse of the state.

The war in the DRC was a complex one, not because of the security concerns of Rwanda and Uganda, but because it was a war between external powers for the control and exploitation of mineral resources. The first phase of the war (1996) was totally financed by multinational mining companies which wanted to control Congolese minerals in post-Mobutu era. Multinational

companies financed the war in exchange for mineral rights (Mpoko, Interview, Pretoria, January, 2011). The war was sustained and maintained by the cash-flow from multinational mining companies to the rebel AFDL, led by Laurent Kabila.[39] The war became an opportunity for mining investors to acquire mining rights of strategic minerals, and to control the politics of the country. Mining companies provided financial and logistical support to the AFDL in exchange for mineral rights. Some of the big companies that supported Kabila in the bush included the Consolidated European ventures of the Lundin Group, Barrick Gold Corporation (BGC) and the Anglo-American Corporation (AAC). There were also small companies trying their luck. The fact that these companies rallied behind Kabila was a sign that the powers that were controlling world affairs, and which had the monopoly on deciding what should happen in the DRC, were in agreement with the logic of the war pursued by Rwanda and Uganda to overthrow Mobutu. The strategy of these companies was to intervene before the rebel victory, so that they could control the future government. This moral and material support increased Kabila's arrogance, encouraging him to sabotage the negotiations led by Nelson Mandela. By signing mining agreements and accepting financial and logistical support from mining companies, Kabila made himself a prisoner of these multinational corporations. His later attempts to distance himself from them, and to review the mining agreements once in power, was the main cause of the 1998 war.

In reality, the overthrow of Mobutu was not the first choice of the multinationals. The first choice of these multinationals, the USA and Great Britain was to balkanise the DRC (Wamba dia Wamba, interview, Kinshasa, 1996). This would have been a carbon-copy of the Yugoslavia scenario, where powerful financiers forced the creation of new states (ibid). Dani Nabudere (2003) argues that the war that led to toppling Mobutu was already prepared as part and parcel of

[39] Kabila, while marching to Kinshasa made a mistake which in fact betrayed his nationalist ideology. He sold the country's mineral wealth when leading the first rebellion to victory against Mobutu. Kabila perpetuated the control of the state by private capital, a sin he tried to correct later; and one which cost him his life. In 1996 the AFDL through Kabila, signed contracts with European companies, giving them a monopoly on the mining of different minerals across the vast territory of the DRC, especially in Katanga province. This was the beginning of dubious mining contracts, which would give away most of the countries mineral resources. The signing of dubious mining contracts by a rebel leader while still in the bush exposed the AFDL leadership as one that was concerned with securing power at all costs, even when that meant mortgaging the country's resources. Kabila, as a rebel leader who said he was fighting to restore order, had no power to conclude contracts without the consent of legitimate state institutions. It is here that the moral standing of multinational companies has also been questioned. Once in power, Kabila started with a unilateral cancellation of the contracts he had previously signed. This situation increased tension between him and western governments and multinationals. Many coup d'états against Kabila were attempted before his assassination.

the process of globalisation that was engulfing the western world. The former Secretary of State for Africa, Walter H Kanstainer III was known for his view in favour for the division of Congo as the only way to achieve long-term peace in the Great Lakes region. For Jacque Depelchin, "the proposal to balkanise the heart of the continent is not made in good faith. It is not made in an effort to find a solution to the Congolese crisis, but to create a new strategy to continue with the western policy of predation." He goes on to say:

> "…. one is not sure what is worse: their contempt for an area which is home to 60 million people, or their way of shortcutting history to serve their objective. Their objective is clearly in line with the earlier piece written by Herman Cohen[40]. In both cases, history mattered little except for twisting it so as to serve their central motive: change the borders of the DRC, split it among its surrounding countries and in the process promote market predatory economics as the solution to everything."

The idea of balkanisation was only abandoned when multinationals were guaranteed access to resources under a Kabila-led government. It is important to understand that, at the time these changes were happening in the DRC, there was a political disengagement of western governments from Africa. It was the time of what was referred to as "African solutions to African problems". It was in this vacuum that multinational companies became the driving force in the DRC war. But these companies also followed a dual approach. While signing mining agreements with the rebel leaders, they were also pursuing deals with the dying Mobutu. Some had already signed deals with Mobutu's government as privatisation kicked in during the Kengo wa Dondo administration. For example, in December 1996, as Kabila troops were advancing, Consolidated Euro Ventura (a branch of Lundin Group) signed an agreement for the exploitation of copper and cobalt at Tenke Fungurume, a mining concession of Gécamine in Katanga Province. Before Lundin, two South African Companies (GENCOR and ISCOR) were in the race to sign the Tenke Fungurume deal. In the Gécamine-Lundin deal, the former received 45 per cent and the latter 55 per cent. Just a few months later, in April 1997, before the AFDL took over Kinshasa, "American Minerals Fields, Inc (AMFI), a Canadian company based in the US, signed

[40] Herman Cohen has since distanced himself from Herbts and Mills. See Pambazuka (http://pambazuka.org/en/category/comments/55798

three agreements with Laurent Kabila after Mobutu turned them down in favour of South African companies (Anglo-American Corporation and GENCOR)" (Baracyetse 2000). AMFI then provided the decisive financial, military and logistical support to the AFDL. The multinational companies were hustling between the rebels and government authorities in order to secure the best deal before the war ended. The contracts that Kabila signed with multinationals did not represent the real value of mineral concessions, and there was always a suspicion that a legitimate government could review them. But for companies, agreements are binding; it mattered little whether they were signed with the government which was on its way out or the rebels (presumably the future government). Those who were close to the rebel leader argue that "Kabila knew that he would cancel the deals once in power. He had no option. He needed money to buy arms and feed his soldiers" (Kaboyi, Interview, Kinshasa, 2011).

The war represented a tragic continuity of the history of pillage of the country's mineral resources. African scholars on contemporary DRC stress the profound effects of colonisation on the continued process of dispossession and disempowerment of the people of the DRC by European mineral interests (Ntaladja: 2001; Pakenham: 1991). They argue that mineral resources have always conditioned foreign states' and non-state actors' relations with the DRC. The effects of the colonial past on the Congolese people linger on, sometimes appearing in perverse forms of wanton violence reminiscent of that period. The interests of the US were manifest as soon as Laurent Kabila became the president of the DRC. Efforts by Kabila, once in power, to protect Congolese minerals were not welcomed. Once in power President Kabila spoke of reviewing the mining contracts he had signed with multinationals during the war. For example, he stated that he would never sell an inch of the Congolese territory (Lambert Kaboyi, interview, Kinshasa January 2011). This attitude, together with his threats to renegotiate mining contracts signed with western multinationals, were sufficient reasons to restart the war. As Mwesiga Baregu (2005:3) argues, "...the circumstances in which Kabila came to power must be borne in mind. Of particular importance was the hostility of the western countries to the new government largely due to its independent (some would say inflexible) positions on a number of issues." Kabila also angered the west when he started establishing cordial relations with countries challenging US supremacy (Cuba and China), which were considered as rogue states by the White House. Kabila sent young Congolese for military training to Libya and China (Tshiswaka, interview, Johanneburg, 2011). In the aftermath of the Cold War, as Samuel Huntington (1997) argues, "the

major enemies of western civilisation in the present era are Islam and Confucianism." President Laurent Kabila's nationalist tendencies (reminiscent of Lumumba) became a threat to western interests and multinational companies which supported the war. While the war was very African in nature, it had a western hand in it. For the US it was unacceptable to keep an unpredictable Kabila who, since coming to power, was re-establishing ties with countries considered by the United States as part of axis of evil – Libya and North Korea (Obotele, Interview, Kinshasa, 2006, Biyoya, Interview, Kinshasa, 1997). The US has the military power and the political ambition to defend its place in the world order – all the more so at the expense of Third World (Andre Gunder Frank: 1992, 267).

Hypothetically, considering Kabila's nationalistic behaviour, even if his regime had resulted in the improvement of socio-economic conditions and order in the DRC (which he started to do), he would not have been allowed to consolidate his hold on power without guarantees to the west that they could continue, as in the past, pillaging the country's resources. While the end of the Cold War changed the west's relationship with African despots, it did not change their economic interests or their desire to control Africa's resources. The decision by Kabila to review the mining agreements precipitated the second war (Kikaya, interview, Kinshasa, 2006). Once again, the US gave carte blanche to Rwanda and Uganda to effect regime change, this time against a regime that they had helped to establish. Multinational companies would use this war to repay themselves through illegal exploitation of mineral resources in the east of the DRC. They would do this through Rwanda and Uganda. These two countries took over the position previously held by Mobutu as regimes for safeguarding western interests, and were not fighting for pure liberty as they clAiméd.

When the second war started in 1998, the rift between francophone Europe and the US became even more apparent. The European Union, especially France and Belgium, accused the US of having supported Kabila, only to abandon him when Rwanda and Uganda decided to invade the Congo again. This prompted the Belgian deputy premier and foreign minister, Louis Michel, to complain "I would like to know what, exactly, are the ulterior motives of the US regarding Africa. I would like to know what they want" (Tyler, 1999). Louis Michel complained that:

> "They supported Kabila, [but] now played the Rwandan Kagame against Kabila. They are obviously pawns. I ask myself to what extent the cessation of the economic exploitation of the natural resources that exist in the Congo has been arranged by the USA? And if, at a given time, they won't come forward themselves with a financial plan to improve the economy, under which they will of course profit the most" (Ibid).

This kind of utterance at the time was in line with increasing demands in Europe for greater European independence from the US since the NATO's Balkan war. Indeed the antagonism between Europe and the US was growing on a whole range of issues – trade, defence, new geopolitical and geo-strategic issues, etc.[41] The question was how these differences would be played out. As Baregu suggests, "At the international level, the Congo war is a war about reconciling the new American hegemony with the traditional European colonial spheres of influence. In this sense it is a war about redrawing the African strategic and economic interest maps in the post-Cold War era in which the United States is asserting its global dominance." Paul Nsapu (Interview, Brussels, November 2010) confirms this view when he argues that "The war was a war of geostrategic repositioning of big powers in the post-Cold War period using African states." This argument accords with those of Richard Taylor and John Clark (1999). They have argued that "The competition for the control of the DRC has created tension between the North Atlantic allies, between the US and the European Union, especially France and Belgium. John Clark in his book *The Africa Stake of the Congo War* argues that, "the emergent Franco-American rivalry in Central Africa in the early 1990s also helps explain why the western powers did not develop a common strategy for post-Mobutu Congo (Clark, 2004: 3).[42]

Kabila, to protect himself, would exploit Anglophone-francophone divisions. Because he wanted to distance himself from Rwanda, Uganda and the mining companies, he decided to move closer

[41] Serious European criticism of the USA first arose in the aftermath of the Gulf War, which placed the region's vital oil supplies effectively under the American control. In particular Germany—one of the largest Western trade partners of Iraq—was angry at being effectively closed out of this lucrative market. Although German troops did not participate in this first major imperialist assault following the end of the "Cold war", the country was asked to finance the war to the tune of $6.6 billion. In the aftermath of the war, the bulk of the reconstruction contracts in Kuwait went to American firms.

[42] France supported Mobutu until the last minute, while the US supported the rebellion that resulted in Mobutu being exiled. The control of the DRC is still a major source of policy differences between western countries.

to France, announcing the normalisation of relations with France, Rwanda's archenemy. This provided an opportunity for France to regain some level of control over the DRC that it has lost to the US and Britain. The antagonistic attitude of Rwanda, which maintained that the French had some responsibility in the 1994 genocide, was good enough reason for France to use everything to stop Rwanda and Uganda from overthrowing Laurent Kabila. If Rwanda had taken control of the DRC, it would have totally excluded France from access to the largest French-speaking country and its resources. For the French, any intervention that would prevent Uganda and Rwanda taking control of the DRC under the guidance and support of the US and Britain was a blessing, even if it had to come from Zimbabwe and Namibia (two Anglophone countries).

During the 1998 war, the alliances shifted with traditionally francophone countries like Rwanda and Burundi closing ranks with Britain and the US, and with Anglophone African countries (such as Zimbabwe and Namibia) going against Britain and the US. It was France that insisted that the UN condemn the invasion of the DRC by Rwanda and Uganda. UN resolution 1341, drafted by the French, "condemned the Rwandan and Ugandan invasion of the Congo as akin to the 1991 Iraqi invasion of Kuwait, and it recognised Laurent Kabila, in spite of his foibles, as the legitimate national leader of his country" (ICG, 2001). In doing this, France tacitly accepted the legitimacy of the SADC military intervention in the form of Angola, Namibia and Zimbabwe that went to the support of Kabila, despite the objections of the US, Britain and South Africa.

Kabila also made other decisions that were contrary to the spirit of his alliance with Rwanda and Uganda. For example, on the 27 July 1997, he affirmed that "the mission of the United Nations mandated with the investigation of Hutu massacres could come to the DRC anytime."[43] During the first war, the AFDL with its allies (Rwanda and Uganda) committed massacres of Hutu while advancing to capture Kinshasa. Rwanda and Uganda clAiméd that their interest in fighting was to prevent the Interahamwe and Hutu militias, who had committed genocide in Rwanda in 1994 with French and Belgian complicity. But by so doing they were committing similar atrocities under the benign eye and complicity of the United States and Britain. The UN Security Council as early as 1997 prepared an investigation to probe reports of massacres and other violations in the 1996-1997 war (www.Globalwitness.org). If France and Belgium have been accused of

[43] Kabila obstructed the UN investigation into alleged massacres of 9000 Hutus by the AFDL and what has been termed the government's strident nationalism.

having supported the genocide in Rwanda, the US and Great Britain should equally be accused of having supported the genocide of millions of Congolese and Hutus killed during the war in the DRC by the armies of Rwanda and Uganda. The Rwandan army pursued the Hutu combatants and fleeing refugees, killing tens of thousands of refugees in remote forest locations as they moved westwards.[44] At that time Kabila refused to allow the investigation to take place, clearly to protect his allies and his ascendance to power. Now that he wanted his independence, he wanted those massacres investigated. This act further angered Rwanda and strengthened its determination to unseat him.

*3.2.2 The Regional economic dimension of the war*

Besides the western countries heavy economic interest in the war, African countries that intervened militarily in the DRC (Rwanda and Uganda in particular) also had strong economic interests to defend. Security and economic interests were intertwined. In many instances African economic interests were interlinked with western interests.

When Rwanda and Uganda became convinced that the possibility of overthrowing Kabila was minimal following the intervention of SADC countries (Angola, Zimbabwe and Namibia), they changed their strategy, reverting to a simple plunder of Congolese minerals. Rwanda and Uganda, to secure their stay in DRC, proceeded to recruit once again Congolese and created rebel movements, such as the Rally for Democracy (RCD). At this stage it became very clear that the main reason for the war had always been economic. Security concerns were quickly eclipsed by the huge benefits the two countries were drawing from the exploitation of Kivu's mineral wealth. The same nations that allied themselves to help liberate the Congolese from the dictatorship of Mobutu turned into predators of Congolese minerals.

According to the United Nations Security Council (UNSC) report, after military costs are subtracted, Uganda netted up to US$130 million a year from its war operations in the DRC, and Rwanda up to 250 million. These sums were derived from the exploitation, taxation, and re-exportation of Congo's mineral resources, as well as from tax evasion, direct payments from rebel movements, and control of local commerce (UNSC 2001c:para 64, 123, 126; 2002c:para

[44] "You Will Be Punished" http://www.hrw.org/en/node/87142/section/10#_ftn325).

97,114). Rwanda and Uganda created companies to oversee the Congo business as did Leopold II. Companies' owners and shareholders were powerful government and army officials (UNSC /2001/357) para 82, 198). Rwanda Metals and Grand Lac Metals are two of the companies which facilitated the coltan deals (UNSC /2001/357) para82, 91f; UNSC/2002/1146) para70). These companies were controlled by senior RPA officers. Uganda focussed on trade in Congolese diamonds in the northeast of the country. The trade was facilitated by the Kampala-based Victoria Group, in which substantial shares were held by the half brother and sister-in-law of President Yoweri Museveni (UNSC 2001 (S/2001/357):80,205; UNSC/2002/1146: para 112). The Ugandan network involved senior army officers such as General Khaleb Akandwanaho (alias Salim Sahel) and General James Kazini. Rwanda established its authority in the eastern part of the country, exploiting and trading in mineral resources and taxing the Congolese. "Walikale in the Maniema province came to be known as Kigali. Planes were landing every day to collect mineral destined for Rwanda" (Kaboyi, interview, Kinshasa, 2011). Uganda since the 1996 war was involved in timber trade and gold. But Uganda was also interested in controlling the Congolese oil in the Ituri, bordering Uganda. President Museveni was encouraging his rebel movement, the RCD-KML of Busa Nyamwisi which controlled this area to consider secession (Koloso, interview, Kinshasa, January 2011). Just after Laurent Kabila was installed president in Kinshasa, President Museveni presented a draft trade agreement that he wanted Kabila to consider between Uganda and the DRC, in which he proposed a clause referring to the most favourite nation, a clause only applicable to the DRC and to Uganda. (Biyoya Makutu, Interview, Kinshasa, January 2011). Rwanda and Uganda "derived substantial economic benefits from their free access to the mineral wealth of eastern Congo" (Lemarchand 2000: 338).

Rwanda and Uganda were not in the DRC for their interest alone. Nabudere argues that "they worked hand in glove with their foreign benefactors who reap the benefits of the conflict and devastation." The African eastern alliance ( Rwanda and Uganda) utilised its links with the western powers (US and Britain) to obtain the military, financial and moral support that helped them invade and that sustained the war in the DRC (Nabudere: 2004). Rwanda's army received training and logistical support from the US army, and these soldiers acted as mercenaries of Anglo-American interests in the former Zaire (McKinney, 2001). N'Gbanda, one of Mobutu's closest collaborators, gives the example of a certain Ras Musen of American nationality, who was arrested taking measurements of the Kiliba airport soon before the site was attacked by the

coalition of Rwandan and Ugandan armies (N'Gbanda, 1998:130**).** The logistical support that Britain and the US provided to Rwanda included satellite maps and photographs showing the movement of the troops of the FAZ (Zairean Army Forces) and the AFDL during the 1996 war. This support was received, according to two investigative journalists, Snow Harmon Keith and Barouski David (2006), from a construction company called Bechtel, which is a branch of NASA. Bechtel is also said to have created maps of important mineral deposits of the DRC. In May 1997, when Kabila took power, ousting Mobutu, it was with the blessing of the US and Britain, but these two western powers remained cautious of Kabila. As Depelchin (2009) articulates "it is clear that Rwandese and their ruling clique have become the chosen people of those who, since the Berlin Conference, continue to determine the conditions under which Africa and Africans must exist or not exist. Doing so with the help of Africans seems to have become the best way to soften the full impact of predation." It was under the protection of Rwanda, which controlled the east of the DRC, that many British and American companies mentioned in the Panel of Expert Reports were involved in trading minerals such as coltan and cassiterite (tin ore) during the war.

Despite numerous UN reports, western companies continued to trade in minerals in war-torn eastern DRC while Rwanda refused to withdraw its troops. Global Witness asked the British government to take measures against a British company, Afrimex. Global Witness found that Afrimex traded in coltan and cassiterite throughout the conflict in the DRC from 1996 onwards, made tax payments to the Rwandan-controlled RCD-Goma rebel group with a well-documented record of carrying out grave human rights abuses, including massacres of civilians, torture and sexual violence. During the conflict, RCD-Goma controlled large parts of the eastern provinces of North and South Kivu, where coltan and cassiterite are mined (http://www.globalwitness.org/library/global-witness-calls-upon-uk-government-hold-british-company-afrimex-account-fuelling-confli). Afrimex's payments to the RCD-Goma perpetuated the conflict and strengthened the rebels' capacity to inflict extreme suffering on the civilian population" (Ibid). The UK government has refused to act.

Strong economic interests also led to armed conflict between Rwanda and Uganda inside the DRC. Presidents Kagame and Museveni were united in protecting western interests, but not on how to share economic benefits. The armies of the two countries clashed twice on Congolese soil

over the control of Kisangani in 1999. Kisangani is rich in gold, and the fights between the two armies were over the control of gold deposits.[45] In the wake of the fighting, the UN passed Resolution 1304 on 16 June 2000, calling for the withdrawal of the two armies from the DRC without delay – in apparent contradiction with the Lusaka agreement, which emphasised the simultaneous withdrawal of all foreign armies. The fights confirmed President Laurent Kabila's claim that the two countries were simply aggressors, an argument he repeatedly used to persuade the Security Council to condemn the aggression and to demand the immediate withdrawal of the invading forces (Ngogo, Interview, Kinshasa January 2011).

Divisions between Rwanda and Uganda also divided the Congolese rebels, confirming that they were puppets of foreign forces used (by Rwanda and Uganda) to operate inside the DRC. The RCD split into two factions: RCD-Kisangani led by the original leader, Ernest Wamba dia Wamba, based in Kisangani and backed by Uganda; and RCD-Goma, led by Adolf Olusumba, with its headquarters in Goma backed by Rwanda. Uganda also created another rebel movement, the Movement for the Liberation of Congo (MLC) led by Jean Pierre Bemba, which operated mainly in the north of the country. The RCD-Kisangani underwent serious transformation when Ernest Wamba dia Wamba's leadership was contested by a newcomer, Mbusa Nyamwisi, himself the creation of Uganda, and Wamba dia Wamba was forced to operate outside Kisangani. According to Nyamwisi, "Dia Wamba was overthrown."[1] When Laurent Kabila was assassinated, a new movement, *Le Front pour la libération du Congo* (FLC), was attempted by Uganda as an alliance between the MLC and RCD-Kisangani, under the leadership of Jean-Pierre Bemba. The idea was to bring all rebel groups together to attack Kinshasa (Koloso Sumahili, Interview, Kinshasa, January 2011), but the Congolese rebels could not agree on the idea. The rebellion was marked by fragmentation, a feuding leadership and the absence of ideology.

SADC countries which intervened militarily also had economic interests in the DRC. SADC intervention was not free. Kabila had to pay the war bill. According to a UN report, a network of Congolese and Zimbabwean political, military, and commercial interests transferred ownership of at least US$5 billion of assets from the DRC state mining sector to private companies under

[45] The first clash broke out on 7 August 1999. There was Renéwed violence on 14 August and on 5 May 2000. The fighting was stopped after the UN deployed a team of military observers to Kisangani on 12 May 2000.

its control in the three years preceding the date of the report (2002).[46] The backbone of the *Forces Armées Congolaises* (FAC) was the 11 000 professional Zimbabwean soldiers, a third of the country's entire force. Kabila signed an agreement between Gécamines and the Zimbabwean company Ridgepoint Overseas Development, which belonged to Billy Rotenbach. Gécamines, the lung of the Congolese economy, was dismembered and Ridgepoint took the most profitable parts. Angola also benefited. Kabila gave President Eduardo Dos Santos the market to provide Angolan gasoline fuel to Kinshasa. Namibia benefited, according to *Africa Confidential* (November 1998), by supplying the DRC with fish, and President Sam Nujoma's brother–in-law (Aaron Mushimba) acquired a stake in MIBA diamond company.

The African countries' intervention in the DRC made the competition to access Congolese resources no longer the preserve of western powers. Africans took the lead in the pillage of DRC's natural resources. Dani Nabudere states that "The real secret in understanding the conflict in the DRC is the unpacking of the real forces that continue to exploit the mineral and other resources of the DRC and its neighbours" (Nubudere 2003). The 1998 war was self-financed by belligerents through illegal trade in Congolese minerals. It was this self-financed nature of the war which created a difficult environment for conflict resolution and peace-making. Both camps (the eastern alliance and the southern Alliance) wanted to maintain a situation of instability as long as they benefitted from it (Kundu, Interview, 2008). Dani Nabudere (2004) suggests that "The actual actors in the devastation of the DRC in recent time have been Africans themselves, unlike the earlier phase of King Leopold II and the Belgian rule over the so-called Congo Free State." He further argues that "there is an emergence of an African Neo-Realism, which conforms to the classic power politics of the old realist school" (Ibid).

The DRC war was economics by other means, just as war is politics by other means for Clausewitz. The Congolese war and its regional and international ramifications is one of the best examples of people "doing well out of war" (Collier: 2000). The argument that war is not beneficial for business did not apply in the DRC. The conditions created by conflict made primary commodity extraction the most favourable economic activity. Those involved targeted not primary commodities, but those that required little investment and were cheap and easy to

[46] Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the DRC" (United Nations, October 16, 2002).

extract, transport, and tax, and whose illegal or undesirable provenance was easy to disguise. In state-controlled areas this meant diamonds, and in rebels areas coffee, gold and columbite-tantalum. As Herbert Weiss puts it: "On both sides of the conflict, the foreign countries involved, especially those with military forces in the DRC, have translated their politico-military power into economic advantages" (Weiss, 2000:17). Underneath the political reasons lay economic interests which took centre-stage as the war progressed. As war persisted it became difficult to distinguish the interventions of the eastern alliance from those of the southern alliance. Each force was seeking, as René Lemarchand (2002) puts it, "to draw maximum advantage from the near-collapse of the Congo state, and this with the direct or tacit complicity of local actors." The disorder created by war and the persistence of a dysfunctional state were welcomed by these external forces, as they profitably exploit the lack of regulation to access cheap mineral resources (Reno: 1998; Chabal & Daloz: 1999). This is why they would frustrate all efforts to end the war.

But in the final analysis, Rwanda and Uganda's reasoning has been sloppy, and on more than a few occasions they have behaved irresponsibly, and quite transparently manufactured or distorted evidence in arguing their case. Their position reflected propaganda or mythology rather than respectable history. They have used the genocide in every way possible, and their position has suited the US and Britain, who have supported their belligerent approach in the Great Lakes against a defenceless Congolese population. The war did not create instances of more effective state-building in the DRC (which was not Rwanda's and Uganda's intention); instead it reproduced conditions for further collapse and war. Equally, Rwanda and Uganda (and their rebels) could not restore stability and democracy to the DRC while their respective societies were unstable and undemocratic. Although successful in their 1996 action against President Mobutu, the 1998 attack on Kabila's regime clearly illustrated that this kind of action from across the border does not always succeed, especially when the people are not on your side.

## 3.3 The SADC connection

The 1998 war became more complex because of the intervention by some SADC countries in support of President Kabila's regime. The southern alliance was composed of Angola, Namibia, Zimbabwe and the DRC government. Other governments from beyond Southern Africa – Chad and Sudan – also sent troops in support of the Kinshasa government. Besides these regular

armies, there were also militias and rebel movements[47] on both sides involved in the fighting. Referring to the predatory forces behind the war, Dena Montague and Frida Barrigan (2001) contend that: "the interplay among seemingly endless supply of mineral resources, the greed of multinational corporations desperate to cash in on that wealth, and the provision of arms and military training for political tyrants has helped to produce the spiral of conflicts that engulfed the continent." For this reason the war has been termed the "First African World War." After Kabila ordered his allies to return home, Rwanda and Uganda launched the second war. Within days, Rwandan and Ugandan troops captured a number of key objectives, including (most importantly) the Inga hydroelectric dam, where they were able to cut off electricity supplies to Kinshasa as well as to the mineral-rich province of Katanga and the military base of Kitona.[48] But this advance was retarded by the entry into the war of Angola on the side of the Kinshasa regime. The decisive Angolan intervention was at Kitona. Without this intervention, Kabila would have been overthrown. Herbert F Weiss recounts the story:

> "A momentous decision by Angola changed what seemed to be the inevitable downfall of Kabila and much of subsequent Central African history. Unlike its policy in 1996–97 when it joined Rwanda and Uganda in their invasion of the DRC, this time Angola switched sides and attacked the Rwanda-Uganda positions in the Lower Congo from its bases in Cabinda. The anti-Kabila forces were surrounded. Some of their troops had reached the outskirts of Kinshasa where they were attacked by the population and massacred. The cross continent manoeuvre had failed, and the Kabila regime had been saved."

Angola was soon joined by Zimbabwe. Namibia also sent troops, in solidarity with Zimbabwe and Angola, but not directly in support of the Kabila government (which explains the rapid withdrawal of Namibian troops soon after the UN peacekeeping force started to be deployed). Angola, like Rwanda, had strong security and economic concerns in the DRC. Angola also

[47] Some of the rebel groups included: The West Nile Bank Front, Uganda National Rescue Front II, the former Ugandan National Army, the Burundian Defense Forces for Democracy, the Former Rwandan national Army (ex-FAR), the Lord's Resistance Army (LRA) and the Allied Democratic Front (ADF), both Ugandan, as well as the Angolan rebel movement Unita. It was probably the most complex war that Africa has had to grapple with since its post colonial battles.

[48] Kitona held some 10–15 000 former *Forces Armées Zairoises* (FAZ) soldiers who were being "re-educated" under very harsh conditions. The Rwandan/Ugandan force of approximately 150 soldiers managed to mobilise these troops in support of an uprising against Kabila. This turn of events caught Kabila unprepared.

intervened, to protect the Enclave of Kabinda, the main source of its oil from being destabilised (Biyoya Makutu, Interview, Kinshasa, January 2011). Zimbabwe intervened for ideological reasons

The literature simplifies the diplomacy and negotiation that took place before a decision by SADC countries to intervene was taken. The SADC countries say they intervened on the invitation of President Kabila (Congo-Afrique, 1999:376). In reaction to the invasion, the DRC approached the SADC organ on Politics Defence and Security at its Victoria Falls Summit of 7-8 August 1998, seeking support, under Article 5 (3) of the protocol. In response to this request, a committee of Foreign Ministers from Namibia, Tanzania, Zambia and Zimbabwe was set up. In its investigations the committee established "clear evidence of foreign invasion" (Baregu 2000:5). Roger Chongwe (http://www.marekinc.com/) suggests that Angola, Namibia and Zimbabwe, in the presence of Laurent Kabila and President Chiluba of Zambia, met in Zimbabwe at the beginning of September 1998 and resolved to put their forces at the disposal of Kabila. Later, only Zambia changed its mind about sending its soldiers to assist Kabila. It is also believed that Angola was initially supposed to support the eastern alliance; Dos Santos's sudden change surprised Uganda and Rwanda (Chantal Malamba, interview Kinshasa, January 2010).

The SADC allied intervention force (on 18 August, 1998) was the first initiative to try and end the war and restore peace and stability in the DRC. Its accomplishment towards the objective of peacekeeping was to contain the conflict by preventing the take-over of Kinshasa, and possibly the overthrow of Kabila's government. It is therefore wrong to place the SADC military intervention on the same level as that of Rwanda, Burundi and Uganda. The reality is that the SADC military intervention was a reaction. Zimbabwe, Angola and Namibia intervened to halt what they perceived as an attempt to undermine the sovereignty of another SADC member state. It was also a reaction to the perceived attempt by Rwanda and Uganda, supported by the US and Britain, to get rid of the nationalist Laurent Kabila, and as such it had a pan African character (Biyoya, interview, Kinshasa, 2008).

There were other reasons for SADC involvement. There was a belief among SADC states (especially Zimbabwe) that Rwanda and Uganda were involved in an enterprise of extending their domination into sub-Saharan Africa. President Mugabe believed that Rwanda and Uganda

had expansionist plans. He believed that after the easy overthrow of President Mobutu, Rwanda and Uganda hoped to make Congo their protectorate, and taking control of the DRC and its resources was thought to be a springboard to achieving that objective. As Edgar O'Balance (2000:184) argues, "President Mugabe accepted the theory that all Tutsis were part of the plot to obtain dominance over a vast area of Africa and did not like it." For countries such as Zimbabwe and Namibia who had just emerged from liberation wars, this was unacceptable. As for Angola, the equation was simple. It was in the middle of its own war against UNITA, which was said to be supported by the Americans who were now supporting Rwanda and Uganda. In late August 1998, only weeks after the war began, UNITA representatives met with Kagame. Some UNITA fighters were also captured in "rebel" skirmishes. The closeness between Rwanda, Uganda and UNITA under the umbrella of the US was seen in Luanda as a serious threat to the survival of the regime. The DRC war also had a direct effect on Namibia. In August, a separatist group in Namibia's Caprivi Strip, previously inactive, launched a series of military attacks made possible by supplies and other assistance from UNITA. Their "suspected motive," the New York Times noted, "is to punish Namibia for its role in the Congo war". In February 2000, UNITA troops attacked Namibian border villages. Namibia had "a growing problem with UNITA along its border with Angola and in the breakaway Caprivi Strip.... Caprivi separatists reportedly were receiving aid not only from UNITA, but also from Botswana and Zambia (Ray, 2000).

SADC military intervention was criticised by other SADC countries, especially by South Africa, as being a wrong move which would only help to fuel conflict. South Africa was advocating a negotiated approach which it was painfully driving. In fact, during the 1996 war Dos Santos's intervention and advice to Laurent Kabila were instrumental in Kabila's decision to opt for a military victory over Mobutu, wrecking President Mandela's mediation. The then South African Vice-President, Thabo Mbeki, is said to have confessed his government's disappointment with Kabila to Honoré N'Gbanda on 16 of April 1997(De Villiers and William 1998: 60):

> "Kabila starts to take on some airs since his last victories in Lubumbashi. He is becoming arrogant in the way he does things and very exigent. We are not the only ones that have influence on him. Now we have Angolans who are putting pressure on him to take Kinshasa (…). We are losing control of Kabila."

The opposition did not only come from South Africa; the US and Great Britain also opposed the move. In a statement to the House of Representatives' International Relations Committee, the then Assistant Secretary of State for African Affairs, Susan Rice (1999), had the following to say; "While we note that the Southern African states – Angola, Namibia and Zimbabwe – who have intervened did so at the request of the Congolese government we nonetheless regard their involvement as destabilising and very dangerous as well..." South Africa's position was the most surprising of all.[49] As Mahmood Mamdani (1998:21) points out, "the main problem is that South Africa's initiative was seen as lacking in independence. This may be more a matter of perception than fact, and yet the perception is not entirely unreasonable. For South Africa to stand against a foreign military intervention – in the face of a rebellion already driven forwards by foreign intervention – is to be seen as opposing any further foreign intervention, thereby condoning the existing intervention." The dichotomy in approach within SADC exposed the organisation's weakness.

The geopolitical significance of the DRC for African states can also be discerned from the behaviour of SADC states. The divisions in SADC over a member state under aggression pose serious policy questions that need answers. Why, soon after having accepted a new member into the community, did SADC countries fail to agree on how best to protect the new and weak member of the organisation from external aggression? SADC as an organisation was directly linked to the DRC by virtue of the latter being a member. The tension between Zimbabwe and South Africa on the one hand, and South Africa and Angola on the other, was not created by the DRC war. The DRC war was simply a catalyst that brought the divisions to the fore. Both Zimbabwe and Angola took it upon themselves to challenge South Africa's leadership in the region because (as Grundy's theory in fact predicts), being in a state of egregious economic dependence on South Africa, other SADC states are unable to have an effective policy in terms of influencing the course of regional politics. Zimbabwe expressed its dislike of SA economic dominance, and Angola wanted to play the role of a regional power in accordance with the power of its army and oil resources. As Hein Marais (1999) maintains, "a loose alliance comprising Angola, Zimbabwe, Namibia and Zambia has emerged to counter South Africa's

[49] It was South Africa which convinced others to accept the DRC accession into SADC as the 14th member of the organisation, but it was South Africa that opposed military intervention to support a government it recognised as being under threat of being overthrown.

political and military dominance." It is possible, that if the DRC war had ended with the victory of Rwanda and Uganda over the SADC coalition, SADC might have ceased to exist in its current form, or it would have been weakened considerably (or disintegrated). Sometime during the war, SADC lost its legitimacy and became an added problem in the crisis rather than the cure. As Comfort Ero (1999:19) argues, "the conflict in the DRC certainly compromised the position of SADC, and far from fulfilling its role to become a credible regional security organisation, SADC became a source conflict between major powers in the region."

## 3.4 War and its contribution to the state and democratisation

War can contribute to state reconstruction and democratisation if those who are engaged in it are genuine about democratisation. The war that overthrew Mobutu created high hopes for a new beginning. This is why it received a lot of support from the Congolese people. The Congolese people welcomed foreign armies engaged in a war against a regime in which they had lost confidence and trust. Congolese soldiers were not prepared to defend a regime that had impoverished them. The officer corps of the Congolese army became full-time "businessmen, using their uniforms to smuggle arms to Jonas Savimbi's guerrilla fighters in return for diamonds" (Nzongola-Ntalaja: 153-157). The opposition to Rwanda, Uganda and the AFDL advances was offered almost exclusively by mercenaries, the former Rwandan army (ex-FAR) and sectarian militias (Interahamwe) in exile, and later (as the alliance closed on Kinshasa) by UNITA, whose base and supply routes in DRC were threatened by AFDL (McNutly Mel, 1999:55).

The quick victory over Mobutu did not reflect the strength of Rwanda's and Uganda's armies but the cry for democracy by Congolese, which translated into the support for the rebellion. Mobutu planted the seeds of his own destruction (Obotele, Interview, Kinshasa 2006). As Kodi (2007) puts it, corruption, on which Mobutu had built his regime on, had gradually eaten away at the very foundation of the regime and led to its collapse." This state decay contributed to "the all-pervasive, overwhelming anti-Mobutu sentiment that infused the civil society, and caused hundreds of thousands of Congolese to cast their lot with the rebels, long before they even came into view" (Lemarchand. 2000).

However, unlike the 1996 war, the Congolese people saw in the 1998 war a destabilising factor driven by external interests. They refused to support it. This reaction and opposition to the war clearly suggest that Congolese are capable of defining their interests. This time the Congolese people supported their government and rejected Rwandan and Ugandan military action, despite the propaganda that demonised Laurent Kabila's leadership. Kabila was an unpredictable fellow, both to his allies and to the western governments. Kabila used a nationalist rhetoric revolving around pan-Africanism and the restoration of Congo's sovereignty to mobilise Congolese and the region. Kabila successfully mobilised the Congolese to resist foreign attempts to take control of their country. Kabila maintained that the Congo was under an invasion which was driven by the desire to balkanise the country. The Congolese have a strong attachment to the integrity of their territory, even though they have never benefited from it since the Congo Free State. They have a sense of common identity around it.

Despite the rebels' claim that they were fighting for democracy, their credentials were far from satisfactory. The creation of the RCD was the second Rwandan strategy after the RPA attack on Kinshasa failed in August 1998. The RCD recruits included Congolese such as Ernest Wamba dia Wamba, Jacque Depelchin, Jean Pierre Bemba, Lunda Bululu, Jean Pierre Onusumba, Tambwe Mwamba, and Zaidi Mgoma. These Congolese worked as agents of Rwanda and Uganda's interests. The RCD was a failure even before it could start operating. Internal divisions plagued the RCD from the outset. The movement never represented a coherent political programme. When, in the beginning of April 1999, disputes occurred between Lunda Bululu, Wamba dia Wamba and Kagame, the former declared clearly that he would continue with the war in the DRC with or without the rebels of the RCD. Lunda Bululu today defines RCD as the worst dictatorship, worse than the Kabila dictatorship he was fighting (OSISA roundtable, Memling Hotel, Kinshasa, 2009).[50] Wolf Glickman (1965) commenting on rebellions argues that "Rebellions in most African countries have to be examined as a process of repeated change." Rather than promoting change, in fact, this kind of a rebellion often acts as safety valve for pressures building up in a society as a result of political or economic exploitation. More often, however, the structures of society remain little changed. Even if the rebellion had succeeded in overthrowing Kabila, it would not have resolved the bigger question of the state. There was no

[50] This representation of the RCD as a dictatorial movement was also confirmed by Bakatulonji when he was replaced as the Secretary General of the movement (conversation with Babo in Johannesburg, 2005).

guarantee that the hope created by the departure of Mobutu, which then failed to be realised under Laurent Kabila, would finally be realised under the new team. The script was similar. The Congolese who joined Rwanda and Uganda in the second phase of the war were organised to protect external interests or their own interests, not Congolese interests (Sumahili, Interview, Kinshasa, January 2011).

The ousting of President Mobutu Sese Seko in 1997 represented one of the greatest ironies of Africa's modern history, in that "the regime that had ruled the DRC for more than 30 years through bloody repression came to an end with hardly a shot being fired" (Mabry 1998:307). The overthrow of Mobutu inspired hope for peace, regional security, the restart of the process of Congolese democratisation, and the expectation of social development. This hope was confirmed in Kabila's inaugural speech of 29 May 1997, when he said:

> "This is the beginning of new era of the republican birth, of democratisation and national reconstruction. It will not only be a simple rupture with the past regime; but to build a new state based on new values..."

However, the hope brought by AFDL quickly faded away when the self-proclAiméd president decided to wipe out not only with everything to do with Mobutu, but also all the achievements of a decade of attempts at democratisation by internal forces (Wamba dia Wamba, interview, Kinshasa, 2006). Kabila should at least have recognised the outcomes of the SNC as a starting point in discussing state reconstruction under the AFDL. Instead, he made the AFDL the only authority of transition and banned political parties. The state continued to be highly centralised. Kabila ruled by decree, unconstrained by a constitution or a legislature. This meant that all achievements on the democratic front through the SNC were nullified. The country was again quickly moving towards dictatorship (Lunda Bululu, OSISA dialogue, Kinshasa, 2008). The problem was not simply that Kabila dismissed the SNC; he also marginalised other important voices in Congolese society, losing the opportunity for the greater mobilisation needed to bring about a democratic society. The structures continued to indicate a double crisis (institutional and identity-related) with a ruling class which came back from exile and which, while it replaced the Mobutists, installed an authoritarian regime resembling to the point of total convergence the decadent "mobutocracy" of the previous regime (Thsikala B,1998: ). Rwanda and Uganda's

accusations against Kabila as autocratic and undemocratic were hypocritical. When Kabila suspended the constitution and proclAiméd himself president, they supported him. Both Rwanda and Uganda defended Kabila when he banished his perceived opponents and imprisoned hundreds of people. They argued that, after what Mobutu had done to the country for many years Kabila needed time to begin creating a democratic order. Kabila's second in command, Deogracias Bugera (a Congolese Tutsi), declared that "elections would be held only after people had been re-educated, starting at the level of the peasant collectives."[1]

Although Kabila promised to democratise the Congo, the coalition that ousted Mobutu never seriously entertained this as an option. A democratic Congo would not have been in the interest of Rwanda and Uganda. Firstly, this would have drawn attention to the lack of democracy in their own societies, and secondly, if a competitive party-political system was introduced in the DRC, the minority Banyamulenge would not make it into the high echelons of government. It was naïve to expect that Rwanda and Uganda would bring democracy to the DRC. Rwanda and Uganda were weak states. In fact they were as dysfunctional as the DRC was. The alliance between Rwanda and Uganda was formed primarily to increase their capacity in the face of an external threat. By supplementing national capacities, alliances create "defensive power" which, at the level of foreign policy, could culminate in "a tyranny of the weak" (Wolfers, 1962). In their critical appraisals of the nature of alliances, George Liska (1968:3-50) and Robert Osgood (1966:1968) emphasise that alliances among weak states are basically vehicles for the aggregation and accretion of resources. The strategy of banding together of weak states in order to gain more effective control over their external environments is one of the most critical aspects of their survival. This is why throughout the war which started in 1996, despite their differences, presidents Kagame and Museveni remained united on how to deal with the DRC.

In general, Kabila's actions validated the criticism often levelled against the Congolese for lacking a visionary leadership. Kabila simply espoused Mobutu's strategies and maintained the collapsed nature of the state intact in an effort to preserve power. Kabila, like Mobutu before him, failed to understand that the post-colonial trajectories of civil wars versus political stability in the DRC were largely determined by the varying ability of ruling elites to overcome the specific colonial legacy of high social fragmentation by forging and maintaining "inclusive elite bargains" (Putzel 2007; DiJohn 2008). The constitutional decree of 27 May 1997 maintained all

power in the hands of the president until it was revoked in May 1998. Equally, the 1998 decree retained significant power in the hands of one individual. The management of state power, in the hands of President Kabila, dangerously espoused the trajectory of Mobutu's ideologies: the use of state apparatus to sideline co-founders of the AFDL, the divisive tendencies of opposing one group to another, clientelism, regionalism, nepotism and martial courts. Many feared the return of Mobutism without Mobutu (Schatzberg, 1997:71). It seems that the AFDL political ideology was an instrument used to appeal to the international community to support the war efforts. This is how Human Rights Watch's assessed President Laurent Kabila first year in power (APIC 5/12/1998):

> "...ethnic tensions are exacerbated, particularly in North and South Kivu where anti-Tutsi sentiments are very high, ... arbitrary arrests are high; national police and army have virtually no limits in their authority,... more journalists and human right activists have been jailed than in seven years under Mobutu; there is little due process of law."

The victory over Mobutu was an epochal and great victory, yet it is not clear who really benefited from the victory. The objective of the war in the DRC was not to promote democracy and reconstruct the state, but to ensure that the country's resources remained under the control of mercantilist powers. This time, these powers were not only western powers – they included African countries.

## Chapter 4: The Search for peace and transition bargains

The war in 1998 was different from the war in 1996, when Rwanda and Uganda achieved an easy victory over Mobutu's forces.[51] The balance of power between the belligerents (the eastern alliance and the southern alliance) and international pressure, forced them to consider settling the conflict through negotiations.[52] This was an opportunity for the Congolese to discuss not only how to end the war, but also how to introduce changes in Congolese politics. This chapter focuses on the negotiations to end the war and how the transition deal was achieved. It analyses issues and agents, positions and contradictions, and how these contributed to framing a new vision for the Congolese state. From the outset, Larry Diamond's (1996:33) point must be noted that "where [a] country falls into civil war, democracy provides the best means for restoring state integrity and societal peace." But negotiating a democratic transition out of a civil war is a complicated, difficult, and costly process.

### 4.1 The Lusaka Peace Accord: negotiation and signing

Negotiations were accepted by both sides when it became clear that neither side was capable of winning the war. But the initiative to engage in negotiations came from the international community rather than from belligerents themselves (Lumuna, interview, Kinshasa, 2011). The post-Cold war period has seen the UN and other multinational organisations play a greater role in mediating and supporting peace agreements between warring factions (Heiko Nitzschke, 2003). The DRC did not escape this reality. Numerous efforts were made by organisations, leaders and countries to resolve the conflict. During the first year of the Congo war most of the diplomatic initiatives were taken by appointed or self-proclAiméd African mediators including Blaise

[51] The rebels and their backers' victory was hampered by political and military divisions in their ranks. These divisions distracted them and undermined their ability to secure an outright military victory. The rebellion was marked by fragmentation, a feuding leadership, the absence of ideology, and lack local support. Unlike the first invasion which was supported by the Congolese people, the second was seen as externally driven. It would also seem that Rwanda and Uganda were hesitant to forge a military victory. They did not trust the Congolese. They had no assurance that the Congolese leader would not turn his back on them (as in fact Laurent Kabila did). A rebel victory would not automatically have brought peace to the DRC.The fragmented insurgency's ability to govern and to be accepted remained questionable.

[52] Some of these initiatives include the Pretoria summit, the meeting of the Non-aligned Movement in Durban, the two Victoria Falls summits, the Mauritius-SADC, the Lusaka and Windhoek meetings.

Compare (as Chairman of the OAU) and Muammar Al-Gadaffi (acting on his own behalf). In September 1998, President Frederick Chiluba of Zambia was appointed by the Southern African Development Community (SADC) as Chair of the Regional Initiative for Peace in the Democratic Republic of the Congo. He led the mediation efforts towards a ceasefire agreement in the DRC. He was to be assisted by Benjamin Mkapa of Tanzania and Joaquim Chissano of Mozambique. The main objective of the Lusaka negotiations was to secure a ceasefire as the first step to restoring order. As Samuel Huntington (1968) has argued, "before there can be democratic order, there must first be political order." Unsurprisingly, it was not an easy task to bring the belligerents together and to start the negotiations. Ending civil wars through negotiation rather than by an outright military victory of one side poses challenges for peace-making and peace implementation, as all groups need to be included in peace process. In the case of the DRC, there were many groups involved. Because of the multitude of actors and interests, it was to be expected that negotiations would be protracted.

There were many initiatives (including secret ones) which preceded or ran parallel to the Lusaka negotiations. There were a plethora of different (and sometimes divergent) initiatives by regional, African and international players, and it is not difficult to understand why the combination of all these factors "resulted in a lack of focus, the dissipation of energy and a waste of precious time" according to the DRC peace process facilitator, Katumire Masire (2001). The uncoordinated nature of these initiatives contributed to the delay in signing the peace agreement. The foreign-linked clientelism that the war economy presented would be the biggest stumbling block to finding a solution to the DRC conflict. Congolese groups on both sides were very much dependent on the direction of their foreign allies. This was particularly entrenched in the case of Congolese rebel groups (such as the MLC and the RCD). As René Lemarchand (2002:391) puts it "A key factor behind the disintegration of the Congolese state lies in the convergence of short-term interests between different sets of Congolese politicians and their foreign allies." The RCD and the MLC were dependent on Rwanda and Uganda for ideological and military orientation (Ibid). In return, they guaranteed these countries economic and political penetration in Eastern Congo. Laurent Kabila's regime was dependent on Zimbabwean, Angolan and Namibian military might to resist the advance of Rwanda and Uganda. Arrogance on both sides was the result of the support they were receiving from their foreign allies. In the absence of these forces, neither the rebels nor the government possessed the financial and military capabilities to sustain

their military campaigns for long. This is why the general position in the international community was that all regional powers should withdraw so that a space could be created to initiate internal negotiations between the Congolese belligerents. For the international community, the presence of other African powers helped to worsen the situation in the DRC. This situation was a continuation of Congolese history. The Congolese state has never been able to defend itself against external aggression, and all aggression has had the support of outside forces.

One of the problems was disagreement over the participation of Congolese rebels in the negotiations. President Kabila, throughout the many initiatives sponsored by SADC and the AU, refused to negotiate with rebels, preferring instead to negotiate directly with Rwanda and Uganda. For the DRC government, the war was not an internal one, but was imposed on the Congolese by Rwanda and Uganda (Kabumgulu, interview, Kinshasa, 1997). While this position sounded convincing, the emergence of Congolese rebel groups fighting alongside Rwandan and Ugandan troops convinced the rest of the world that the problem of the DRC was not just external but also internal. This was a replica of the situation in 1996, when Mobutu's government accused Rwanda and Uganda of invading the DRC. At the time, Kabila presented the war he was leading as a war of liberation and not an invasion. In 1998, Congolese rebels (despite the fact that they were a creation of Rwanda and Uganda) could not be ignored. The war could only be stopped if Kabila agreed to negotiate with the rebels. It was clear that any solution that did not involve the rebels would only widen the gap between the different factions in the conflict, and contain the seeds of future conflict.

Kabila's refusal to negotiate with the rebels was supported by his allies. On 1 March, 1999, a mini summit was held in Kinshasa among the government allies – presidents Mugabe, Dos Santos, Nujoma and Kabila. The meeting resolved that "The allies will continue to support the legitimacy of President Kabila and that they were satisfied with President Kabila's initiative to open up to other political parties and to other people who are interested in the situation in the DRC" (*Congo-Afrique*, March 1999). It was a direct reference to the Lusaka negotiations. At this meeting it was agreed that Angola would reinforce its land forces, and Zimbabwe would reinforce its air forces. The allies' position clearly supported Kabila's negotiation strategy. Kabila's refusal to meet with the rebels became a serious hindrance in the search for peace. Rwanda, in the meantime, declared that "it would never withdraw its troops from the DRC until

a solution was found to the question of extremist Hutus, who have been rearmed by President Kabila" (Ibid).

Kabila was also not in favour of the proposed neutral facilitator for the inter-Congolese dialogue, Sir Katumire Masire of Botswana. According to article 19 of the Lusaka Ceasefire Agreement (ISS, http://www.iss.co.za/pub/monographs/N0) "On the coming into force of the agreement, the government of the DRC, the armed opposition, namely the RCD and MLC as well as the unarmed opposition shall enter into an open national dialogue. These inter-Congolese political negotiations involving *les forces vives* shall lead to a new political dispensation and national reconciliation in the DRC. The inter-Congolese political negotiations shall be under the aegis of a neutral facilitator to be agreed upon by the Congolese parties." Kabila refused all co-operations with Masire, requesting the appointment of a new facilitator, and even seeking to launch his own national dialogue to circumvent the Lusaka agreement. Kabila was also not in favour of the proposed venue, Lusaka, for the inter-Congolese dialogue. He wanted the dialogue to take place in the DRC (Nsapu, Interview, Belgium 2010). He was also against the deployment of UN peacekeeping troops in government-controlled areas. President Chiluba proposed that sanctions be applied to force the belligerents to negotiations, the objective being to force Kabila to review his position on these issues. Such sanctions would have been the first SADC punitive regional policy against a member state, and might have turned out to be its first failure. Sanctions were not applied. The question of sanctions seems to have been one of those policies by declaration which SADC had not had time to think through, and Chiluba subsequently tried to retract his earlier statement that sanctions might be considered if there was no progress on the part of Kabila. One thing that sanctions would have done is further polarise SADC, since Angola, Zimbabwe and Namibia would have opposed sanctions.

On 6 April 1999, Kabila travelled to Kenya to meet President Arap Moi, and requested his support for a peaceful resolution to the conflict and for the organisation of the Inter-Congolese Dialogue in Nairobi instead of Rome (*Afrique-Congo*, April 1999: 382). Kabila's urgency was dictated by events on the ground. The military solution with his allies was not producing results. The rebellion was advancing and was at the door of Mbuji Mayi, a diamond town controlled by the Zimbabwean army. For the first time during a SADC allied meeting in Luanda on 7 April 1999, all three leaders (José Edwardo dos Santos, Robert Mugabe and Sam Nujoma) decided to

change their strategy and give a chance to negotiated settlement (Ibid). Kabila would not have negotiated if his allies had not pushed him to do so (Malamba, Interview, Kinshasa, January 2011). This breakthrough speeded up the signing of the Lusaka accords. But the catalyst event was the adoption by the UN Security Council (UNSC) resolution 1234 which condemned the presence of non-invited foreign troops (Rwanda and Uganda) in the DRC and demanded that they withdraw. The UNSC resolution was followed by Kofi Annan appointing a UN special envoy, Moustapha Niasse, for the DRC peace process. The resolution was a blow to Rwanda and Uganda's foreign policy in the DRC. The decisive initiative that triggered progress in the signing process came from a Pretoria meeting held during the inauguration of Mbeki's presidency on 17 June 1999, which agreed on the date for the SADC summit to be held in Lusaka on the 25 June 1999. At this meeting President Mbeki tabled key proposals which would fast-track the signing of the Lusaka Accord. These included "the need for direct talks between parties, the cessation of hostilities pending the inter-Congolese political arrangement, and the withdrawal of foreign troops after the deployment of a peacekeeping operation" (Pahad, 2005). These proposals will constitute the core of the Lusaka Peace Agreement.

The ceasefire agreement was signed in two phases. It was signed first by all major parties to the conflict, (namely the heads of state of the DRC, Uganda, Angola, Namibia, Rwanda, and Zimbabwe) on 10 July 1999, and then by Congolese rebel groups (the MLC and the RCD)[53] on 1 August and 31 August 1999 (respectively). The RCD was experiencing an internal split which resulted in an armed conflict in the city of Kisangani between Ugandan and Rwandan troops. After dozens of troops were killed, the fighting was halted by a top-level meeting between President Yoweri Museveni of Uganda and Vice-President Paul Kagame of Rwanda. The Lusaka process gained an irreversible momentum in May 2001, when the Congolese parties to the

[53] The Lusaka Agreement was one of four distinct agreements that were signed in the course of the Congo conflict and that were at issue in the DRC v. Uganda case before the International Court of Justice. The others were the Kampala Disengagement Plan of 8 April 2000, the Harare Disengagement Plan of 6 December 2000, and the Luanda Agreement of 6 September 2002. While the Kampala and the Harare agreements essentially adjusted the timeframe prescribed by the Lusaka agreement for the withdrawal of troops from the DRC as the original timeframe had not been observed, the Luanda agreement had little relevance to the case before the ICJ because the claims brought by the DRC only referred to the time before the conclusion of the agreement on 6 September 2002. *See* UN Security Council, Letter dated 23 July 1999 from the Permanent Representative of Zambia to the United Nations addressed to the President of the Security Council, UN Doc. S/1999/815 (July 23, 1999) (reproducing Lusaka Ceasefire Agreement) [hereinafter Lusaka Agreement]; Armed Activities in the Territory of the Congo (Dem. Rep. Congo v. Uganda), Provisional Measures Order, 2001 ICJ 660 (Nov. 29) [hereinafter Provisional Measures Order].

accord signed the declaration of principles (S/2001/466), laying the ground for an all-inclusive dialogue, and calling for the establishment of a transitional government prior to elections. The Lusaka Peace Accord (LPA) provided for the cessation of hostilities between belligerent forces. The Lusaka Ceasefire Agreement came about in large part because of extensive western, especially US, and South African pressure. This is the moment when the terrible danger of a much vaster war in Central Africa was avoided. This was a triumph of prevention, even though it came after blood had been spilled (and continued to be spilled) in some parts of the Congo. It stipulated that all air, land and sea attacks must cease within 24 hours of signing, as well as the movement of military forces and all acts of violence against the civilian population. The forces were to disengage immediately (UN Secretary Report, 1999 S/1999/790). The LPA constituted a very complicated plan for peace, resting on six essential elements (Weiss, 2000:1):

- that the sovereignty of the DRC within its present frontiers and that of its neighbours is agreed upon;
- that an all-inclusive process will be undertaken by the Congolese in order to establish a new political order;[54]
- that the parties agree to cooperate in addressing the security concerns of each state;[55]
- that the agreement specially calls for the disarming of militia groups in the DRC;
- that all foreign forces withdraw from the DRC; [56]
- that a peacekeeping force under Chapter 7 of the UN Charter be established to ensure implementation of the agreement.[57]

The LPA outlined both military and political measures to bring peace to the Congo. The withdrawal from the DRC of foreign troops did not happen until separate agreements were signed between the DRC and Rwanda, and between the DRC and Uganda (in July and

[54] *Id.* at annex A, ch. 5. proposed a Congolese national dialogue.
[55] It provided for a variety of measures to end the Congo war, including arms control see Lusaka Agreement, *supra* note 13, at annex A, ch. 9.
[56] *Id.* at annex A, ch. 11. provided for the redeployment of forces.
[57] *Id.* at annex A, ch. 8. provided for installing of a United Nations/Organisation of African Unity monitoring group.

September 2002 respectively). The Lusaka agreement was more of a ceasefire than a peace agreement. One unrealistic aspect of the LPA was that it assigned to the belligerents themselves the task of policing the disengagement of forces (ICG, 2000: 6). While all the necessary elements were present in the ceasefire agreement, much more work was needed to flesh out the specific requirements for longer-term regional security, political development, and economic cooperation. Also, the LPA placed great responsibility on the shoulders of two bodies: the "neutral facilitator" to organise the inter-Congolese dialogue (which was to produce a "new political dispensation), and the UN which, in collaboration with the OAU, was to deploy a peacekeeping force to "ensure implementation" of the agreement (Weiss, 2000:19).

The LPA was not a good deal for the DRC government, and Kabila was forced to accede only because of the implicit threat that refusal would be met by even greater assistance to the rebels and the potential dismantling of the entire country. In stark contrast to the resolutions of the OAU and SADC, and to the earlier draft agreement before the last gathering in Lusaka, the final accord did not even recognise the legitimacy of the DRC government or President Kabila (Ray, 2000).

## 4.2 Implementation of the LPA under Laurent Kabila

The implementation of the LPA, as expected, was not easy. It was accompanied by contradictions resulting from the different interpretations of the nature and the causes of the war by the belligerents. Despite the signing of the LPA, the belligerents continued to disagree on the causes of the war. For Rwanda and Uganda (supported by US), the war was first and foremost Congolese. It was a war between DRC President Laurent Kabila and a variety of different rebel movements. They accused Kabila of creating regional instability because of the support he supposedly was giving to the extremist Hutus hiding in his country. For this group, especially Rwanda, the crisis was a purely internal Congolese affair and Rwanda's involvement was purely for reasons of its own security. It was clear that for Rwanda, peace was far from being achieved as long as extremist Hutus remained in the DRC. The DRC government and its allies (and most Congolese) held the opposite view that "the crisis was as a result of an act of aggression perpetrated by Uganda and Rwanda, whose soldiers had been involved in the combat."[1]

The Rwandan position was the most difficult to manage because Lusaka never seriously reflected on what the agreement would mean in the presence of the extremist Hutus. Since Rwanda was part of the Lusaka negotiations, it would have made sense to have extremist Hutus at the table of negotiation. Without the Hutu (allegedly the main reason for the presence of Rwandan troops in the DRC) at the negotiations, Rwanda's presence had no real value. It is here that the weakness of the entire negotiation process lay. It was a failure to recognise that the war in the Congo had both internal and external dimensions, and that resolving both was necessary to end the war. The impression Lusaka gave was a tacit acceptance that Rwanda and Uganda were free to pursue their rebels indefinitely inside the DRC, and this is what happened.

In terms of the LPA, the Hutu Interahamwe, who constituted a threat to the security of Rwanda, were to be disarmed and regrouped. The LPA engaged all the parties to the agreement to help locate, identify, disarm and assemble all members of all armed groups in the DRC, and all the countries of origin of these armed groups were asked to take the steps necessary for their repatriation. The mediators did not anticipate potential peace spoilers. Because Rwanda and Uganda's motive for being in Congo was not necessarily to disarm the Hutu extremists, but to exploit Congolese minerals, they could not facilitate the disarmament of Hutus. The Hutus gave them a reason to remain in the DRC, and disarming and repatriating them would eliminate that reason. The LPA, designed to bring peace, became a threat to peace. The main weakness of the accords was a tacit acceptance that Rwanda would remain on DRC territory. What this meant concretely was that, despite the LPA, there was no real movement of troops on the ground because conditions for the total withdrawal of Rwandan forces were not in place. It also meant that war remained an option for the rebels and their backers.

The implementation of the Lusaka accord proved more difficult than its negotiation. In subordinating the re-establishment of peace in the Great Lakes region and in the DRC to the demilitarisation and disarmament of the armed extremist Hutus and the Mai Mai, the LPA put the cart before the horse. Even the Mai Mai militias were difficult to disarm. The Mai Mai phenomenon was typically Congolese, and constituted an urgent response to a feeling of insecurity resulting from the potential or actual (supposed or real) threat to the lives of the DRC's native people (Mutambala, 2000: 149). The absence of the militia groups (Congolese and Rwandese) at the negotiation was a limitation of Lusaka. The implementation of LPA became a gamble if the militia (Mai Mai and

extremist Hutus) were not part of it. Because they were not part of the LPA, they simply ignored the agreement. The extremist Hutus, in fact, created the Democratic Forces for the liberation of Rwanda (FDLR) in 2000, transforming it from a simple militia group into an organised and structured rebel movement on the same level as the RCD and MLC. It was clear that Mai-Mai[58] and FDLR combatants would not respect decisions conceived and elaborated without them.

An extraordinary SADC meeting in Maputo in January 2000 issued a communiqué strongly urging the UN to deploy a full peacekeeping force in the DRC. This was followed by the UNSC meeting in New York with seven SADC heads of state. The UNSC pledged to deploy 5000 troops to protect about 500 unarmed military observers who were already deployed. In 2000, parties signed the Kampala plan and the Harare sub-plan. These plans provided the operational details for the disengagement of belligerent forces. In phase one the parties were to withdraw their forces 15 km from the confrontation line. In phase two, they were to concentrate their forces in defensive positions beyond the border of the demilitarised zone, subject to MONUC and Joint Military Commission verification. Despite the publicity generated around the withdrawal of troops from their front lines, peace was far from being achieved. Until the interahamwe were arrested, disarmed and repatriated, Rwanda was not likely to withdraw, at least not totally. This was in contradiction with the UN Resolution 1304 which stipulated that

> "Uganda and Rwanda, which have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo, must withdraw all their forces from the territory of the Democratic Republic of the Congo without further delay, in conformity with the timetable of the Lusaka Ceasefire Agreement and the 8 April 2000 Kampala Disengagement Plan."

The same resolution requested that each phase of withdrawal completed by Uganda and Rwanda forces be reciprocated by other parties in conformity with the same timetable. It was clear that Kabila's allies would drag their feet unless Rwanda withdrew. However the LPA took a new dynamic when the reading of the causes of the war changed with UN resolution 1341, drafted by the French. Resolution 1341, for the first time, condemned Rwanda's and Uganda's invasion of

[58] The Mai-Mai represented community resistance against those who wanted to take up their land and extract their resources. The many agreements signed have not restituted their land, and we are likely to see the Mai-Mai phenomenon coming up again.

the DRC. It stipulated that the invasion was "as akin to the 1991 Iraq's invasion of Kuwait." More dramatically, the resolution recognised Laurent Kabila as the legitimate national leader of his country. Unfortunately there were no mechanisms to enforce the resolution, as MONUC at the time had a very reduced forced on the ground.[59]

President Laurent Kabila wanted the Inter-Congolese Dialogue (ICD) to take place inside the country, and not outside as it was proposed by the international community and the rebels. In an effort to gain the backing of the Congolese people, Kabila organised a meeting with key elements of civil society (Nsapu, Interview, Brussels, 2011.). At this meeting he received the backing of civil society that the ICD should take place inside the country. Two cities were proposed, with Kinshasa as the first choice and Kisangani as second choice. The rebels and their backers refused to agree, arguing that they would not be safe inside the country.

President Chiluba of Zambia reached a stage where he could not push the process forward any more after multiple violations of the LPA. A new effort was needed to advance the peace process. President Chiluba was replaced by President Thabo Mbeki of South Africa as chief mediator. As soon as South Africa took the lead in the mediation process, it found itself in a difficult position following accusations by President Kabila's government that South Africa was supporting Rwanda and Uganda and their Congolese surrogates. Zimbabwe added its weight, obstructing any South African initiative because of what Harare considered Pretoria's opportunistic tendencies (in view of what had happened in the Mozambican war). Zimbabwe claims that it fought to bring peace in Mozambique, but that it is South Africa that is reaping the benefits. There are two main issues that divided South Africa and Zimbabwe. The first was the perception of Pretoria's economic domination of the region through the dynamic role played by its corporations in other countries. The second was the polarisation between Harare and Pretoria over the SADC organ on politics and security. These two countries have since worked at cross-purposes, resulting in either divergent action or no action at all in the face of an increasing number of crises. Since Zimbabwe had the control of SADC's Organ of Politics, Defence and Security, much of the tension played itself out over this organisation's relationship to the overall SADC structures, especially the Heads of State summit.

[59] The UN had already deployed a contingent of 600 troops in DRC. These were very significant steps which raised hope that peace was possible.

On the 16 January 2001, President Laurent Kabila was assassinated. Circumstances surrounding his assassination remain obscure. For the rebels and the international community the death of Kabila eliminated one of the main obstacles to the implementation of the LPA. After the death of Laurent Kabila, no fighting was reported between the belligerents for some time. Rwanda and Uganda started to pull back their troops from the positions occupied before Kabila's death, and the UN started deploying its peacekeeping force. These were very significant steps which raised hope that peace was now possible. Many people believed that Laurent Kabila's death was a blessing in disguise. President Pierre Buyoya of Burundi said that "the death of Kabila could be a springboard for peace in the Central Africa region." (*The Citizen [Johannesburg], 22 January 2001*).

Kabila's death put pressure not only on his allies and the Congolese government, but also on his enemies (Rwanda and Uganda) to speed up the peace process. Despite some troop movements observed soon after Kabila's death, the military presence of Rwanda and Uganda remained unchanged. These two countries and the rebels were hoping that after Kabila's death, the SADC armies which had come to his rescue would abandon the DRC, which would give them an opportunity to forge a military victory (Atundu, interview, Kinshasa, 2008). This expectation was born from the fact that the relationships between SADC governments and Laurent Kabila were personalised, and with Kabila's death the alliance was set to get weaker. At the time it was estimated that Rwanda and Uganda had 25 000 and 10 000 soldiers respectively inside the DRC, while MLC troops were estimated at 12 000 to 15 000, the RCD-Goma at least 12 000 to 15 000 and the RCD-ML around 3 000 soldiers (UN Secretary General Report S/2001/357: 27-8). In fact one hypothesis at the time was that Rwanda would attack Mbuji Mayi and Lubumbashi, and Ugandan troops would move on Mbadaka precipitating the fall of the regime (Minani R, 2008:61). These expectations were proved wrong when Kinshasa's three allies expressed their commitment to continue giving military support to the DRC until such time as Rwanda and Uganda withdrew their troops. To show their commitment, and in an effort to show solidarity and demonstrate their intentions, the allies (Zimbabwe and Angola) reinforced their troop presence in Kinshasa and Lubumbashi (*Business Day*, 23 January 2001). With this commitment, chances for the rebels and their backers to win became minimal.

## 4.3 Implementation of the LPA under Joseph Kabila

The death of Laurent Kabila was a watershed for the DRC. When Laurent Kabila's junta announced that Major-General Joseph Kabila (the son of Laurent Kabila) was the successor, a wave of anxiety swept through the international community, as Joseph Kabila was considered too young, very inexperienced, and unknown. Joseph Kabila might have been chosen by his father's allies to ensure continuity and protect their interest (Malamba, Ibid). The international community's major concern was whether President Joseph Kabila was any different from his bellicose father. President Joseph Kabila moved quickly to calm the international community and send signals that he was different from his father. He moved closer to western capitals and was prepared to go to negotiations. The fact that in his inaugural speech Joseph Kabila emphasised the need to move faster on the road to peace, and the fact that a week following his inauguration he met President Paul Kagame of Rwanda (his father's arch-enemy), gave the international community fresh energy to mediate the peace process in the DRC.

Joseph Kabila had no option but to pursue a different path from his father. The Congolese government allies were in favour of a speedy resolution of the conflict. Zimbabwe's President Robert Mugabe, at a meeting of Zimbabwean, Angolan, and Namibian leaders in Luanda in January 2001 (just after Joseph Kabila was announced as the new president) said that the alliance wanted Joseph Kabila to be more flexible than his father in seeking a settlement for the DRC conflict (*The Star*, Johannesburg, 23 January 2001). President Mugabe's attitude was influenced by the situation in his own country, where he was under pressure from the Movement for Democratic Change (MDC) to relinquish power. The internal situation in Zimbabwe had the potential to delay peace in the DRC. The political instability in Zimbabwe could precipitate the downfall of President Mugabe. Mr Morgan Tsvangirai, the leader of the Movement for Democratic Change (MDC) and potential replacement of Mugabe, promised to withdraw Zimbabwean troops from DRC if he was voted into power after the 2001 March presidential elections. If this happened before peace was found and a government acceptable by all established in Kinshasa, it would lead to a reassessment of the situation on the ground by a number of internal and regional actors that might have want to take advantage of the space that the withdrawal of the Zimbabwe troops would have created to take power militarily. Zimbabwe was the closest ally to the Kinshasa government, although not the determinant force.

Zimbabwe's presence in the DRC was weakened by international pressure to force President Mugabe to withdraw its troops, and by its internal political contestation and the economic crisis.

President Mugabe had been the main backer of Laurent Kabila and the Zimbabwean government was spending US$27 million a month to keep troops the DRC. The economic and political problems in Zimbabwe weakened the southern alliance, and the collapse of the Zimbabwean economy put pressure on President Mugabe to start searching for an exit strategy. The IMF also put on hold US$340 million of desperately needed aid money to the country (Morris and Fidler, 1999). The collapse of the Zimbabwean economy seriously disempowered President Mugabe in his attempt to direct and influence the peace process in the DRC. The situation in Zimbabwe looked more like a conspiracy than anything else. Sanctions and the withdrawal of financial support was the price President Mugabe had to pay not only for his revolutionary style of land reform in his country, but also for his military intervention in the DRC which was against the interests of Great Britain and the US (Kikaya Bin Karubi, Interview, Kinshasa, 2006). Zimbabwe's contributions to the Congo war effort played a major role in the devastation of its economy and the likely ouster of President Robert Mugabe (Ray, 2010). At the same time, the political situation also changed in Angola. The killing of Jonas Savimbi with the support of the CIA reduced President Dos Santos's commitment to the war (Isaac, interview, 2011). President Dos Santos turned his attention to internal Angolan politics. These events contributed to changing the attitude of the Kinshasa allies towards a negotiated settlement.

Joseph Kabila was optimistic that peace would be found. "I see peace on the horizon", he said in Lusaka during the first DRC peace summit after Laurent Kabila's death. Joseph Kabila's conviction came from the fact that he knew his African adversaries (Rwanda and Uganda), having worked with them during the war of liberation in 1996. He had the capacity to take long-term position on them, and was comfortable to engage them in negotiation (Malamba, Ibid). However, his disadvantage was that he did not understand international politics (Ibid). When Rwanda and Uganda refused to attend the first Lusaka meeting, the meeting went ahead nevertheless. A plan for the withdrawal of all foreign troops from the DRC was adopted at the Lusaka meeting. The refusal by President Kagame to attend the Lusaka summit soon after Joseph Kabila took over caused legitimate concern. Despite the fact that Rwanda and Uganda had started a partial withdrawal of troops to comply with the LPA, it was clear that they were not

committed to a total withdrawal of their troops from the DRC. Laurent Kabila's death changed Kinshasa politically but not militarily (ICG, 2001b: 11). The reluctance of the two countries to commit to the LPA gave the impression that Laurent Kabila's recalcitrance on the peace process suited President Kagame and President Museveni's expectation that their troops could remain in the DRC. While Laurent Kabila was seen as an obstacle to peace, his actions were actually benefiting his enemies, since it afforded them the right to continue their military presence and exploitation of DRC resources. Despite this, Joseph Kabila increased his contacts with Rwanda. He met with President Kagame a few times without achieving significant progress, but discussions between the two governments culminated in the signing of a memorandum of understanding[60] in South Africa on 30 July 2002. In this memorandum the government of Rwanda undertook to withdraw troops from the DRC. An important issue in this agreement was the acknowledgement by Joseph Kabila of the presence of 5000 ex-FAR and Interahamwe in DRC territory. The DRC government agreed to collaborate with MONUC and the JMC to disarm the ex-FAR and Interahamwe forces in the DRC. This was an important diplomatic concession on the part of Joseph Kabila, which contributed to softening Rwanda's position. Kabila went further and quartered some of the Hutu armed groups in Kamina. In exchange for disarming the Hutu, Kabila asked Rwanda's government not only to commit to withdraw, but also to disarm the Congolese rebel group, the RCD (ICG 2001b:12). Rwanda refused this request, arguing that the RCD was a Congolese rebel group, and that Rwanda had no rights to disarm it. Despite the memorandum, the stalemate around the withdrawal of troops from their front lines and the holding of the ICD continued. Rwanda continued to argue that until the Interahamwe were arrested, disarmed and repatriated, it was not likely to withdraw, and Joseph Kabila argued that the Inter-Congolese Dialogue could not proceed with foreign troops occupying half of its territory. For the Congolese people, Rwanda and Uganda were now doing everything in their power to disrupt President Joseph Kabila's plan to bring peace to the DRC (*L'Avenir*, Kinshasa, 26th March 2001).

> « Les rebelles et leurs parrains dont la franchise n'est pas leur point fort, vont s'agiter dans tous les sens pour empêcher Joseph Kabila de continuer à la quatrième vitesse la recherche d'une paix sincère et définitive en RCD. Qu'est

[60] The memorandum of understanding between the governments of the DRC and Rwanda on the withdrawal of the Rwandan Troops from the territory and of the dismantling of ex-FAR and Interahamwe forces in the DRC

> que Kagame et Museveni peuvent ils faire pour détourner le président congolais de l'objectif qu'il s'est fixé, à savoir, de mettre rapidement fin à la guerre et de poursuivre l'œuvre de la construction commencée le 17 mai 1997?

Joseph Kabila's strategy was, it seems, to expose to the rest of the world that the reasons advanced for Rwanda being in the DRC were false. He agreed to follow a long road of negotiation and democracy without resistance, in the process trying to invalidate the Rwandese argument.

## 4.4 The Inter-Congolese Dialogue

The planning of the ICD proceeded despite the fact that the LPA resolutions could not be implemented fully. The starting of the Inter-Congolese Dialogue (ICD) was facilitated by Joseph Kabila's conciliatory attitude towards the western governments and towards Rwanda and Uganda. This was a major departure from his father's policy, which was based on unfriendly relations with the UN and western governments. More important was Kabila's agreement to implement in full the LPA. He also agreed to the deployment of a UN peacekeeping force and accepted the former president of Botswana, Sir Katumire Masire, as the facilitator of the ICD.

Chapter V of the LPA defined the parameters of the ICD. The objective of the ICD was to establish a transitional administration in the DRC, pending the holding of democratic elections. As stipulated in the LPA, the ICD Aiméd at facilitating agreement among its participants on four key issues related to power sharing:

- the formation of a new Congolese army;
- the formation of future institutions of the country;
- the drafting of an interim constitution that would govern the DRC during the transitional period.
- Agreement on the holding of general elections.

*4.4.1 Preparatory meetings*

A preparatory meeting for the ICD took place in Gaborone from 20 to 24 August 2001. It brought together a proportionally high number of representatives: 13 representatives of Kabila's government, 13 members of civil society, 13 of the RCD, 13 of the MLC, four from RCD-ML (a breakaway group of the RCD), and 14 members of the non-armed opposition. This reflected the spirit of the LPA, which wanted the negotiation to be as inclusive as possible and needed groups to negotiate as equals. The Gaborone meeting agreed on the agenda for the negotiations and on the number of delegates to the ICD, which was put at between 300 and 400. Delegates were also mandated to identify the country where the ICD would take place. Gaborone agreed that Addis Ababa would be the host city for the ICD. At Gaborone, for the first time, no group or individual wanted to be seen as blocking the process. Gaborone was limited in its mandate; the questions of substance and form which could potentially have divided participants (such as questions related to the causes of the war) were not discussed.

The Addis Abba meeting took place on 15 October 2001, but it turned out to be a preparatory meeting rather than the ICD proper. Addis failed due to technical and financial constraints, with only few key stakeholders turning up for the meeting, and some delegations sending low-level delegates. Malamba (interview, Kinshasa, 2011) suggests that government knew that things were not yet ready, either for the parties to the negotiations or for the international community. The meeting lasted only five days instead of the proposed forty-five. The talks, chaired by Katumire Masire, got off to a false start due to insufficient funds to accommodate all the delegates. The delegation of the DRC government left the talks after a few days, calling the gathering unrepresentative. Masire then adjourned talks until further notice.[61] Addis Abba was symbolic in that it is the site of the African Union. The Ethiopian government showed no interest in the negotiations, although it was clear that negotiations would have to take place in a country with an interest in the war. The real interest came from South Africa. President Mbeki wanted the negotiations to take place in his country as part of his African renaissance dream. South Africa not only wanted to host the talks, but also promised material support. The Addis Ababa meeting was significant only insofar as delegates agreed on South Africa as the country to host the next

[61] DRC: SADC appeals for funds for inter-Congolese dialogue, http://www.irinnews.org/Report.aspx?ReportId=29064

round of the ICD. This was a major foreign policy victory for South Africa, and the country used the opportunity to position itself as a pivotal player in the search for a solution to the crisis in the Great Lakes region. Addis Ababa also agreed that the ICD be broadened to include representatives from the local Mai Mai, religious leaders, traditional leaders, and other armed and non-armed oppositions which were not included in the Lusaka peace negotiations.

*4.4.2 The Inter-Congolese Dialogue Proper*

The Inter-Congolese Dialogue opened on 25 February 2001 at Sun City in South Africa. It was expected to end in April 2002. The objective was summed up by Masire (2001) during the opening session when he declared "Once again the people of the Democratic Republic of Congo meet to chart their course for the future. They do so, I hope, with a united spirit of selfishness, in recognition that the fate of their country lies in their own hands. They have to decide for themselves the political environment in which they would like the future generations to live." Sun City was supposed to be a new birth of the DRC. For the first time the sons and daughters of Congo decided to talk among themselves to try and find solutions to their problems" ( Mpoko, interview, January 2011). The critical issues for negotiation in the ICD, in accordance with the LPA included: the transitional authority, the national army, the process of democratic and transparent elections, the drafting of the constitution, and the establishment of institutions for a new political dispensation in the DRC (Masire, 2001).

*4.4.3 The Nature of negotiations*

When the ICD started, the DRC was still divided in two, with one part controlled by government and its allies, and the other by Rwanda, Uganda and their Congolese rebels. The ICD was supposed to end the war, reunite Congolese territory, and produce prescriptions for the creation of a new state. The Congolese population was expecting one thing from the negotiations, to achieve their right to vote for their own leaders. But before this process – which could only happen through democratic election – the people would have to agree about the future form of the state, regulatory provisions, and the redistribution power. Unfortunately, even the most optimistic analyst would agree that the task of undoing Mobutu's legacy and war was an onerous one.

The DRC had been in such mess that this attempt was a courageous one. The question was what kind of a state or society should be constructed in the post-Mobutu era? This was the important question of the ICD. The objective was to create a new political order. Five commissions were established:

- political commission;
- humanitarian, social and cultural affairs commission;
- economic and financial commission;
- peace and reconciliation commission;
- Defence and security commission.

These commissions were supposed to come up with new prescriptions that would guide the Congolese state and society in all important aspects. Most of those who took part in the negotiations agree that the commissions discussed critical issues linked to state reform. While work took place in all the commissions, the political commission turned out to be the most important because it engaged issues related to the distribution of government positions during the transition. All those who were part of the negotiations were fighting for their own political survival, and each one (especially those who had taken up arms) wanted to protect its personal interests (Wamba dia Wamba, interview, Kinshasa, 2006). Everyone wanted to be in future government, and to use the position to acquire material goods (money, houses etc...) as reward for their participation in the war. It was common to hear from participants that we did not fight for nothing (Ibid).

The attention given to the political commission reduced the importance of the discussion that was happening in the other commissions. The economic and financial commission, which should be credited for having proposed that the transitional government should renegotiate all dubious mining contracts signed during the war (Mukuli, interview, Kinshasa, 2011), did not provide a clear economic blueprint for the future state. The peace and reconciliation commission refused to discuss the question of nationality, and sent it to the national assembly, and the commission on defence failed to agree on an approach to reform and build a professional Congolese national

army. The Congolese entered Sun City divided and came out divided, with no clear prescriptions on the new state. Other important matters of peace and reconciliation, defence and security and economic policy received scant attention. Sun City was a missed opportunity for genuine negotiation to transform the Congolese state. It turned out to be a platform for the distribution of political posts. The fight for positions was present within all the different political formations (Malamba, ibid).

For two months (at a cost to South Africa of R1 million a day), Congolese representatives made no progress. In April 2002 the negotiations ended in deadlock. The political commission could not agree on how to share power during the transition. This is why, on numerous occasions, half-deals between groups would be attempted during the negotiations. The peace and stability that Sun City was pursuing was only achievable under a situation whereby everyone was rewarded politically. Instead the government of President Kabila and the MLC of Jean Pierre Bemba signed an agreement on the 17 of April 2002 outside the legal Sun City framework. This agreement gave President Kabila the presidency and the army, and Jean Pierre Bemba was to become prime minister and head of government. The agreement proposed the establishment of an assembly, a senate, and a senior army council (Tom Lodge, Kadima and Poitier, 2002:73). The agreement was never implemented, and Jean Pierre Bemba never travelled to Kinshasa to take up his position. As a reaction to this agreement, RCD-Goma and UDPS formed an alliance called "*alliance pour la Sauvegarde du Dialogue Inter-Congolais (ASD).* It was clear that a deal that sidelined the RCD (backed by Rwanda) would not resolve the problem. In reality, according to those who were part of the Kinshasa government negotiating team, the agreement with Bemba was signed to delay the process and to ensure that the dialogue did not totally collapse (Malamba, Interview, January 2011). The impasse forced President Mbeki on 12 April 2002 to propose a format of the transition which became the basis of all subsequent discussions, and which led to the adoption of the constitution of transition.

The solution to the power struggle among political groups at Sun-City was resolved when the 1+4 formula was proposed. This is a formula whereby a president is supported by four vice-presidents. This formula was designed to accommodate key individuals, especially belligerents. The 1+4 was to be applied at all levels of government and state institutions. The political commission also agreed to a transitional parliament of 500 people as a way to accommodate

almost everyone who was at Sun City, including civil society. It was this inclusive nature of the negotiations that helped to produce the miracle agreement. It was a compromise without conviction. As long as immediate individual interests (political positions) were satisfied, delegates were ready to compromise on anything. As Josephine Ngalula (interview, Kinshasa, January 2011) puts it, "Sun City gratified war lords." These groups of individuals controlled the process to suit their interests. They went there to cancel each other out, and not to find a proper durable solution to the Congolese question. Among the leaders of key rebel groups, nobody was prepared to cede the place of president or executive prime minister to anybody else. During the negotiations, the envoy of the UN asked the Congolese if it was possible for one person to lead the transition. All of them said no. They argued that such an option would advantage one person, especially if he performed well during the transition. The public would be inclined to vote for him during elections. It would be an unfair advantage to do that they argued.

The struggle for Political power distracted the Congolese to the extent that they paid little attention to the constitution. As with the constitution at independence, which was written by the Belgians, the Sun City constitution of transition was written by external powers. As Mpoko (Interview, Pretoria, January 2011) suggests, it was the Belgians (under the leadership of Louis Michel) that took the lead in coming up with a draft. They then showed it to the French, the Americans and the South Africans. The constitution of transition was a product of strategically-motivated tinkering, not a thorough-going overhaul. It did not take into account Congolese realities, but was designed far from Congolese people and without their approbation. It is clear that the constitution was designed to fit the profile of those who were negotiating, and not the prescriptions of a new society.

The negotiations from Lusaka to Sun City turned out to be about two things: to maintain political power for those who were in government, and to access political power for those who were in rebellion. The inter-Congolese Dialogue fitted well into what Samuel Huntington has called "transplacement", because each saw power-sharing as a more promising method of managing inter-group differences (Lemarchand, 1994:583). For this reason the main objective of achieving the security and stability necessary for the sustainable development of the Democratic Republic of Congo became secondary to personal interests. It is here that South Africa has been criticised. South Africa during the negotiations neglected the issue of leadership and the values that should

lead the transition once in place. It seems that President Mbeki assumed that the Congolese understood what democracy and good governance are. South Africa had a lot of leverage to ensure that certain structural problems were anticipated and solutions proposed. As Wamba dia Wamba (Interview, 2006, Kinshasa) puts it, "South Africa seemed to have fallen into the western logic of thinking that mediocrity is a lesser evil for the Congolese if it stops the war." There was no real concern for the profiles of people, no concern for knowledge of the political history of the country. A discussion of such issues would have raised matters of leadership and values that the new Congo needed in comparison with what had been in the past. The compromise reached at Sun City hindered the new democracy's chances of succeeding, because the authoritarian belligerents were able to retain a significant level of influence over the process and the transition.

The inter-Congolese peace agreement, known as "*Accord Global et Inclusive*" was finally signed at Sun City on 17 December 2002, but it failed to address three important issues: the disarmament and integration of armed forces into a united national army, the personal security of transitional government leaders, and the interim constitution for the transitional period. Three technical committees were convened to discuss and find solutions to these outstanding problems. Two documents were subsequently signed in February 2003: a memorandum of understanding (MoU) regarding the mechanism for the establishment of a restructured and integrated national army, and a MoU regarding security provisions during the transition. The international community was approached to protect the transitional institutions and to ensure security in Kinshasa, a task given to MONUC. The final endorsement of the ICD took place on 2 April 2003 in Pretoria. Forty-four groups (including armed factions, exiled political figures, and civil society groups) signed the final document.

There are five major criticisms that can be levelled against the Inter-Congolese Dialogue. First, the Congolese leadership at Sun City failed to make the most elementary judgement which is a foundation of any post-autocratic and post-war negotiations, that of speaking and acting in the name and the interest of the people. Sun City negotiations did not constitute a break with the past, but the continuation of it. Sun City became a platform to share power. The 1+4 formula was a political carrot used to entice rebel leaders to end the war. It gave them power, and as we know,

power corrupts. Sun City rewarded those most responsible for violence and human rights abuses, thereby establishing peace at the expense of justice.[62]

Second, Sun City perpetuated impunity. Sun City succeeded because belligerents excluded from the negotiation their liability for the violation of human rights. Economic and human security aspects featured minimally during the negotiations. The responsibility to protect was not considered.[63] It seems that Sun City refused to discuss issues of accountability, especially for the crimes committed during the war (IRC, 1998).[64] This is why the commission did not seriously consider the issue of reconciliation. The pressure on belligerents came from the UN Expert Panels' report, which named and shamed all those who were involved in "conflict trade", but Sun City failed to disturb the source of revenue generation which kept combatants in the fight. This would have serious consequences on the management of the transitional government, and on the organisation and acceptance of the election results. It is unfortunate that in dealing with transitions from authoritarian rule to democratic governance, those at the mediation table face the dilemma of a potential trade-off between accountability and punishment on the one hand, and impunity and reconciliation on the other. As in many other cases around the world, negotiators in the DRC sacrificed human rights standards in order to grant each other concessions, and to preserve the fragile peace process.

Third, although the ICD opened space for the Congolese to openly discuss the future of the country as Hamuli (Interview, Kinshasa, 2011) suggests, the outcome was not built on strong political ideologies, or even on an idea of the nature of the state that was needed (Kalele, interview, Kinshasa, 1996). The major weakness of the Sun City negotiations was that it focused on ending the war without addressing deep-seated socio-political problems. Sun City should have dealt with the real problem of how to stop the impunity of the past that has made the Congolese fall short of realising their development goals. The Congolese problem was not the war in the east, it was the broken society. Poverty, unequal distribution of resources, ethnicity

[62] Certainly criminalisation at that stage would have added considerable political complexity to diplomatic efforts to secure peace. Among those who were negotiating peace, there were criminals, but these criminals were critical interlocutors in the peace negotiations. They also had military power (they had not disarmed) and their economic opportunities (access to minerals) were still intact. They could easily have walked out of the negotiation process.
[63] The war killed and misplaced millions of Congolese citizens. Sun City never discussed how to prevent the killings and sexual abuse which were still going on.
[64] The human cost of Congo's war is enormous: an estimated 5.4 million people have died since 1998 from related causes.

and corruption are the real problems that fuel inter-communal strife (Laura and Hayner, 2009:23). At no time during the search for a solution did the question of how the state itself needed to be reformed occupy centre-stage. If the ICD helped to bring some semblance of peace and stability, and created a legal environment for the transitional period, it failed to deal with the most important aspects of Congolese society that keep the state in a situation of perpetual collapse. Sun City failed to become the instrument through which socio-economic and political problems that promote military confrontation and poverty could be understood and resolved, and which could start the process of reconstruction of the Congolese state. Sun City should not have been allowed to become a platform where the elite shared power, to produce a corrupt inclusive government that resembles to the point of total of convergence the decadent "Mobutocracy" (Thsikala, 1998).

Fourth, the Sun City process weakened civil society by transforming civil society activists into politicians. Already, the texture of Congolese civil society that went to Sun City was not one supportive of democracy. At the time of the negotiations (and afterwards), there were no non-governmental organisations (NGOs) in the DRC. There was, in fact, an organised political constellation in Kinshasa as well as in Goma, including "more than 400 civic organisations and more than 100 political groups" (Mamdani, 1996: 80) but with no vision of how to transform the state. The arrangement that ensured that civil society was part of the negotiations (and took part in the redistribution of political posts) undermined the entire support role that was expected from civil society. As one of the leading civil society leaders puts it, civil society was weakened by the political role it accepted to play (Ngalula, Interview, Kinshasa, January 2011). Civil society leaders were captured by the different political formations. As such, they were not a vehicle for aggregating and channelling social demands during the negotiations. Civil society at Sun City could not resist the temptation of political power, which involved moral and financial corruption. As such it failed to guard against the emergence of negative values in the system being negotiated. Those parts of civil society that participated at Sun City were a group of individuals politically selected by the different political and armed formations. They had no ability to think independently. Like the politicians, civil society members were at Sun City to position themselves for future political posts. Sun City convinced those who were still in doubt that there

is no civil society in Congo. As one Congolese academic puts it "These are just individuals who are involved in politics, and who say they are from civil society (Kundu, interview, 2007).[65]

Fifth, a closer analysis reveals that what was signed at Sun City was symbolic, and that the real deal was hammered out in Pretoria. It was in Pretoria, around a small group of Congolese leaders, that key issues were discussed, including security and power sharing. It is here that real negotiations took place. What happened in Pretoria determined the nature of the transition. The Pretoria agreement, was achieved under pressure on Congolese by external actors (Malamba, ibid). When for example, Joseph Olengakoy and Zahidi Ngoma refused to sign the final document, Pretoria organised Congolese women to push them to sign. Malamba who was part of that group of Congolese women argues that President Mbeki brought ANC women, who had benefited from his regime, to work with a group of Congolese women in putting pressure on Congolese politicians to sign the deal. Sun City resolutions which were produced in the different commissions were not included as part of the transition. To date, there has never been a public document that captures key moments or reproduces the work of the different commissions. It is possible to argue that Sun City succeeded in terms of form by producing a government of transition, but failed in content because its key resolutions on state reforms will never be carried forward.

Despite the weaknesses identified, Sun City achieved some remarkable successes. It succeeded in bringing together Congolese of all walks of life. It reduced tension and pressure that existed in the different political formations (Tshiswaka, interview, Johannesburg, 2011). Another success was the reunification of the country. People could now travel from Kinshasa to rebel-controlled areas and vice versa (Hamuli, Interview Kinshasa, January 2011). Sun City also produced a government of transition with the responsibility to implement the agreements. But Sun City succeeded because power was shared among all those who wanted it.

[65] A form of civil society existed before 1990 when Mobutu used to organise popular meetings where people were called to express the problems. During these meeting people used to convey issues to the president even if no serious policy formulation followed such meetings. But after 1990 when western governments suspended their financial support to the Congolese government and all assistance was now channelled through civil society, there was a sudden increase of non-governmental organisations.

*4.4.4 External Influence on Sun City Negotiations*

The Sun City negotiations were not only an affair of the Congolese. It was a replica of the war environment, with external actors playing a determinant role in the direction of the negotiations. Both government and rebel groups had outside forces supporting them at the negotiations (Hamuli, Interview, Kinshasa, 2011). As Lemarchand (1994:591) correctly puts it, "the dynamics of transitions are inseparable from the situation in which they arise." The negotiations were conducted under tremendous external pressures. Western and regional powers were closely following and directing the trajectory of negotiations. As Mpoko (Interview, Pretoria, 2011) puts it, "We lived, slept and worked under excessive external pressure." While this external pressure was designed to help and guide the Congolese toward an agreement, "it was not exercised under a unified position and in many instances not in the interest of Congolese people" (Ibid). Each external power or organisation was applying pressure to protect its interests (political and economic). Each one of them had a sympathetic political formation at Sun City, and wanted to see it emerge from the negotiations with a commanding position in future state institutions, and then use it to access the country's resources (Ibid). When Congolese did not agree, the disagreement was also manifested among the many external players who were at Sun City. All external players (including the EU, the US, South Africa, Rwanda and Uganda) were attending the discussions in the different commissions. They wanted to ensure that the Congolese were negotiating, but not against their interests (Kabumgulu, interview, Kinshasa, 2011).

Equally, the Congolese were not setting their own agenda. Rwanda deployed an arsenal of its intelligence services at Sun City. The objective was to ensure that the Congolese did not discuss the question of pillage of resources and security issues. Rwanda was there to influence the position of the rebel movements it was supporting (Malamba, interview, Kinshasa, 2011). It was important for Rwanda to ensure that the Congolese were not united against its presence in the DRC. Another important thing was that, in all the commissions, foreigners were taking the minutes. Those closer to the organisation and planning say that these minute-takers were sometimes agents of external forces (Ibid). Important issues discussed in the different commissions were sometimes omitted in their reports, or issues agreed to be on the agenda for discussion never appeared at the next meeting (Ibid).

The external actors brought a lot of confusion during the course of the negotiations. This confusion was exacerbated by the fact that there was no unifying force to coordinate foreign actors' involvement. The lack of progress observed during the first two months was also due to external manipulations (Mpoko, Interview, Pretoria, 2011). It was critical, therefore, for a unifying force to emerge and drive the process. President Mbeki became that force. Mbeki, sensing the danger of a possible failure, took the lead in the mediation process. He became the referee and the unifying force for the external forces (Ibid).

President Mbeki's role often gave the impression that the Congolese were in control of the negotiations. It was this aspect that took away the sovereign nature of the negotiations, and which certain Congolese groups would later use to try to discredit the outcomes. Many, indeed, wondered if the Sun City agreement would have been signed in the absence of repeated nudging from the South African government, the UNSC, the US, France, Belgium and SADC (Kabwe, Interview, Kinshasa, 2009). If the Congolese, to find a consensus during the negotiation, needed outside influence, it was an indication of their lack of conviction in the entire process. This is a repeat of the Lusaka Peace Accords, the draft of which was first proposed by President Clinton's Special Envoy to Africa, Ambassador Howard Wolpe (Hamuli, Interview, Kinshasa 2011). Perhaps the biggest problem with the Congolese is that they have never succeeded in taking ownership of their destiny. A basic reality of the Congolese peace accord is that it was pursued less because of any genuine desire for peace by the Congolese, and more by the pressures they were under from the international community. This has left the impression that the entire process from Lusaka to Sun City was imposed upon the Congolese by external forces.

Because the DRC war had an international geo-political dimension, the South African-led mediation can be seen as a victory of the Anglo-Saxon world (represented by South Africa, the US and Britain) over France and Belgium, who have always considered themselves the guarantors of peace and development in the DRC. This accorded with the wishes of President Paul Kagame of Rwanda, who made it clear that France and Belgium would never be the ones to bring peace in the region. South Africa's success was a serious offensive against the interests of France and Belgium in the Great Lakes region. It is important to say that the South African driven peace accord that brought about the much celebrated transitional government in Kinshasa

was hammered out in a situation of uncertainty over whether or not peace would ever come to the DRC.

## Chapter 5: Transitional politics in a collapsed state

Political transition is an important phase in any state reconstruction efforts. The transition period determines whether or not the transformation of the state has started to take place. The superficial nature of the Sun City arrangements would be felt throughout the transition period. The transition was a top-down process, during which former belligerents controlled the pace and the content of the reforms. This situation produced some problematic outcomes and impacted on democratisation and state-building efforts.

There is no universal theory for a successful democratic transition applicable to all countries; it would not be fair to compare the transition in the DRC to transitions which have occurred elsewhere. However, there exist partial hypotheses and claims concerning the preconditions for successful democratic transitions, such as those proposed by DiPalma (1990):

- Democratic transitions are successful where there are minimal divisions within the forces of old regimes and the opposition. This ensures that a dialogue can be conducted and extremist elements can be marginalised.

- Democratic transitions are successful where the vital interests of all participants are guaranteed in the transition period and in the new constitution. In this way, previously recalcitrant forces come to believe that a change in government will not threaten them.

- Democratic transitions are successful where the balance of international forces and support favour democratising forces over authoritarian forces and where incentives are made available to all participants to compromise.

African experience shows that post-war and post-dictatorship transition succeed on two accounts: the level of national consensus, and the conduct of key players (including the international community) during the transition period (Kambale Interview, Johannesburg, October 2010). Negotiations that do not end with a firm consensus do not produce successful transition (Ibid). In Zimbabwe, the transition is struggling because there has never been a firm

consensus between the parties on the critical issues, and the mediator (President Mbeki) was never trusted by both parties. The Global Political Agreement (GPA) has not worked because the two main parties signed it without conviction. We have seen progress in countries like Benin, Mozambique and Kenya because of the level of consensus that was secured (Kambale, interview, Johannesburg, 2010). Equally, when a consensus seems to be imposed by outside players, it is difficult to implement the deal.

This chapter assesses the performance of the DRC transitional government in terms of implementing the Global and Inclusive Agreement**.** More importantly it assesses how the transition improved or hindered chances for state reconstruction and the consolidation of democracy. The assessment is done through an evaluation of the performance of key institutions of transition – the executive, the parliament, political parties and civil society; it also looks on issues of constitutionalism, governance, peace and security and the role of the international community.

## 5.1 Transitional institutional arrangements: efficiency and efficacy

The Pretoria agreement articulated very clearly the responsibilities and timeframes of the transitional government, and created institutions that were critical. Because of the lack of commitment from the Congolese leadership to its full implementation, the transition ended without major decisions contained in the Sun City not implemented. The transition process in the DRC was expected to initiate a move away from a situation of no-state or less-state to that of capable-state or best-state. The principal transitional objectives included: reunification and reconstruction of the country, the re-establishment of peace and the restoration of territorial integrity and state authority in the whole of the national territory; national reconciliation; the creation of a restructured integrated national army; the organisation of free and transparent elections at all levels, allowing a constitutional and democratic government to be put in place; and the setting up of structures that would lead to a new political order**.** The transition period was kept relatively short (two years), with provision for two six-month extensions. The elections were to have a special connotation: to restore the legitimacy of the government. Beyond the restoration of legitimacy, the transition was also intended to start undoing the autocratic and corrupt culture which had become a way of life for the majority of Congolese.

The transitional institutions included the executive, the government, the national assembly and the judiciary. In addition, chapter 9 institutions were to be set up to support democracy: the Independent Electoral Commission (EIC); a national watchdog for human rights; the Media Authority; the Truth and Reconciliation Commission and the Committee on Ethics and the Fight against Corruption. The main task of the transitional government was to ensure that the transition was going according to the principles of the accord and the transitional constitution, and to make sure that a new constitution was drafted.

As argued in the preceding chapter, the nature of transition bargaining was determined by the belligerents in an effort to secure control of state institutions. Sun City secured leadership positions in the transition for those who had the monopoly on power. The power-sharing that occurred from the inter-Congolese dialogue was skewed in favour of armed groups, making the transition potentially at risk of being hijacked whenever one group felt unsatisfied with the process. The outcome of any transition is influenced by many factors. According the René Lemarchand (1994:582-583), "structural factors, social and economic factors – whether enabling or disabling – are not enough to explain success or failure. Significant as they may be in facilitating or hampering favourable outcomes, and in shaping the reconstruction of ethnic or racial divisions, the real critical variables have to do with: (i) the nature of the transition bargain, (ii) the quality of leadership skills, (iii) the character of opposition movements, (iv) the attitude of the armed forces, and (v) the role of international pressures in shaping democratic transition. As we discuss the transition, these elements will be taken into account.

*5.1.1 The Executive*

The transitional arrangements signed in Pretoria proposed the famous 1+4 system. In terms of this system, the president governs together with four vice-presidents. This approach was adopted to deal with Congolese politicians who all wished to become president, but this formula for the first time in the history of the Congolese politics begun to encapsulate the value of inclusiveness on which the entire negotiation process from the LPA to the Pretoria peace agreement was founded. The inclusive nature of the negotiations reflected an important change in the political thinking of the Congolese. For the first time, Congolese were coming to terms with a situation in which different groups could work together to achieve a common purpose – peace, political

stability, and economic growth and development. The political transition that emerged from Sun City injected new ideas into the politics of the DRC. It brought in ideas that power can be negotiated, and that power can be shared. These ideas challenged traditions characterised by authoritarianism and the monopolisation of power by one person or a group of people. The transition, therefore, offered unique opportunities to the DRC.

The Pretoria agreement concentrated political power in the hands of the president and his four deputies. The negotiations retained Joseph Kabila as president during the transition period, seconded by four vice-presidents. Each vice-president was responsible for a particular commission. Jean Pierre Bemba (of the MLC) took the Economic and Finance Portfolio, and Azarias Ruberwa (of the RCD) received the commission on Politics, Defence and Security. Yerodia Ndombasi (representing Kabila's ex-government) was given the Commission on Development and Reconstruction, and Zahidi Ngoma (representing the non-armed opposition) got the Social and Cultural Commission. Paradoxically, however, instead of building a combined leadership, the presidential space became very quickly a space for the contestation of power, to the detriment of development (Pararo, interview, Kinshasa, 2010). The inclusive nature of the agreement, instead of constructively paving the way for reconstruction, further complicated the interrelated political and economic systems. Although the constitution of transition defined the role of the president and allocated specific roles to each vice-president, it did not clearly articulate the working relationship between the president and his four vice-presidents, or how decisions would be taken (Mukuli, interview, Kinshasa, 2009). In fact, a closer look reveals that there was a tendency from some vice-presidents to behave as if they were prime ministers during the first republic. Equally, there were also tendencies in the president reminiscent the era of the one-party state. This situation created serious tension and suspicion between the president and the vice- presidents, especially those from the rebel movements (MLC and RDC).

The management of the presidential space became a real challenge during the transition period. Tension and mistrust at this level made it difficult for other institutions (especially ministries) to operate, as they depended on decisions made at the presidential level. The RCD and MLC in particular were concerned with the growing independence displayed by President Joseph Kabila in the decision-making process. They feared that their prerogatives were being undermined by the presidency (Boshoff, 2004). This mistrust had serious consequences. It made it difficult to

reach consensus on important matters such as reconciliation, integration of the armed forces and police, the question of nationality, the deployment of ambassadors, the reform of the intelligence service, the distribution of public enterprises, and fighting corruption. The entire transition ended up in a situation where it was no longer clear who had authority over what. While the different groups accepted a power-sharing formula, the critical issues of how much power was to be shared, at what level, and for how long were not very clear.

The four vice-presidents had hoped to use this arrangement to advance personal political and economic interests, and not necessarily to advance democracy and peace. So, the Sun City consensus was not so much motivated by genuine democratic principles, as by these leaders' broader personal political and economic ambitions. While the ideal was noble, the challenge was to ensure that the structure worked. It was a difficult structure to operationalise in a way that responded to the need of citizens and built trust among the leadership. The mistrust was so rampant that it became easy for all kinds of pursuits to take place. In the words of Wamba dia Wamba "There was hardly a leadership around to make sure that what was agreed upon was actually carried out" (Interview, Kinshasa, 2004). The transitional government was showing little sign of dynamic leadership. Government was heavily influenced by the same shadowy warlord figures.

The 1+4 model resembled "a cooperative state" (Zengke 2007). As a kind of power-sharing system among different classes, a cooperative state pursues the following four fundamental principles: the power of autonomy, the principle of cooperation, the principle of checks and balances, and the principle of shared responsibilities. However, 1+4 became a space for fierce competition for control and positioning. The so-called power of autonomy refers to carrying out authoritarianism politics. The ruling group outmatched all other social classes, being only concerned about itself, although presented as accountable to all citizens. There was also a problem with the way the transition was defined; it was geared towards elections as an end goal. This was one of the biggest weaknesses of the constitution of transition. From the first day, the transition was in election mode, and there was no time for accommodation. Each party and each individual in the transitional government used every opportunity to advance their interests, often undermining the transition itself. The entire executive was interested in political survival rather than in resolving citizens' social concerns. The 1+4 formula afforded all important political

figures to have a position in the government of transition; but it rendered government ineffective. The president had no power to introduce dramatic changes in the system which could incriminate his vice-presidents or members of their alliances who were linked to serious human rights abuses in the country.

During the transition, major decisions in government were made in an uncoordinated manner by different vice-presidents and the president to enhance their image and standing in the elections (Kazembe, interview, 2006). A clear example of this was the dispute over the management of public enterprises. There was a debate over who should nominate managing directors of public institutions, and how to distribute them among the different political formations. Competencies mattered little. Every group wanted to capture these entities for predation purposes. The intention of all political stakeholders was to use these entities as source of funding for their election campaign (Kabwe, Interview, Kinshasa, 2007). There were times, when the erstwhile warlords set aside their differences, but only when doing so helped them to acquire more loot. Dubious mining deals and salaries of an estimated US$ 200 000.00 for the President and each vice president were just two in a long series of scandals perpetrated by the five presidents (Pararo, interview, December 2010). Despite claims that they were struggling for peace, democracy, and reconciliation, these warlords and their henchmen continued to use the country's institutions for personal benefit. With this behaviour, it became clear that the transition was in fact a continuation of what went before. This concern was shared by many who argued that the international community was wasting resources in supporting a transition which would not produce the expected results.

*5.1.2 The Government*

As far as government was concerned, Article 81 of the transitional constitution stipulates that the role of government is to determine and conduct the nation's politics. The government had in total 61 ministers and deputies. The choice of ministers was not based on merit but on political allegiance and friendship. They were political appointees. The ministerial posts were determined by political parties at the negotiations at Sun City. The distribution of government departments also followed the 1+4 system. The challenge throughout the transition was how to ensure that this structure worked. If it was difficult for the president and his vice-presidents to find a

workable relationship, it was even more difficult at this lower level because the government was dependent on the executive. Every minister was answerable to his political leader in the executive. When government presented its programme to parliament on 2 December 2003, it was poorly written and weak, failing in many respects to articulate the goals of the transition and how they were to be achieved. Critics say the plan was vague, especially on the issue of elections. In fact, the plan of action did not emphasis elections as a priority. There was no concrete proposition as to how government intended to support the electoral process. For many Congolese who wanted to have an elected government soon, the transitional government's approach was disappointing. Congolese citizens accused the entire political leadership of wanting to delay the process. Political observers and analysts in the country argued that the lack of commitment to elections was due to political leaders' manoeuvring to delay the process. It seems that politicians wanted an indefinite transition in order to remain in control.

*5.1.3 The Parliament*

Parliament was the pillar of the entire transitional arrangement. Though its members were not elected, it was expected to draft laws (including the constitution) that would change the face of politics in the DRC and take the country to its first democratic election in more than 44 years. Parliament comprised two chambers, the national assembly and the senate. It worked consistently from its inception in 2003 up to the adoption of the Electoral Act in March 2006. The national assembly had 500 members (with only 57 women), and the senate had 120 members (with only three women). The transitional arrangement gave equal power to belligerents in terms of seats in the national assembly and the senate. All the major players — PPRD, MLC, RCD, non-armed opposition and civil society— had an equal share of seats: 94 each in the national assembly and 22 each in the senate. Other players (such Mai Mai and RDC-KML) received 10 and 4 seats each for the national assembly and the senate respectively. Smaller entities such as RCD-N received 5 seats for the national assembly and 2 for the senate. This distribution of members of parliament was agreed upon at Sun City. This was a continuation of the spirit of the Inter-Congolese Dialogue, ensuring inclusiveness and representation in all institutions of the transition.

Members of parliament were not elected but handpicked by party leaders. The MPs were Congolese who had participated in the ICD (Hamuli, Interview Kinshasa, January 2011). The inclusive nature did not translate into an equal degree of influence among the different groups. Parliamentary politics and decisions were concluded by the three former armed groups. Equally the distribution of seats had a very biased gender representation, and one which went against the spirit of the LPA (which had placed the gender threshold at 30 per cent, in line with the SADC protocol). Sun City did not take care of the gender balance. This is not specific to political parties, but was also the case for civil society, which was only represented by 14 women MPs from among the 68 women who attended the Sun City talks. It seems that in the Congo, the conception that political power belongs to men is culturally entrenched (Ngalula, interview, 2009).

According to Article 98 of the constitution of transition, the role of the national assembly included legislating; exercising control over government, public enterprises and the civil service; monitoring the implementation of resolutions reached at the Inter-Congolese Dialogue; and adopting a constitution to put to referendum. The senate's role, as stipulated in Article 104 section 2, was the elaboration of the draft constitution, which was to be submitted to a referendum, and mediating political conflicts between the different institutions of the transition (DRC Official Journal, 2003). The senate was responsible for legislative functions together with the national assembly on the following issues: nationality, decentralisation, public finance, electoral processes and Chapter 9 Institutions. As in the case of the government and the executive, parliamentary commissions of both houses were distributed among the groups which signed the All and Inclusive Accord. For example, for the national assembly, the political, administrative and legal commission were led by the non-armed opposition, external relations by RCD-KLM, economic and financial affairs by the PPRD, defense and security by the Mai-Mai, women, family and youth by the MLC, institutions for democracy support by the RCD-N, social and cultural issues by the RCD, and reconstruction and development by civil society.

Despite its unelected character, Parliament accomplished a great deal under difficult conditions (including lack of basic infrastructure, weak financial resources, lack of technical, administration and managerial skills, and the absence of trust amongst parties involved in drafting of the new constitution). For two years, the parliament worked non-stop in difficult political, social and

logistical conditions to draft the constitution (Wamba dia Wamba; Kazembe, interview, 1997)**.** The biggest weakness of the parliament of transition was that it had no power at all to sanction the executive and the government.

*5.1.4 Political parties*

Political parties were woefully ill-equipped. Most political parties started in an authoritarian environment or in rebellion. There were no sustained efforts to create democratic political parties capable of providing guidance during the transition. There were different categories of political parties, including armed groups struggling to transform into political parties, and old parties that had been there since the Mobutu regime. These included the *Mouvement Populaire de la Révolution* (MPR), the UDPS and PALU. Although they appeared to be well-known and to have a history, their support remained divided along ethnic lines, and they drew most of their support from their leaders' province of origin. These parties faced serious financial difficulties in trying to make a significant contribution to the transitional process. Because everyone (and every political group) was part of government, there were no sustained efforts to revitalise political parties or transform the rebel movements into political parties **(**Dimanja**,** Kinshasa, 2005). The government of national unity reduced the strength of viable opposition which is necessary in any democracy. All major parties in government were still suited for an authoritarian state. All of them, despite having organised congresses, did not have an internal democratic culture (Kabumgulu, Interview, Kinshasa, 2008). Political parties were personalised and badly structured, and had a very weak financial base. They also reflected an inclination to ethnicity.

Generally speaking, no political party could claim to have had a monopoly over others in terms of political mobilisation. None of them had structures in all the provinces, with the possible exception of the UDPS of Etienne Tshisekedi, which at the time was in decline. The UDPS, in its uncertainty over its ability to win the elections, boycotted the transition and refused to join parliament (Diabate, interview, Kinshasa 2008).

As far as party politics is concerned, even the best practices cannot be applied directly in the case of the DRC. The DRC, putting the impact of the war aside, is not sufficiently similar to other SADC countries for more general arguments concerning the relative merits of structural and transitional theoretical approaches to be made. The biggest differences lie in terms of ideology

and structure. All the parties were facing structural challenges, including the lack of internal democracy. In comparing the Lesotho experience with their political parties, Khabele Matlosa (2003:85) provides a crucial lesson for the DRC. He says that since parties are the key actors in the democratic process and key agents for the running of the state machinery, their internal management structures will need to be adequately democratised, and the success or failure of this democratisation process will manifest itself in the way primary elections are conducted.

During the transition, it was estimated that the DRC had approximately 443 political parties. Only nine of these appeared to have some mechanism through which to channel their message, and had services and foundations which worked for the reinforcement of the party's ideology (Mumba, 2003:12). During the transition, these nine parties were providing some sort of service to their members, such as the provision of membership cards. PALU, UDPS and *Parti Démocrate Social Chrétien* (PDSC) also had their own magazines (although the publication was infrequent), and the MPR and the UDPS provided some teaching through their congresses. Only parties with resources were able to organise party congresses before the elections. In other SADC countries (such as Mozambique, Namibia and South Africa) that recently underwent the same process, former rebel movements made a smooth transition to well-structured political parties, with an ideological base built during the years of the struggle. This allowed them to enter the multiparty game with a strong foundation. Even a relatively weak group (such as Renamo, under the leadership of Alfonso Dlakama in Mozambique) made a spectacular transformation. In the DRC, former rebel groups, although on paper now political parties failed to transform into genuine political parties that could smoothly spearhead the transition. This factor seriously hampered the transition process.

*5.1.5 Civil society's contribution to the transition*

Sun City agreed to include civil society in the government of transition. Civil society had an important role in the transition. Besides giving civil society the responsibility to manage the "chapter nine institutions"[66], civil society was also included in parliament and the government.

[66] At Sun City, civil society was given the responsibility to lead five chapter nine institutions during the transition: The Independent Electoral Commission (IEC), the Human Rights Commission (HRC), the Truth and Reconciliation Commission (TRC), the Anti-corruption commission (ACC), and the High Authority of the Media (HAM). For obvious reasons, only two commissions were able to function fully—the IEC and the HAM. Major political parties, whose leadership had much to answer for regarding human rights abuses and corruption, were always attempting to

Civil society during the transition was expected to propose more creative policy options and to play its watchdog role. Evidence suggests that civil society, despite the many opportunities offered by the nature of the negotiations which allowed it to take part as an equal partner in terms of representation in institutions of transition with political parties, was not adequately prepared for the task (Wamba dia Wamba, Interview, 2008). It contributed little to the direction of the transition. Civil society invested little in knowledge creation, and its members were co-opted wily-wily by political parties. May be it was a mistake Sun City made when including civil society in state institutions during the transition.

Those who accepted the inclusion of civil society in state structures were hoping that, being inside, it would better guard against the emergence of negative values in the system. But the texture of Congolese civil society leadership at the time was not one to encourage democracy. Most of them were de facto politicians, and Sun City gave them the opportunity to join politics without much effort (Kabulumgu, interview, 2007). Most of them were co-opted, or simply played the politics of the major political parties. Politicians then had *carte blanche* to implement a transition moulded to their own liking. By partaking to political power, civil society lost its legitimacy in the process. It became politicised and divided along political lines, and failed to channel social demands to parliament (Kabumgulu, interview, 2009). The importance and strength of civil society did not simply come from the text of the accords (which allowed it to be part of the transitional institutions), but also from its provincial and ethnic positioning. Civil society leaders' ethnic and political character became stronger than their watchdog mission. During the transition, civil society emerged not as watchdog but as a strong contender for political power. It is not surprising that at the end of the transition most civil society representatives turned politicians. Some joined political parties, and others stood as independent candidates in parliamentary elections. It can therefore be argued that the Pretoria Agreement, by allowing civil society to take part in the institutions of transition further weakened it. In other countries on the continent, the independence and pluralism of civil society and its ability to unite

control these institutions. For these reason these commissions remained politicised, with important political parties represented in the executive committee of each one of them. This aspect eroded the credibility of these institutions. In fact, the presence of political parties' representatives in these commissions made their operation very difficult. Although civil society was included in the institutions of transition, those individuals selected to lead critical institutions (such as the five institutions for the support of democracy) had strong political allegiance that prevented them from doing their work rigorously and honestly.

in a broad front, has been a critical factor that shaped democratic change. The lesson that the DRC transition has taught us is that civil society should not be used to handle responsibilities better handled by political parties.

## 5.2 Constitutionalism and democratisation during the transition

One key indicator of the success or failure of any transition is the constitution-making process. In state-building efforts, constitution-making processes are intended to play a central role in establishing legitimacy, especially in deeply divided societies (Fritz and Rocha, 2000:27). Constitution-making is important because it defines the country's governance architecture. What makes the process of drafting a constitution so critical is the place that the constitution holds in organising societies. A constitution is the highest law in modern societies. It specifies the institutions of governance, defines the rights, duties, and relationships of state and citizens, and sets the tone (or establishes the identity) of the nation-state (Hart, 2003:2). It is usually through the process of drawing it up that the citizenry comes to feel a sense of ownership over the country's political institutions (Jesus Soares: 2001). How a constitution is made is as import and as what it says. In other words, the process of drafting the constitution is as important as its content. This is called "conversation." This conversation is conducted by all citizens, who introduce new issues and seek a workable formula that will be sustainable in the face of challenges that the society may encounter. Where the premise of constitutionalism as conversation is taken on board, constitution-making can no longer be confined exclusively to the domain of "high politics" and negotiations among elites, who draft texts behind closed doors (Hart 2003:5). Without the society speaking to itself, the process, not just the final text, is seen as flawed.

Transitioning states are faced with two challenges. The first challenge is how to make the constitution-making process inclusive. The second is how to ensure that, after the constitution has been drafted, there is a buy-in by all citizens. These two processes have been part of most recent constitution-making exercises on the continent in countries such as Eritrea, Kenya, Rwanda, Uganda and South Africa. Although, the process of drafting and adopting a constitution differs from country to country, one element – the participation of citizens – has now been accepted as constant factor that democrats cannot do without. This is critical mostly in divided

societies. In the DRC, according to the constitution of transition, the draft constitution of third republic was to be approved by the people by referendum before it could become law.

*5.2.1 The DRC flawed process*

The history of constitution-making in Africa has been traditionally considered an elite affair that should be kept separate from everyday democratic politics. The direct involvement of the general public was considered unnecessary and even dangerous (Moehler, 2006). Where it has been attempted, it was symbolic in nature. But this approach started to be challenged, especially since "the second wave of democratisation failed to engender liberal democratic governance" (Ibid). In the DRC the unelected character of the parliament of transition and the exclusion of citizens in management of the state during the 32 years of Mobutu regime were compelling reasons why citizens' participation in constitution-making was necessary.

The Constitution-making process in the DRC has been criticised for having been an elite affair. The consultation with citizens was limited and insignificant (Kambale, Interview, Johannesburg 2010). Members of parliament of the transition maintain that there was no time to undertake wider consultations (Kazembe, Interview, Kinshasa, 2006). Although the senate, which had the responsibility for writing the draft constitution, consulted certain social groups on the major issues (the name of the country, the number of provinces to be considered, the political system and the nature or form of the state), these consultations were very limited and had little impact. Equally, attempts to inform people through the media, and open parliamentary debate were far from adequate in a country where people have limited access to electricity. The members of parliament did not understand that public consultation (in which people raise issues and propose ideas) is different to informing people of what is being said and done without them.

The lack of proper consultation should be seen as a serious weakness in the entire process. For a country that is emerging from conflict, writing a constitution is part of peace-building and reconciliation. The limited consultation (or complete lack of it) was a missed opportunity to start creating the positive energy that is needed for state-building (to build trust between citizens on the one hand, and between citizens and the political leadership on the other). Citizens' participation in constitution-making has the capacity to reinvigorate a political system through the introduction of new ideas, especially if there is an option for popular initiation of

referendums (Papadopoulos, 2001:35-58). The constitution-making process has important implications for creating a democratic political culture, as well as for the provisions and power arrangements embodied in the final document (Selassie 1998). Contrary to the requirements of a functioning democracy, which needs a continuous process of discussion, constitution-making during the DRC transition was the preserve of the political elite. The Congolese elite decided that the right of citizens' participation in the constitution-making process was to be limited to voting during the referendum. The Congolese lost a great opportunity to engage in a vigorous and wide-ranging national debate on its constitutional future, in search of a specific design of democracy that would suit Congolese particularities. This is why certain critics argue that the entire process was controlled to achieve the objectives of the elite (Bonzo, interview, Kinshasa 2007).

### 5.2.2 Constitutional referendum

The constitution of the transition made provision for a constitutional referendum to be organised once the constitution of the third republic was finalised and adopted by parliament. The constitution of transition, in its Article 10, stipulates that every political power emanates from the people, who exercise it directly through referendum or elections and indirectly through their representatives. In May 2005, the parliament voted on the draft constitution. The parliament also passed a referendum law to govern the organisation of the constitutional referendum. A referendum is usually considered an essential component of direct democracy, expressing popular sovereignty and political equality (Moller, 2002: 281). A constitutional referendum is of particular importance because it gives the necessary legitimacy to the constitution to set rules on how society should be organised. As such, a referendum is seen as a positive institution for the consolidation of democracy. Once voted in, a constitution, with all its imperfections and weaknesses, becomes the supreme law of the land.

There are two schools of thought on the need to hold a referendum, one in favour and one against. Those who argue against point to the fact that constitutional processes (and constitutions themselves) are very technical and "are difficult for citizens to evaluate" (Moehler: 2006). According to Reilly, "Despite hollow claims that the 'will of the people must prevail, it is only the most obtuse interpretation that would recommend building peace this way" (Reilly 2003: 174-83). Critics of referendums point to the unsuitability of the electorate – equipped with less

than perfect knowledge – to decide upon important matters of policy or constitution-making. They further argue that an over-reliance on the politics of referendum could risk losing the skills of consensus-building, negotiation and agreement between legislators and policy-makers (Haskell 2001: 116). This suggests that even if a consistent and organised consultation took place during the constitution-making process, the Congolese would not have been better informed because, as Downs (1957) explains, "Survey evidence suggests that citizens are fairly ignorant about many of the details of policy... And this ignorance is entirely rational."

But the proponents of referendum reject this position. Though a century ago, many citizens may have felt that important policy decisions ought to be left to legislatures with their superior education and access to information, now many ordinary people feel competent to make policy decisions themselves, and no longer believe that elected officials are smarter, wiser, or better-informed (Matsusaka 2005: 163). In the same way, Matsusake argues that "current research concerning voter decision-making suggests that substantive knowledge may not be necessary to make competent decisions in the first place. A citizen can cast a vote in his or her interest without understanding the details of a measure by relying on information cues – advice and endorsements from trusted friends, public figures, or groups." He further argues that voters have long used such cues (especially party labels) when deciding which candidate to support for an office. in support of this second school of thought, the right to hold a referendum might logically be derived from the general meaning of "democratic participation" in the UN Declaration of Human Rights (1948, Article 21), and especially Article 25 which establishes a right to participate in public affairs, to vote, and to have access to public service: "Every citizen shall have the right and the opportunity…, without unreasonable restrictions." Advocates of referendums suggest that the device can act as an antidote to the failings of representative democracy (Ginty, 2003: 2).

The organisation of a referendum in the DRC draws its importance from four facts: first, it was supposed to break with past tendencies where people were always excluded in major policy decisions; second, it was a recognition that there cannot be democracy without the people; third, the referendum was supposed to provide a safety valve for discontent and protest (Schmidt, 2002: 147-163), and "help state and political parties decide upon moral or ethical issues that may otherwise lead to fissures on the basis of conscious rather political ideology" (Uleri, 1996).

Fourth, and critical to all, was that after failing to consult the people during the drafting of the constitution, it was necessary that parliament put the draft constitution to public scrutiny before the constitution could be adopted. In this logic, the referendum becomes critical to help undo the earlier failure to consult the people. Most theories on the use of a referendum focus on its democratic virtues, because it offers the opportunity to cut through the complexity of mediated decision-making, stuck in the doldrums of consensus politics. It further encourages civic engagement (Bowler & Donovan 2002, 377), which is of particular significance for a country emerging from armed conflict and authoritarian rule. However, in the DRC, the complex nature of the conflict suggests that there is more that divides Congolese than what unites them, and the fact that people have gone to war against each other is a demonstration of serious disunity between the different groups. In such a divided society, a single referendum cannot determine the will of the people if the people have not agreed on what unites them. Therefore, the necessity of allowing people to discuss the content of the constitution before it is put to referendum was critical.

The benefits that referendums provide for the consolidation of democracy can only be achieved if those who are called to vote are aware of the content. The referendum law in the DRC gives the responsibility to popularise the draft constitution to the IEC and other institutions of transition. After the promulgation of the constitution by the president in February 2006, the work of popularisation of the constitution was supposed to start. The IEC undertook to reproduce and distribute more than 500 000 copies of the constitution in all four national languages. Although copies were made, they were not distributed on time (Diabate, interview, Kinshasa 2008). The population was frustrated by the fact that it had been asked to pronounce itself on a text it did not have the time to familiarise itself with. The IEC dispositions were insufficient *vis-à-vis* the needs of the population. Some of those who were supposed to vote did not understand what the referendum was all about. The law only gave the referendum campaign 15 days. The campaign started on 2 of December 2005 and ended on 16 December 2005. This timeframe was not realistic, as it failed to take into account the size of the country, the lack of infrastructure, the high illiteracy rate, and the total lack of previous voter education.

There were two groups that campaigned during the referendum. One group campaigned for a yes vote. All political parties and individuals who were in parliament and who adopted the

constitution were de facto supporters of the "yes" vote. In this group we must include the media and the international community. This was a formidable group. All political parties in the government of transition, (including civil society) argued that a "yes" vote would end the war and create a new beginning for the DRC, and that a "no" vote would postpone the elections and plunge the country back into conflict. They vilified anybody who called for a "no" vote as a spoiler and against the interest of the Congolese people. This strategy worked. For people who had known no peace and prosperity, this message resonated well with their experience and expectations. Public opinion can be modified by carefully structured propaganda. One would have hoped that the referendum would have been a convenient instrument for parties to mobilise their supporters and spark discussion about domestic politics and possible contradictions and weaknesses in the constitution. It is possible to argue that, because of lack of consultation on the constitution, the referendum was used as an instrument to promote the benefits that the political elite of the transition were seeking. The DRC referendum was controlled from the top. We know that controlled referendums have a rather plebiscitary twist. The objective of a controlled referendum is to legitimise the position of those in government. The elite that Lane and Ersson (2000, 8) call political agents, act within the framework of institutions and seek to optimise their own interests. Lane and Ersson further argue that, early in the transition, agents will have greater influence on institution building, thus contributing to the creation of a framework that best serves their interests in the DRC. The referendum campaign subjected voters to political intimidation and pervasive social expectations.

The second group, the advocates of the "no" vote, was assembled on a platform called l*e Rassemblement pour le "No"* (RPN), with the UDPS as the leading party. This platform, consisting mostly of groups outside the institutions of transition, urged its supporters to boycott the entire electoral process. The UDPS first urged the Congolese not to register as voters. It then called on them to boycott voting during the referendum. It argued that the Sun City agreement was not respected, and that the entire electoral process was flawed.

Critics of the "No" vote argued that the UDPS campaign was not based on solid constitutional arguments. It seems that, having failed to control the transitional process which he wanted to lead, Tshisekedi and the UDPS were deliberately trying to disrupt the entire transitional process. Etienne Tshisekedi's "no" vote campaign was formed around the transitional process and not

around substantive issues contained in the constitution. He was calling for the reopening of new negotiations before the country could go to elections, so that he could re-enter the process in a strong position.

Despite the flawed process, the "yes" vote reflected the desire of the Congolese people to end years of undemocratic rule, poverty and wars. The legitimacy of the referendum rested on its decisiveness. The "yes" vote received 84.31 per cent or 12 461 001 votes; the "no" vote received 9.27 per cent or 2 319 074 votes. No one in this age of democracy is likely to argue against "the voice of the people" as expressed in a convincing and decisive majority. There is no doubt that if the referendum was decided by a whisker it would have decreased the legitimacy of the result and strengthened the hand of those who were calling for the "no" vote. Legally, the referendum satisfied the requirements of the constitution of transition, and politically it opened the way for democratic elections. While constitutionally the "yes" vote provided a sufficient base for the country to organise elections at the end of the transition, politically it failed to empower the Congolese citizens to start creating a new political culture in which people become the source of political authority. The lack of consultation set a bad precedent for the future of democracy in the DRC, in that citizens could be brought in simply to legitimise a process that was concluded without their input. The entire process of constitution-making and legitimisation through a referendum was inadequate, and undermined the purpose of a direct democracy which is to enable citizens to engage. The circumstance within which the referendum was organised – including citizens' total lack of knowledge of the content of the constitution – suggests that it had nothing to do with democracy. It is therefore possible to argue that it is not evident that the referendum was a true barometer of citizens' position on the legitimacy of the constitution. Considering the fact that people's decision during the referendum was not based on the content of the constitution but on other factors, it can be argued that the entire participation of citizens did not enhance constitutional legitimacy. This conclusion might seem sloppy because it is quite difficult to understand how a referendum can fail to enhance the legitimacy of a constitution if it takes the majority of voters to pass it, but the conclusion takes its cue from the interest group theory that says that public policies may not reflect the majority view, because some groups are better at delivering votes than others (Stigler 1971, Peltzman 1976).

The DRC's referendum produced what Qvortrup (Ibid) calls "a caricature of democracy." The parliament was simply accomplishing the constitutional requirement for a referendum to be held, but it had no significant impact in terms citizens' political empowerment in the process, weakening the primary justification for a referendum that had been "to empower the majority and allow the public to counteract the perceived disproportionate influence of special interests in the legislature" (Matsusaka, 2005:164). The blunt reductionism of the referendum suggests that the actors behind it were insensitive to the intensity of various voices in society. The referendum subsumed the opposing positions into a single one-size-fits-all statement or choice. In the DRC, the referendum did nothing but delimited and quantified divisions – divisions between parties in the transitional institutions and those outside increased. As Manpuya (Interview, Kinshasa, January 2011) suggests "the constitution was designed to satisfy the interest of rulers."

The outcome of the referendum has not changed the nature of participatory politics in the DRC. Congolese people failed to seize the opportunity offered by the new democratic dispensation to reclaim their space in the political process. After the referendum, Congolese citizens retreated from the political process, waiting to be called to vote for the next government. Contrary to predictions that referendums can provide a safety valve for discontent and protest, in the DRC this did not occur. The DRC failed to experiment with participatory constitutionalism by excluding citizens in the constitution-making process. Considering this weakness, the referendum might not have been, in the last analysis, necessary considering the consensual nature of the transition. The All and Inclusive agreement, although containing a provision for the use of a constitutional referendum, was a comprehensive and sophisticated consociational package. Even political parties that might have had different views on different issues as stipulated in the draft constitution could not raise them because they were committed to the transitional arrangement. The institutions of the Sun City agreement were specifically designed to circumvent majoritarian politics. Therefore, the transitional parliament's adoption of the constitution could have been sufficient for its promulgation, without presenting it to the people.

## 5.3 Governance during the transition period

The concept of transition toward democracy is associated with that of social progress, and brings a variety of improvements in the human condition, especially with respect to standards of living

and the overall quality of life (Sanderson 1995:346). With the transition process underway in the DRC, it was expected that the Congolese leadership would devote its energy to improving governance. This is another way of talking about strengthening the state and its linkages with other parts of society. Improving governance means more transparency and accountability in the collection and use of public resources, ending or reducing corruption, and promoting proper accounting and auditing in the public and private sectors. It also means establishing peace and security for citizens, strengthening democratic institutions, elaborating the rights and obligations of citizens, and establishing respect for human rights and the rule of law in the justice system (Gelb, 2002). While the process of putting in place transitional structures and the drafting of a new constitution progressed significantly well during the transition, the behaviour of politicians to promote good governance was missing. When we speak of transition, we presuppose moving away from one period to a new one which is different from (and better than) the past.

*5.3.1 Corruption and bad governance*

The opposition to Mobutu which culminated in the SNC and the two wars of 1996 (against Mobutu) and 1998 (against Kabila) were organised against what was perceived as corrupt and undemocratic regimes. The transition period brought together people who took part in these struggles. As such, the transitional government was supposed to introduce new values into the system. If all things were equal, the government of transition under President Joseph Kabila (supported by his four vice-presidents) was expected to work against the negative values that have destroyed the state rather than promoting them. Instead the opposite happened.

There were institutions which were designed to deal with corruption during the transition. These included the Committee on Ethics and the Fight against Corruption and the Code of Ethics for Public officials. The Committee on Ethics and the Fight against corruption was a creation of the Inter-Congolese Dialogue. It was one of the five chapter nine institutions and its mission, according to the Constitution of Transition, Act 155, was "to promote the practice of moral and republican values." Parliament was also expected to play its oversight role. Because of the nature of the transition, most of the institutions set up to combat corruption did not operate to full capacity. As Ernest Pararo (interview, November 2010, Kinshasa) observes "corruption was institutionalised with everyone from the president, his four vice-presidents, ministers and anyone

with a state office, including parliamentarians, looking for money to prepare for the elections." During this period no one could hold another person to account. The power sharing formula created new opportunities for corrupt activities and guaranteed impunity to all the office-holders, as long as they maintained good client relations with their leaders (Kodi 2008). No leader of a political party would accept that a member of his party in government or in state enterprise be singled-out for corruption (Pararo, interview, Kinshasa, 2010). The political elite of transition did not continue with the national agenda that emerged from Sun City (Tshiswaka, interview, Johannesburg, 2011)

There was no sense of direction and leadership during the transition. 1+4 became a symbol of corruption – or what Congolese students came to qualify as 1+4=0, meaning the presidential space with 5 people who mistrust one another, and spend time competing each other rather than regularly consulting and dealing with urgent matters (Wamba dia Wamba, Interview, Kinshasa, 2006). This form of government of national unity where no one is accountable further weakened state reconstruction efforts. Kodi, in his study on corruption and governance in the DRC during the transition period (2003-2006) found that corruption was rampant in all sectors from the presidential space, government, public administration, justice, state enterprises, mining, education and the armed forces. In 2006, the World Bank sent a mission to investigate reports of diversion of funds from the National Commission on Disarmament, Demobilisation and reinsertion (CONADER), the agency chosen to implement the $100 million demobilisation and reinsertion project. The report found hard evidence of corruption against President Kabila and Finda Kouroma, the President of FK consultancy and Kabila's colleague (Beatrice and Truman, 2007: 26). The evidence has never been published. World Bank lending to the DRC was halted, but resumed in 2007. It is suggested that President Kabila lobbied the World Bank president, Paul Wolfowitz to have the report suppressed (Ibid). In 2006, under pressure from the international community, President Kabila ordered an audit of all state run enterprises and other state organs which were responsible for auditing public bodies and collecting taxes. He set up the Bakandeja Commission. The Bakandeja Commission found state enterprises to be in an appalling situation. The commission found serious cases of mismanagement (Bakandeja, interview, Kinshasa, 2008). In some cases, some entities did not have boards of directors, and in others the board of directors gave each other loans which were never repaid (Kodi: 2007). In order to make an audit of their accounts impossible, all the enterprises audited, except one, had

not kept any accounts for two to seven years (Ibid). The commission found that board members were paid up to US$16 800, besides various substantial allowances. In one instance, the chief executive officer of CEEC was earning US$25 000 a month in addition to numerous allowances, many of which were invented by the beneficiary himself (Kodi, Ibid).

During the transition, dubious mining contracts were signed. For example, on the 24 March 2004, the mining contract between Gécamines and Kingamwambo Musonoi Talling (KMT) (a company of First Quantum, a Canadian company) reduced the Gécamines shares from 40 per cent to 12.5 per cent. Also during the transition, Gécamines saw its shares reduced from 45 per cent to 17.5 per cent in its partnership with Tenke Fungurume Mining (a company of Freeport McMilan, an American company). Both these deals happened under the leadership of Jean Bemba, vice-president in charge of economy and finance. As Mutinga Mutuishayi (2010:73) notes "Dubious mining contracts are not deeds of mining companies alone. Congolese experts, who negotiate and sign contracts, and the ministry in charge of the sector, are accomplices in the misfortune that hinders the country's development." The quality of governance during the transition suffered from norms and habits of behaviour that did not lend themselves to efficiency and high-mindedness. The top layer of the leadership that emerged from Sun City was constituted of warlords and former Mobutu associates. There was an absence of a clear break between the Mobutu Kleptocratic system and the democratic system.

We can identify three interpretations of why Congolese leaders resisted change during the transition. Firstly, not knowing what the future held, the political elite of the transition were engaged into a race to enrich themselves before the elections. The idea of going to elections caused serious panic and tension within the government of transition. Convinced that most of them were not likely to win democratically conducted elections, this group set about the serious business of plundering the state. Secondly, there was a belief among many Congolese that elections would be merely symbolic, that the Sun City arrangements would continue. In fact, many politicians were working to ensure that the Sun City balance of power in state institutions was maintained after the elections regardless of who won. They perceived no uncertainty in their political positions because they were answerable to their political leadership and not to the Congolese people. They were assured of their positions as long as they remained loyal to their leaders. It made no difference to them whether the people had food and water or not, because

their political position did not depend on the people but on their loyalty to their leader. Kaboyi (Interview, Kinshasa, 2011) support this position when he says that "the transition failed because the actors were not sincere. Everyone wanted to enrich himself. All actors were working to maintain the status quo. This is why after the elections those who lost did not want to accept the result. During the transition, the actors changed, but the behaviour remained same. No efforts were observed on the part of the new political leadership to introduce new ways of doing things. All negative values which are at odd with democratic requirements – traffic of influence, corruption, injustice in the redistribution of resources, tribalism, regionalism and ethnicity – all continued as in the past, even worse than before as there was no centre of power to regulate anything or to redistribute anything (Obotele , Interview Kinshasa, 2006).

Thirdly, in order to ensure that they won the presidential elections, many political leaders tolerated (and even encouraged) highly unsavoury politicians, either because they had local or regional political support, or because they had money to spend on their campaigns. Elections were the focus, as William Swing (Interview, 2003, Kinshasa) puts it "Elections were the priority. If the transition did not produce democratic elections, it would have failed."

The political elite of the transition deliberately refused to transform the state. They kept it informal and patrimonial, far worse than Mobutu. In a transitional period where the leadership is supposed to set the stage for a total transformation of the state, the state in the DRC continued to be regarded as the principal source of accumulation and patronage. As René Lemarchand (1994) notes, "The ultimate test of leadership is the capacity to create a political will where none would otherwise materialise. In transitions to democracy such skills make a critical difference, because the outcome of the process is so heavily dependent on the ability of incumbents and opponents alike to forge a common consensus on basic issues affecting the fate of parties concerned."[67] In the transition period, the state remained a major source of capital accumulation and the fulcrum of social privileges (Adejumobi 1997: 126). The new elite continued to see the state as "the major avenue of upward mobility. Their way of operating reflected Max Weber's conclusion that, "the way of doing politics is not to live for it, but to live from it" (Adejumobi, Ibid). As

[67] It was during this period that more dubious mining contracts were signed. By the end of the transition, the DRC had signed 61 dubious contracts which literally gave away mineral resources to foreign companies (The UN Panel of experts, the Lutundula Commission and the World Bank Commission).

Joseph Ayee (2006: 256) convincingly put it, "the persistent development crisis and the recent phenomenon of failing states are due in part to poor leadership; leaders who are not committed to the development of their societies and who lack honesty and commitment to democracy." Leadership deficit at the top of the government during the transition was "the fundamental problem of the transition" (Ngoma Binda, Interview, Kinshasa, 2006). Despite claims that leaders of the transition were struggling for peace, democracy, and reconciliation, the warlords and their henchmen controlling the institutions of transition continued to use the state for personal profit. Many Congolese lost hope in a better future. It became clear to many Congolese that even if one of the candidates won the elections, there was little chance that he or she would be able to rectify the culture of impunity that was allowed to set in during this crucial period (Minani, Kinshasa, 2008).

*5.3.2 Peace and security during the transition*

During the transition and after the 2006 elections, the war continued in the east of the country. The war was started by the CNDP, led by Nkudabatware. Nkudabatware[68] and his group were part of the RCD, but remained outside of the transition arrangement. The eclipse of the RCD from the political scene (after Azarias Ruberwa received 1 per cent of the vote in the 2006 elections) was enough to reignite war. For the CNDP, staying out of the democratic process was a tactical move (Tshimena, 2011). Nkudabatware gave many reasons for the war. At one stage he argued that he was protecting the Tutsi who were under threat in Kivu. As the war continued he also argued that he was fighting the Kabila government, which was becoming undemocratic. When President Kabila's government signed a US$ 9 billion mining agreement with China, Laurent Nkunda declared that he would not stop fighting until such a time President Kabila renegotiates the Chinese agreement.[69] In reality, there was no reason for the war to continue during the transition or in the post-election period. The reasons for the war were supposed to be eliminated by the presence of the all-inclusive agreement. The issue of the protection of the Tutsi minority was guaranteed in the constitution of transition. The question of Hutu extremists became the problem of the inclusive government, and not the problem of one group. As such,

[68] Laurent Nkudabatware was a former rebel leader in the RCD in the 1990. Nkunda joined the army following the Sun City agreement. After serving briefly as a colonel and a general he deserted to form a new rebel group, CNDP.
[69] (http://www.veritasrwandaforum.org/dosier/25.11.08_mediacongo_chine.pdf).

there was no legal, political and moral basis for a part of the RCD rebellion in the east to continue while another part was in government.

There has never been a policy difference between the RCD in government and Nkundabatwere's movement. Nkundabatware maintained close relations with Rwanda. It was now very clear that the war had never been about democracy, but was designed to control a part of the Congolese territory that contains a disproportionate part of wealth of the country. To have allowed the rebellion to continue with outside support (by Rwanda) placed in jeopardy the general stability of the transition and the post-democratic situation (Kabumgulu, Interview, Kinshasa, 2007).

The decision for Nkundabatware to remain outside the political process was made at the highest national and regional levels. At the national level, Nkundabatware's refusal to join the transitional government was an attempt on the part of the RCD (led by Ruberwa and controlled by Rwanda) to remain relevant in case it did not win the elections. This position shows that even Sun City was not totally successful, not because of weak mediation but because of Congolese reluctance to commit to real change, and the lack of honesty on the part of many Congolese political leaders. Regionally, Nkudabatware was Rwanda's card in a democratic process where it was losing control. Rwanda wanted to remain in the Congo, and Nkundabatware represented the interest of Rwanda in the Congo. [70] The fact that the DRC went to elections while Nkudabatware still waged war on the Congolese people is demonstration of the failure of the entire transition to achieve peace, reconciliation and justice.

Considering the geo-strategic alliances, economic interests and military power distribution, the CNDP must have been created as an extension of the Rwandese army. In creating the CNDP, Rwanda wanted to continue its presence in the DRC after the elections. In fact the CDNP was a demonstration of Rwanda's determination to never get out of the DRC. According to the UN report of the group of Experts on the Democratic Republic of Congo, Rwanda provided the CNDP with rhetorical and probably national support. CNDP clAiméd it was fighting to protect the Tutsi population in the DRC, particularly from Hutu fighters. After the election, fighting resumed in North Kivu, between the DRC army and the CNDP. Nkundabatware was not acting alone (Kaboyi, Interview, Kinshasa, 2010). After his arrest (or rather redeployment) by Rwanda

[70] See Final Report of the Group of Experts on the DRC, UN Security Council s/2008/773,12, December 2008

(in 2009), Rwanda entered into an alliance with the DRC government to undertake military operations (in Kimia 1 and Kimia 2) to try and neutralise the Hutu. This alliance was questioned by the president of Congolese National Assembly (Vital Kamerhe) which cost him his job. The combined military operations raised suspicions of a possible complicity with some high ranking Congolese in an effort to maintain Rwanda's presence in the DRC. Rwanda's permanent military presence in the DRC was achieved in 2010 when CNDP rebels were integrated into the Congolese National Force without any transparent and accountable system.

The Sun City agreement simply froze the war rather than resolving it. Sun City was an imposition, and Nkundabatware's behaviour clearly demonstrated that the saturation point in the use of violence was not yet reached. When the RCD signed the Sun City agreement, it did so for opportunistic reasons. It joined the government of transition in the hope that it would have major political and economic stakes in the post-election period. The international community innocently believed that once progress had been made in establishing a transitional government, such a government would be able to stop (or sharply reduce) the violence in the east. After the installation of the transitional government, the attention of western governments and MONUC turned to elections, and totally neglected the politics and the war in eastern DRC. Also, the transitional government was weak and distracted by the race to self-enrichment, which did not permit the leadership to focus on stopping the impunity in the east. It was too weak and divided to take up such a challenge. It was so distracted that it could not even benefit from the presence of the biggest UN peacekeeping force in history to end the violence. The continuation of war in the east represented the missing link in the entire transitional process. It became clear that instability in the east, if not resolved, would pose a major threat to state-building. The continued instability in the east during the transition was a clear indication that the transition was not proceeding as expected.

The transitional government failed to deal with the issue of disarmament, demobilisation, and reintegration (DDR) of the different armed forces and militia groups.[71] This process posed a serious challenge to the transition and to the international community. According to MONUC, at the time of going to elections, only one quarter of the disarmament process was completed. Very

[71] DDRC has become a standard of UN missions and external donors operating in countries emerging from conflict, as physical security is commonly held to be an essential precondition for peace implementation (see Heiko Nitzschke).

few brigades were integrated. During the transition, the focus on the electoral process overshadowed the urgent need for progress in the fields of disarmament, demobilisation and reintegration of former combatants and the reform of the security sector[72]. The process was doomed to fail from the start. There were elements who were integrated who were not supposed to be in the Congolese army (Mpoko, interview, Pretoria, 2011).

The fundamental observation during the transition was that private armies rather than the national army became the instrument of authority in Kinshasa, and at the same time threatened the entire process. All the rebel groups and the militia who were part of the transition government kept their forces intact. They continued to plunder natural resources using violent means. This *laissez-faire approach* proved very costly to the effectiveness of the transition. Sun City focussed on protecting the political deal, and failed to reflect on the wider political economy of war and peace. Where combatants' livelihoods have become dependent on violent predation, the proclivity of rank-and-file soldiers to disarm depends on the expected opportunities of socio-economic reintegration – most importantly access to land or other employment and income opportunities (Heiko Nitzschke, 2003). This was worrisome, especially in a situation where key actors (the MLC and RCD) were showing a tendency to boycott the elections. Also, both the RCD and MLC still enjoyed military control over the regions they held during the war. People feared that an Angolan scenario might happen in the DRC – that those who lost elections might return to the bush and take up arms again.

During the transition, the security problem did not only concern the east. Security threats also concerned the capital, Kinshasa. Kinshasa was militarised with former belligerents, now political opponents, holding onto their armies. The MLC and the RCD (two former rebel movements, transformed into political parties) moved with a sizable number of armed soldiers under their control into Kinshasa. President Kabila also kept his special presidential guards intact, which were answerable only to him. In the presence of these private groups, the national army had no centralised command centre. The loyalty of soldiers was still with their former warlords. The biggest threat to elections was the multitude of uncontrolled armed groups. All these groups were not only integrated, but were also not well paid. During the election period, Kinshasa and not the east of the country (where General Nkudabatware was) became the most risky and vulnerable

[72] (Hoebeke, http://www.egmontinstitute.be/papers/06/afr/061018.DRC-PaperPol1.pdf)

area. The possibility that these armed groups could exchange fire in a situation of disagreement was predictable, and in fact happened. On two occasions, the private armies of President Kabila and vice president Jean Pierre Bemba exchanged gunfire in Kinshasa (first when election results of the first round were about to be announced, and again in the post-election period when Bemba refused to disarm the militias). These fights were a sign that not everybody had embraced the democratic process or accepted the election results.

## 5.4 The role of the international community during the transition

Just as during the negotiations, external powers with a stake in the DRC played a determinant role in ensuring that the transition produced democratic elections. Considering the behaviour of Congolese leadership during the transition, it might not have been possible to hold elections otherwise (interview). Following the conclusion of the All and Inclusive Accords, all key external players moved swiftly to concretise their role within the transitional period in the DRC. The external presence and influence during the transition was symbolised by *Le Comité International d'Assistance ā la Transition (CIAT).* CIAT was a committee of foreign ambassadors, whose role was to monitor and evaluate the transition process. In reality, CIAT became the government. It made policies and controlled the transitional government. As Mpoko (interview, Pretoria, 2011) puts it, through the CIAT, the DRC abdicated its sovereignty. CIAT officialised the external influence (ibid).

But CIAT was not a monolithic body. There were many external players with their own agenda (Ngombane, Interview Kinshasa, 2006). The external influence was both regional and international. This external influence, while playing a critical role in guiding the Congolese to a semblance of democratic society, did a lot to protect its own interests. The transitional period was fraught with competition between powers that were providing financial assistance to the IEC to carry out its mandate. For example, western powers did not want South Africa to play any meaningful role during the transition after it had led the negotiation process (Tlakula, Interview, Pretoria, 2007). In fact, South Africa anticipated opposition from groups such as MONUC and other western actors fighting for control of the DRC (Nevhutalu interview, Pretoria 2010). The multiplicity of actors and their relative power and ability to influence one another hindered than

promoted state-building (Network for Integrity in Reconstruction, 2007:3). In most cases, state-building in Africa (both at the political and economic levels) has been driven by foreign actors.

The CIAT became a parallel government of transition with the power to change and propose how things should be done. On many occasions, the transition started to rewrite the Pretoria agreement. The major problem with the transition was that there was no internal Congolese mechanism to monitor the implementation and ensure that the Pretoria agreement was respected in full (Kambale, Johannesburg, 2010). The CIAT had a very strong mandate which impinged on the sovereignty of the country. It intervened whenever it wanted. CIAT took away Congolese responsibility. In the process it made two fundamental errors. It focussed on elections and neglected all other important areas. For the international community, as long as the transitional government gave the impression of working and being committed to the electoral process, the other critical issues agreed upon in Pretoria became irrelevant. CIAT closed its eyes to widespread corruption which was ravaging the government. The slogan was "do not rock the boat." For the international community, elections became the beginning and the end of the transition, and anything that could delay the elections was not to be contemplated. For the international community, the fact that the transitional government (and especially the executive) were not disrupted, even if things were rotten, meant that it was a success (Ibid).

CIAT avoided the implementation of the Pretoria agreement in full, because it feared that certain issues could create tension with the potential to delay elections (Ibid). This approach was a total opposite to what happened in South Africa (one of Africa's success stories of transition). South Africa could have chosen the easier route of not dealing with difficult issues, but the country set up commissions during the transition to confront problems which had the potential to disrupt the transition process. In the case of the DRC, there was no signal being sent to show that the state could no longer tolerate impunity and immoral behaviour. CIAT chose to close its eyes to impunity in favour of the elections. Successful transitions deal with challenges even before the elections. The idea that elections will fix things was a totally wrong approach. The only commission that was allowed to operate at full steam during the transition was the Independent Electoral Commission (IEC). It received all the necessary support from the international community. Institutions such as the truth and reconciliation commission, the anti-corruption commission and the commission on les *biens mal acquis* were neglected. Some did not even get

off the ground. Institutions such as the judiciary and state administration were given no attention during the three years of transition. If these institutions were allowed to operate and capacity built, the post-transition state would have been in a better position to tackle the challenges of consolidation.

The international community was also very partisan. It used the weakness of the transition to push for a certain outcomes. There are those in the DRC who think that the election results did not reflect the will of the Congolese people but that of foreign powers (Bonzo, interview, 2007). An example that is often mentioned is the statement by the Belgian foreign minister that "we believe the best chance for Congo is for Kabila to be elected" (Kambale, interview 2010). CIAT was not the only body where the future of the DRC was being decided. Many external powers used double approaches – multilateral and bilateral – when engaging with the DRC. Many countries took different positions in these meetings. They would say one thing in CIAT and another in bilateral discussion with individual Congolese political leaders. This way of doing things was confusing to say the least; it also gave Congolese leadership an opportunity to manipulate the divided international community. In this way, Congolese leaders, especially the president and his four vice-presidents, were able to evade pressure put on them in multilateral discussions. In fact, most external powers favoured bilateral arrangements, as this gave them opportunity to link their support to businesses (Kambale, Ibid). The international community's competing interests in the DRC was one big problem that undermined good governance and the consolidation of democracy during the transition. In the face of weak internal opposition, the only pressure that remained was external pressure, but this pressure was seriously compromised by the pursuit of divergent interests. Many western governments' pressure on the transitional government could not work at all because they were simultaneously involved in negotiating mining deals which often involved corrupt practices (Muteba, interview, Kinshasa, 2008). Because of the corrupt relationship that existed between certain western governments and the Congolese leaders, the latter could afford to do what they wanted. The consequences have been severe for the Congolese state and the people. In the absence of any pressure, political leaders were preoccupied with the control of power and self-enrichment.

The major contribution of the international community to the transition was the funding of the elections. The 2006 elections were fully funded by the international community. This might not

have been the best option, but the socio-economic and financial situation of the country did not allow the DRC to fund its own elections. To coordinate the financial support, the international community decided to put in place a basket fund, to be managed by the UNDP. The UNDP in November 2004 had signed an agreement with the Congolese government to contribute to the electoral process through a project called *Appui au Processus Electoral au Congo* (APEC) (Support to the Electoral Process in the DRC).

| Countries/ International institutions | Commitments in US$ |
|---|---|
| Germany | 12.2 Million |
| Belgium | 19.4 Million |
| Canada | 7.7 Million |
| EU | 177.2 Million |
| United States | 2.7 Million |
| France | 1.2 Million |
| Italy | 0,5 million Euro 2004 ( via communal fund) |
| Netherlands | 13.7 Million |
| United Kingdom | 22 Million |
| Spain | 0.6 Million |
| Sweden | 8 Million |

| | |
|---|---|
| Switzerland | 1.6 Million |
| IMF | No figure, but active in supporting the awareness campaign |
| UNDP | |

Source: Information collected at the IEC –DRC, 2007

In total, US$283 169 878 was mobilised for the trust fund, but countries also made funding available on the bilateral level and contributed to funding civil society activities.

There were also countries and organisations which did not put money into the basket fund. This category included South Africa. Those who contributed to the basket fund and also made bilateral contributions are indicated in the table below.

| Countries/ International institutions | Commitments in $US |
|---|---|
| Angola | 1 Million |
| Belgium | 1.8 Million |
| Canada | 7.7 Million |
| DRC | 40 Million |
| EU | 30.2 Million |
| France | 1.2 Million |
| Italy | 0.6 Million |

| | |
|---|---|
| Ireland | 0.5 Million |
| Japan | 9 Million |
| MONUC | 100 Million |
| Norway | 3.4 Million |
| Netherlands | 6 Million |
| Poland | 50 thousand |
| UNDP | 1.4 Million |
| United Kingdom | 14.4 Million |
| United States | 2.7 Million |
| Spain | 0.6 Million |
| Sweden | 1.2 Million |
| Switzerland | 0.6 Million |
| South Africa | 50 Million |

Source: Information collected at the IEC – DRC, 2007

Besides the funding of elections, foreign governments and international institutions were involved at different levels in support of the transition process. Some governments sent experts to support the IEC, parliament, the senate, the justice system, the security forces, and the police force. The French, the Belgians and the South Africans devoted their time to the training of the

security forces and the police. *La Mission d' Organisation des Nations Unies en République Démocratique du Congo* (MONUC) has been operative in terms of keeping the peace. During the transition, peace was very fragile. MONUC remained of key importance, both as a source of security for the civilian population and as an instrument to contribute to the operational capacity of the Congolese armed forces.

Donors' frameworks to design, coordinate, and deliver such assistance was woefully fragmented and under-institutionalised. Donors who were consulted argued that it was difficult for them to design their support when they did not receive guidance from the Congolese on what they wanted. Donors did not have an agreed-upon entrance strategy based on a common vision, and postponed efforts to plan aid intervention in the DRC (Muhigira Interview, Kinshasa, 2011). An international conference for aid assistance for the DRC was planned (as in Afghanistan and Iraq) but never took place. There was no well-developed country plan in place to support the DRC in this way. Experiences show that successful donors' support to sustainable peace and reconstruction is based on resolving seven key challenges (Stewart 1999: 35; Ellis, 2005): mobilisation of resources; deepening of institutional reform; harmonisation of aid conditions; coordination of assistance locally; enhancement of recipient capacities; promotion of accountable aid delivery; and implementation.

The contradiction in western efforts, on the one hand claiming to support state-building and on the other hand employing strategies that undermine it, was a serious challenge to DRC transitional politics. The transitional institutions reflected the nature of the Sun City negotiations. The Inter-Congolese Dialogue was an elaborate process, but it did not commit the Congolese leadership and it had a very strong external influence which made its implementation difficult (Pascal Kambale, Ibid).

The success of the transition was its survival. It survived the many political and security challenges. However, because the Pretoria agreement was not fully implemented, the post-election period did not open up a new era in the DRC. Instead the post-election became a continuation of the transition under an elected government. Instead of consolidating what started during the transition, the post-election government will struggle with issues which should have been resolved. The fact that the transition failed to install or initiate the rule of law (which

presumably is the biggest challenge to state-building in the DRC) means that it cannot be considered as having totally succeeded.

# Chapter 6: Democratisation, reconstructing the state, and the global political economy

The DRC suffers from multiple crises which are interlinked, and which are preventing the emergence of a stable and capable state and the consolidation of democracy. These crises have destroyed all determinants of state power, and they are never clearly identified in a manner that allows for the application of suitable solutions. There are two set of crises: internal and external. The DRC will need to deal with both if it is to rebuild a viable state and consolidate democracy. Even if it is abundantly clear that external factors have always played a role in undermining state reconstruction in the DRC, the main ground for the continuing dysfunctionality is constituted by internal crises. The focus for state reconstruction and the consolidation of democracy should therefore be put on resolving these internal crises. The DRC's democratic election of 2006 marked the country's entry into what Huntington (1991) has termed the "third wave of democracy" but still the state remains very fragile. The DRC is struggling to restore the legitimate authority of the state. This chapter examines the different crises which need to be resolved if the DRC is to have a breakthrough.

## 6.1 Crises of the state linked to internal factors

Crises produced by internal factors include the crises of formal or electoral democracy, crisis of governance, crisis of territorial appropriation, crisis of poor control of the instruments of power, crisis of leadership, and crisis of ownership of state reforms. These crises are interlinked, and resolving one crisis will not be sufficient to resolving the crisis of the state. For clarity they are discussed separately. The remainder of this chapter examines crises that are linked to external factors, which are regional or international nature.

### *6.1.1 The Crisis of electoral democracy*

The crisis of formal democracy arises when elections fail to translate into real democracy. The 2006 democratic elections resolved the crisis of legitimacy by producing a legitimate government and installing democratic institutions (Shonza, 2008 Malu Malu, 2011 and Mukuli 2011). In the DRC, elections are a solution to the problem of political legitimacy, but they do not provide answers to other problems of state malfunction. Equally, the mere establishment of

electoral democratic process is not sufficient to ensure that a regime is democratic or will remain democratic over time.

For the first time the DRC is on the verge of organising two successive democratic elections without interruption (if the elections planned for 2011 take place). Huntington's (1991) criterion of two turnovers of elected government will put the DRC among the consolidated democracies. However, this classification is highly contested and will further be contested if it is applied to the DRC. There are four levels on which the classification can be contested in relation to the DRC. First, the elections were not accepted by all political parties or by all the Congolese people. This does not fulfil the requirement proposed, for example, by Bratton and van de Walle (1997) that a country is held to have installed a democratic regime if, in a context of civil liberties, a competitive election is freely and fairly conducted and the elections results are accepted by all the contestants. Equally, if we follow the logic of David Beetham (1994) who has argued that the experience of transition plays a key role in democratic consolidation, it is possible to argue that democracy in the DRC has not entered the consolidation phase because the inter-Congolese dialogue and the transition failed to reconcile Congolese leaders and factions to institute good governance and to restore peace and stability. This echoes what MONUC representative in the DRC William Swing stated when he said "the transition will finish with the installation of an elected president, but the tasks of the transition will continue, because 40 per cent of the tasks are not completed" (Interview, Swing, Radio Okapi, 2006. See www.monuc.org). In the DRC, the transition will continue to be a nebulous phenomenon, with no agreement on its point of ending. What is clear is that the transition delivered the elections, but the conflicts that the Congolese were trying to resolve have continued well beyond (Mpoko, Interview, Pretoria, 2011).

Second, it is not assured that electoral democracy will be sustained in the DRC. After five years of democratic governance, democracy is not improving; instead it is deteriorating. There have been many human rights abuses, the killing of human rights activists, and changes to the constitution that did not receive the approval of many people. The ruling party continues to change the rules of the game. It changed the electoral system from a system of two rounds to a one-round system. This system was introduced to diminish the chance of the opposition forming a coalition if no presidential candidate gets a majority of the votes in the first round during the 2011 elections. The change has been designed to increase President Joseph Kabila's chances of

winning. This kind of change to the constitution without wider consultation and in less than five years of democracy is proof of the instability of the political system. Equally, reports that members of the national assembly and senators were paid by the ruling party to vote in favour of the amendment expose the fragility and weaknesses of the democratic process (Mvita, Kazabi and Ngongo, interview, Kinshasa, 2011). There have also been attempts to change the constitution to allow the current president to stand beyond his two terms as currently permitted by the constitution. It is clear that the rules of the game are not solely determined by formal political institutions. Political actors use all kinds of opportunities to renegotiate the rules of the political game while the game is being played. President Kabila continues to reinterpret, stretch or circumvent the rules to support his own position. Thomas Luhaka (2011) maintains that there has been a privatisation of the electoral process in the DRC. This confirms the pessimism of scholars like Larry Diamond, John W Harbeson and Crawford Young, who have squarely suggested that democracy as it is applied in Africa will not consolidate because of ambiguities and contradictions. In the DRC, we are still far of entering the period of consolidation of democracy; it might be more prudent to speak of consolidation of the transition.

If the experience of the African continent is anything to go by, nothing assures us that electoral democracy will be easily consolidated in the DRC.[73] In Africa, electoral democracy tends to lose steam with time. The quality of elections decreases instead of increasing. The future of electoral democracy is not assured unless it becomes a culture. Can electoral democracy in the DRC survive the test of the governing party defeat at the poll? This requires that the rules that govern elections be transparent, and the institutions that run them be independent.[74] The transition (from 2003 to 2006) and five years of democratic government have failed to make democracy the only rule of the game. Electoral democracy remains fragile in the DRC (Kisimba, Interview, Lubumbashi, January 2011).

[73] Looking closely at what has been happening on the continent, there have been no dramatic strides toward democracy and prosperity, but rather acrobatic" baby steps". Despite the fact that the number of democracies has increased in terms of countries which have held democratic elections, the results of these elections have been in many places disputed, leading to conflict. In other cases, the election results are openly cheated by the party in power and this has not help to stabilise politics.

[74] There is a contestation in the DRC about the independence of the electoral commission and the media. The DRC needs a fair and just electoral administration.

Those in power must always be ready to accept when they lose elections. When this happens, acceptance of the election results becomes the barometer of the maturity and stability of the democracy. However, where the outcome of an election is already predetermined due to the dominance of one party, it is likely to lead to conflict and reduce legitimacy. In the absence of a credible and strong opposition, it is doubtful that democracy will be consolidated in the DRC. Third, the perception that as soon as democratic elections are organised the problem of state dysfunctionality will be resolved was misleading. The point here is that, while the country successfully organised democratic elections in 2006, these elections do not constitute change (or progress). Elections have not changed the way power and privileges are organised in Congolese society. Elections have not changed the character of the state as a "failed or dysfunctional state. Elections were simply a catalyst for state formation, because they have provided interlocutors who have the mandate from the people to engage other crises that the state might be faced with. These representatives must be accountable to citizens. In the DRC, democratic institutions have been put in place, but the behaviour of those who run them has not changed (Shonza, ibid). Joseph Kabila's government, although democratically elected, has not earned the respect of citizens because of the negative behaviour of the people who run it. The reputation of the state has not increased under the democratic government. The DRC continues to manifest the characteristics of a colonial state even after democratic elections, and it remains in essence corrupt and repressive.

Fourth, the legitimacy of government and its leaders is not solely based on elections. Electoral democracy must be accompanied by economic and social benefits to citizens, or what is called substantive democracy. Electoral democracy cannot be consolidated without substantive democracy. Failure to achieve this can slowly start to undermine the legitimacy of leaders and government. The DRC faces the double and interlinked challenges of stabilising politics and ensuring economic growth and development. The political economy of state-building in the DRC will have to combine both. The current process of state-building is taking place outside a meaningful debate on the possible economic policies. There will not be political stability and the consolidation of democracy if a minimum level of consensus is not reached on how to respond to socio-economic questions. Put differently, ensuring human security cannot be postponed in favour of electoral democracy (as important as that may be). It is reasonable to expect people at a certain stage to start to turn their backs on the current democratic process if their social and

economic needs are not satisfied. The social and economic context provides an enabling environment within which grievances accumulate, entrepreneurs of violence emerge, and the incentives and resources that facilitate the recruitment of combatants are shaped. The challenge for the DRC (as it is for many countries on the continent) is how to generate approaches with the potential to address poverty while sustaining the democratic process. Although current circumstances and the past influence the decisions and behaviour of political leaders, experiences from other similar transitions show that a transition that is not accompanied by social rewards is unlikely to succeed.

Democratisation in the DRC should include efforts to alleviate poverty, redress inequalities in income and gender, and facilitate access of the broad majority to basic social services (particularly education, health, electricity and clean water). But the supply of these needs can only happen with a solid foundation in the formal democracy. This is only possible if the Congolese are empowered to make demands on elected officials and government agencies (and at the same time put pressure on government to allow freedom of expression and access to information across the DRC territory). Empowered citizens are those who do not fear state repression. Unless citizens improve their capacity for interaction, bargaining and competition with the holders of state power, it is doubtful democracy will consolidate.

*6.1.2 The Crisis of governance*

The crisis of governance occurs when power is not properly defined. It is when power is used by those who control the state to oppress society. It points to various issues, and the most critical ones are the conception of power and the organisation of society. Those who capture the state tend to monopolise it to serve their own narrow interests. Because of this, democracy in the DRC is a minimalist democracy, as defined by Ake. As Manpuya (Interview, Kinshasa, January 2011) puts it, the crisis of governance in the DRC occurs because "men continue to suppress institutions, and institutions are not able to impose themselves on the society." In the DRC the permanent failure to reform the state is due to the undermining of institutions and the violation of the country's laws with impunity. Those in power design mechanisms to allow them to control power for a very long time. This is influenced by the fact that the state is the only provider of services and jobs. This situation creates tensions between individuals and between groups as they

attempt to capture the state. The ruling elite relies on an intricate web of personal, family, clientelist and ethnic ties and on the military to monopolise the state, even within a democratic system. This situation undermines state-society relations, increases conditions for corruption, and reduces accountability. Weak and unaccountable government (even if it is democratically elected) cannot contribute to state-building. Lack of accountability undermines government legitimacy. When legitimacy is weak, states have difficulty functioning (Brinkerhoof 2007). This means that democratic elections (transparent and credible as they might have been) do not contribute to state-building if they bring into power governments that refuse to be accountable and responsive to the needs of the people.

The single most important failure in the DRC has been the incapacity of citizens to organise and to hold leaders to account, even when they violate the constitution and are involved in corruption. In this way the crisis of governance raises the critical issue of participatory democracy.[75] In a liberal democracy, people must be able to participate in policy formulation and implementation. The freedom of people to associate and organise, to influence the collective decisions of the state, goes beyond the ability to form and join political parties and vote for political representatives (AfriMap, 2006:57). As citizen participation in governance increases, the state strengthens internally, particularly through reduced corruption, zero tolerance for impunity, and increased respect for the rule of law. This in turn builds social cohesion and strengthens state capacity to face social challenges in a coordinated and collective fashion. In post-elections DRC, there has not been space for public participation. Government has no strategy to engage civil society to participate in national policy development (Mbuyu, interview, Kinshasa, 2011). A country that is doing well on this issue is South Africa. Today, the South African government probably invites and allows a greater level of civil society participation in national policy development than any other government in Africa (AfriMap 2006:73). There is no democracy without two basic elements: a population capable of knowing what it wants (and, in this knowledge, organised in such a way that it can ascertain whether its leaders are carrying out its will correctly); and leaders capable of governing (that is, of enlightening the population regarding the country's higher interests and implementing the policies chosen by the population).

[75] Participative democracy is a more ambitious concept. Political participation itself can be a feature of both democratic and certain sorts of authoritarian politics. Mobutu used *imbizos* to invite public approval of his leadership style.

The growing barricade that separates state and society will continue to undermine state-building and nation-building projects in the DRC. State-building and nation-building cannot happen in isolation from the people. The consequence of such an approach is that social, economic, and political exclusions will breed a sense of relative deprivation and popular discontent. The grievances produced by political exclusion, social neglect and poverty could result in a revolt against the central government, or simply be used by the enemies of the state to undermine the state's agenda. Progressive states are those that have embraced deliberative democracy. This is a form of democracy that facilitates the deliberative policy-making process between functionary associations and state institutionalisation through channels such as elite recruitment, policy consultation, public hearings, media discussions, and public deliberation. In the book entitled African Intellectuals: Rethinking Politics, Language, Gender and Development (Codesria, 2005), Joseph Ki-Zerbo argues that "African intellectuals must refuse and reject all forms of internal and external subordination, arbitrary limitation and exclusion. They must reject the status quo with its conflict-prone structure: that is, strive for genuine modernity wherein everyone is true to himself or herself and all positive interaction is possible." He then suggests the ingredients we need to conceptualise a new nation: "imagination, method, foresight and organisation." Mkandawire advises that intellectuals (including civil society) should "insist on autonomy and keep a critical distance from the state." In the DRC the intellectuals' views are orientated to support a political orientation. The intellectuals who enter politics misuse science to protect bad governance. The same can be said of civil society and political parties. Civil society leadership changes so fast (whether they go into businesses or government) that it is not possible to count on it to commit to anything. This confirms Lemarchand's (2002:396) assertion that "A key problem confronting almost every civil society organisation, including those which are most conspicuously lacking in civility, is that they rarely define their interests in relation to the state such as it is, but in relation to the conflict raging among different fragments of the Congolese state." Political parties are unable to provide alternatives to what obtains. This means that revolutionary forces in the DRC run behind time. Civil society and politicians do not understand what is happening in the country, and are unable to provide a coherent interpretation of events. It is difficult today in the DRC to identify who are the democratic forces behind the movement for change (Nabudere, Interview, Johannesburg, February, 2010).

Morality plays a key role in state formation and collapse. For the past 50 years since independence, the Congolese have only grown their capacity to subjugate each other for selfish interests. It is now apparent that creating a fairly functional state based on the growth of a democratic society is far a bigger challenge than the exercise of writing a constitution and organising elections. The malaise haunting Congolese society is embedded in the reproduction of negative behaviours. There exists an inter-generational transmission of negative and immoral behaviours that are holding the DRC back. A key point of this thesis is the conviction that issues related to morality, ethics and norms should be central to efforts of state reconstruction in the DRC. It is the immorality in Congolese society that is the principle factor maintaining the dysfunctional state. It is unfortunate that efforts to rebuild the state do not address the systemic social dysfunctions that underlie divisions and immoral proneness. One of these social dysfunctions is the presence of an elite, both in government and outside government (in civil society), that continues to manifest political identities in their leadership style, which undermine state reconstruction.

The democratic character of the state is not only defined by the nature of its institutions, or by holding regular elections, but also by the moral standing of its leaders and citizens. This is why democratic values need to be given a moral significance that is compelling. They need to be the organising principles of a Congolese society "which all may assert and defend, and which the institutions of the state must honour, apply and defend" (Pityana, 2007). Therefore, national identity becomes a determinant factor in state reconstruction. State reconstruction in the DRC would have to include the creation of a national identity based on national responsibility, morality and greatness, in line with what Kidane Mengistead has called a community of citizens. While trying to build institutional capacity – administrative, military and financial – to create the semblance of a state, the question is how do we build it based on the notion that one is equal to another, and that no one counts more or less than another, in a society constituted "by fourteen pre-colonial culture identity zones and no less than 360 ethnic groups" (Ndaywel è Nziem, 1996). Despite the colonial origin of ethno-nationalism, it is important to recognise that it is the inability of the Congolese to confront this scourge which is maintaining it. This is why James Muzondidya and Sabelo Ndovu-Gatsheni (2007:275) correctly argue that "The ethnic polarisation is to be explained mainly in terms of the broader failure by the state to develop an effective response to the political economy of ethnicity inherited from the colonial past." One of

the limitations of the current democratic process and the theory of state reconstruction in the DRC is the failure to recognise ethnic identity as one of the major challenges to state reconstruction.

Governance and democratisation in the DRC could benefit from democratic advances and good governance being realised on the continent. The African Union (which replaced the Organisation of African Unity in 2002) is committed to upholding standard relations of good governance, democracy, human rights and the rule of law (expanding on the commitments already contained in the African Charter on Human and People's Rights) (Tungwarara 2006:2). The AU's economic project, New Economic Partnership for Africa's Development (NEPAD), is concerned with human security. NEPAD's main strategic issues include: reducing poverty, social development (including addressing HIV/AIDS, unemployment, and illiteracy), ending wars and conflicts, promoting human rights, and democratic governance (Landsberg C and Mckay S 2005). The combination of AU and NEPAD provides a framework for bringing peace and security issues together with the question of governance and constitutionalism. NEPAD clearly identifies state weakness as a central problem for the continent, but it also identifies poor leadership, corruption and bad governance as factors that help to maintain state weakness. These continental initiatives could serve as the main points of reference in measuring progress and applying pressure on the DRC government to pay attention to governance and social issues. For example, as Gelb (2002:3) argues, "NEPAD's peer review mechanism is intended to create external pressure on weak states, to increase their power to confront those who benefit from poor governance. The most critical feature could be for NEPAD to allow for, indeed to encourage, domestic political pressure in favour of improving governance in the DRC." The changing nature of African relations, with democracy and good governance taking pre-eminence, could ensure that the DRC remains for some time under the radar of the continental community.

*6.1.3 The Crisis of poor control of the instruments of power*

The crisis manifests itself when the state does not control the determinants of state power. It is when the state suffers a profound crisis of authority because it cannot deliver goods to people or regulate society—people therefore move beyond the reach of the state (Alexander (1997). State powers emanate from its capacity to project its presence across its territory and to protect and

provide services to citizens. The determinants of state powers will include the public administration and its capacity to collect taxes, security agents and the justice system.

*Public administration and Taxation*

Administrative structures are at the core of the infrastructural power of the state (Mann, 1994). The administration system provides for the collection of revenue, the delivery of services related to public goods (including health, education, infrastructure, water, energy, identity documents, etc.), ensuring the circulation of information and the drafting and implementation of regulations. It manages international relations, and it ensures the coordination between different departments to ensure capital formation and investment. It involves bureaucratic organisation at the national, regional and local levels, and monitors both formal laws and informal norms that determine behaviour (including links to private interests, traditional authorities, and so on).

The main structural component of public administration is the civil service. How to reform and render the civil service efficient and capable of providing services to citizens is the biggest challenge confronting state-building efforts in the DRC (Tshimena, interview, Kinshasa, 2010). It is the role of politicians to build an efficient administration. Put differently, a dysfunctional administration is a reflection of the politics of the country. Where the administration is functional and apolitical, it matters little if there is no order at the political level; the administration will continue to perform its duties. The Congolese administration faces three main challenges: human resources (and especially management), the legal framework, and financial and material resources. First, human resources pose a big organisational and competency challenge. In the DRC, appointment in the public sector does not follow competency or qualification criteria. The administration has been ethicised, and there is absence of control. Nobody can say with certainty how many civil servants there are in the public administration (at national, regional, or local level) or what skills they have. This is true for each ministry and department, including the police force and the army. If it is difficult to determine the number of civil servants, it is even more difficult to list the state properties under their control. The biggest challenge remains the lack of competent and skilled personnel to run the administration. The DRC skills shortage reflects the weakness of an education system which is not aligned to the needs of the country. The DRC has very few qualified managers, and universities and colleges do not produce the necessary skills.

The Congolese leaders do not invest in education. The state does not believe in investing in intelligence creation. This might be the missing link in the entire state reform project.

Second, financial and material resources are an important determinant of state power. A bankrupt state cannot fulfil its mandate. The Congolese state is not currently in a position to meet people's needs even if it wanted to, as it is functioning with inadequate financial support. The national budget is ridiculously small (7 billion American dollars) in 2011. This does not mean that the DRC cannot raise sufficient resources. The problem has to do with the lack of capacity of public administration to collect taxes. The DRC administration is unable to mobilise the internal finances that the state needs to function (Biyoya, Interview, Kinshasa, 2011). Domestic revenue should be one of the main sources for fiscal space expansion because of its sustainability, thereby reducing dependence on donor assistance. Revenue mobilisation is central to the goal of state-building.

From the critical period of the European state-building we learn that "the nation state rose to dominance largely because of its unique ability to unite market and population under sovereign rule" (Clapham, Herbst and Mills, 2001, p5). This was because it needed to deal with external threats. Building a strong internal economy provided a base for building a strong army and political ideology. European states, to survive external assaults had to have strong economies to support militarisation. In this environment taxation, became the main source of state funding. This required a professional and effective public administration to mobilise revenues. This was also necessary for accountability and resource management.

In the DRC, the collection of taxes is weak not only because of the collapsed administrative infrastructure and inadequate skills, but also because of corrupt customs officials and tax administrators. An investigation in the mining sector undertaken by the Congolese Senate from 25 April 2008 to 11 June 2009 ended with a deplorable conclusion: "Mining companies in the DRC operate in total opacity. The contracts are never respected and work as if the Congolese state does not exists. Certain companies came to benefit from the absence of the state. With the complicity of the Congolese elite, mining companies extract and export minerals without making reference to the Congolese law or taking into account the terms of the contract." The report, which is referred to as Mutamba Report (reflecting the name of the team leader), found that the Congolese state loses US$450 million for every US$90 million that enters the state coffers. The

report also found that in North Kivu and South Kivu Provinces, some 80 per cent of exported metals, which include Africa's largest tin shipments, are not registered. Only 1.09 per cent of the tax due was paid on the $74.73 million clAiméd by the tax authorities, *the Direction Générale des Impôts* (DGI). Those who dominate the state have asserted control of relations with foreign capital of all kinds, and are using their strategic position as gatekeepers to bargain for an ever-increasing share of the DRC's wealth, to increase their own access to domestic resources, and to maintain intact the broad outlines of the extractive colonial state. These class interests are being pursued at the expense of the majority of the Congolese population.

There cannot be a state without an efficient tax regime, and the country faces significant challenges in respect of the effectiveness of its tax systems. Overall revenue yields and voluntary compliance are low, and the tax base remains narrow. The DRC needs to put in place a more effective tax system, one that mobilises the domestic tax base as a key mechanism to escape aid or single-resource dependency; that reinforces government legitimacy through promoting accountability to tax-paying citizens, effective state administration and good public financial management; that promotes economic growth and reduces extreme inequalities, significantly improving the lives of citizens; and that achieves a fairer sharing of the costs and benefits of globalisation.

The enforcement of transparency and accountability must not be neglected. Pervasive corruption in the DRC extractive industries has been a long-standing problem. In fact, in seeking to promote growth and reduce poverty, the Congolese government must design bold strategies to combat corruption – especially in the natural resources sector. It is estimated that over the period 1980 to 2006, the total cumulative capital flight from the DRC was around US$15.5 billion (Karl, Mammanday and Goodermote 2007).[76] This amount does not include the outflows of illicit capital due to the smuggling of DRC's mineral resources and precious stones. The report refers to the EIU country report which noted that the readmission in November 2007 of the DRC to the Kimberley Process has only increased the prospect of increased smuggling of diamonds. The UN

[76] See Dev Kar, Ramil Mammandov, Rachel Goodermote, and Janak Upadhyay, *Capital Flight from the Democratic Republic of Congo*, Centre for International Policy. The document suggests that if the DRC had been successful in stemming this capital flight through prudent macroeconomic policies and better governance, not only would the DRC have paid off its entire external debt at the end of 2006 (US$ 11.2 billion), but another US$4.3 billion would have been left to add to the country's foreign exchange reserves or used to invest in infrastructure and human development.

estimates that recent smuggling of precious stones and minerals from the DRC would generate capital flight that is at least 2-3 times the estimated US$15.5 billion obtained based on economic models that rely on official macroeconomic data. If smuggling is included the estimation is that the cumulative capital flight from the DRC over the same period could have easily amounted to somewhere between US$30 and 45 billion. There is an urgent need to reform the revenue authority, which is the means through which the central government increases its revenues and thus enlarges the authority of the state. The reinforcement of tax administration in the mining sector, by improving communication between collection agencies and creating a specialised unit within the Large Taxpayers' Unit (LTU) to collect mining royalties, license fees, and other non-tax revenues (currently collected by the weak and understaffed *Direction Générale des Recettes Administratives et Douanieres*, or DGRAD) is paramount.

Corruption in the administration is endemic across the board. Anyone with a state office (or part of it) can extract resources from fellow citizens, while others not directly associated with the state can benefit from these practices. In fact, those outside the state refuse to confront the one controlling the office, because they want to behave in the same manner when they happen to be in the same position. At the heart of this problem is the lack of empirical distinction between predators and prey, between dominant and dominated. The politicisation of the administration contributes to increased corruption and inefficiency. Most public administrators are political appointees and enjoy protection from political figures. Most state enterprises are likewise managed by political appointees, and they are managed as political entities. Managers work to satisfy the ego of those who contributed to their appointment, and failing to do so could cost them the job (Tshimena, interview 2010). The weakness of the public administration is a reflection of the weakness of the entire state. As Daye Pierre (1934) puts it, "people's capacity to use the weak state as an instrument of predation is thus a crucial element of the logic of its survival and reproduction." In the DRC the state is unable to provide for its citizens, pushing them to turn to corruption (Mbuyu, interview, Kinshasa, January 2011). Most public servants go to their office not to work but to make deals, using state offices as private businesses, in order to provide for their families. The poor's day-to-day priorities for survival outweigh more abstract moral considerations. The state and society maintain a corrupt relationship which obscures any room for reform. When a state loses its essential qualities, as in the case of the DRC, it becomes a threat to the security of its citizens and neighbours. The Congolese must learn to create their riches through legitimate business. Throughout the history of the independent DRC, access to political and administrative office has been the source of wealth. State power, administration position, and public funds have been used repeatedly to

acquire private perquisites. The use of legal measures, as well as some extraordinarily creative illegal ones, has been employed. Access to the coffers of the state has thus been a considerable and irreplaceable trump card in the economic consolidation of DRC's politico-commercial bourgeoisie.

The DRC has not upgraded its administrative infrastructure since the Belgians left. The administration is incapable of keeping records and responding to correspondence. Reforms of the public service have been tried many times, but they have always failed. The level of dilapidation of the administration suggests that state-rebuilding will take decades (Lumuna, Interview, Kinshasa, January 2011). State reform is expected to be slow as the agenda is large and the institutions weak.[77] The biggest hindrance to progress is public servants' reluctance to implement reforms, fearing loss of the benefits they draw from the collapsed administration (Lufuma, Interview, Johannesburg, 2011). Efforts to modernise the customs service (for example) have failed because customs officials destroy any efforts that would render the system transparent and modernised. They want to protect the old system which is open to corruption and tax evasion. Recently the Congolese government brought a specialised Canadian firm to reform the Congolese customs. Before long, following serious threats from customs officials, the firm packed and left (Ibid). Members of parliament, who are supposed to set an example and introduce appropriate legislation, have refused to pay taxes on their salaries (Kazembe, Interview, 2009, Lubumbashi). This resistance to change poses the biggest challenge to the transformation of the administration.

Also, state administrative effectiveness is impeded by the lack continuity of government. Every change of government means a new start. New ministers abandon everything the previous ministers did without any evaluation and start afresh. This sometimes includes nullifying contracts and agreements. Each new minister brings his own team, and the departing minister goes with the entire office, including files.

[77] Exploiting potential synergies or complementarities and promoting harmonisation and simplification of the many initiatives already existing in that field (e.g. EITI++, ITD, OECD work, WB/UNODC Stolen Assets Recovery Initiative, OECD tax centre in South Africa, UN Code of Conduct on Cooperation on Combating International Tax Evasion and Tax Avoidance).

*Security Agents*

Democracy cannot be consolidated in an atmosphere of disorder, war and insecurity. The Congolese state obligation to maintain order and provide security to citizens and property is a critical component of state building. The crisis of poor control of instruments of power refers to the fact that the DRC has no competent security agents (police, army and the intelligence services) to maintain order or to defend the integrity and sovereignty of the state and ensure justice. The police, the army and the intelligence services have not defined their role. They are ill-equipped, ill-disciplined, poorly trained, badly paid, and they are politicised.

There is a need to rediscover the proper roles of the police and the army in the DRC. The army has for a long period played the role of the police, through continual harassment of citizens. The protection of the integrity of the national territory has never been its role. It is not surprising that when the integrity of the DRC territory has been under threat, it has been external forces which have come to its rescue. The Congolese army is an amalgamation of many armies, militias and rebel groups (Malu Malu, interview, Kinshasa, 2011). For the DRC, the reform of the army will not come from the rhetoric of creating a disciplined and professional army. These armed men and women need to be put into army barracks and undergo sustained training on the role of the army. The task of producing a new and professional Congolese army has failed so far because recruitment has been ethnicised, politicised, and has never been on the basis of competencies. This has resulted in a propensity to intervene in politics (Lamine, 2005:26-27). The regime still uses the military and the police to silence society. The killing of leading Congolese Human Rights activist Floribert Chebeya of *the voix sans voix* in 2010 is a clear demonstration that the new democratically elected political elite continues to use the police and the army as private agents to accomplish political duties and to protect the establishment. The state's ability to rely on coercion by using the military to guarantee its survival has been kept intact, and this is delaying the creation of a professional national army. At the same time, the police force is incapable of instilling law and order (Laura and Hayner, 2009:9).

While scholars have delved into the root causes of state failure from undemocratic behaviour, maladministration, the politics of exclusion, and conflict over resources, little attention has been given to the readiness of those in power to misuse force to resolve disputes that could, in

principle, be solved quite amicably (or at least without violence). The experience of institutionalised military participation in political life is not a promising means to enhance the accountability of a democratic government. As Larry Diamond suggests, "To give the military as an institution substantive functions in government not only eclipses the electoral accountability of the rulers to the ruled, it also tends to give rise to a continuous and relative enduring expansion in the military's role and self-conception. Moreover, it creates confusion about which is the real source of authority in the country – the law (the constitution) or armed force – and undermines civilian control over the military, which is a critical feature of democratic society" (Diamond: 1984).

If the Congolese army is not depoliticised and transformed, the likelihood of it interfering in politics is very high. The possibility of a *coup d' etat* to change the regime cannot be ruled out. This intervention will be the consequence of bad leadership and disorder at the top of the state. As Samuel Huntington (1968:194) argues, "the most important causes of military intervention in politics are not military but political, and reflect not the social and organisational characteristics of the military establishment but the political and institutional structure of the society." The new constitution defines the mandate and the role the army and the police force, and clearly articulates that these institutions must be apolitical. The question is how can the military be held at bay in a new democracy? Three main lessons have emerged over the years. First, the only real guarantee against future military coups is good governance that builds popular legitimacy and active popular support for democracy. Second, civilian political leaders need to respect and develop the capacity, coherence and autonomy of the military as an institution. Third, the military must be extricated from any domestic political and developmental function.

The DRC must re-establish the monopoly of power and control as suggested by Weber and Tilly across the entire territory. This can only happen with an organised army, police and intelligence service. The difficulty the DRC has experienced in destroying rebel movements in the east of the country is not because the rebel movements are too strong, but because the state (the army) is too weak. Rebels structure their forces according to the amount of military power that states can project.

The restructuring of the security apparatus represents an urgent task. But this task comes with high costs if the claim by Emmanuel Wallerstein (lecture, Princeton, 2009) that "military power comes from economic power" is accepted. Despite the challenges, the Congolese have no choice but to work for the development of defence capacity to guarantee their territorial sovereignty and bring about internal order. Since the state's primary function is to maintain order, the continuation of instability in the east of the country is a sign of state weakness. Despite the advent of elections and other indicators of formal democracy, the DRC is unable to begin to entrench democracy because the state remains weak.

*The Justice System*

This crisis occurs when the country's legal system cannot protect citizens and their property. The justice system provides dispute resolution mechanisms, codifies property rights, and makes regulations governing all sorts of social, economic and political activities. It involves both state and non-state actors, including courts, judges, prosecutors and lawyers and their respective organisations at all levels. The new constitution (Article 68) stipulates that "The institutions of the republic are the president, parliament, the government and courts and tribunals." Article 149, clearly says that "the justice system is independent of the legislature and the executive." The same constitution states that "every person is bound to respect the constitution and to conform to the laws of the republic." The rule of law is intended to establish the legal framework within which state and societal actors interact, and to provide regularity and predictability to those relations. (Fritz and Rocha Menocal, 2007: 29). The role of the justice system is paramount in ensuring state security and good governance.

The protection of the new order needs a strong and just legal system. This has proved quite difficult to achieve in most post-war situations (e.g. Iraq, East Timor and Afghanistan). A weak judicial system (which also reflects weak security services) solidifies the inequalities and rigidities of the social order. Consolidated democracies are those with a functioning and independent justice system, and real democracies work daily to protect the independence of the judiciary. In the DRC, the justice system has been institutionalised. Article 26 of the Constitutional Law No 0003 of 27 May 1997 assures the independence of the judiciary. Since the 2006 elections, efforts have been made to enforce the independence of the judiciary. There have

been pronouncements from both the executive and the judiciary to affirm this independence. Speaking to the two houses of parliament on 6 December 2006, President Joseph Kabila said that "The Congolese justice system must be rehabilitated in its role of saying the law independently." Also, when the competency of the court on the validation of the term of a member of the national assembly was challenged by the national assembly, the Supreme Court produced an *Arreté* (A Const. 050/TSR of 23 may 2007) reaffirming with vigour the principle of independence of the judiciary *vis-à-vis* the legislature. It read:

> "…the validation of power of the legislature cannot question either the dispositive of laws in the matter or the definitive results pronounced by the courts due to its independence recognised by the constitution and the electoral law which recognise the justice system the mandate to examine the legitimacy of the elections. (…) This is why in line with the principle of separation of power in Article 151 of the constitution, parliament has no competence to re-examine the decisions taken by the courts without undermining the independence of the judiciary."

Another effort to render the judiciary independent concerns the nominations and redeployment of magistrates. This has always been done by government through the ministry of justice or the presidency. The problem has never really been about the nominations per se, but about the excess of politicisation observed in the nominations, which affects the independence of the judiciary. Magistrates were forced to obey the orders of ministers to avoid being sanctioned with unwanted redeployments. Today efforts are being made to depoliticise the nomination and redeployment of judges and magistrates with the creation of the *Conseil Superieur de la magistrature,* as per Article 152 of the constitution. This is the organ that will determine the career of magistrates, and will at the same time have the power to propose the nominations, mutations, revocation, promotion and rehabilitation of all magistrates. While these efforts have been noted, certain legal dispositions continue to provide the executive enough room for interference in the justice system. For example, certain judicial dispositions of the organisational code and competence allow the minister of justice to interfere in the work of the judiciary.

Conventional wisdom recognises the need to analyse the independence of magistrates, looking at the freedom they must have in the accomplishment of their function. Universally it is accepted that this independence should proceed from the individual quality of a magistrate, internal security, and his or her views on issues and situations (Panier C, 1998:117). This is why it is not permitted to interfere with their work and decisions. In this case, therefore, the magistrate must have the capacity, both individual and institutional, to resist political and private pressure and corruption. The judge should at all times be protected against any abuse of power, and is supposed to have the intellectual and moral capacity to resist temptations coming from society. It is expected of him or her to protect citizens against injustice at all times. In the DRC, three years into democracy, the independence of the courts and the application of the constitution are still far from being upheld. It is clear that the achievement of procedural democracy is not accompanied by the rule of law. It seems that we are assisting in the emergence of a model which could be qualified as a "political system of democracy without the rule of law." The question that this raises is whether it is possible to achieve both democracy and rule of law at the same time. The separation of power is proving inadequate to ensure the integrity of the democratic process. The Congolese must try to emulate Aristo's epic hero, Orlando Furioso, who was modelled after Greek and Roman poetry, and which portrayed court culture as the highest synthesis of Christian and classical values. In the Congo, the court must become the highest synthesis of democracy and the promoter of values. The only time the system will have credibility is when it does not only prosecute the little people.

*6.1.4 The Crisis of territorial appropriation*

This is a crisis that occurs when the state does not have control over extended parts of its territory, when the state does not reach all citizens and has no control over its resources. This situation is very present in the DRC. The central government has limited control over its territory. This crisis manifests itself by the absence of the state in the life of the people.

Specific intervention is necessary to increase state capacity to have control over its territory. The new constitution has provided for a decentralised form of government in an effort to transform

state management from a centralised to a decentralised system. [78] For the past 50 years, Kinshasa has been the centre of decisions on how government functions across the entire territory. Because of the size of the country and weak administrative capabilities, the state has never been in a position to be present everywhere. In political theory, size matters. The relationship between democracy and size for a big state like the DRC is important. In fact, the relationship between size and democracy preoccupied the ancient Greek thinkers such as Plato.

The new DRC constitution has proposed an administration of proximity by creating 26 provinces to address the question of size. It has granted greater provincial autonomy in the managing of local resources, including the retention of 40 per cent of state revenues at the provincial level. If properly designed and implemented, a decentralised form of governance could resolve the problem not only of democracy and size, but also enhance state-society relations. It will bring the state closer to citizens by providing quality, responsiveness and equity of social service delivery. The proximity of state and society will increase accountability by increasing social capital in local communities through increased participation in local decision-making. Decentralisation could reduce social tensions by defusing the urban bias of economic policies, and strengthen the political representation of depressed regions and neglected groups. (Kazembe, Interview, Kinshasa 2009) As such, decentralisation becomes central to achieving an inclusive political formula which would allow all Congolese communities to belong to and participate in the new political order.

President Joseph Kabila has been reluctant to move forward and implement this decentralisation as required by the constitution. The central government fears that it might lose power to provinces, especially financial and political control. Kinshasa is aware that autonomy of provinces and local structures will reduce its influence over these structures, especially at election time. In Africa, and as we saw in the 2006 elections, the centre is always tempted to influence the results of provincial and local elections, considering the power local governments command in terms of the mobilisation of resources and influence over national and provincial

[78] The DRC has experienced decentralisation in the past. The first effort at decentralisation was launched at independence and was based on the *Loi Fondamentale* adopted by the Belgian Parliament in Spring of 1960. It was a compromise between the federalists and unitarists. The more progressive nationalists saw federalism as a ploy aimed at undermining the new African state, and thus resisted it. The second attempt was in 1962. This arrangement created the *provincettes*—twenty–one provinces carved mostly out of the six whose territorial boundaries had been designed by the Belgian colonial authority.

elections. Equally, the 2006 provincial elections demonstrate that a decentralised system does not necessarily mean improved democracy. Badly designed decentralisation could be used to increase centralised control. The 2006 provincial elections did not improve the autonomy of the provinces because the centre was able to manipulate election results in all provinces except one (Equateur province). This situation has reinforced the centre–periphery relations. The centre continues to gather more power and initiative over provinces. The expected financial and other benefits which were supposed to accrue to provinces have not materialised. Equally, decentralisation has not improved accountability. Because of political allegiance to the party in power, provincial elites are allowed to use decentralisation to capture fiscal resources and political influence. We have seen an increase in public displeasure in provinces, and call for central government to allow for greater autonomy of provinces.

The success or the failure of decentralisation will depend on the executive capacity at the decentralised levels. The possibility that decentralisation could be captured by extremist local forces to undermine national unity is also real in the DRC ( Kazembe, interview, Lubumbashi 2011). This threat can only be eliminated when decentralisation does not produce "juxtaposition of unaccountable autocracies" (Weiss and Nzongola, 2009), but reinforces state-society relations where leaders listen to citizens and deliver better on their needs. Decentralisation must be able to accommodate ethnicity while effectively mitigating against its negative influence (Afoaku, 1994:15). While the claim that ethnicity is an iron law of African politics is overstated, it might be a key factor in the political allegiances that keep the Congo together. We need to recognise that identity issues are complex and open to considerable deviation, but it is important to examine and analyse them with the view to understanding the challenges they pose to the democratisation process, governance and social cohesion; and propose policy options to minimise their negative effects.

Decentralisation will not work where there is no political will. The subjective approach to state-building is posing a problem in the DRC. The central government continues to encourage self-centered norms and practices associated with dictatorship and political clientelism. A lot of persuasion is needed to convince those in central government of the benefits of a truly decentralised state in such a vast country. Because of the weakness shown in the application of the decentralised strategy, many Congolese think that what the DRC needs is federalism and not

decentralisation. It is argued that federalism will force people to be the owners of their development (Muyambo and Kazembe, interview, Lubumbashi, January 2011).

*6.1.5 The Crisis of leadership*

Attempts to truncate democracy, to defend the territorial integrity, to reform the administration and to design appropriate economic policies require an appropriate leadership, a leadership that can turn opportunities into successes. The free and fair elections were supposed to bring into the system a new crop of leadership with the responsibility of driving a democratic transformational agenda for a better life for all Congolese. It is a leadership that was expected to transcend personal and ethnic interests and privileges in favour of the interest of the majority. In his *Republic* Plato counsels "Then among the guardians we must select those men who we think, on enquiry, have excelled their lifelong in doing zealously whatever they thought was for the city's interests, and in refusing resolutely to do what they thought was to its harm." It is this kind of leadership that the DRC was expected to bring into office after the 2006 elections. The consolidation of democracy and peace-building were not expected to be easy, and most thinking Congolese do not expect to see the fruits of democracy overnight, but as Stewart Patrick (2007) puts it, "unless a new ideologically articulate, intellectually fit, morally irreproachable leadership emerges, it will not be possible to build a state that advances and protects the interest of the majority."

The leadership that emerged from Sun City, and which ultimately won the elections in 2006, has turned out to be not the appropriate one. Poor selection of leaders has long been the source of problems in the DRC. The post-2006 elections leadership has excelled in mediocrity and arrogance. It is the presence, for a long time, of a mediocre leadership at the summit of the state that has destroyed the state and continues to hinder efforts for change. This leadership has pursued voluntary strategies to undermine state consolidation, and in the process it has destroyed all the social forces and institutions that are necessary for the consolidation of democracy (Kabwe, Interview, Kinshasa, 2011). The Congolese have not known, to quote Barney Pityana (2007), "leaders whom they can hold up as examples; leaders who despite their burden of office continue to grow and improve their skills and qualifications; leaders who have not been seduced

by the high life and whose sole aim is not the pursuit of wealth and pleasure for its own sake – that is hedonism". As professor Ngoma Binda (Interview, 2007 Kinshasa) laments:

> "When I see people who are managing our society, the "complaisance" in finances and other sectors, there is no future for this country. You have to penetrate the space where finance is being managed to understand the level of corruption and embezzlement which take place."

There exists a difference between intellectual qualifications and moral competency. To create a movement forward, the DRC will need people who have both intelligence and moral standing. When intelligence is put under the control of immorality, as it is now, the state becomes a prisoner of immoral politicians. The Congolese leadership prioritises money (the handiwork of people) over people (the handiwork of God). For them money is the master and people the servant. The maxim of Jefferson, "equal rights to all and special privileges to none", and the doctrine of Lincoln that this should be a government "of the people, by the people and for the people" do not exist for the Congolese leadership. Instead the instrumentalities of government are being used to advance private interests. You enter government to steal as much as you can in a short space of time before you are replaced. The principle of hit-and-run is well utilised in the DRC (Kazembe, interview, 2007). The political leadership, because is preoccupied on a day-to-day basis with designing strategies to steal, is incapable of identifying correct route to lead the Congolese towards a collective development (Ngoma Binda, Ibid).This does not mean that the current Congolese political leaders do not know the features of a modern state, but the level of immorality does not allow them to make correct choices. Their choices are always those which keep the state in a situation of mediocrity. There is no alternative to mediocrity in the DRC until a proper political class emerges. The mediocrity of the Congolese leadership can be explained by the fact that the political class always come about by accident, and not through a political struggle based on strong beliefs and values. They actively maintain dysfunctional institutions which they use to freely rob the state and the Congolese people. The consequence of this fraud is, of course, that the country remains ungoverned (or if it is governed, it is in a haphazard away) (Pararo interview, 2010). The Congolese malaise comes from the lack of effective leadership within and outside the state. The only time in the history of the post-independence DRC that a leadership seemed to care for the well-being of Congolese was during the few months of

Lumumba's government. When one looks at Lumumba's reflexes and ideas (as opposed to those of Mobutu, Laurent Kabila and Joseph Kabila) it is not wrong to assume that it would have been possible to create a caring state under his leadership. President Joseph Kabila, on the other hand, has shown serious limitations. Unfortunately, this happens when a great opportunity (the democratic dispensation) has opened up for Congolese to deal with the question of the state. President Joseph Kabila might genuinely want good for the DRC and the Congolese, but he does not have the competencies and experience necessary to guide state reconstruction, he is failing to energise and mobilise the masses to move in any particular direction. On top of these weaknesses, he has allowed himself to be surrounded by mediocre collaborators, who are only interested in amassing political power to control the state.[79] Kabila has allowed himself, like Mobutu and his father, to be surrounded with sycophants (including old faces of the Mobutu regime). Most of them have a legacy of corruption, nepotism and embezzlement of funds. Just as during Mobutu's regime, his entourage wear the party's emblem, match their clothes with the colours of the party, and sing praises about Kabila's invincibility, courage and his foresights (although in private conversations they criticise his immaturity and inability).

President Joseph Kabila might have performed far better than he has done, had it not been for the bad advice he receives from his entourage. Kabila himself recognised this when he suggested that he would perform better if could find fifteen capable and honest Congolese (New York Times, 2009). Because his entourage has not been interested in change, it is afraid to confront and help him for fear of losing position. This is the culture which made Mobutu's system corrupt and cruel. It is not surprising that Kabila compensates devotion and the public expression of loyalty with important positions in government, parastatals, the army, the police, intelligence services and diplomacy. It is not surprising that he has been given the name of *Rais* (*Rais* is *a* Swahili name which means ruler). People around the *Rais* know that to earn his esteem they are not expected to deliver on their constitutional mandate (competency and honesty do not count), but to be alert to any danger to the *Rais's* power. As Ngugi wa Thiongo (2007:14) puts it, describing the behaviour of one the *Rais*'s collaborators, in *The Wizard of the Crow*

[79] Joseph Kabila has brought back in the system all the people who worked with Mobutu.

> "….he had his ears enlarged so that… he would be able to hear better and therefore be privy to the most private of conversations between husband and wife, children and their parents, students and teachers, priests and their flock, psychiatrists and their patients — all in the service of the ruler."

In the post-election DRC, whoever dares to question the *Rais* and his government is identified as the enemy of progress – you are either with the *Rais* or you are against him. President Kabila intervened to force the president of the national assembly, Vital Kamerhe, to resign for having questioned his decision on the joint military actions between the DRC and Rwanda's armies against the FDLR in the east of the country without having informed the National Assembly. Joseph Kabila's leadership style and tactics have an inclination to centralisation and the monopolisation of power. The Congolese leadership problem goes far beyond individual leaders. Corruption, lack of honesty and laziness has infested the entire society, including institutions of learning, the heart of any transformation. The Congolese will do well to mark the words of the conspirators in Shakespeare's Julius Caesar (Act 1, sc II): Men sometime are masters of their own fates: "The fault, dear Brutus, is not in our stars, But in ourselves, that we are underlings."

From Mobutu to Joseph Kabila, the management of the state has been coloured by neo-patrimonial considerations. So entrenched, this system is applied consciously or unconsciously. It has been the main feature in decision-making, which has had a destructive impact on the socio-economic and political structure of society. The DRC needs a visionary and morally fit leadership to deal with such challenges. State-building and democracy are possible in the DRC, but whether the current political leadership has the will or the capacity to make democracy work is debatable. If it chooses to, it will find within the citizenry plenty of democrats to help.[80] A country like the DRC needs a different kind of leadership to make democracy work, and to initiate state reforms. The DRC needs what one might call a "command democracy", under a determined and courageous political leadership to put an end to political and social disorder. It cannot be a one man show, but requires a collective leadership driven by a common vision for the country.

[80] This is why it is imperative for Congolese to fashion for themselves a leadership that is self-aware (the ability to stand apart from your own life and observe it), conscious (with the moral, ethical sense or inner voice which enables one to evaluate what one observes), imaginative (having the ability to envisage something entirely different from the past) and has an independent will (the power to take action to change society).

*6.1.6 The Crisis of ownership of state reforms*

The crisis of ownership arises because state reforms in the DRC are being led by outside forces. The democratisation process and state-building efforts are not owned by the Congolese, but are being led by the international community. The DRC is still a colonial state through indirect rule by the international community that prevents the growth of an internal capacity (Kabumgulu 2008; Biyoya; 2011).

The problem in the DRC is not just that the strategies being applied are incompatible with realities, but also that the thinking and the strategies are being driven by foreign forces. The inability of Congolese citizens to control and own the process is an impediment to state-building. There has been a lack of ownership from the conceptualisation to the implementation of most efforts arising out of the Sun City agreement. Constructive lessons are emerging on the African continent of how to successfully build a democratic society. One key observation has been that, while many states have embarked on processes of reconstruction and democratisation, ownership of the process has been a critical factor. Rebuilding has only begun when an organised and determined group of indigenous political actors creates a form of government that will lead the process. State-building efforts need to be shaped and led from within if they are to be legitimate and sustainable. Outside initiatives were the opposite to state-building in early Europe, where state formation was very much endogenous. Why have western powers not learned from their own experience when dealing with the DRC? Is it that western powers control the process to justify their claim to power and to safeguard their own interests? This would explain the agitation within the western community when the DRC leadership attempts to take decisions without consulting them. When President Laurent Kabila refused to accept money from the IMF and the World Bank, and when Joseph Kabila concluded a mining and infrastructure deal worth US$9 billion with the Chinese government, western governments were not happy and challenged the decision. In the second case, the Congolese government, under pressure revised its deal with China from US $9 to US $6 billion.

Generally, the support that the DRC has received from outside powers, while it looks genuine, tends to undo efforts at state-building. Where they have made a positive contribution it has often been to protect external interests. One is not sure if the DRC needs to ignore it or to continue

embracing it. Both options are dangerous, and the Congolese elite have been unable to navigate this crisis. The complain of a plot by the international community to undermine the Congo, has not been necessarily wrong when one looks at the double standards in the action of the international community towards failed states. For post-war and failed states like Burundi, Rwanda and Afghanistan, western governments provided financial support for the salaries of public servants. This was an acknowledgement that without a functional administration the process of state reconstruction is virtually impossible. But they never considered this option for the DRC (Muhigira, interview, DRC 2011).

The DRC economic programmes are designed outside the country by the IMF and the World Bank. These institutions play a geo-political role of protecting the interests of the United States (Conversation with Pierre Defraigne, Brussels, 2008). They have been unable to criticise the failure of their own policies in the DRC. They protected dictatorship and bad governance when it suited them. The balance of power gives external forces the ability to dictate their positions to Congolese people. In this balance power, it does not matter who wins the elections, the programmes are similar because they are manufactured by the same suppliers (the IMF and the World Bank). The same therapy produces the same results. Because of this state of affairs, democracy cannot flourish. Unless Congolese politicians cease to accept policies designed outside the country, we cannot expect a different result. It seems that the mixed triumph of capitalism has caused nations to stop looking for alternative programmes, other than those imposed by the Bretton Woods institutions.

The DRC at all levels must increase its analytical capabilities to interpret international politics, and to understand how this affects its transformation. The lack of capacity in the DRC to deal with the sophistication of international political economy (particularly with the forces of globalisation) exposes the country and its leaders to external manipulation. The current leadership is not well equipped to deal with the complexity of the geostrategic position of the DRC in international politics and trade. It seems, therefore, that in an effort to reconstruct the state, a thorough understanding of international dynamics should receive attention.

## 6.2 Crisis of State linked to External factors

### *6.2.1 Regional politics and DRC state stability*

Peace and development in the DRC is closely linked to peace and development in the Great Lakes region and on the continent. The war has highlighted the importance of viewing the political economy of state reforms in their regional context. There is no region of the world more in need of a stable order for peace, democracy and economic growth and development, but no region in which the prerequisites for that order – economic prosperity, law-abiding governance, ethnic and regional tolerance, common values for pacific settlement of differences, and strong inter-state institutions – are more lacking than the Great Lakes region.

The DRC is a member of four regional organisations—*la Communauté Economique des Pays de Grand Lacs* (CEPGL), *Communauté Economique des Etats d'Afrique Centrale* (CEEAC), Common Market for East and Southern Africa (COMESA), and SADC. The DRC is a pivotal state in the region, but its dysfunctionality means that it also maintains dysfunctional regional relations with its neighbours. The DRC "has depressed the prospects of the countries around it because it continues to act more like cabooses than a locomotive in the drive to develop" (Herbst and Mills, 2009:1). Just as the internal problems of the DRC affect its neighbours, the internal dynamics of its neighbours equally pose a threat to the security and stability of the DRC. All the nine immediate neighbours of the DRC are characterised by either stalled or fragile democracies, weak economies, crippling debt, and poverty. Among the nine, two are bedevilled by intra-and inter-state conflicts – Rwanda and Uganda. Others, such as Angola, Congo-Brazzaville, the Central African Republic (CAR), Sudan and Burundi, are emerging from serious internal conflict. Only Zambia and Tanzania have enjoyed relative peace since independence. The point here is that not only will the reconstruction of the Congolese state benefit from the reconfiguration of external political and economic relations, but neighbouring states will also benefit from the development of a Congolese capacity to engage with the rest of the region. The instability in the eastern part of the DRC is directly linked to political insecurity in Rwanda and Uganda, posed by the presence of Rwandan and Ugandan rebels on Congolese soil. While the solution to the continuation of instability in the east of the DRC needs the cooperation and

involvement of Rwanda and Uganda, the DRC needs to exert far greater efforts to bring peace for itself.

The internal political disorder does not allow the DRC to organise to face the externally driven challenges. Its long unsecured boarders are a source of problems for its neighbours. The political situation in Burundi, Rwanda and Uganda cannot be understood except with reference to Congo. For the DRC to be able to play its natural leadership role in the region, it must fix its governance and security problems. It is not yet possible to foresee what would force Rwanda and Uganda to respect Congolese territory in the absence of a responsible government there. Before the DRC can become an engine for peace and development in the region, it must appreciate the responsibility which comes with such a status. If we start from the premise that "democratic states do not make war, but resolve their conflicts by peaceful means", and that the foreign policy of a state is a reflection of its domestic policy, the logical conclusion would be that, before the DRC can play a meaningful role in helping to stabilise the region, a stable, democratic and responsible government needs to emerge in the DRC itself. The DRC foreign policy message to all its nine neighbours must be that of peaceful coexistence and sharing of resources through regional integration. The DRC must be careful to avoid sending signals that once it has regained its powers (both economic and military) it will want to dominate the rest of the region. The Congo's near-neighbours are hardly enthusiastic about the emergence of a united and strong Congolese state, capable of regional control by a progressive leadership. The Congolese leadership must reassure all its neighbours that a stable and capable Congolese state is not a threat to their existence, but a partner in building an economically prosperous and politically stable region.

Equally, there can also be no peace and stability in the Great Lakes region without democracy in Rwanda and Uganda. The solution to the security problem posed by Hutu extremists and Ugandan rebels who have found refuge in the DRC is through a real democracy in Rwanda and Uganda. The military option pursued by the two countries has not been able to dismantle these negative forces. Even the presence of the biggest UN peace-keeping operation on earth has not been of much help in this regard. Military solutions have certainly failed. The stability of both countries remains fragile. The semblance of stability these countries are now enjoying is because both President Kagame and President Museveni are still in control of their respective armies, and

are still able to keep at bay their enemies. The balance of forces is never static, it changes. The question for the leadership and the people of the region is whether it is possible to opt for a new approach which will break out the mutually-destructive zero-sum game the two countries find themselves in, so that the energy of the different governments can turn to the goal of building democratic economies and security. One approach to resolving Rwanda's security question, for example, could be to infuse a dose of democracy which will accommodate both Hutu (including those who fled the country after the 1994 genocide) and Tutsi. Rwanda must be able to establish a multi-ethnic or multi-national state in which both Hutu and Tutsi have the same status, and in which political and civic rights are guaranteed. This requires that Rwanda finds institutional arrangements that ensure inclusivity and representation of both ethnic groups. In Rwanda and Uganda, the instruments of war far outpace the instruments of peace, and this is played out in the eastern part of the DRC.

For a genuine and sustainable peace in the DRC, President Museveni and President Kagame must be persuaded to deal with the pathology of militarism. Militarism should be understood not as devoting substantial resources to military spending, but rather as a political culture in which militaristic values dominate civil ones, marked by a particular style of decision-making that values the decisive use of force. It is a state of mind that creates a predisposition to use force. The region must not overlook the readiness of both President Kagame and President Museveni to use force to resolve disputes that could in principle be solved politically. Just as the DRC government was forced to negotiate with its rebels, the two governments must be forced to open up direct negotiations with their respective rebels. The lack of democracy or legal restraints on the use of force in these two countries is a major reason for instability in the region in general, and in the DRC in particular.

Peace and stability in the region could be backed by aggressive regional integration. While attempting to resolve the countries' internal problems that promote instability, the DRC and the other states in Great Lakes region would benefit from the establishment of a viable regional peace, security and economic order. There is need for regional (and indeed continental) citizens to work together on the basis that the destiny of the people of the region (and continent) is more closely tied together than is commonly appreciated (Tawanda Mutasah: 2007:34). What goes on in the Congo has a major impact on all its neighbours. As Helen Kitchen (1964:61) puts it, "the

Congo is the centrepiece of Africa."[81] Therefore peace – in states and between them — is more urgent than economic development, because the letter depends on the former and because conflict has done more to erode the region's quality of life than economic stagnation.

The instability in the region in general and violent conflict in the DRC in particular is not only about security; it is also about economic interests. There is a need to find a system of regional security cooperation that includes proposals for economic cooperation between the countries of the region. It is necessary to revive the Economic Community of the Great Lakes States (CEPGL), taking into account the new realities of democracy, good governance and economic needs. Such an organisation would alleviate the political, security and economic fears of vulnerable populations of the region. Revival of the CEPGL should be accompanied by the resuscitation of the Inter-State Security Commission for the Great Lakes. The Joint Military Commission, which was set up following the Lusaka Peace Accord, could become the catalyst for this dimension, which would institutionalise the safeguarding of everyone's security interests. Otherwise, in order to comprehensively address the challenges of inter- and intra-state conflicts within and surrounding the DRC, thought may be given to establishing an ad hoc AU Commission on Peace and Security in Greater Central Africa, which will work closely with UN institutions in stabilising this vast region. But the CEPGL should not merely become, to borrow from John Kennedy (inaugural address, 1991), "a forum of invective, to strengthen its shield of the new and the weak and to enlarge the area in which its writ may run." There is need for a peaceful revolution in the Great Lakes region. The governments and citizens of the region must join each other and forge an alliance against violence and instability within and between their countries. Neither Rwanda nor Uganda can claim to have the economic might to play the role of a regional hegemon credibly. An organisation such as the CEPGL could alleviate the political, security and economic fears of the most vulnerable states in the Great Lakes, and reduce the opportunistic exploitation of resources, especially those located on the long DRC border.

In general, the DRC's foreign policy would need to rest on the vision of an African Renaissance. The policy is consonant with the core desire of the Congolese fathers of independence to forge

[81] The DRC is the largest member of the Southern African Development Community (SADC), both in terms of the size of its population, (estimated at 65 million) and its territory of (2 344 885 km$^2$) . Geographically, the DRC is positioned at the equator and shares borders with nine other countries – Congo Brazzaville, Central Africa Republic, Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia and Angola.

relations with Africa, and make its resources benefit the continent first and the rest of the world after. The approach should be based on the concentric circle model, which places immediate neighbours, the CEPGL, SADC, Africa and the rest of the world as the first, second, third and fourth cycles respectively.

*6.2.2 Global dynamics, democratisation and economic development*

The success or the failure of state-building in the DRC will not only be determined by internal and regional factors, but also by the nature of its integration into the world economy.

Attempts at state-building in the DRC are taking place in the context of an international system that is characterised by an ever-increasing globalisation. The present wave (since the post-Cold War period in 1991) presents the following characteristics: communication revolution, a push towards market liberalisation, deregulation, re-ordering of global manufacturing and service industries, a scramble for natural resources, imposition of structural adjustment on developing countries, and the spread of supra-national policy-making. These factors have an impact on state behaviour, especially weak states. Globalisation continues to challenge African states, and there are signs that it is contributing to new forms of conflict. Some have argued that the expansion of globalization, instead of opening up opportunities for African countries that would ameliorate the crisis of the state, has simultaneously globalised ethnicity and localised citizenship, creating conditions for conflicts (Kagwanja, 2003). Thandika Mkandawire (2001) is concerned that because of the limited capacity of most states on the continent, globalisation may severely restrict the room for manoeuvre of individual states in such a way as to make the notion of a developmental state difficult to realise. The fact that there is no limit to globalisation, and its speedy expansion, presents a real danger that Africa might not benefit from it.[82] Globalisation has increased the intensification and interconnectivity of flows of goods, services, capital and people between countries and regions in all parts of the world. This global context strongly determines the scope for manoeuvre and survival, or the room for the emergence of a new state.

Currently the integration of the DRC into the global economy is through the extractive industries. The DRC is one of the richest countries in strategic minerals. These resources are

[82] The World Trade Organisation created in 1995 is a pillar of this globalising world. The goal was to build a universal trading system, bringing together all economies under one institutional roof and one set of rules, while preserving special and differential treatment for developing countries.

needed for the modernisation and sustainability of developed countries. The DRC must respond to the competitive forces in the global market that are interested in extracting its resources. Contemporary economic history of Africa reveals that what is today known as globalisation is not a new notion (from this perspective, colonialism and imperialism would constitute forms of globalisation), but the speed of the process and the large number of countries involved are unprecedented, especially with the demand for natural resources coming from new emerging countries such as China, Brazil and India (Asante-Darko, 1999).

The DRC continues to be a source of cheap raw materials and a market for cheap manufacturing products from developed and emerging countries. From Leopold II to Joseph Kabila, the pattern of exploitation of these resources has remained the same. The DRC in the international division of labour has been kept as provider of raw materials to developed countries. This invariably vertical integration has reinforced economic dependence, and undermined political autonomy. Minerals have been exploited to serve foreign interests and a small Congolese political elite. The Congolese elite have used the country's mineral resources as a bargaining tool for regime security. Colonial control has now been replaced by globalisation, which helps to maintain and sustain a neo-patrimonial state in the DRC. The monopoly that western governments and companies had on the DRC and its natural resources is being reduced by emerging new powers in need of the same resources. The competition to access these resources poses a challenge for a weak state. But this competition could also be an opportunity for a country like the DRC to negotiate better deals out of its resources. For a long time the west has used the DRC as its source for cheap raw material, and has never seen it as a serious partner. The emergence of China as the world's second most powerful economy[83] provides the DRC an opportunity to rectify its role and position in global economy.

China's involvement came at the time when western governments were opting for a policy of limited engagement with the African continent. The arrival of China has created a new hope, and has opened up opportunities for the DRC and the continent. China saw a gap when the west started to retreat from the continent, with the call for African solutions to African problems, and has come into the continent promising significant financial support, infrastructure construction,

[83] China has now surpassed Japan as the second biggest economy. It is expected the China will surpass the USA in 2028. But if the current Chinese progress is something to go about, this may happen as early as 2020.

and skills development in exchange for natural resources. This Chinese perspective on international cooperation has caught the west by surprise. Chinese interest in Africa has again raised the strategic importance of the continent, which was lost with the end of the Cold War. The DRC needs repositioning. Repositioning occurs where a country has lost either its economic vitality or its position and role in the international division of labour. Such a country should seek to recreate a new position and role, in order to restore (or even enhance) its economic advantage.

Minerals are the centre of internal and international politics of the DRC. If they are used in a strategic way, the DRC can play a significant role in international relations and rebuild trust and confidence in the state. State-building in the DRC is being attempted in an environment where powerful forces (in their efforts to secure mineral resources) are working at a tangent to internal efforts. So far the Congolese state has failed to create a system of resource governance that is transparent, accountable and beneficial to the country; instead external powers have had the monopoly on the extraction of these resources which have contributed to the development of foreign nations. State collapse in the DRC is in part a consequence of these structural relations. The challenge for the DRC is how to ensure that external interests are controlled and canalised to contribute to the national development agenda. This raises the critical question of how the DRC should manage its resources to contribute to peace and economic recovery.

With their abundance of natural resources, the Congolese hold in their hands the power to end human suffering. The fact that it is rich in commodities does not mean that it is bound to become dysfunctional or sink into conflict. As Marina Ottaway (2006) argues "Despite the fact that strategic resources have played an important role in many African conflicts, their presence is neither a necessity nor a sufficient component of state dysfunctionality and civil conflict." Natural resources offer an important opportunity to kick-start the DRC's economy. There is no reason why oil, gas and mineral resources should be a curse. The conventional wisdom is that "The possession of a sizable and diversified natural resource endowment is a major advantage to any country embarking upon a period of rapid economic growth" (Higgins 1968:222). The argument that resource extraction is the main cause of conflict in the DRC is not entirely correct. However, there are strong conflicting interests between different groups and actors (both inside and outside the country) that work in opposition to the optimal use of resources. To ensure that

natural resources contribute to economic development and peace, the DRC must resolve a number of important challenges.

First, the Congolese must address the capacity constraints, or what can be qualified as asymmetric information, rebuilding the capacity of domestic institutions and promoting good governance of natural resource wealth after a decade of war, mismanagement, systematic corruption and looting. The first step is to develop a world class public administration within relevant government departments. Equally, the DRC must put in place a transparent and accountable system of resource management, and it must have an extensive and comprehensive bureaucratic system intended to collect, verify and disclose the benefit streams from its extractive industries, and to compel companies to disclose their payments to government (and government to disclose what it receives from companies). Resources can only be a blessing under governance systems that are able to mediate competing claims and provide a suitable enabling environment for their profitable extraction, processing and use. Oversight institutions such parliament, civil society and the justice system must all be empowered to play their role. Emphasis must then be on having accurate strategic information on mineral resources, as well as adequate human and material capacity, competency and skills to analyse the data, to collect and manage revenues, to elaborate sound policies, and monitor their enforcement, and to negotiate fair deals.

Second, the DRC must protect its natural resources from neo-colonialism, or what is referred to as the asymmetric balance of power. The DRC needs to break with the colonial relationship where it remains a source of cheap raw materials. The west structured the independent DRC in such a way that it remains a source of cheap raw materials for their industries. Since independence, there have been two interlinked determinants of foreign policy in the DRC: mineral resources and regime security for the holders of power. Successive leaders have bartered the country's mineral resources in exchange for political and military support from western and African powers. Congolese leaders (except Joseph Kasavubu, the first Congolese president, and his prime minister, Patrice Lumumba) have lacked national legitimacy because they came to power through unconstitutional means. Mobutu Sese Seko (1965-1997), Laurent Désiré Kabila (1997-2001) and Joseph Kabila Kabange (2001-2006) assumed power with the support of external forces through undemocratic processes. This situation makes the Congolese political

elite especially vulnerable to external manipulation, and external forces largely dictate the terms of cooperation with the DRC. Crudely put, the DRC's foreign policy has always been related to the extraction of mineral resources for the benefit of other nations.[1] Lumumba identified the relationship between the DRC and the west as the biggest threat to the country's sovereignty and prosperity. He made it his biggest priority. The question today is whether Lumumba's revolution died with him (Biyoya, Interview, Kinshasa, 2006). The DRC must confront this colonial legacy, and cease to be an economic colony of external powers. The national democratic task is to free the country from the iron grip of neo-colonialism and create a truly political and economic state.

Third, the extractive industries should not only be seen as source of revenue in terms of taxes and royalties, but should be expected also to provide employment. This is increasingly difficult with the technological achievements of the last decades. Companies are opting for capital intensive and not labour-intensive operations. This has rendered African labour relatively redundant in the global economy. Whereas in the first and second phases (slavery and colonialism), Africans were required as free or cheap labour, in the current period there is no demand for African labour either to extract Africa's resources or to supply agricultural and industrial commodities. At the same time, Africa's resources are globally demanded and exploited (especially with increased industrialisation in China and India) at an inverse rate to the marginalisation and steady exclusion of its people. One way of resolving this issue is to ensure that the transformation of raw materials takes place in the country before they are exported. This will create upstream and downstream industries with the potential to create more jobs than mining itself. African governments are increasingly putting in place policies and strategies to protect their resources against plunder. Processing of minerals would have multiplier effects in terms of infrastructure development: it would open up opportunities for local companies and increase the tax base. A larger tax base with reasonable rates would offer more opportunities to fund infrastructure development.

Fourth, there is need to secure ownership of the resources. Extractive companies are being requested to give shares to communities. Mining communities are not simply expecting companies to respect their corporate social responsibilities; they want to be owners with controlling and decision-making capabilities. African citizens are increasingly demanding from their governments and companies to have a greater share of their natural resources, and a say in

how they are used. The refusal to share equitably has seen the rise of resource nationalism. The main argument for the new nationalism arises from the very logic of global change: globalisation is intensifying the exploitation of Africa's resources while at the same time marginalising Africa's people and alienating them from their resources.

## Conclusion

This thesis has assessed the causes of state failure in the DRC, and has explored the conditions that would support the reconstruction of statehood. The DRC has, since independence, exhibited varying conditions of dysfuntionality (defined as the inability of the state to provide welfare and protect its citizens). The study has identified internal and external causes that play a key role in maintaining a failed state, and argues that internal factors are the most influential variables determining the nature of the state. It maintains that the problem of state failure in the DRC is primarily a governance problem and not simply a result of external factors as other works have suggested. It is evident that the DRC remains under the influence of external forces that interfere in its political and economic agenda, and that the country is a recipient of external shocks that contribute to state weaknesses. The study argues that these external shocks acquire influential force when accompanied by the internal conditions (bad governance, poor leadership and corruption). Therefore, improved governance would not only provide the base for resolving internal crises, but would also put the DRC in a better position to deal with external shocks.

Breaking the cycle of poor governance is not always an easy task**.** The 2006 democratic elections created an opportunity for the DRC to kick-start the process of rebuilding a new state. As has often happened in sub-Saharan Africa, democratic elections in the DRC have produced a legitimate government without producing a functional state. This work has established that democratic institutions (to cover legislative, executive, judicial functions) that have been set up in the DRC have not changed the way things operate. Despite the democratic elections, the state remains mostly informal, with critical decisions being taken outside the formal state structures. This thesis contests the view that the DRC is a collapsed state, although it has experienced periods of collapse (1960-1965 and 1996-2003). In the current dispensation, the state exists, but only in a chaotic fashion. It is failing to perform its mandate. The government is unable to mobilise, organise resources, or deploy them in an effective manner. The London-based International Institute for Strategic Studies makes several observations about fragile states, and there is broad consensus on the general syndrome of state fragility and failure, if not on the specifics of how to measure and weigh each factor. Symptoms include weak capacity to provide public security, rule of law and basic social services; low levels of democracy and civil liberties; de-legitimisation and criminalisation of the state; rising factionalism; poor, socially uneven and

declining economic performance; inability to manage political conflicts; extensive external interference by external actors; and, in some cases (but not all), outbreaks and armed insurgence (Berdal and Wennmann, 2010:174-5). The DRC excels in all of these. Governance in the DRC continues to be frustrated by issues of inter-ethnic, inter-tribal, and inter-regional identities, and by corruption. These identities continue to dictate who can and cannot access resources, including jobs in the public administration, institutions of learning, the army, and the justice system. The application of law also continues to follow ethnic lines and politics, in the process denying peripheral identity groups credible channels through which to address their grievances and strive for equity, fairness and justice. These types of moral disposition do not allow state institutions, as democratic as they may be, to function. It is because of these manifestations that the post-democratic state has been unable to react and to craft an identity based on new values and common purpose.

One key feature of the existence of the state is its ability to project power. This work establishes that the state in the DRC is characterised by its inability to project power (positive power). The state is present but not useful to citizens. The state in the DRC remains largely a phantom state, one that cannot manage even rudimentary tasks on its own. No efforts are deployed to render government effective. While the Kabila government acquired legitimation (the right to govern) it does not have the apparatus of power (the ability to govern). In the DRC, no adequate time is devoted to critical thinking on how to reform the state and give it the attributes for it to acquire the necessary power. States that persist in this situation often see their right to govern undermined. There has been lack of internal political will to restore the key determinants of state power: the army, the public administration, the fiscal regime, and the justice system. These determinants are necessary for a juridical and empirical statehood to emerge.

One key finding of this study is that the weak failed state in the DRC today is no longer the result of the Belgian colonial heritage, but is a result of ongoing poor governance. The failure by the Congolese to navigate from a failed state to a functional state would undermine democracy, and could take the state back to a situation of collapse that characterised it during the 1996 war. The point this thesis is making is that elections by themselves do not shield the country from extensive social and political upheavals. Democratic elections, free and legitimate, do not restore the state; they merely restore the legitimacy of political power. The restoration of the legitimacy

of government is necessary but not sufficient to restore the authority of the state. This coincides with Collier's conclusion in his book *The Bottom Billion,* when he argues that "among the many characteristics that did not seem to matter on how to restore the state are democracy (as electoral democracy) and political rights." In the DRC, the democratically elected government is not behaving any differently to the one it has replaced. It is clear that electoral democracy is not enough to create order, to end conflict, to fight corruption, to ensure justice and the rule of law, and to implement government policies.

The work argues that the current approach to rebuilding the state in the DRC that promotes a transformation based purely on elections is weak. It further argues that the democratic character of the state is not only defined by the nature of its democratically elected institutions, but also by the moral standing of its leaders and citizens. This is why the values contained in the new Congolese constitution need to be given a moral significance that is compelling. They need to be the organising principles of Congolese society which the institutions of the state and citizens must apply and defend. The study suggests that the state that is being attempted in the DRC through institution-building can only perform well under certain moral conditions. For the past 50 years, ever since independence, the Congolese have only grown their capacity to subjugate each other for selfish interests. It is now apparent that creating a fairly functional state based on the growth of a democratic society is a far bigger challenge than the exercise of writing a constitution and organising elections. The malaise haunting Congolese society is embedded in the reproduction of negative behaviours. There exists an inter-generational transmission of negative and immoral behaviours that are holding the DRC back. This is why the enforcement of morality and discipline at all levels of society might be a pre-requisite for successful state-building in the DRC. Morality plays a key role in state formation and collapse. The approach that only focuses on building state institutions fails to recognise that not only the state has failed, but that society has also collapsed. This is why nation-building (on soft issues: identity, social cohesion and morality) becomes a prerequisite to dealing with the problem of state collapse. One of key contribution of this study is the conviction that issues related to morality, ethics and norms should be central to efforts of state reconstruction in the DRC. It is the immorality in Congolese society that is the principal factor maintaining the dysfunctional state. It is unfortunate

that the design of state reform strategies in many failed states in Africa does not address the systemic social dysfunctions that underlie divisions and immoral proneness.

The failed nature of the DRC state is so profound that rebuilding will require a paradigm shift. The thesis proposes the reinforcement of state-society relations. Given the undemocratic tendencies in the DRC to exclude key sectors of society, state-building requires an inclusive political formula, which will allow all groups to feel part of the state. It is clear that the rebuilding of the state must pass through a democratisation process that is inclusive and just. The thesis has clearly demonstrated and this is in part its contribution that the way state-society relations evolve determines the nature of the state being reformed. The collapse of a state is always followed or preceded by the destruction of social order and social cohesion. Many decades of disorder have destroyed the Congolese social fabric. This work suggests that the instability and lack of progress on the democratic front and the resistance to efforts to transit from a failed state to a more functional state are products of the unsatisfactory relationships between government and society, and that any lasting solution requires the former to become more attuned and responsive to the latter.

During the interviews, a unique feature that was continuously coming up was the lethargy of the Congolese people in the face of serious abuse of power and corruption by the political elite. The Congolese remain polite and subservient despite clear evidence of the absence of a reliable and honest leadership, and they remain powerless to curb the continuous incidents of impunity at all levels of the state. The Congolese people's inability to deal head-on with issues of corruption and insufficient governance reproduces similar results. This is why any discussion on state formation in a multi-ethnic and unequal society such as the DRC needs to incorporate a class dimension. Democracy in the DRC has a material base which needs to be properly analysed. The internal chaos is maintained by corrupt elite at the helm of the state. We have in the DRC a comprador bourgeoisie that is consuming much without producing anything. The DRC remains in a primitive accumulation mode. In this situation the democratic state cannot sustain itself because it remains unable to address the material needs of citizens. Because the state in the DRC does not depend on taxes from its citizens to run government's activities (depends instead on foreign aid and revenue from the extractive industries), it is not moved to listen to citizens or respond to their demands.

This work recognises that in a society where interest groups are resistant to change, reforms are not always easy to achieve. They need decisive and courageous leadership. This work has demonstrated that the current DRC leadership is not capable of driving successful state reforms. There is nothing about it that can give hope of a different future, and it is difficult to define its nature and how it articulates the question of state transformation. The current leadership, both in government and outside government, does not have and is unable to produce a consistent programme of state reform with clear ideas of the ultimate aim. Those in power are preoccupied with the control of political power, which is the only way to material satisfaction. The fear of losing power forces them to spend all their time designing strategies to protect it, even when these efforts undermine democracy, peace and stability.

Joseph Kabila is performing the role of Big Men we have come to know on the continent, who are worshipped for their off-the-cuff remarks that have the power of law. He buys off members of parliament by passing out envelopes of cash. The state continues to function to preserve the interest of the alliance in power. The fact that the national assembly can be bought is a serious structural problem. Parliament continues to be a truncated version of representative democracy as it reflects the views, concerns and approach of a small group in power. Equally, the principle of the executive being accountable to parliament does not exist. When it is attempted it is for public relations purposes. This is not consolidating democracy; it is reversing democracy. It is clear that most constitutional reforms and institutional restructuring are tailor-made to ensure that they do not undercut the power of the ruling party. This is why it has been very difficult in the DRC to promote the Chapter 9 institutions. It is this political environment that has pushed some to argue that a society like the DRC is unprepared for democracy. It is not easy to identify real reformers in the DRC. It seems that everybody is on the side of anti-reformers. The resistance to change raises two important questions. Firstly, why would a failed state begin to increase its capacities; and secondly, how can it do so?

This thesis has avoided a one-size-fits-all approach. It has avoided a prescriptive approach to state-building. Different contexts require different solutions to solving what appear to be similar problems. Also rebuilding is never an automatic event. It is a process in which political changes (institutional habits and practices) are accompanied by social changes (changing patterns in the distribution of resources and power), and where new value systems (values that bind society

together rather than dividing) are built. But any post-war and post-dictatorship government is faced with certain essential actions.

The DRC the legal and constitutional foundation has to be laid for a non-ethnic, non-personalised and democratic society. This has to be followed by the modernisation of bureaucracy and state institutions and the promotion good governance. The country will have to prioritise order and the expansion of the state presence across the entire territory. This thesis maintains that a democratic state in the current territorial configuration of the DRC is possible, but a centralised state is not the best possible way to manage it. The DRC needs an administration that is capable of monitoring and ensuring state presence in all parts of the territory, which means a more decentralised administration. Excessive centralisation of power in the capital has contributed to the weakening of the state. This work argues that although the Congolese have demonstrated a strong commitment to maintaining the political cohesion of the country, a long term political vacuum caused by the failure of the central government to control the entire territory would perpetuate the cycle of violence and conflict. There is an urgent need to create a relatively strong and professional army capable of exercising power over the entire territory. Equally, there is need for an administration that is capable of monitoring and ensuring state presence in all parts of the territory.

For a post-war and post-dictatorship state which has successfully organised democratic elections, the most important element is to protect electoral democracy. This work has insisted on the necessity of ensuring that electoral democracy is protected, institutionalised, and continuously improved. It argues that unless democracy (together with improved governance) becomes the only game in town, as Adam Przeworski has suggested, it is impossible to reform the state in the DRC. There is clear evidence of the unwillingness on the part of those who control political power in the DRC to make a paradigm shift. This weakness is a manifestation of what Gunnar Myrdall calls “soft states”, states that continue to exist amidst corruption and disorder.

The thesis recommends that DRC resolves the problem of poor leadership. The problem of leadership is not confined to those in power alone. State reforms face serious limitations due to the nature and weaknesses of political parties and civil society in the DRC. The role of political parties and civil society are paramount if a democracy is to be consolidated. Political parties are

a key instrument for the articulation, aggregation and representation of political interests and principles in a modern, large-scale democratic system (Diamond: 1984). Political parties in the DRC display varying degrees of dysfunctionality and collapse. Since independence, political parties in the DRC have had little chance to properly organise and mature, despite limited initiatives to develop and provide technical assistance to political parties countrywide. As a result, political parties lack internal democratic culture, and have little capacity to represent the interests of their constituencies. In the process they are unable to provide alternative approaches for state and economic reforms. Their discussion usually revolves around the advantages of their sharing or taking power. They are personalised and fundamentally male-dominated, and tend to mobilise along ethnic and regional lines. Democracy in the DRC is being forged by political parties formed on the basis of ethnic groups, and this ethnicisation of politics is frustrating the birth of a national ideology. There are no ideologies around which to reconstruct the state in the DRC. Whatever appears as ideology is organised around ethnic identification. In the absence of the ideological contest among political parties, the DRC politics as Gregg Mills (2008:146) puts it "operate in a comparative conceptual vacuum." The real change that needs to happen is to develop political parties that have some institutional depth, coherence, organisation, and autonomy.

Equally, civil society would have to be more proactive and engaging, insisting that the government increases the quality of its governance both politically and economically. In the DRC we have a vibrant civil society which has contributed to the promotion of democracy and human rights at different stages. But this civil society, like the political parties, remains largely preoccupied with accessing power, and it is at the mercy of political parties' manipulation and external forces (which fund their activities). The origin of civil society in Africa is its greatest weakness. It draws its origin not from internal dynamics but from external forces (civil society being part of the Washington Consensus attempts to minimise the role of the state). This logic has not changed. It is not surprising that some argue that the main civil society organisations in Africa (especially non-governmental organisations, that have been mainstreamed in the development and governance processes) have become part of the market ideology to exclude citizens from the development process (Edigheji: 2005).

Congolese must own and direct state reforms process. One of the major external factors that impact negatively on state building efforts in the DRC is the level of control of the process by external players. A criticism about the democratic process in Africa is that it is often driven from outside (mostly through the funding of elections). This is a valid concern. In the early stages of a democratic process, especially with the first elections, it is not necessarily a bad thing for a failed state to receive funding to support democratic elections. But any government that is seriously committed to democracy as a foundation for state-building should ensure that subsequent elections are funded with internal resources, enabling citizens to reclaim the ownership of the democratisation process. In such an eventuality, state-building must be aligned with internal capacity. As such it must be incremental. It is clear that the international community's grandiose interventions in failed states are not sustainable in the long-run. If the state-building project in the DRC is to be legitimate and sustainable over time it has to be driven from within. It is here that civil society plays a key role in demanding free and fair elections, and good governance in the management of state resources. For civil society to play that role, it needs also to undergo a transformation, to make it democratic and knowledgeable of democratic principles and practice; hence the importance of promoting a competent and active civil society.

The thesis also suggests that it is imperative for the DRC to renegotiate its position in the global economy. The DRC remains a protected enclave of external interests based on access to resources. It has been kept as a reservoir of cheap mineral resources by western governments and multinationals, and now emerging markets such as Brazil, India and China will do the same if the Congolese fail to organise. The DRC has abundant natural resources to deal with poverty more effectively and quickly than many other African countries. The country is highly dependent on income from these resources (including minerals, oil and timber). The extractive industries overshadow all other sectors. But for the sector to become relevant two things must happen**.** First**,** the DRC must work to extricate itself from outside control and manipulation. The DRC, like most African countries, faces a big dilemma whether to continue to follow a western-driven development model or to embrace the new miracle, the Chinese model. African development models must be driven by African conditions, realities and interests. Despite its developmental outcomes (which are due to a particular set of conditions), China is an authoritarian political system that would be very dangerous for Africa to emulate (Khadiagala, 2010:205). On the other hand, China as trade partner presents an unprecedented opportunity for an African resource-

based development strategy to be pursued. The imbalance between national interests and external interests in favour of the latter, and the exploitation of resources, will continue to undermine state reconstruction if reforms are not introduced to the current economic and development model of the DRC. What it needs is to design and implement a governance regime that will ensure that the extractive industries contribute to economic growth and industrialisation. Second, the DRC must work to eradicate resource conflict. There is no doubt that the legacy of economic predation, use of resources to fund military interests and illegal trade in the country's natural assets in which many of those who are in power today were or are still involved, will continue to hinder any attempts to establish a functional state which controls the entire territory.

The DRC must find a formula to manage its abundant natural resources. The DRC is a dysfunctional state par excellence. It is really a stereotype of an African state rich in resources but poor in governance. The thesis proposes that DRC gets out of the situation in which it depends on selling crude resources. A progressive approach would be for the country to create downstream and upstream industries around the extractive industries. This would help diversify the countries' industrial base. The challenge for resource-rich countries is how to make the management of natural resource transparent and accountable. One of the most important components of state functionality is the capacity to raise the revenues necessary to finance government. For this to happen, there must be a demonstration of greater ability and willingness to implement reforms to achieve greater transparency and a more open political process that entails improved public accounting and government accountability.

This study maintains that a functional DRC state which protects and attends to its people's needs and participates in international relations is possible. But a one-fits-all approach to state-building (including an elected government and a peacekeeping mission) will not work in the DRC. Leaders and ordinary Congolese citizens need to be part of the solution. This thesis argues that while the nature of the state in the DRC which always vacillates between collapse state and failing state draws its origin from the Belgian colonisation, its maintenance and reproduction is principally a result of immoral patterns of Congolese behaviour. In the DRC, it is the political economy of corruption and neo-patrimonial structures that are hampering state-building efforts and yet what would help to turn around the state is an approach to politics that transcends the limits of the style of governance based on informal, personal and highly centralised power. It is

increasingly clear that the most desirable constitutional and institutional arrangements for a multi-ethnic, post-war and post-dictatorship society need to include: a power-sharing formula, the decentralisation of state structures, a truly parliamentary system and an electoral system that ensures representation, inclusiveness, and reconciliation.

Finally, this thesis does not offer a panacea for failed states. Looking at the performance of the continent, one is tempted to agree with those, such as Paul Collier (2007), who have argued that successful turn-arounds are not common. The central conclusion to this work is that expectations for state turn around in the DRC should be moderate. A state turn-around strategy will require decisive leadership that is prepared to engage all sections of society. This thesis has brought to the fore the importance of compound democracy, based on the idea of democratic governance. Democratic governance requires the deepening of democracy, an advance of the rule of law, the safeguarding of human rights, raising government efficiency, and promoting clean government. It seems that for any of these things to happen, any serious government in the DRC should take stock of what the transition, the 2006 elections and five years of democratic rule have achieved. Considering that peace has not returned to the country, and that democratisation is consolidating in form but not in substance, a new inclusive and transparent debate, led by Congolese themselves, might be necessary, not to reverse the positive aspects of what has been achieved, but to find a consensus on the normative framework which will guide the future DRC. This normative framework will define state-society relations, will determine the quality and values of leadership that the DRC needs, and define the kind of democracy that will fit into Congolese social, cultural and political realities.

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## Interviews

| | | |
|---|---|---|
| 1. | Atundu-Liongo Andre Alain | President of the Convention for Democracy and the Republic |
| 2. | Badu-Badu Pamphile | President of the Anti-corruption Commission, Transition |
| 3. | Banz Claudia | Political Affairs Officer, MONUC |
| 4. | Banza Sabin | Président of La *Ligue des Electeurs* |
| 5. | Bonzo Gerome | President of LINELIT |
| 6. | Bululu Lunda | Prime Minister under Mobutu leader in the RCD-Goma and now Senator |
| 7. | Defraigne Pierre | Executive Director IFRIS, Brussels |
| 8. | Diabate, Ali | Director of Elections, MONUC, Kinshasa |
| 9. | Dimanja, Elysee | Member of the National Assembly, Transition |
| 10. | Farther Ferdinand Muhigira | Executive Director, CEPAS |
| 11. | Hamuli Bodouin | National Coordinator, CENADEP |
| 12. | Isaac Elias | Country Director, OSISA- Angola |
| 13. | Jabwe Julbert Kazadi | Adviser, Ministry of Trade |
| 14. | Kaboyi Lambert | Former Press attaché of Laurent Kabila |
| 15. | Kundu Baby | Lawyer and In dependent Researcher |
| 16. | Kabumgulu Hubert: | Researcher, University of Kinshasa |
| 17. | Kalele Kabila | Lecturer, University of Lubumbashi |
| 18. | Kambale Pascal | Deputy Director Afrimap |
| 19. | Kapambwe Marcel Nyombo | Member of the National Assembly, Transition |
| 20. | Kaputo Samba | Security adviser to President Joseph Kabila |
| 21. | Karume Kaboyi Felix | Education Programme Manager, OSISA- DRC |
| 22. | Kazemba Jean Claude | Member of the national Assembly, transition |

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|---|---|---|
| 23. | Kikaya Bin Karubi | Former DRC Ambassador to Zimbabwe, Former Permanent Secretary in the Presidency; DRC Ambassador to Great Britain |
| 24. | Kisimba Albert | Coordinator IEC office, Katanga, DRC |
| 25. | Likwale Nicolas Lianza | President of Youth Today |
| 26. | Lufuma Juvenal Makanda | Former Executive Officer, OFIDA |
| 27. | M'Poko Bene | DRC Ambassador to the Republic of South Africa |
| 28. | Biyoya Makutu | University of Kinshasa and Policy Analyst |
| 29. | Malamba Chantal | President Kabila adviser |
| 30. | Malu Malu Apolinaire | President of the DRC EIC |
| 31. | Mampuya Augustin | Lecturer, University of Kinshasa |
| 32. | Mbuyu Jean | Former Security Adviser to President Laurent |
| 33. | Mokoko Parfait | Former Coordinator of NDI, DRC |
| 34. | Mukuli Georges | Lawyer and Program Manager SARW/DRC |
| 35. | Mumba Barthelemy Gama | Former Secretary General of the RCD-Goma |
| 36. | Muyambo Jean Claude | Former Minister of Humanitarian Affairs |
| 37. | Nabudere Dani | Executive Director, MPAI |
| 38. | Nevhutalu Zwo | IEC, South Africa |
| 39. | Ngalula Josephine | President of Women Network for Action, DRC |
| 40. | Ngongo Rene | Greenpeace |
| 41. | Ngoma Binda: | Lecturer, University of Kinshasa |
| 42. | Ngombane Sisa | Former South African Ambassador to the DRC |
| 43. | Nsapu Paul | Former Executive Director, LE |
| 44. | Nyembo Justin Muta'hile | Geologist and Adviser Ministry of Mines, DRC |

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| 45. | Obotela Noel Rashidi | Lecturer, University of Kinshasa |
| 46. | Pararo Ernest | President of the Fight Against Corruption, DRC |
| 47. | Shonza Georges | Executive Director, CRONG |
| 48. | Sumahili Koloso | Member of the RCD-KML |
| 49. | Swing William | Representative of the United Nations Secretary of the United Nations to the DRC. |
| 50. | Thobi Vincent: | Director, EISA- DRC |
| 51. | Tlakula Pansy: | Chief Executive Officer, IEC, South Africa |
| 52. | Tshimena Delphin | Consultant, World Bank, RDC |
| 53. | Tshiswaka Hubert | Director, OSISA-DRC |
| 54. | Wamba dia Wamba Ernest | Former President of the RCD-Kisangani |
| 55. | Ziratimana Thomas | Chief Representative of RCD during the war |