The role of the UN Organisation Mission in the Democratic Republic of the Congo (MONUC) with regard to democracy and human rights in the Democratic Republic of the Congo (DRC)

by

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DECLARATION

I, Mikobi Eugène Bope, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Mikobi Eugene BOPE, 19 /April/2011.

ABSTRACT

The Democratic Republic of the Congo (DRC) is a vast country in the Great Lakes region of Africa torn apart by repeated armed conflicts. As from September 1998, the conflict in the country attracted attention of the international community with the number of deaths estimated at around 3.3 million people.

The 1998 armed conflict was the most complex in Africa, due to an intricate cluster of international and external factors, with up to nine states militarily involved inside the Congolese territory. These are grouped into two opposing sides, composed on the one side by the Kinshasa government with its Angolan, Namibian and Zimbabwean allies and on the other side a divided set of rebel groups composed of the *Rassemblement Congolais pour la Démocratie* (RCD) and the *Mouvement pour la Libération du Congo* (MLC) with their allies from Rwanda and Uganda.

The United Nations (UN) Security Council is engaged in supporting international peace and security according to Chapters VI, VII and VIII of the UN Charter. The UN Organisation Mission in the Democratic Republic of the Congo (MONUC) is a special mission sanctioned by the UN as an effort to solving the political problems in the DRC in line with the adoption of resolutions 1355 (2001), 1376 (2001), 1417 (2002), 1445 (2002), 1493 (2003), 1565 (2004) and 1625 (2005) by the UN Security Council. It was established that MONUC confronted challenges of peace implementation, especially in the Eastern DRC.

The aim of this research is to examine the role of MONUC with regard to the promotion of democracy and human rights in the DRC. Thus, from November 1999, MONUC started to operate in the Congolese peace process for the restoration of democracy, as well as the promotion of human rights in the country.

This research report will demonstrate that MONUC contributed with strong political support towards the organisation of the 2006 national democratic elections. Meanwhile, the war was ended throughout the country, but human rights abuses continued to be committed in some Eastern areas up to date.

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TABLE OF CONTENTS

Chronology of Key Events of the Democratic Republic of the Congo

Vianney Dong, World Vision Congo communications Manager [1]

1885　　King Leopold II of Belgium announces the establishment of the Congo Free State, headed by him.

1891-92　Belgians conquer Katanga.

1892-94　Eastern Congo wrested from the control of East African Arab and Swahili speaking traders.

1908　　Belgian state annexes Congo amid protests over killings and atrocities carried out on a mass scale by Leopold's agents. Millions of Congolese are said to have been killed or worked to death during Leopold's control of the territory.

1955　　Belgian Professor Antoin van Bilsen publishes a "30-Year Plan" for granting the Congo increased self-government.

1959　　Belgium begins to lose control over events in the Congo following serious nationalist riots in Leopoldville (now Kinshasa).

Post-Independence Turmoil

1960 Jun　Congo becomes independent with Patrice Lumumba as prime minister and Joseph Kasavubu as president.

1960 Jul　Congolese army mutinies; Moise Tshombe declares Katanga independent; Belgian troops sent in ostensibly to protect Belgian citizens and mining interests; UN Security Council votes to send in troops to help establish order, but the troops are not allowed to intervene in internal affairs.

1960 Sep　Kasavubu dismisses Lumumba as prime minister.

1960 Dec　Lumumba arrested.

1961 Feb　Lumumba murdered, reportedly with foreign complicity.

1961 Aug　UN troops begin disarming Katangese soldiers.

1963　　Tshombe agrees to end Katanga's secession.

1964　　President Kasavubu appoints Tshombe prime minister.

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[1]Dong, V, World Vision Congo Communications Manager, <u>Timeline of Democratic Republic of Congo History& Key Events</u>, http://www.larryshort.com/congo/timeline.pdf.

Mobutu Years

1965   Kasavubu and Tshombe ousted in a coup led by Joseph Mobutu.

1971   Joseph Mobutu renames the country Zaire and himself Mobutu Sese Seko; also, Katanga becomes Shaba and the river Congo becomes the river Zaire.

1973-74   Mobutu nationalizes many foreign-owned firms and forces European investors out of the country.

1977   Mobutu invites foreign investors back, without much success; French, Belgian and Moroccan troops help repulse attack on Katanga by Angolan-based rebels.

1989   Zaire defaults on loans from Belgium, resulting in a cancellation of development programmes and increased deterioration of the economy.

1990   Mobutu agrees to end the ban on multiparty politics and appoints a transitional government, but retains substantial powers.

1991   Following riots in Kinshasa by unpaid soldiers, Mobutu agrees to a coalition government with opposition leaders, but retains control of the security apparatus and important ministries.

1993   Rival pro- and anti-Mobutu governments created.

1994   Mobutu agrees to the appointment of Kengo Wa Dondo, an advocate of austerity and free-market reforms, as prime minister.

1996-97   DRC Tutsi rebels capture much of eastern Zaire while Mobutu is abroad for medical treatment.

Aftermath of Mobutu

1997 May   DRC Tutsi and other anti-Mobutu rebels, aided principally by Rwanda, capture the capital, Kinshasa; Zaire is renamed the Democratic Republic of Congo; Laurent-Desire Kabila installed as president.

1998 Aug   Rebels backed by Rwanda and Uganda rise up against Kabila and advance on Kinshasa. Zimbabwe, Namibia send troops to repel them. Angolan troops also side with Kabila. The rebels take control of much of the East of the DR Congo after being beaten by Kabila and his allies in the South Western part of Congo.

1999   Rifts emerge between Congolese Liberation Movement (MLC) rebels supported by Uganda and Rally for Congolese Democracy (RCD) rebels backed by Rwanda.

Lusaka Peace Accord Signed

1999 Jul   The six African countries involved in the war sign a ceasefire accord in Lusaka.

1999 Aug   The MLC and RCD rebel groups sign the accord.

2000   UN Security Council authorises a 5,500-strong UN force to monitor the ceasefire but fighting continues between rebels and government forces, and between Rwandan and Ugandan forces.

2001 Jan   President Laurent Kabila is shot dead. Joseph Kabila succeeds his father.

2001 Feb   Kabila meets Rwandan President Paul Kagame in Washington. Rwanda, Uganda and the rebels agree to a UN pullout plan. Uganda, Rwanda begin pulling troops back from the frontline.

2001 May   US refugee agency says the war has killed 2.5 million people, directly or indirectly, since August 1998. Later, a UN panel says the warring parties are deliberately prolonging the conflict to plunder gold, diamonds, timber and coltan, used in the making of mobile phones.

2002 Jan   Eruption of Mount Nyiragongo devastates much of the city of Goma.

Search for Peace

2002 Apr   Peace talks in South Africa: Kinshasa signs a power-sharing deal with Ugandan-backed rebels, under which the MLC leader would be premier. Rwandan-backed RCD rebels reject the deal.

2002 Jul   Presidents of the DR Congo and Rwanda sign a peace deal under which Rwanda will withdraw troops from the East and the DR Congo will disarm and arrest Rwandan Hutu gunmen blamed for the killing of the Tutsi minority in Rwanda's 1994 genocide.

2002 Sep   Presidents of the DRC and Uganda sign peace accord under which Ugandan troops are to leave the DRC.

2002 Sep/Oct Uganda, Rwanda say they have withdrawn most of their forces from the East. UN sponsored power-sharing talks begin in South Africa.

2002 Dec   Commencement of the Inter-Congolese Dialogue (ICD) in Pretoria. Rebels and opposition members are to be given portfolios in an interim government.

Interim Government

2003 Apr   Signing of the Global and All Inclusive Agreement at Sun City
President Kabila signs a transitional constitution, under which an interim government will rule pending elections.

2003 May   Last Ugandan troops leave Eastern DR Congo.

2003 Jun   French soldiers arrive in Bunia, spearheading a UN-mandated rapid-reaction force. President Kabila names a transitional government to lead until elections in two years time. Leaders of main former rebel groups are sworn in as vice-presidents in July.

2003 Aug   Interim parliament inaugurated.

2004 Mar   Gunmen attack military bases in Kinshasa in an apparent coup attempt.

2004 Jun   Reported coup attempt by rebel guards is said to have been neutralized.

2004 Dec   Fighting in the East between the Congolese army and renegade soldiers from a former pro- Rwanda rebel group. Rwanda denies being behind the mutiny.

2005 Mar   UN peacekeepers say they have killed more than 50 militia members in an offensive, after nine Bangladeshi soldiers serving with the UN are killed in the Northeast.

New Constitution

2005 May   A new constitution, with text agreed to by former warring factions, is adopted by parliament.

2005 Sep   Uganda warns that its troops may re-enter the DR Congo after a group of Ugandan Lord's Resistance Army rebels enter via Sudan.

2005 Nov   A first wave of soldiers from the former Zairian army returns after almost eight years of exile in the neighbouring Republic of Congo.

2005 Dec   Voters back the new constitution, already parliament-approved, paving the way for the 2006 elections.

The International Court of Justice rules that Uganda must compensate the DRC for rights abuses and the plundering of resources in the five years up to 2003.

2006 Feb   The new constitution comes into force; the new national flag is adopted.

2006 Mar   Warlord Thomas Lubanga becomes the first war crimes suspect to face charges at the International Criminal Court in The Hague. He is accused of forcing children into active combat.

2006 May   Thousands are displaced in the Northeast as the army and UN peacekeepers step up their drive to disarm irregular forces ahead of the elections.

2006 Jun   Launch of official electoral campaigns in the DRC. The European Union approves the deployment of around 2,000 troops in DR Congo ahead of 30 July polls.

2006 Jul   First democratic elections take place.

Map of the Democratic Republic of the Congo
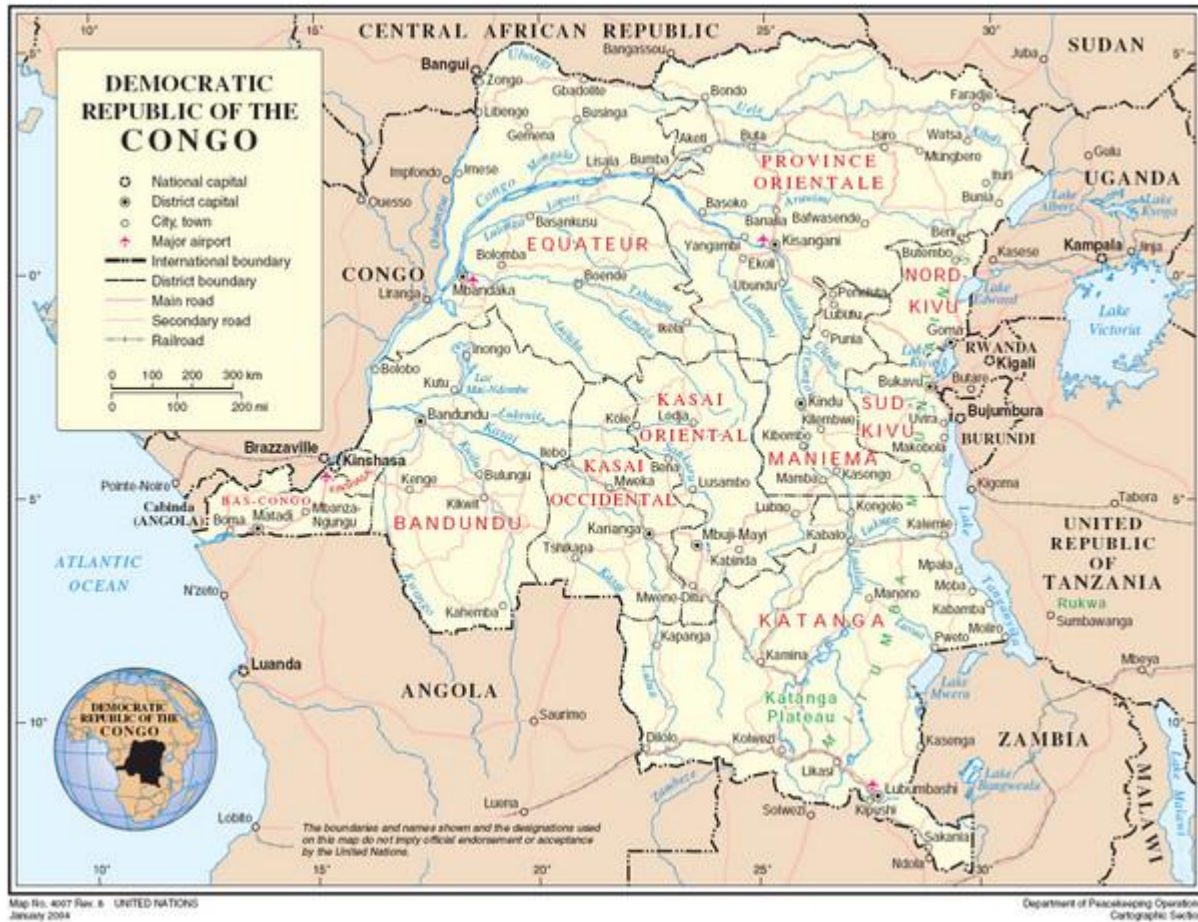
Acronyms and abbreviations

AFDL	Alliance des Forces Démocratiques pour la Libération du Congo
ANR	Agence Nationale de Renseignements
AMP	Alliance de la Majorité Présidentielle
CCTV	Canal Congo Télévision
CDR	Coalition for the Defence of the Republic
CIAT	Comité International d'Accompagnement de la Transition
CONADER	Commission Nationale pour la Démobilisation et la Réinsertion
CPP	Comité du Pouvoir Populaire
DDR	Disarmament, demobilisation and reintegration
DDRRR	Disarmament, demobilisation, repatriation, reinsertion and reintegration
DEMIAP	Détection Militaire Anti-Patrie
DRC	Democratic Republic of the Congo
EU	European Union
FAPC	Forces Armées du Peuple Congolais
FARDC	Forces Armées de la République Démocratique du Congo
FDD	Forces de Défense pour la Démocratie (Burundi)
FDLR	Forces Démocratiques de Libération du Rwanda
FHI	Freedom House Index
FNLA	Frente National de Libertação de Angola
FNI	Front des Nationalistes et Intégrationnistes
FPR	Front Patriotique Rwandais
FRELIMO	Frente de Libertação de Moçambique
GSP	Garde Spéciale Présidentielle
HAM	High Media Authority
ICRC	International Committee of Red Cross
ICC	International Criminal Court

ICD	Inter-Congolese Dialogue
IDP	Internally Displaced Persons
IEC	Independent Electoral Commission
IEMF	Interim Emergency Multinational Force
IGO	intergovernmental organisation
IPC	Ituri Pacification Commission
JUFERI	Jeunesse de l'Union des Fédéralistes Républicains Indépendants
MLC	Mouvement pour la Libération du Congo
MPLA	Movimento Popular de Libertação de Angola
MONUC	UN Organisation Mission in the DRC
MRC	Mouvement des Révolutionnaire Congolais
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NHRO	National Human Rights Observatory
OHCHR	(UN) Office of the High Commissioner for Human Rights
ONUMOZ	UN Mission in Mozambique
OAU	Organisation of African Unity
PALU	Parti Lumumbiste Unifié
PNC	Police Nationale Congolaise
PPRD	Parti pour la Reconstruction et le Développement du Congo
RCD	Rassemblement Congolais pour la Démocratie
RCD-G	RCD-Goma
RCD-ML	Rassemblement Congolais pour la Démocratie Kisangani-Mouvement de Libération
RCD-N	RCD-National
RENAMO	Resistencia National Mocambicana
RPF	Rwanda Patriotic Front/Army
RTKM	Radio Télé Kin Malebo
RTMV	Radio Télé Message de Vie

RTNC   Radio Télévision Nationale Congolaise

SADC   South African Development Community

SNC   Sovereign National Conference

SWAPO   South West African People's Organisation

TRC   Truth and Reconciliation Commission

UDEMO   Union des Démocrates Mobutistes

UDHR   Universal Declaration of Human Rights

UDPS   Union pour la Démocratie et le Progrès Social

UN   United Nations

UNANIR   UN Assistance Mission in Rwanda

UNAVEM   UN Angola Verification Mission

UNEF   United Nations Emergency Force (Sinai)

UNICEF   United Nations Children's Fund

UNITA   Unaio Nacional Para Independencia Total de Angola

UNTAC   UN mission in Cambodia

UNITAF   United Task Force

UNMOGIP   United Nations Military Observer Group in India and Pakistan

UNOSOM   UN Operation in Somalia

UNTSO   United Nations Truce Supervision Organisation

UNTAG   UN Transition Assistance Group

UPC   Union des Patriotes Congolais

USORAL   Union Sacrée de l'Opposition Radicale

INTRODUCTION

Background of the Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) is located in Central Africa, bordered in the North by the Central African Republic and Sudan; in the South by Zambia and Angola; in the East by Burundi, Rwanda, Tanzania, and Uganda; and in the West by the Republic of Congo (Congo-Brazzaville). The DRC stretches over 2,345 square kilometres and it is the second largest country on the African continent after Sudan. Geographically, it also includes the greater part of the Congo River basin which covers an area of 400,000 square metres.[2] The country lies on the Equator, with one-thirds size of it to the North and two-thirds to the South. The key natural resources found in the country are copper, cobalt, diamonds, gold, petroleum, wood and hydroelectric potential. Its population is estimated at 56 million people that consist of more than 250 ethnic groups distinguished and named, speaking about 700 local languages and dialects.[3] The language of administration is French but other intermediary languages such as Kikongo, Tshiluba, Swahili, and Lingala are also widely spoken. About 80% of the Congolese population is Christian, and predominantly Roman Catholic.[4] The administrative subdivision of the country consists of eleven provinces, and the capital city is Kinshasa.

Diego Cao, a Portuguese navigator, discovered the area by the river basin in 1482 and later on the country went through different stages of colonization. For instance in 1885, the country was the personal possession of the Belgian King Leopold II, but in 1907 administration shifted from King Leopold II to the Belgian government and the country became Belgian Congo up until its independence on the 30 June 1960. After independence, Belgian Congo became a sovereign African state which was renamed Congo-Leopoldville.[5]

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[2] Kabemba, C(1), "The Democratic Republic of Congo", in Clapham, C, Herbst, J and Mills, G (eds): Big African States, Wits University Press, Johannesburg, 2001, p 97
[3] Ibid, p 99
[4] Missionary Atlas Project Africa, Democratic Republic of the Congo (formally Zaire), http://worldmap.org/maps/other/profiles/democratic%20republic%20of%20the%20congo/Republic%20of%20the%20Congo.pdf
[5] Radmann, W, The Nationalization of Zaire's Copper: From Union Miniere to GECAMINES, Indiana University Press, 1977

Rationale

There are recent publications that discuss the role that the United Nations (UN) plays through its peacekeeping operations in relation to ending human rights abuses, wars and restoring human rights and democracy within the territory of a given member state. This study is a further exploration in this perspective. The contribution that this research is going to make to the academic world is to help determine a framework for preventing prolonged conflict. This research hopes to come up with a framework that relates to the traditional mode of UN peacekeeping operations and experiences by seeking to find answers about the UN Organisation Mission in the DRC (MONUC) on the promotion of democracy and human rights in the DRC. Information from this research may well contribute to the range of existing International Relations theories. Thus this study hopes to shed more light and contribute to the understanding of the impact and support of the UN peacekeeping operations on the promotion of democracy and human rights by evaluating the MONUC influence in the DRC. With the establishment of different national institutions through elections held in 2006, the time has come to evaluate the results of the role of the MONUC in the country, as the DRC becomes progressively a law-abiding state.

Aim of the study

MONUC is a special mission sanctioned by the UN as part of solving the political problems in the DRC in line with the adoption of resolutions 1279, 1291, 1493, 1565 and 1592 by the UN Security Council.[6] This research will examine the effectiveness of the MONUC mission in the restoration of democracy and human rights, and its impact in the DRC. The study is a project that seeks to document and explore the complexity of challenges faced by MONUC in the DRC on the one hand and on the other hand to establish its impact and the kind of support it has on the promotion of democracy and human rights in the DRC.

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[6] MONUC: United Nations Organization Mission in the Democratic Republic of the Congo, Democratic Republic of the Congo-MONUC- Mandate, www.monuc.org/Depts/dpko/missions/monuc/mandate.html

Methodology

Research methods and data collection

The analysis will focus on the achievement of first generation rights, namely civil and political rights, as these are good indicators of democracy. Much of the information on first generation human rights will come from primary and secondary sources such as the MONUC reports, books, articles, academic journals and scholarly publications. In addition, this research will also use information from the Freedom House Index (FHI), Human Rights Watch and the UN Office of the High Commissioner for Human Rights (OHCHR) reports because they systematically investigate human rights abuses around the world. They are reliable sources of information for investigation of human rights and democracy in the DRC.

Data analysis

The approach of this study will entail focusing on the implementation of first generation rights as an indicator of democratisation. This procedure provides a good basic standard framework of democracy and human rights through political rights and civil liberties in the DRC as the focus of this study. Furthermore, the content analysis technique will be used to analyze the raw data. Content analysis is a method of analysis used in qualitative research in which texts, documents or speech related to each other are systematically examined, specified and identified in emerging group themes and coded after determining and classifying categories.[7]

Timeline

This research specifically will cover data from the period starting 1999, the year of the set up of MONUC by the UN Security Council, up to 2006, which was the year of the first national democratic elections held in the DRC since independence in 1960.

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[7]Stembler, S, <u>An overview of content analysis</u>, Yale University PACE Centre, http://pareonline.net/getvn.asp?v=9&n=4 , 2004

Research structure

This study comprises four chapters. The first chapter covers the concept of institutional liberalism in International Relations. The goal of this chapter is to build a theoretical framework for the analysis of peace implementation and post conflict reconstruction in the DRC. The second chapter traces the historical overview of the UN peacekeeping missions in Africa and provides background information on UN peacekeeping in Africa, as well as the UN mission in the DRC, its mandate and support during the Congo war. The third chapter analyses and discusses the transition to democracy and the role of MONUC in the DRC. It details the various Congolese transitional political systems toward democracy for both periods 1990 to 1997 and 2003 to 2006 that preceded the organisation of elections in 2006. It also analyses the role of MONUC and the peace implementation as well as electoral processes and MONUC's support in the DRC. The fourth chapter focuses on the effectiveness of MONUC with regard to democracy and human rights in the DRC. It highlights the impact of MONUC on the major political transition to democracy and evaluates MONUC impact on human rights in the DRC. Moreover, it summarizes the key findings of primary and secondary sources from war to peace in the DRC for more effective approaches to analyzing the question of whether or not the MONUC presence brought about democracy through elections, as well as ended the Congo wars and abuses.

Chapter one: CONCEPTUALIZING INSTITUTIONAL LIBERALISM

Introduction

This chapter will outline the theory of institutional liberalism taken from the discipline of International Relations. This is followed by a brief overview of the conceptual context of peacekeeping construed by an international organisation with a genuine ability for the success of peace operations. The chapter will emphasize how the theory is relevant to this study. In addition, discussions will take place on how peacekeeping as an institutional tool works through facilitating cooperation and mediation within a given state, relying on institutional liberalism theory for the clear conceptual framework of the study. Liberalism is the International Relations theory that is most applicable for this study as theory. Yet, liberal theory contains numerous strands such as sociological liberalism, interdependence liberalism, republican liberalism, neorealist critiques of liberalism and institutional liberalism.[8] Institutional liberalism is the International Relations theory which emerged after the First World War when the League of Nations was founded.[9] It is also a liberalism predominate theory which outlines better the importance of international institutions such as intergovernmental organisation (IGOs) to promote cooperation and mediation between states. The theory focuses on the positive results of IGOs or international institutions in facilitating easier cooperation and negotiation.[10]

1.1. Theory of institutional liberalism

Institutional liberalism is a contemporary theory that emerged in liberal thought which argues that international organisations such as the UN, the North Atlantic Treaty Organisation (NATO) or the European Union (EU) are international institutions or sets of rules that govern state action in particular areas.[11] International institutions can strengthen and give support to cooperation between states. Institutional liberalism is the most prominent liberal internationalist theory explaining the way international institutions are more than mere

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[8] Jackson, R and Sorensen, G, <u>Introduction to International Relations, Theories and approaches</u>, Oxford University Press Inc, New York, 2003, p 108
[9] <u>Ibid</u>, p108.
[10] <u>Ibid</u>, pp 117-120
[11] <u>Ibid</u>, p 117

handmaidens of strong states.[12] This means that state behaviour is restrained while actors are cooperating.

The basic ideas of institutional liberalism in International Relations according to Robert Keohane are threefold: (1) "to provide a flow of information and opportunities to negotiate; (2) to enhance the ability of governments to monitor others' compliance and (3) to implement their own commitments hence their ability to make credible commitments in the first place; and strengthen prevailing expectations about the solidity of international agreements."[13] Moreover, Robert Keohane and Lisa Martin argued that institutions provide valuable information by facilitating cooperation for the settlement of distributional conflicts among states.[14] Indeed, following the role of institutions in International Relations, Robert Keohane and Lisa Martin, institutional liberalists' scholars, posit the importance that cooperation between states through international institutions is most important for addressing the interaction of policy environment outcomes. The theory is suitable for this research since it argues that "IGO's foster nonviolent conflict resolution and constrain the advent of disputes."[15]

In this perspective, the institutional liberalism theory recognizes international institutions like the UN as important organisations that facilitate mediation by promoting norms and values, as well as making cooperation easier by seeking harmony between and within member states in international relations. In addition, by playing its role, the UN contributes naturally and voluntarily, enabling states to achieve harmony with each other, as well as promoting common interests and mutual goals. Finally, through various actors, UN commitment to disputes resolution reduces states fear of each other.

Moreover, Robert Keohane focused on the importance and the major role of international institutions through which states can enter into cooperation. He argues that, "international institutions (persistent and connected sets of rules) as both formal and informal structures that influence behavioural roles, constrain activity, and shape expectations."[16] For Keohane, the

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[12] Ibid, p 117
[13] Ibid, p 120
[14] Keohane, R and Martin L, The promise of Institutional Theory, International Security, Vol. 20, No. 1, The MIT Press, , 1995, pp 39-51
[15] Boehmer, C, Gartzke, E and Nordstrom, T, "Do Intergovernmental Organizations promote peace?" , World Politics, Vol. 57, No. 1, Project MUSE, The Johns Hopkins University Press, 2004, p 1
[16] Keohane, R, "International Institutions: Two approaches", International Studies Quarterly, Vol. 32, No. 4, 1988, p 383

most important function of international institutions "is to facilitate negotiations leading to mutually beneficial agreements among governments."[17]

The institutional liberalism theory suggests a form of experiential implications on international institutions which can vary in their impact on interstate disputes. Adhering to the widely institutional liberalism theory suggests IGOs are effective at fostering harmony among states, because they are capable of transforming state preferences as well as promoting pacific global relations.[18] Furthermore, institutional liberalism conceives that institutions or IGO's have an ability of influencing both intrastate and interstate conflicts. As a result, IGO's can be given attributes of information arbitrageur, mediator, and peacekeeping operation in order to overcome conflicts between states or belligerents through peace agreements. Institutional liberalism assumes that international institutions can be and are prominent in coordinating cooperation for common interests among states. Therefore, it is necessary for states to follow institutional liberalism pattern in order to gain more frequent cooperation.

However, in practice, institutional liberalism theory to peacekeeping has revealed some shortcomings, such as the situation in Darfur. The Darfur experience has been problematic. Indeed, even when the UN has acted in the conflict, it failed to offer a way forward (cooperation and negotiation between belligerents). Instead of focusing on protection for the at risk population and facilitating cooperation, the UN responded with condemnation and sanctions.[19]As a result, internal conflict erupted in Sudan between Janjaweed Arab militias supported by the government and rebels which displaced more than 2 million people to neighbouring countries. Similarly, in Somalia, the UN failed to end a civil war and famine which killed thousands of people during the bloodiest period. Therefore, in many cases, peacekeeping missions did not achieve their goals. The UN failed to embrace the core objectives such as type and major power status of peacekeeping missions. From the above analyses, the evidence suggests that IGOs have no-uniform effect on states; they may both increase or decrease conflicts.[20]

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[17] Christer, J and Jonas T, Institutional Theory in International Relations: Institutional Theory in Political Sciences, www.statsvet.su.se/publikationer/tallberg/joensson_tallberg_institutional_theory.pdf , p 12

[18] Boehmer, C, Gartzke, E and Nordstrom, T Op Cit p 1

[19] Kuperman, A, "Rethinking the Responsibility to protect", The Whitehead Journal of Diplomacy and International Relations, www.strausscenter.org/system/uploads/4/original/Kuperman-Whitehead-R2P-2009-final.pdf?1266510828 , 2009

[20] Boehmer, C, Gartzke, E and Nordstrom, T Op Cit p 3

Above all, international institutions such as the UN peacekeeping missions play a vital role in organizing and facilitating mediation in both intrastate and interstate conflicts. The term intrastate conflict in this study refers to armed conflict or civil war such as violence on civilians which can involve the ethno-political conflicts within the borders of a country or state.[21] Viewing intrastate conflict, the Office of Women in development, a USA Agency for International Development stated that "intrastate conflict has deep and long-lasting effects on a country and its people"[22] whereas, interstate conflict refers to a war between two or many countries. The case study is the culmination of institutional liberalism theory which considers the role of international institutions in both intrastate and interstate conflict. A key element of these analyses that relates to the impact of IGOs on dispute behaviour is the implication of the mandate, member cohesion and institutional structure of the peacekeeping operation for preventing both internal and interstate conflicts.

1.2. Application of Institutional Liberalism to the DRC case study

The theoretical approach outlined above contributes to the present study by establishing a tool for examining how an institution or IGO via a peacekeeping operation can be an instrument or a technique for facilitating conflict resolution between states, as well as in dealing with difficult conflicts inside a given state.

Prominent contributions from Robert Keohane are useful as a conceptual framework and are relevant to this study because they explain some general ideas and key components that contribute to a better perception of the topic. Some of these ideas and components help to illustrate the theory on the role that a peacekeeping operation plays in bringing about democracy and human rights.

According to institutional liberalists, IGOs like the UN are meant to play a central role in international relations by providing a flow of information and creating opportunities to negotiate while enhancing the ability of governments to monitor other's compliance with agreements and commitments and strengthening expectations about the cohesion or solidity of international agreements.[23] Therefore IGOs in this theory can be conceptualized as the

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[21] Office of Women in Development, USA Agency for International Development, Intrastate Conflict and Gender, Information Bulletin no 9, http://pdf.usaid.gov/pdf_docs/PNACP514.pdf, December 2000
[22] Ibid
[23] Jackson, R and Sorensen, G, Op Cit pp 117-120

primary instruments of fixing sets of rules that specify, govern action and shape expectation for stable peace development.[24]

The institutional liberalism perspective better informs the analysis of the intervention of MONUC in the DRC. Since international organisations have the ability to influence states' behaviours, the institutional liberalist approach can enhance the understanding of MONUC's role in the DRC. The theory will determine how MONUC has worked to achieve the transitional processes and mechanisms towards democratic elections that were politically possible for the DRC. MONUC is a peacekeeping mission which seeks to address democracy and human rights in the DRC. Once MONUC's role is fully understood, it becomes easier to evaluate point by point its impact on human rights and democracy in the DRC. By understanding more of the influence of MONUC, it is also easy to evaluate its impact on Congolese disputes through its mandate, its member cohesion as well as its structure. Therefore, in the interpretation of institutional liberalism used in this study, MONUC is simply a special mission mandated by the UN Security Council through which all belligerent factions, the Congolese government and countries involved in the DRC conflict negotiated for the implementation of peace operations in the country. Examining MONUC from Robert Keohane's contributions and comparing this analysis to the achievement of civil and political rights, a complete picture and representation of human rights and democracy in the DRC emerges.

The UN framework gives MONUC (according to the UN Charter's Chapter VI) a number of ways of facilitating conflict resolution in the DRC through cooperation. This cooperation consists in supervising ceasefires; delivering humanitarian supplies; facilitating transition towards democracy; supporting the national electoral framework; and supporting the establishment of national human rights and rule of law based standards set by the UN with regards to democracy and human rights. In addition, Chapter VII of the UN Charter gives the UN the basis for the use of force to maintain peace and security in the DRC in order to achieve its mission. In my view, by clarifying Keohane's contributions in relation to MONUC, this theory can be conceptualized as a primary instrument of fixing sets of rules

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[24] Sorensen, G, <u>Liberalism of Restraint and Liberalism of Imposition: Liberal Values and World Order in the New Millennium</u>, www.fpvmv.umb.sk/fpvmv_www/phprs/storage/File/ksp/GLUN/IR_2006_3_Soerensen_liberalism_liberal_order.pdf, 2006

that specify, govern action and shape expectation for stable peace development in the DRC.[25] Indeed, MONUC played a central role in the DRC by providing a flow of information and creating opportunities to negotiate while enhancing the ability of belligerent factions and the Congolese government as well as countries involved in the conflict to comply with the Lusaka agreement as well as strengthening their expectations about the cohesion or solidity of the agreement.

The theoretical analysis of the present study will build upon institutional liberalism assumptions and the proposition that international organisation like the UN through MONUC can contribute to a better understanding of the concept of peacekeeping as a relevant theory to deal with conflicts

1.3. Theory of peacekeeping

The term "peacekeeping" was used for the first time after the Second World War in 1956, for the UN to preserve peace between states. Since that time, peacekeeping expanded significantly in international approaches to maintaining ceasefires and stabilizing situations on the ground.[26] Thus, from the very beginning, the UN General Assembly succeeded in creating the first emergency force concerning the conflicts in Egypt around the Suez canal, the "United Nations Emergency Force (Sinai) I" (UNEF I).[27] It was organized to monitor the withdrawal of British, French and Israeli forces from the Suez Canal.[28] However, the peace operation seeking ways for preventing conflict in the Suez Canal faced several challenges which led the UN General Assembly to set up a new policy to deal with such matters. In this perspective, the SPECIAL COMMITTEE ON PEACEKEEPING was created in the Suez crisis. Dag Hammarskjöld, the second UN Secretary-General, described peacekeeping as belonging to "Chapter Six and a Half of the Charter".[29] In his view, "peacekeeping is placed between traditional methods of resolving disputes peacefully, such as negotiation and mediation under Chapter VI, and more forceful action as authorized under Chapter VII".[30]

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[25] Ibid.
[26] United Nations Information Service, 60 years of United Nations Peacekeeping: Looking back/Moving forward, Vienna International Centre, www.unis.unvienna.org/pdf/60years_peacekeeping.pdf, May 2008, p 1
[27] Rikhye, I, The theory and practice of peacekeeping, published for the International Peace Academy by C. HURST & Company, London, 1984, p 2
[28] Ibid, p 2
[29] United Nations Information Service, Op Cit p 3
[30] Ibid, p 3

It is also imperative to remind ourselves that peacekeeping should be differentiated from peace building while the two take place concomitantly. Peacekeeping is defined as "the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. It is a technique that expands the possibilities for both the prevention of conflict and the making of peace."[31]

A fundamental aim of any peacekeeping action or operation is to influence through its presence belligerent factions in conflict to bring them together in a sustained peace process. UN peacekeeping has the responsibility, according to its different types of activities, in ensuring the maintenance of international peace and security through monitoring the cease-fire agreement, involving arms-control verification, human rights monitoring, election supervision, facilitating transitional politic governments, implementing disarmament, demobilization and reintegration programmes and improving human conditions for sustainable peace.[32] For the success of international peace, peacekeeping is one of the conflict resolution procedures which allow the UN to be represented in the field by deploying personnel and military with the consent of belligerent parties in order to separate them for the prevention and removal of threats to the peace.

According to Ciobanu, the concept of peacekeeping therefore should be understood in its *stricto sensu* concept which explains peacekeeping as those operations which are carried out by organized armed forces of the United Nations acting, as a rule, with the cooperation of the parties involved in political or military conflict.[33] Relying on the *stricto sensu* concept of peacekeeping given by Ciobanu, it is important to emphasize that peacekeeping operations within the UN framework always influence and provide a forum for negotiations to belligerent parties in international conflict. As a result, peacekeeping operations include the deployment of a UN military presence on the ground with the consent of all belligerent parties to the conflict and its mandate depends on its nature. According to its mandate, the

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[31] Report of the Secretary-General Pursuant to the Statement adopted by the Summit Meeting of the Secretary Council on 31 January 1992, <u>An Agenda for Peace Preventive diplomacy, Peacemaking and peacekeeping</u>, www.unrol.org/files/A_47_277.pdf, A/47/277-S/24111, June 1992

[32] Serafini, M, N, Foreign Affairs, Defence and Trade Division, <u>Peacekeeping and Related Stability operations:</u> <u>Issues of US Military Involvement</u>, CRS Issue Brief for Congress, www.fas.org/sgp/crs/natsec/IB94040.pdf, May 2006

[33] Ciobanu, D, "The power of the Security Council to organize peacekeeping operations" in Cassese, A ,<u>United Nations Peacekeeping : Legal Essays</u>, Alpena an den Rijn- the Netherlands, 1978, p 15

peacekeeping operation should be neutral and impartial toward belligerent parties to the conflict and it is subordinated to the leadership of the UN.

Since the establishment of peacekeeping, the UN has involved into more varied peacekeeping operations than it had in the era of the Cold War. On the one side is classical/traditional peacekeeping classified as the first generation of peacekeeping and on the other side is multidimensional peacekeeping classified as the second generation of peacekeeping. UN peacekeeping has considerably changed during this progression. Different changes have happened in order to adapt peacekeeping missions according to situations found on the field which required the UN to continue its operations with new and remarkable guidelines to make them more effective and efficient.

1.3.1 First generation peacekeeping not in the UN Charter: The Secretary General Dag Hammarskjöld and General Assembly President Lester Pearson principles

The first generation described as classical/traditional model of peacekeeping missions was deployed soon after the Second World War with the mandate to ensure international peace and security. Traditional peacekeeping gave impartial and neutral guarantees to belligerent factions in conflict that desired to engage in a ceasefire apart from the United States and Soviet Union intervention.[34] For instance, in the 1956 Suez crisis mentioned above, though the UNEF I was not part of the UN Charter, it was an important UN mission that was considered a success. The mission was established to be a set of principles and valuable guidelines for future UN peacekeeping missions by the Secretary General Dag Hammarskjöld and the General Assembly President Lester Pearson.[35] In that mission, the UN deployed troops in response to the war in the Sinai Peninsula. Moreover, the UN engaged in the war without the participation of both the United States and the Soviet Union. Other examples which saw such UN missions are the Arab-Israeli conflict and the Indo-Pakistani war over Kashmir. Both situations sufficiently demonstrated efficient and effective ways used by the UN without the participation of the two superpowers of that time by providing a buffer zone between the parties to the conflict. Those missions are known as the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India

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[34]Karns, M, " The United Nations at 60 and the future of its peacekeeping role" in Le Pere, G and Samasuwo, N, The UN at 60: A new spin on old hub, Institute for Global Dialogue, Midrand, South Africa, 2006, p 136
[35] Hansen, W, Rambothan, O and Woodhouse, T, Hawks and Doves: Peacekeeping and Conflict Resolution, Research Centre for Constructive conflict management, www.berghof-handbook.net/documents/publications/hansen_etal_handbook.pdf, 2004 p 3

and Pakistan (UNMOGIP). The missions had specific mandates of monitoring ceasefires and reporting on the situation in both countries. In first generation peacekeeping, most of the UN's interventions were limited in means as well as in number and scope as to the mandate set up strictly according to the role of monitoring the situation. As a consequence, while certain rare missions created situations of peace, most among them were not able to resolve conflicts due to the confrontation between the Soviet Union and the United States during the time of the Cold War. Generally, first generation peacekeeping operations were often constituted of small military personnel groups, lightly armed and often stationed between antagonistic forces to observe ceasefires and troop withdrawals.[36] UN troops were not authorized to use force. Moreover, the contingent of peacekeepers was composed by personnel coming from many different countries and all peacekeeping operations were under the Secretary General's control.[37]

1.3.2. Second generation peacekeeping

Second generation of peacekeeping known as a multidimensional peacekeeping begins around 1990. Much of these missions such as the UN mission in Cambodia (UNTAC), the UN in Somalia (UNOSOM), the UN mission in Mozambique (ONUMOZ) and the UN in the former Yugoslavia were the largest and most complex missions in the world and were involved with internal conflict resolution and peace building.[38] These operations were the first examples of multidimensional peacekeeping missions. Some of these operations had a main task of supervising ceasefires within member states, delivering humanitarian aids, helping political transitions of states for the observation of democracy, conducting election processes and building institutions during the post conflict period.[39]

Second generation peacekeeping is also illustrated when the UN becomes involved in civil wars or interstate conflicts in order to help countries in conflicts to reach the level of sustainable peace through negotiations. The multidimensional peacekeeping model carries out multiple functions by combining different types of tasks. Generally, peacekeeping operations are often constituted by both civilian and military personnel groups heavily armed to use force to defend their security in case of militia violence against them. In addition, the

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[36] Karms, M, Op Cit, p 136
[37] Hansen, W, Rambothan, O and Woodhouse, T, Op Cit, p 3
[38] Brahm, E, Intergovernmental Organisations (IGOs), www.beyondintractability.org/essay/role_igo/?nid=1328, 2005
[39] Ibid

composition of the civilian and military personnel groups is from developed nations which provide as well financial means to peacekeepers for the success of their mandate.[40]

From the above, the concept and evolution of peacekeeping might be discussed as a most fundamental component to the study of IGOs as they are major instruments for sustainable peace. Furthermore, through a peacekeeping operation, IGOs offer forums for discussions which facilitate cooperation in internal and external conflicts. In accordance to peacekeeping principles concerning different models of missions, particularly multidimensional peacekeeping operations, Jean-Marie Guehenno an Under-Secretary-General for Peacekeeping Operations argues that "beyond simply monitoring ceasefires, peacekeeping operations are often mandated to a catalytic role such as (1) Disarmament, demobilisation and reintegration (DDR) of combatants; (2) Mine action (3) Security Sector Reform (SSR) and other rule of Law-related activities; (4) Protection and promotion of human rights; (5) Electoral assistance; and (6) Support to the restoration and extension of state authority."[41]

Following the catalytic role of multidimensional peacekeeping missions in the sustainability of peace, democracy and promotion of human rights, they appear to be key components that help to determine whether or not a country is democratic as well as its observance of national human rights for a better understanding about the topic under scrutiny.

1.4. Democracy and promotion of human rights

The organization of good democratic governance is always characterised by elections. Democracy is a political system in which political leaders are determined through elections and are responsible and accountable to the people who elected them.[42] Thus, both the democratic process and the political system help make certain that the elected government is responsible and always under popular control. Such social mechanisms based on debates provide on the one side regular constitutional opportunities for alteration of the governing

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[40] A Paramount Group White Paper, UN Member States Responsibility towards Peacekeeping Developments, www.paramountgroup.biz/uploads/assets/files/Whitepapers/11-un-member-states-responsibility-towards-peacekeeping-deployments.pdf, June 2009, pp 1-9

[41] Guehenno, J, The evolution of peacekeeping: Part I, Peacekeeping Best Practices Section Division of Policy, Evaluation and Training Department of Peacekeeping Operations United Nations Secretariat, New York, 10017, www.peacekeepingbestpractices.unlb.org/Pbps/Library/Capstone_Doctrine_ENG.pdf , March 2008.

[42] Shabbir, C, G, Democracy and development: A conceptual framework, http://unpan1.un.org/intradoc/groups/public/documents/un/unpan005781.pdf, p 17

officials, and the setting of a system founded on the rule of law between the elected and their representatives on the other side. Those mechanisms are guaranteed procedures to protect majority rule and minority rights. Furthermore, the organisation of elections in a given country is not enough to consider that country as a democratic entity. In reality, it is the technique and the quality of elections which could determine if the country is or is not democratic. Therefore, the technique and the quality of elections involves various principles such as multi-party elections, high participation of different organisations, frequency of elections, and acknowledgment of election results by the opposition.[43] Also the transparency of the conduct of electoral process by the electoral commission should be based on universal standards.[44]

Democracy and human rights go together and are connected to one another. Indeed, every person who lives has been granted a safeguarded privilege which is known as inalienable rights. Human rights are rights given to any human being that can be exercised and enforced under a set of grounds or justifications without interference from others.[45] From these rights, any human being should feel free to think, develop and to work, to speak and to participate without being intimidated or exploited. Human rights obligations are indivisible and have been classified into threefold typology as follows: civil rights, political rights, and social and economic rights.[46] Putting together all types of human rights are essential in human beings' lives. As mentioned above, democracy is connected to human rights and as a result, various features of democracy are usually informed by human rights and especially civil rights such as freedom of speech, faith, opinion and expression which promote the right to political participation. In terms of political rights, these include the right to form and join any political parties, while the right to peaceful assembly and association is paramount.

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[43] Ibid, p 17
[44] Cohen, R, Hyden, G and Nagan, W, Human Rights and Governance in Africa, University Press of Florida, 1993, p 4
[45] Ibid, p 4
[46] Zerha, F, Democracy and human rights in developing countries, Lynner Rienner Publishers Inc, USA, 1991, p3

Conclusion

Any effort to analyse how MONUC attempted to bring about democracy through elections as well as ending the Congo wars and abuses should take into account the assumptions of institutional liberalism which drives this study. In taking Robert Keohane's contributions, institutional liberalism is an adequate framework of analysis. The conceptual framework proposed outlines the role and influence that the presence of MONUC has in the level of conforming the DRC to democracy and human rights standards.

Having said this, institutional liberalism helps to shape discussions of actors involved in conflict by promoting norms and values, as well as facilitating their cooperation. Through formalised agreements coordinated by the UN, this procedure facilitates the coordination of MONUC in the Congolese conflict via the UN mechanisms. These processes along with Chapter VI and VII dispositions of the UN Charter are a comprehensive diplomatic process within the conflict resolution framework that facilitates mediation and negotiation through MONUC in the DRC. Institutional liberalism theory facilitates the understanding of MONUC's role regarding the promotion of democracy and human rights in the DRC which results in a correct and highly adequate analysis of the period 1999-2006. Institutional liberalism admits the implication of institutions or IGOs during the time of interstate or internal conflicts.

Chapter two: THE UN PEACEKEEPING MISSIONS IN AFRICA AND THE DRC CONTEXT: AN HISTORICAL OVERVIEW

Introduction

This chapter provides an historical overview of the UN peacekeeping missions undertaken in Africa and in the DRC with specific reference to their mandates. Most of them involved deployment of troops and made Africa the most important area in the world for the peacekeeping operations of the UN. In Africa, peacekeeping missions have been of multiple types. On the one side several of these operations such as those in Angola, Somalia, Sierra Leone, Liberia, Mozambique, Namibia, and Rwanda have been the most significant projects of the UN in peacekeeping missions and conflict resolutions while on the other side, some of these missions involved the UN's role of monitoring and supervising elections such as in South Africa's first democratic elections in 1994.

Since 1960, the UN Security Council has deployed more than 18 peacekeeping missions in Africa. Approximately half of UN peacekeeping missions in the post-Cold War era have been in Africa, making the continent a giant laboratory for UN peacekeeping in the world.[47] It has been demonstrated that of all the UN peacekeeping missions that the UN Security Council has mandated in Africa, a high number of them have been in sub-Saharan Africa.

An assessment of the above evidence should therefore be facilitated by an historical overview of five important UN peacekeeping missions selected among others undertaken in Africa.

2.1. UN peacekeeping missions in Africa

The UN has faced many problems and difficulties of peacekeeping in Africa because of its peculiar political context. In the UN Charter there is no provision for peacekeeping. The threat against peace guides the UN to be better positioned in order to deal with regional conflicts between the peaceful settlements provisions of Chapter VI on one hand, and on the

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[47] Adebajo, A, "From Congo to Sudan: UN peacekeeping in Africa 1", in Le Pere, G and Samasuwo, N <u>The UN at 60: Anew spin on old hub</u>, Institute for Global Dialogue, Midrand, South Africa, 2006, p 265

other hand the military enforcement provisions of Chapter VII.[48] As a result, peacekeeping operations are often authorised according to the urgent situation on the ground, which makes the UN an experienced actor in pursuing efforts for peace settlement in worldwide multidimensional conflicts in general and for Africa in particular.

The above point is clearly illustrated by Chapter VII of the UN Charter that authorizes the UN to deal with any issue that presents a threat to international peace and security (wars, violence within states and humanitarian crisis). This assertion leads the UN to take actions with respect to threats to the peace, breaches of the peace, and acts of aggression that make it possible for the UN to engage in a number of internal conflicts on regional levels.

Based on a thorough consideration of peacekeeping in Africa, the five most important operations were those in Namibia, Mozambique, Angola, Rwanda and Somalia. The experiences by the UN in African peacekeeping in these different countries will help to draw some conclusions about the presence of MONUC in the DRC in order to achieve a peaceful settlement, for the reduction of the level of conflict in the country.

2.1.1.   Mozambique

In Mozambique, the civil war was one of the most chaotic and vicious types of conflict that ever plagued modern Africa at that time. The number of internal parties to the conflict plunged the country into brutal civil wars between 1975 and 1990. The international community, disturbed by the situation on the ground, played a decisive role in order to end Mozambique's wars. Several countries such as Kenya, Zimbabwe, Botswana, Malawi and others in the region had a central place in peacemaking during the year 1989.

In 1990, with the end of the Cold War, a UN peacekeeping mission was installed in Mozambique to end the war. In 1992, the UN Security Council adopted the UN Mission in Mozambique (ONUMOZ). According to its mandate, the main responsibility of ONUMOZ was to monitor the ceasefire, to carry out disarmament and demobilisation, to facilitate the

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[48]Karns, M , <u>Op Cit</u>, p 135

return of two million refugees from neighbouring countries, to oversee the coordination of humanitarian assistance and verify national elections.[49]

Once established, ONUMOZ played the mediation role by assuming a core coordinating position which led the mission to eventual success. The successes included among others: the disarmament and mobilisation of 64,130 *Frente de Libertação de Moçambique* (FRELIMO) and 22,637 *Resistencia Nacional Mocambicana* (RENAMO) fighters between January and August 1994. Eventually 1,200 UN electoral observers oversaw parliamentary and presidential elections in October 1994 in which FRELIMO won.[50]

To ensure success of the peacekeeping operation in Mozambique, the UN deployed nearly 6,000 peacekeepers, 130 civilian police and the mission cost $ 332 million a year.[51]

2.1.2. Angola

Since 1975, the *Movimento Popular de Libertação de Angola* (MPLA) and *Unaio Nacional Para a Independencia Total de Angola* (UNITA) were fighting and the conflict engaged the country in a civil war. As a consequence of the war, on the one side, the MPLA was able to secure the capital Luanda with the help of about 50,000 Cuban troops, while UNITA, with the help of another political party, *Frente Nacional de Libertação de Angola* (FNLA), succeeded to enter into an alliance with South Africa, the United States of America, France and Zaïre (DRC).[52] The situation on the ground attracted attention from the international community which led to external mediation for lasting peace.

The UN involvement was expressed through different distinct missions as follows:
The first UN mission was established in December 1988. The UN Angola Verification Mission (UNAVEM I) had the main goal of verifying the withdrawal of Cuban troops from Angola. The implementation culminated in the 1991 MPLA and UNITA peace accord. The agreement called on the one side for the cessation of all foreign military support to both sides, for troops to be disarmed and demobilised, for a national army to be created, and for multi-party elections to be held. On the other side, the agreement as well called for the

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[49] Adekeye, A and Landsberg, C, <u>Back to the future: UN peacekeeping in Africa</u>, EBSCO Publishing, 2002, p 168
[50] <u>Ibid</u>, p 168
[51] <u>Ibid</u>, p 168
[52] <u>Ibid</u>, p 168

establishment of a joint political-military commission, with the participation of the US, the Soviet Union and Portugal.[53] The mission cost $ 19 million and achieved its task by June 1991.

The second UN mission was established in the same month of June 1991. The Security Council approved UNAVEM II, mandated to verify the implementation of the peace accord which had been signed between the MPLA and UNITA. The peace accord had collapsed because of the refusal of UNITA to accept the election results which returned the country into civil war causing more deaths. The mission had about 700 peacekeepers and cost approximately $ 118, 000.[54]

The third UN mission was established in November 1994 after the signing of the Lusaka protocol. UNAVEM III was mandated to implement the Lusaka protocol. In this particular mission, the UN increased the number of the peacekeeping force to some 7,000 peacekeepers which allowed the Security Council, during different phases of the peace process, to incorporate and integrate UNITA into the transitional government and national army in Luanda.[55]

 The UN peacekeeping operations in Angola went through extraordinary difficulties such as the denial of UNITA to recognise the democratic elections as well as the government.

2.1.3. Rwanda

The civil war erupted in 1990, when the Rwanda Patriotic Front/Army (RPF) invaded the country from Uganda. This militia group was mostly composed by Rwanda's Tutsi minority who had been forced to go in exile during the Hutu dominated government. As a consequence of the war, on the one side, Uganda entered into alliance with Tutsi exiles while on the other side, France and Zaire (DRC) sent military troops in order to support the Hutu government of Rwanda.

In 1993, the Organisation of African Unity (OAU) arranged peace talks in Arusha. The peace settlement under international mediation between the Hutu dominated government and the

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[53] Ibid, p 169
[54] Ibid, p 169
[55] Ibid, p 169

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Tutsi exiles movement stipulated the creation of a transitional national government. The transitional government should include all political groups (i.e. power sharing) as mentioned in the agreement signed by both the Hutu government and the Tutsi exiles movement. Furthermore, it foresaw the establishment of a national army respecting equality between Hutu and Tutsi, as well as the demobilisation of different army factions. The Arusha agreement led the Security Council to the establishment of a UN Assistance Mission in Rwanda (UNAMIR). UNAMIR had a multifaceted mandate divided into four phases with main objectives of implementing the agreement, notably to assure and guarantee the overall security of Rwanda and to disarm all remaining fighters.[56]

In 1994, a plane carrying the Rwandese president Habyarimana was shot at and felled by suspected government rebels. The assassination of the president led to the start of the genocide against the Tutsi minority and moderate Hutus. All the atrocities were planned by a group of extremist Hutus, the members of the Hutu power ideology, officers of the presidential guard, the *interahamwe* and *impuzamungambi* Hutu militias as well as by members of the Coalition for the Defence of the Republic (CDR), all "extremists Hutus".[57]

The Rwandese genocide claimed around 800,000 lives of Tutsi people and plunged the country into civil war. The RPF military took power during the time of the persistence of civil war. As a result of the war, over 250,000 Rwandese Tutsi fled into neighbouring countries as refugees while about one million of the Hutu populations fled into Eastern parts of the DRC.[58] Later on in 1994, the Security Council established UNAMIR II which constituted 5,500 peacekeepers who had the mandate of saving and protecting victims of genocide. UNAMIR II significantly enlarged its mandate in helping as well as mediating in the relations between the RPF military as the new government and the international community. In 1996, the UN troops were withdrawn from the country. The UN peacekeeping operations in Rwanda cost around $ 120 million per year.[59]

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[56] Dallaire, R and Poulin, B, <u>UNAMIR: Mission to Rwanda,</u> www.dtic.mil/doctrine/jel/jfq_pubs/0534.pdf, 1995
[57] <u>Ibid</u>
[58] <u>Ibid</u>
[59] Adekeye, A and Landsberg, C, <u>Op Cit</u>, p 173

2.1.4. Somalia

Thirty years after its independence, Somalia was embroiled in civil war in 1991. The country was divided in different parts such as the separatist temptations to the north, the hegemonic tribal dreams in the capital Mogadishu around President Siad Barre, and the military rebellions to the south. As a result, the country sunk into brutal tribal wars. In 1991, the civil conflict led to opposition parties taking an option of running militia armies which produced a humanitarian disaster in the country. The situation attracted the international community's attention. Amnesty International for instance accused military armies of massacring one million of disarmed civilians. International actions in favour of the civil population finally brought the Security Council to envisage urgently the organisation of a humanitarian corridor for the distribution of aid.[60]

The deployment of UN troops constituted an international force in which multinational forces operated under the Security Council, the organ for maintaining and re-establishing peace and international security. In Somalia's case, the UN had given to its mission strict objective based on humanitarian assistance such as facilitating humanitarian aid to the population, refugees and prisoners trapped by famine. Consequently, in 1992 it was agreed that an important UN Operation in Somalia (UNOSOM) would be deployed at four centres in the country with a mandate to ensure distribution of humanitarian aid.[61] Furthermore, UNOSOM expanded its mandate to help stop the conflict with the objective of restoring the fundamental political institutions such as the authority of the state. However, UNOSOM's action was insufficient to stop the humanitarian disaster in Somalia. In order to help UNOSOM's operation, the United Task Force (UNITAF), a United States initiative was created according to Chapter VII of the Charter under Security Council's resolution 814 for the protection of the environment in which humanitarian aid should be conducted in the southern half of Somalia.[62]

Apart from the protection of the environment for humanitarian aid, UNITAF also had the main task of disarming and dispersing the militias. During a period of six months from the beginning of its mission, UNITAF did not properly fulfil its objective through any successful intervention. As a result, in 1993 the Secretary-General of the UN submitted some

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[60] Mac Queen, N, <u>Peacekeeping and the International System,</u> Routledge, New York, 2006, p 218
[61] <u>Ibid</u>, p 214
[62] <u>Ibid</u>, p 215

recommendations to the Security Council to relieve UNITAF of its responsibility for peacekeeping functions.[63]

As mentioned above, the Security Council approved the mandate of UNOSOM II in resolution 814(1993) under Chapter VII of the UN Charter. The mandate covered the entire country and was required to monitor all factions to ensure they continued to respect the cessation of hostilities and other agreements to which they had consented. They were also tasked with preventing any resumption of violence and, if necessary, taking appropriate action and to maintaining control of the heavy weapons of the organized factions. Furthermore, UNOSOM II, a special UN mission under international control, was mandated to undertake specific tasks such as seizing the small arms of all unauthorized armed elements; securing all ports, airports and lines of communications required for the delivery of humanitarian assistance; protecting the personnel, installations and equipment of the United Nations and its agencies, the International Committee of Red Cross (ICRC) as well as other non-governmental organisations (NGOs); and continuing mine-clearing, and repatriating refugees and displaced persons within Somalia.[64] Under resolution 814, the essential mission entrusted to UNOSOM II seemed to be more political than humanitarian while the economic sector remained destroyed.

The UN peacekeeping operation in Somalia faced immense difficulties in trying to reach an agreement between belligerent factions through mediation. Also the peacekeeping force failed to disarm the major combatants in the country. Thus the country began to sink further into tribal wars.

2.1.5. Namibia

In Namibia the independence struggle by resistance groups plunged the country into war. As a result, the principal political and racial resistance group, the South West African People's Organisation (SWAPO), and South African forces were engaged in a prolonged civil war before 1980. During the time of the long fighting between South African forces and SWAPO, several people perished, a number of political actors run away into exile and others were incarcerated as political prisoners. In 1989, the UN facilitated the peace settlement plan in

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[63] Ibid, pp 215-216
[64] United Nations, Somalia-UNOSOM II Mandate,
www.un.org/en/peacekeeping/missions/past/unosom2mandate.html

Namibia for securing its independence. As a result, the Security Council approved a UN operation in Namibia, the UN Transition Assistance Group (UNTAG), mandated to undertake the tasks of supervising the ceasefire between South African and SWAPO forces; monitoring the withdrawal of South African forces from Namibia and the confinement of SWAPO forces to a series of bases; supervising the civil police force; securing the repeal of discriminatory and restrictive legation; arranging for the release of political prisoners and the return of exiles; and creating conditions for free and fair elections.[65]

UNTAG included both a civilian and military component provided by different countries but it played a fundamental role as a mediator in supervising the peace process. The UN peacekeeping operation in Namibia was a huge success because it was able to complete its mandate in time.

2.1.6. Analysis

These five cases of UN peacekeeping present a number of UN missions in intrastate conflicts of various types in Africa. There is a need to establish a comparison of those missions to MONUC in order to offer essential lessons for the perspective of this study. All peacekeeping operations mentioned above have intervened in cases of civil war.

Assessing the evolution of peacekeeping especially in Africa, Margaret Karns argued that "peacekeeping missions involving (1) arms-control verification, (2) human rights monitoring, and (3) election supervision tend to be successful and are most similar to traditional peacekeeping."[66] Therefore, for Karns, these three factors together constitute the way of success for peacekeeping operations in Africa.

Adebajo on the other hand gives six factors that often contribute to the success of peacekeeping operations in Africa. Those factors are: "(1) The willingness of internal parties to disarm and accept electoral results; (2) the development of an effective strategy to deal with potential spoilers who are prepared to use violence to wreck peace process; (3) the absence of conflict-fuelling economic resources in war zones; (4) the cooperation of regional players in peace processes; (5) the cessation of military and financial and diplomatic support

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[65]Karns, M, Op Cit p 138
[66]Ibid, p 139

to peace processes; and (6) the leadership of peacekeeping missions by capable UN envoys."[67]

Karns and Adekeye's views on peacekeeping are based on a series of peacekeeping experiences in Africa. Moreover, the factors they list have probably determined whether or not peacekeeping missions succeeded in each case.

Based on Karns and Adekeye's arguments on the factors which have most contributed to success in UN peacekeeping operations in Africa, it is important to note that only two cases were identified as having been hugely successful. Indeed, UN peacekeeping operations in Namibia and Mozambique met all the factors for success. Those peacekeeping operations succeeded because peacekeepers achieved brilliant work in facilitating elections. In addition, the mediation role played by UN peacekeepers in both countries provided resolutions for military issues throughout ceasefires as well as the disarmament and demobilisation of militia factions. The UN took the lead in negotiating peace agreements which have been correctly implemented. The outcomes confirmed that the antagonistic parties to the conflicts were willing to cooperate with the peace process and have accepted electoral results. Some peacekeeping operations have succeeded, while many have failed to deal with the internal conflicts.

On the negative side, the case of Somalia challenged the impartiality of peacekeeping which is contrary to the wider concept of peacekeeping missions. UNOSOM with its main goal to ensure the distribution of humanitarian aid was transformed into a vulgar colonial police on the ground. As a result, some hundreds of civilians were killed under a pretext of capturing general Aidid. The situation decreased the UN's capacity to take over peacekeeping duties. Nevertheless, the UN peacekeeping operation in Somalia succeeded in its goal of delivering humanitarian aid, and failed in its goal as pacificator of the nation. Belligerent parties were reluctant for negotiations that would culminate in the sharing of power. While being the best-equipped soldiers in the world, it is important to note that UNOSOM II was a spectacular failure because it did not achieve its tasks. The outcome remains in doubt and the case illustrates that the deployment of UN troops in order to facilitate humanitarian aid to the population trapped by famine were too little and too late to save thousands of human lives. The UN mission in Somalia did not meet any one of its objectives for success.

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[67]Adebajo, A, Op Cit p 266

In the case of Angola, the peacekeeping operation became involved in peace agreement negotiations. The outcome was indecisive due to the fact that Jonas Savimbi the leader of UNITA refused to disarm and to accept national elections results. As a consequence, the accords under the leadership of UNAVEM have not been totally implemented and UN troops have been withdrawn from the country. The UN mission in Angola was deficient in a certain number of factors. Likewise, in Rwanda, the UN peacekeeping operation failed its goal due to certain conditions on the ground. The fact that the UN mission lacked political strategies and financial means obliged the Security Council to withdraw blue-helmets from Rwanda. As a result, the UN mission was very small and not able to intervene in time to save the Rwandese from genocide. The genocidal regime was installed and many Rwandese parties were not part of the national government. The UN mission in Rwanda failed and did not meet any factor for success.

2.2. The DRC and background to the UN mission

MONUC in the DRC is the largest and most expensive peacekeeping mission in the world. It has faced many challenges in accomplishing its mandate. Despite its efforts for maintaining the ceasefires on one hand and one the other hand its support to the transitional government and to national elections held in 2006, peace in the country is still fragile. The mission struggled to maintain peace and security and is still lacking in a certain number of factors for its success. This is despite MONUC having gone further than each of the preceding peacekeeping missions with a broader mandate than any of them.

2.2.1. Wars and conflicts in the DRC

Since the independence of the DRC, several events have destabilized the country including: secessions, wars and changes in the political systems of rule. In 1965, Mobutu seized control of the country by proclaiming himself president for five years and centralizing power, establishing a dictatorship in the process.

Around 1990, at the height of the Cold War, Mobutu was weakened by external and internal pressures, coupled with heightened international criticism of his regime and a series of domestic protests. In 1992, the Sovereign National Conference, which was organized to encompass more than 2,000 representatives from different political parties, elected Etienne

Tshisekedi, leader of opposition parties and of the *Union pour la Démocratie et le Progrès social* (UDPS), as prime minister. During the conference, presidential and legislative elections were scheduled and rescheduled repeatedly for over a period of two years, but they never took place. By 1994, the war and genocide began in Rwanda. This situation affected the DRC especially in its Eastern part where Rwandese Hutu militia forces of *Interhamwe*, who had fled from Rwanda, erected their camps as bases for incursions against the new Rwandese Tutsi government. Later on in October the same year, Laurent Kabila, known as the leader of the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL), formed a military coalition with Rwandese and Ugandan troops and entered Congo with the sole purpose of forcibly ousting Mobutu through a military campaign towards Kinshasa. On May 17, 1997 Mobutu left power, and Kabila seized control of the country, declaring himself president as he consolidated power around himself, the Rwandese and the AFDL. In fact, when Kabila took over, the army chief and the Secretary General of the AFDL were both Rwandese. One year later, relations between Laurent Kabila and the other parts involved in his fragile coalition deteriorated as he ordered all foreign troops to leave the DRC. Rwandese troops refused to leave the country and on 2 August 1998 fighting erupted throughout the DRC and once again Rwandese troops entered the country with the intention of removing Kabila from power using the newly formed Rwandese rebel group called the *Rassemblement Congolais pour la Démocratie* (RCD). They established themselves in Goma and controlled large portions of the Eastern DRC. In February 1999, Ugandan troops entered into the country with a rebel group called the *Mouvement pour la Libération du Congo* (MLC), which established control over a third of the Northern part of the country. At this stage, the DRC was divided *de facto* into three segments: one for the government, the other one for Rwandese and the RCD, and the last one for Ugandan and the MLC.

Probably the 1998 war was not in the beginning a rebellion, but a foreign attack that converted itself into an insurrection.[68] As in any conflict of this magnitude, massacres, human rights violations, lootings, bombing of civilian targets were common practices in the Eastern DRC, from both the rebels and government forces. Around 700,000 people were either displaced or missing, many among them were victims of reprisals and persecution, and thousands were dead. Some 80,000 others decided to leave the battle zone to seek refuge in neighboring countries and approximately 2.5 million people were displaced persons by the

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[68]Kabemba, C (1), Op Cit p 105

end of 2002.[69] Since 1998, the conflict in the DRC has caused a death toll of 3.3 million people, meaning it has cost more lives than any other conflict since the Second World War.[70] In January 2001, Laurent Kabila was assassinated and succeeded by his son Joseph Kabila who reversed many policies of his father. This allowed MONUC to deploy its troops throughout the country and the proceeding of the inter-Congolese dialogue. On July 30, 2006 the DRC held its first free, democratic, multi-party elections in more than forty years and Joseph Kabila was elected as president of the country.

2.2.2. MONUC: A UN peacekeeping operation in the DRC context

This subsection will focus on the UN peacekeeping operation in the DRC in the period1999-2006. Nevertheless, a historical background of MONUC is fundamental to know the context of the UN mission in the DRC especially how it works and why it exists.

The DRC is a vast country in the great lakes region of Africa torn apart by repeated armed conflicts. As from September 1998, the conflict in the DRC attracted the attention of the international community with the number of deaths estimated at around 3.3 million people. The 1998 armed conflict in the DRC was the most complex in Africa, due to an intricate cluster of internal and external factors, with up to nine states militarily involved inside Congolese territory. Grouped in two opposing sides, composed on the one side by the Kinshasa government with its Angolan, Namibian and Zimbabwean allies and on the other side divided sets of rebel groups composed of the RCD and the MLC with their allies Rwanda and Uganda. After great pressure was placed on the belligerents by the international community, a ceasefire agreement was signed in Lusaka by the different governments and representatives of both factions involved in the conflict. The agreement was called the "Lusaka Ceasefire Agreement" and was concluded in July and August 1999.[71] In the Lusaka agreement, apart from the clause on the cessation of hostilities and a political settlement among the Congolese parties, it also defined in its Chapter V the parameters of the Inter-

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[69]Kassa, M, " Humanitarian assistance in the DRC" in Malan, M and Porto, J, Challenges of peace implementation: The UN mission in the Democratic Republic of the Congo, A joint project of the training for peace and the African Security Analysis Programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, pp 81-82

[70]Emeric, R, "The Inter-Congolese dialogue: A critical overview" in Malan, M and Porto, J, Challenges of peace implementation: The UN mission in the Democratic Republic of the Congo, A joint project of the training for peace and the African Security Analysis Programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, p 25

[71]Ibid, p 25

Congolese Dialogue, understood as an international process to negotiations. The aim of those negotiations was to facilitate the country towards a new political period and national reconciliation process through a transitional administration related to power sharing such as the formation of a new Congolese army; the future institutions of the country; the organisation of general elections; and the interim constitution that would govern the DRC during the transition period.[72] The Security Council deployed the MONUC operation to the DRC in November 1999 to support the ceasefire by containing the various rebel groups in their initial positions and to create conditions where free and fair elections would be held. MONUC's international commitment to peace as a special mission in the DRC is established by the UN Security Council through the approval of different resolutions: 1258 and 1279 in 1999; 1291 in 2000; 1355 and 1376 in 2001; 1445 in 2002; 1493 in 2003; 1565 and 1635 in 2004; 1635 and 1671 in 2005, in order to monitor the peace process subsequently to the 1998 conflict in the DRC.[73]

The first deployments of UN officers to the DRC under Security Council resolutions 1258 and 1279 in 1999 had specific missions of facilitating the observation of the ceasefire by all armed groups in the country in order to provide humanitarian assistance to refugees and displaced people as well as human rights protection to all affected persons.[74]

In 2000, the UN Security Council under resolution 1291 approved the deployment of 5537 military personnel. The main goal of the operation was to monitor the implementation of the ceasefire agreement and the redeployment of belligerent forces; to develop an action plan for the overall implementation of the ceasefire agreement; to work with parties to obtain the release of all prisoners of war, military captives and the return of the remains; to facilitate humanitarian assistance; and to assist the facilitator of the national dialogue.[75]

MONUC eventually took the necessary action according to the UN Security Council resolution in the areas of deployment in ensuring the security of equipment and the protection of both its personnel and civilians under physical assaults. In addition, the application of a ceasefire was not effective due to the violent fighting in the Katanga and Equateur provinces,

[72] Ibid, p 25
[73] MONUC: United Nations Organisation Mission in the Democratic Republic of the Congo, Op Cit
[74] Lusaka Ceasefire Agreement, Art III, 11 a, www.iss.co.za/af/profiles/drcongo/cdreader/bin/2lusaka.pdf, p 4
[75] MONUC: United Nations Organisation Mission in the Democratic Republic of the Congo, Op Cit

as well as in Kisangani by foreign troops. Therefore, MONUC actions were impossible because of the insecurity found in the areas of deployment.

By 2001, MONUC troops were strengthened with 2366 soldiers and 363 more military-observers who came from different countries such as South Africa, Uruguay, Morocco, Senegal and Tunisia and were authorized to monitor the disengagement of different forces to the conflict and the withdrawal of the Rwandese and Ugandan forces from DRC territory. The UN troops in their positions faced several difficulties for protecting the civilian population and even MONUC personnel from the violent fighting in areas in the East of the DRC. Following difficulties experienced by UN observers and troops in the deployment areas, the Security Council voted for resolution 1355, giving MONUC the capacity of disarmament, demobilisation, and repatriation and reintegration process of the militia groups.[76] The achievement of MONUC's mission with regards to the above process led the Security Council to vote for resolution 1376 allowing the deployment of MONUC troops in all the Eastern provinces of the DRC. MONUC's actions in 2002 were intensified on the one hand with military observers who continued to monitor the ceasefire along frontiers especially in the Ituri district, while on the other hand the team was investigating violations of human rights perpetrated by various armed oppositions groups such as the MLC and RCD-G.[77]

In Pretoria at the end of 2002, the major Congolese parties to the conflict such as the DRC government, RCD-Goma, MLC, *Rassemblement Congolais pour la Démocratie-Kisangani-Mouvement de Libération* (RCD-ML), RCD-National and the Mai-Mai signed the Global and All-Inclusive Agreement for a peaceful transition after several rounds of negotiations. The agreement was a sign of an arrangement which stipulated a power sharing deal during the 24 month transition period leading up to the organisation of democratic elections. As a result of the Global and All-Inclusive Agreement, the transitional government was established, composed of President Kabila and assisted by four Vice-Presidents, as well as 36 Ministers and 25 deputy Ministers.[78] Furthermore, the signatories of the Global and All-Inclusive

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[76]United Nations Security Council (1), Resolution 1376, www.grandslacs.net/doc/2369.pdf, 2001, p 3

[77] US Agency For International Development, Bureau For Democracy, Conflict, and Humanitarian Assistance (DCHA), and the Office of US Foreign Disaster Assistance (OFDA), Democratic Republic of the Congo-Complex Emergency, Situation report, www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/drc/fy2003/DRC_CE_SR02_0 4-16-2003.pdf, April 2003

[78] Emeric, R, Op Cit p 35

Agreement agreed on the structure and composition of the parliament, civil society, and the independent electoral commission in support of democracy.

The Global and All-Inclusive Agreement signed in Pretoria modified the nature of MONUC. The Security Council voted for resolution 1445 that approved the expansion of the military component of MONUC's intervention forces in the DRC and increased the number of blue helmets to 8500. Subsequently, MONUC, without using force, monitored the withdrawal of all foreign forces in the territory of the DRC, as well as supported the voluntary disarmament, demobilisation, repatriation, reinsertion and reintegration (DDRRR) process. In 2003, MONUC deployed its troops along the front lines in the East of the DRC in order to conduct DDRRR operations. Some of the UN contingents were deployed especially in Ituri where they monitored grave human rights violations while Ugandan troops were withdrawn, a situation which temporarily weakened MONUC. The situation and certain key areas of the country led the Security Council to vote for resolution 1493 which gave MONUC a new mandate. Resolution 1493 increased the military personnel to 10,800 in leading the operation to impose an arms embargo on the one hand, and authorised MONUC to use all necessary means to fulfil its mandate in Ituri and also in North and South Kivu.[79]

According to the new mandate, for MONUC to achieve sustainable peace leading to free and fair elections, it was supposed to engage in a re-interpretation of its role in the DRC, as well as identify five core programmes such as: (1) peace and stability of the Eastern provinces of the DRC including stabilising the Ituri and Kivu provinces and facilitating the return of 300,000 Congolese refugees for the success of DDR / DDRRR; (2) facilitating the transition process by supporting democratic elections, and helping the normal functioning of the transition government; (3) supporting the establishment of rule of law and human rights such as ending a culture of impunity, assistance in police training and criminal justice building; (4) improving human conditions for the sustainable peace by reintegrating child soldiers, addressing HIV/AIDS and sexual violence; and (5) supporting the International Criminal Court (ICC) for the establishment of the truth and reconciliation commission.[80]

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[79] Discussion Notes, Part One, "International commitment to peace in the DRC" in Malan, M and Porto, J, <u>Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo</u>, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, p 67

[80] Malan, M and Porto, J, "Monuc's contribution to security in the DRC" in <u>Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo</u>, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, p 11

In September 2003, MONUC placed a contingent in Ituri. Later on MONUC strengthened its units with the task force to the district which encouraged the DRC government to deploy a contingent of 700 Congolese police in Bunia for the security of the territory.[81]

In 2004, MONUC troops were targeted in Ituri by militia groups while rebel general Laurent Nkunda occupied Bukavu. Blue helmets were forced to open fire in protection of their own installation. The Security Council again revised the mandate of MONUC and voted for resolution 1565 which increased MONUC's strength with 5,900 personnel taking in account the evolution of the situation in Ituri and Bukavu. The Security Council decided to give to MONUC the mandate of: deploying and maintaining a presence in the key areas of potential volatility in order to promote the re-establishment of confidence; to discourage violence and to allow UN personnel to operate freely, particularly in the Eastern provinces of the DRC; ensuring the protection of civilians, including humanitarian personnel, under imminent threat of physical violence; ensuring the protection of UN personnel, facilities, installations and equipment; ensuring the security and freedom of movement of its personnel; establishing the necessary border security within Operation in Burundi; and with the governments of DRC and Burundi to coordinate efforts towards monitoring and discouraging cross-border movements of combatants between the two countries.[82]

In 2005, MONUC actions in Ituri and Kivu provinces were targeted by militia groups that allowed the Congolese government to arrest militia leaders among them Thomas Lubanga Dyilo, the leader of the *Union des Patriotes Congolais* (UPC) accused for adding insecurity in Ituri as well as for killing UN peacekeepers. Early in 2006, the Congolese government transferred Thomas Lubanga to ICC custody for war crimes and the use of child soldiers under the age of fifteen years. By October 2005, the Security Council adopted resolution 1635 which increased the operation with 300 military personnel for the deployment of joint operations blue helmets –*Forces Armées de la République Démocratique du Congo* (FARDC) in Oriental province. MONUC facilitated discussions between the *Mouvement*

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[81] <u>United Nations Peacekeeping in the service of peace, Operation Artemis:</u> The lessons of the emergency multinational, Peacekeeping Best Practices Unit Military Division, www.peacekeepingbestpractices.unlb.org/PBPS/Library/Artemis.pdf,2004, p 6

[82] MONUC: United Nations Organisation Mission in the Democratic Republic of the Congo, <u>Op Cit</u>

Révolutionaire Congolais (MRC) a militia group with the government.[83] As a result, several militiamen were disarmed in Ituri province and integrated into the FARDC.

In 2006, as support to the electoral process in the DRC, the Security Council adopted resolution 1671 authorising European Union forces to help MONUC to coordinate national and local elections held in July 2006.[84]

MONUC is the UN peacekeeping mission which has the largest budget around the globe. It cost around $5 billion between 1999-2007 and, as has been illustrated above, went through several resolutions voted on by the Security Council.[85]

Conclusion

Peacekeeping is a method developed by the UN as a way to help countries torn apart by conflict in order to create the conditions for lasting peace according to Chapter VI and VII of its Charter. In this perspective, the Charter authorises the UN to engage in conflicts between states as well as in civil wars within states. In that case, the UN operates as an independent third party in order to facilitate a forum which can be used to negotiate conflicts. Most of UN peacekeeping operations held in Africa responded to civil conflicts.

The conflict of Somalia plunged the country into the Somali civil war in 1992. The scale of the civil war led the Security Council to vote for ONUSOM I, II and UNITAF. Those UN peacekeeping operations failed to bring peace and stability in the country. The Security Council instituted UNAMIR in 1993 in order to oversee the implementation of the Arusha peace. The civil war in Rwanda caused the genocide which spread ethnic violence between Tutsi and Hutu. The mission failed to intervene and to bring peace and stability in the country. In Angola, the Security Council initially authorised UNAVEM to support the enforcement of a ceasefire between the MPLA and UNITA. Since then, UNITA has continued to clash with the Angolan government which is composed in majority by MPLA

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[83]United Nations Security Council (2), <u>Twenty-second report of the Secretary-General on the United Nations Organisations Mission in the Democratic Republic of the Congo</u>, www.un-casa.org/CASAUpload/ELibrary/759.pdf , 2006, p 10
[84]United Nations Security Council (3), <u>Resolution 1671</u>, S/RES/167, 2006, www.grandslacs.net/doc/3999.pdf, 2006, p 2
[85]Dahrendorf, N, <u>MONUC and the Relevance of coherent Mandates: The Case of the DRC</u>, Chapter 3 dcaf.ch/serviceengine/Files/DCAF/.../chapter_dahrendorf_DRC.pdf, p 74.

members. The violence led UNITA to reject national elections results. The mission failed to disarm mutinous UNITA forces as well as to unify the country. In Namibia and Mozambique, the Security Council has also organised peacekeeping missions such as UNTAG for Namibia and ONUMOZ for Mozambique, aimed at ending civil wars in both countries. The missions achieved successful elections which helped to ensure stability in both countries. In 1999, the Security Council established MONUC to monitor the ceasefire of the 1998 war. Despite several challenges, the mission achieved national democratic elections in 2006 by unifying belligerent factions around the government. The mission is still operating due to the persistence of violence in some Eastern areas of the country. Therefore, none of the selected UN peacekeeping missions mentioned above was similar to MONUC. In view of those five UN peacekeeping operations held in Africa, MONUC is the most complex and longest due to the dimension of the civil war as well as challenges on the ground.

According to the UN system, the establishment of each peacekeeping operation is always preceded by an approval of resolutions made by the Security Council that names that peacekeeping operation, and defines its mandate as well as its duration.

Chapter three: THE TRANSITION TO DEMOCRACY AND ROLE OF MONUC IN THE DRC

Introduction

The third chapter will examine the different phases of the transition process to democracy and the role of MONUC to facilitate and support the peace agreements in the DRC.

The DRC found itself in an armed conflict as a result of an internal proliferation of rebel groups and an external intervention by military forces. The war provoked a series of displacements of thousands of Congolese people who either abandoned their homes or just went missing. Moreover, peculiar problems of legitimacy of governance, especially in the Eastern DRC posed a serious problem as a result of conflict zones. Generally, during and after the disaster of war, democratic institutions as well as the safety of vulnerable people are regularly threatened and require re-establishment. For that reason, the transition process was an opportunity for free and transparent elections in the DRC towards the set up of democratic institutions after the war. In this perspective, MONUC was established to address the political problems in the DRC by playing a key role during different phases of the peace implementation. In this regard, the UN Security Council voted for resolutions 1279 (1999) and 1291 (2000), authorising a peacekeeping operation for the DRC. The history of the transition process to democracy in the DRC has taken two major phases: the first phase covered the period from 1990 to 1997 while the second covered the period from 2003 to the 2006 elections, elections that significantly shaped the peace process in the DRC.

3.1. Transition to democracy: First phase (1990-1997)

3.1.1. Congolese transitional political system

The first phase of the Congolese transitional political system towards democracy began on 24 April 1990 after President Mobutu announced the end of one-party rule and ushered in multiparty democracy as a consequence of the perestroika. Following Mobutu's speech, the opposition under the leadership of Etienne Tshisekedi, supported by civil society, demanded the holding of a Sovereign National Conference (SNC) which opened the way to the

transition process towards democracy. Drawing support from the majority of Congolese people, the SNC opened on 7 August 1991 and soon after a conference was called to engage in broad national debates relating to elements of "truth and reconciliation" processes, and an outpouring of criticism against Mobutu and his regime.[86] Resulting from the SNC conference was an agreement to have a two year transitional government led by the participant delegates. The transitional government led by a prime minister would be responsible to the transitional parliament. The conference also agreed that Mobutu was to remain as Head of State and elected opposition leader Etienne Tshisekedi as prime minister, who along with Archbishop Laurent Monsengo was given responsibilities as president of the transitional parliament and the High Council of the Republic respectively.[87]

What is clear is that the political situation after the SNC was influenced by the antagonism between Mobutu's allies and the *Union Sacrée de l'Opposition Radicale* (USORAL), a coalition of political parties of the opposition. As a result, Mobutu ignored the SNC's work. The antagonistic situation in the political arena led Mobutu in 1993 to appoint a government under Leon Kengo as Prime Minister which placed the country in an interminable political crisis. One of the goals of the SNC was to schedule and to organise presidential and legislative elections after the period of transition. Unfortunately, these never happened. The first phase of the transition to democracy failed to deliver according to the SNC's prescriptions. As a consequence, the country sank deeply into political turmoil that coincided with the crisis in the Great Lakes region and was followed by the intrusion of RPF and AFDL troops into the DRC in 1996.[88]

In 1997 Laurent Kabila, the AFDL leader supported by Rwanda and Uganda, took over power from Mobutu, and proclaimed himself the new head of state and renamed the country the DRC. Laurent Kabila also annulled the transitional political process under the SNC by signing a presidential degree that returned the country to a one party state. All political parties were suspended until the adoption of a new constitution by the new Assembly was to be put in place. In fact, executive, legislative and military powers were wielded by Laurent Kabila himself together with government officials appointed by him. Later on in 1998, a crisis erupted and plunged the country into a civil war. Facing a situation of eventual loss of

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[86]Nest, M, Grignon, F and Kisangani E, <u>The Democratic Republic of the CONGO: Economic dimensions of war and peace</u>, International Peace Academy, Lynne Rienner Publishers, Colorado, USA, 2006, p 19
[87] Tshiyoyo, D, <u>Democratic Republic of Congo: Road to Political Transition</u>, Electoral and Political Processes (EPP), EISA, www.eisa.org.za/PDF/drc2006background.pdf, p 4
[88] <u>Ibid</u>, pp 4-5

power, Laurent Kabila called for support from members of the South African Development Community (SADC). Zimbabwe, Namibia and Angola joined the fighting on the side of the Congolese government while at the same time Rwandan and Ugandan troops fought on the side of rebel groups, the RCD and MLC.[89]

In attempting to stop the civil war on the one side and on the other side solving the political problems in the DRC as well as in the Great Lakes region, the international community engaged in multiple negotiations such as the Lusaka Summit and the Inter-Congolese Dialogue (ICD). Because of the critical situation in several domains in the country, MONUC was established to facilitate the implementation of the Lusaka Peace Accord, also known as the Lusaka Ceasefire agreement.[90]

3.1.2   The Lusaka Ceasefire Agreement

After several meetings and negotiations, the Lusaka Ceasefire Agreement was signed in July 1999 by the Heads of States from the DRC, Namibia, Rwanda, Uganda and Zimbabwe and the Minister of Defence of Angola. All these officials were from countries involved in the DRC conflict, while by 31 August 1999 at least 50 people representing both Congolese rebel groups, the RCD and MLC, were also involved.[91] Negotiated within a SADC framework, the objective of the accord, as its title indicates, was principally the call for the cessation of hostilities of military confrontation between internal proliferations of rebels groups and paramilitary forces, the subsequent withdrawal of foreign armed forces and finally the organisation of a national dialogue among the political Congolese parties for national reconciliation in the DRC. One of the principles of the agreement emphasised the sovereignty and territorial integrity of the DRC. These principles directly made all the belligerent states to commit to regional security in order to deal with their national security.[92] But the problem with the Lusaka agreement resided in a lack of a comprehensible mechanism for its implementation. For instance, instead of the signatory parties conforming to principles of the agreement, they proceeded to consolidate their original positions and interests through hostilities. This created several obstacles to the accord, thereby hampering its implementation.

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[89] Emeric, R, Op Cit p 25
[90] Dahrendorf, N, Op Cit p 73
[91] Emeric, R, Op Cit p 25
[92] Ibid, p 25

3.1.3. The beginnings of MONUC in the DRC

3.1.3.1. History

Following the Lusaka Summit, the UN Security Council in August 1999 authorised the first deployment of 90 UN military liaison personnel to the DRC.[93] The UN Security Council through resolutions 1279 (1999) and 1291 (2000) established MONUC to monitor the peace process of the 1998 conflict in the DRC.[94]

3.1.3.2. Mandate

MONUC's original mandate in the DRC, in line with the adoption of resolution 1279 authorised by the UN Security Council, included: (1) implementing the ceasefire agreement; (2) monitoring and reporting on violations of the ceasefire agreement; (3) DDR and (4) the transition and the organisation of elections.[95] Moreover, resolution 1291 passed by the UN Security Council in 2000 strengthened MONUC's mandate on top of its original function. Under Chapter VII, the UN Security Council provided MONUC with a main task of protecting its personnel, facilities as well as civilians under eminent threat of physical violence.[96]

In an attempt to strengthen the MONUC mandate on the one side and on the other side to redefine its mandate in the context of the DRC's political transition, the UN Security Council voted on a number of 1565 (2004) and 1625 (2005).[97] As a result, MONUC with this broad mandate expanded into a multidimensional important resolutions such as 1355 (2001), 1376 (2001), 1417 (2002), 1445 (2002), 1493 (2003), peacekeeping mission and contributed enormously to securing the peace deal in the DRC.[98]

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[93] Dagne, T, The Democratic Republic of Congo: Background and Current Developments, Congressional Research Service, www.fas.org/sgp/crs/row/R40108.pdf, 2009, p 5
[94] Dahrendorf, N, Op Cit p 73
[95] Ibid, p 74
[96] Dagne, T, Op Cit p 5
[97] Ibid, p 74
[98] Tull, D, M, Peacekeeping in the DRC: Waging Peace and Fighting War, International Peacekeeping, Routledge, http://dx.doi.org/10.1080/13533310802685729, 2009, pp 215-230

3.2. Transition to democracy: second phase (2002-2006)

3.2.1.   The Inter-Congolese Dialogue (ICD)

In the meantime, Laurent Kabila was assassinated in early January 2001. His son Joseph Kabila took over and made possible the process of the ICD, the framework for the second Congolese transitional political system toward democracy. The ICD commenced in Pretoria on 17 December 2002 after a very violent five-year civil war. The main objective of the ICD was to establish a new political system for a transitional government in the DRC culminating in the holding of democratic elections.[99] The new political process focused on power-sharing between belligerent factions as well as other political parties and civil society groups. All levels of power were to be shared including the military, which meant the creation of a new army. This procedure made the peace accord to be a large and inclusive political dialogue.[100] The ICD brought all Congolese stakeholders together to the negotiating table in Sun City for the first time since the failed 1991 transition under Mobutu. The key purpose was to have groups agree on a new political system for a transitional government in the DRC.[101]As soon as the ICD was concluded cohabitation in government institutions became possible between belligerents and all other political forces. The final text of the ICD, known as the Global and All-Inclusive Agreement was approved at Sun City on 2 April 2003. The final agreement also provided the framework for the formation of a transitional government during a two year period starting on 30 June 2003. As a result, the country considerably progressed in the implementation of the accord which brought peace in some areas of the country. The ICD was an indispensable stage in the new transitional political system towards peace and democracy in the DRC. The main facilitator of this process was the former President of Botswana, Sir Kitumile Masire.

The second phase of the Congolese transitional political system toward democracy started with the promulgation of the transitional constitution after the signature of the Global and All- Inclusive Agreement. According to the Global and All- Inclusive Agreement, President Joseph Kabila remained the head of State and Commander in Chief of the army. However, he was to be assisted by 4 vice-Presidents, each in charge of a governmental commission. The

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[99] Ibid, p 27
[100] Kabemba, C (2), Perspectives on the role of key stakeholders in the DRC's political transition: Realising effective and sustainable democratic governance in Southern Africa and beyond, EISA occasional paper No. 26, www.eisa.org.za/PDF/OP26.pdf, 2004, p 1
[101] Ibid, p 1

four were: Arthur Zahidi Ngoma representative of the non-armed opposition in charge of the Social and Cultural Commission; Jean-Pierre Bemba representative of the MLC in charge of the Economic and Finance Commission; Azarias Ruberwa the RCD-Goma's representative in charge of the Defence and Political Commission and Adboulaye Yerodia a representative of Kabila's member government in charge of the Reconstruction and Development Commission. In total there were 36 ministers and 25 deputy ministers for the transitional government.[102] Therefore, the executive Congolese political system during the second transition was known as 1+4; a system adopted to deal with Congolese politicians wishing to become president.[103] Once installed, the transitional government had the main task of organising multiparty elections after 2 years of a transitional period in order to restore the legitimacy of the government.[104] The mandate of the different ministers was defined in the transitional constitution. To achieve a sustainable democracy in the country, the composition of the government represented all signatories of the All-Inclusive Agreement at Sun City in 2003 as follows:

- Ex Government : 7 ministers and 4 Vice- Ministers;
- Non-armed Opposition: 7 Ministers and 4 Vice-Ministers;
- Civil Society: 2 Ministers and 3 Vice-Ministers;
- RDC-Goma: 7 Ministers and 4 Vice-Ministers;
- MLC: 7 Ministers and 4 Vice-Ministers;
- RCD-ML: 2 Ministers and 2 Vice-Ministers and
- Mai-Mai: 2 Ministers and 2 Vice-Ministers[105]

However, two major opposition parties, the UDPS and *Parti Lumumbiste Unifié* (PALU) did not take part in the transitional government because they did not share the same consent as the others.

Apart from the executive, the agreement also settled on the structure and composition of the transitional parliament in two chambers namely: a National Assembly comprising 500 members presided over by the MLC and a Senate comprising 120 members.[106]

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[102] Emeric, R, Op Cit p 35
[103] Kabemba, C (2), Op Cit p 3
[104] Ibid,p 2
[105] Tshiyoyo, D, Op Cit p 8
[106] Emeric, R ,Op Cit p 35

The National Assembly was the legislative body during the transitional period. Its task was threefold: legislative; financial and critical.[107] The National Assembly also had the mandate of legislating and monitoring actions of the government as well as public enterprises, controlling and watching the implementation of the ICD resolutions and adopting the constitution through a popular referendum. [108]

The Senate was the parliament chamber in charge of elaborating the draft of a post-transitional constitution. The post-transitional constitution was supposed to be submitted to a popular referendum through which the Congolese people should approve or reject it. The Senate was also a mediator organ between institutions in case of conflict.[109]

During the transitional period, both the National Assembly and Senate had main legislative functions on matters of citizenship, decentralisation, public finance, the electoral process and supporting democracy.[110]

The All-Inclusive Agreement fixed the quota of seats in both chambers as followed:

Allocation of Seats in the Transitional Parliament [111]

Components and Entities	National Assembly	Senate
Ex-Government	94	22
Non-armed	94	22
Civil Society	94	22
RCD-Goma	94	22
MLC	94	22
RCD-National	5	2
RCD-ML	15	4
Mai-Mai	10	4
Total	**500**	**120**

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[107] Kabemba, C (2), Op Cit p 5
[108] Ibid, p 5
[109] Ibid, p 5
[110] Ibid, p 5
[111] Tshiyoyo, D, Op Cit p 9

Civil society was given the responsibility of five independent commissions in support of democracy. These were:

- The Independent Electoral Commission (IEC);

- Human Rights Commission;

- Truth and Reconciliation Commission (TRC);

- Anti-corruption Commission and

- Media Commission. [112]

The All-Inclusive Agreement included as well as the disarmament and integration of all rebel factions into the FARDC, the police as well as security services at national and provincial level. [113]

The judicial institutions were defined in the transitional constitution. Its members were appointed by the Minister of Justice and nominated by the President. [114] Magistrates, judges and judicial officers were expected to play their role in an efficient manner according to the transitional constitution. However, the government always ignored the judiciary independence by interfering without consulting the Supreme Council of the Judiciary. [115]

3.2.2. MONUC: Second phase

After the ICD, MONUC commenced its second phase. In the second phase, MONUC's observers alongside SADC, EU and OAU representatives attended the Pretoria meeting. To implement different transitional steps, MONUC had to actively engage in the Congolese crisis. However, regarding the transition to democracy, MONUC played a fundamental role towards a good outcome of the Congolese transition. [116] For instance, MONUC supported the proposal of the ICD by deploying its troops to stop the fighting in order to facilitate the framework for the formation of the transitional government. For that reason, MONUC,

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[112] Emeric, R, Op Cit p 35

[113] Koko, S, "The 'one- plus –four' formula and transition in the Democratic Republic of Congo", African Security Review, Institute for Security Studies, Vol. 16. No. 1, 2007, p 42

[114] UNHCR, Attacks on Justice-Democratic Republic of Congo, www.unhcr.org/refworld/pdfid/48abdd680.pdf, pp 1-3

[115] Ibid, p 2

[116] Koko, S, Op Cit p 42

alongside the international community, had to facilitate the democracy-building process in the DRC through their electoral assistance.

3.2.3. Electoral processes and the role of MONUC in the DRC

As mentioned previously, "the main objective of the ICD was the establishment of a new political system for a transitional government in the DRC through the holding of democratic elections."[117] As a consequence, the transitional process to democracy ended with the holding of the 2006 national elections. However, the establishment of transitional institutions paved the way to the electoral process in the DRC which needed MONUC's support for the implementation of the ICD for a stable DRC. Therefore, MONUC played a major role in supporting the electoral process in the DRC. The organisation of the constitutional referendum in 2005 and national democratic elections in 2006 benefited enormously from MONUC's involvement. Together with the EU, MONUC contributed much to the funding of the DRC elections with $ 460 million.[118]

After the installation of the entire executive and parliament, the IEC was installed in 2005. Soon the IEC started to prepare, with the assistance and support of MONUC (materials, human resources and finances), for the DRC elections such as the constitutional referendum in 2005 as well as the presidential, legislative and provincial elections in 2006. Rapidly, MONUC organised a logistical operation for the registration of voters. 50,000 vote offices were installed with assistance from MONUC observers throughout the country.[119] Moreover, MONUC trained the IEC personnel and provided logistics for electoral practices. With MONUC's financial and logistic support, including the training of the IEC's personnel, the IEC was able to schedule the constitutional referendum on 18 December 2005, under MONUC's supervision. It is important to note that the organisation of the popular constitutional referendum of 2005 was the first legitimately democratic experience in the DRC since multi-party elections in 1960. The country was for three decades under Mobutu's dictatorship which did not allow the organisation of multi-party elections. According to IEC reports, up to 84,31 % of the Congolese electorate voted in favour of the constitution, while

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[117] Emeric, Op Cit p 27
[118] Mangu, A, M and Budeli, M, Democracy and Elections in Africa in the Democratic Republic of Congo: Lessons for Africa, Law, Democracy & Development, http://ajol.info/index.php/ldd/article/viewFile/52884/41484.pdf, Vol. 12, No. 1, 2008, p 99
[119] Tull, D, Op Cit p 221

15.69% of voters rejected it.[120] The following year the post-transitional constitution was approved. Its approval was a new way of organisation of elections in the country which marked a new period for sustainable peace and effective democracy in the country. The 2006 voting process organised by the IEC was supported by MONUC.

General elections, both legislative and presidential, were held in 2006. Notably these were the first national elections in the country since independence. The UDPS boycotted the elections, arguing there were several irregularities that would result in the elections not being free and fair. However, the Congolese people managed to choose their national and regional leaders through the elections. For the presidential elections, thirty-three candidates including four women registered and competed. No candidate won an outright majority which led to a run-off election between Jean-Pierre Bemba and Joseph Kabila. In the second round held in October 2006, Joseph Kabila emerged with 58.05% of the votes against Jean-Pierre Bemba's 41.95%.[121] Despite the appeal made by Jean-Pierre Bemba to the Supreme Court of Justice citing massive fraud and corruption during the voting exercise, Joseph Kabila was declared the winner and was officially sworn in as President of the DRC on 6 December 2006.

In the legislative elections, nine hundred and thirty-two candidates registered and competed for five hundred seats for the National Assembly. The majority of seats in the National Assembly were won by the *Alliance de la Majorité Présidentielle* (AMP), a coalition constituted of the *Parti Pour la Réconstruction et le Dévelopment du Congo* (PPRD), PALU and *Union des Démocrates Mobutistes* (UDEMO). It is this coalition which eventually formed the government.[122]

The Senate elections saw the majority of seats taken up by the PPRD (22 seats), MLC (14 seats) and RCD 7 (seats). The other 80 parties each received one seat.[123] At the provincial level, elections of governors and vice-governors were held in the entire country in 2007. The governors and vice-governors of Kinshasa and all the other 10 provinces are all members of the AMP except the one from Equateur province.[124] The organisation of free and fair elections marked the end of the Congolese transitional political system and brought about democracy in the country. Moreover, the holding of elections in the DRC was "the key

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[120] Kabemba, C (2), Op Cit p 5
[121] Mangu, A, M and Budeli, M, Op Cit p 100
[122] Ibid, p 101
[123] Ibid, p 102
[124] Ibid, p 103

element in the move from a post-conflict transition to a democratic, unified and stable state."[125] Despite many challenges, the international community and MONUC played a preponderant role with logistical and political support for the success of the first democratic elections in the DRC.

Conclusion

The peace process was shaped significantly by the role of MONUC in its part of solving the Congolese political conflict. As a UN peacekeeping operation, MONUC faced enormous challenges to achieve political mechanisms for the success and the contribution to the Congolese political crisis such as the mechanisms of dealing with all Congolese rebel groups involved in the DRC conflict. The ICD provided an important starting point with the setting up of transitional institutions. Moreover, the ICD created a new political culture in the history of Congo for a stable DRC.[126] The second phase of transition opened the new democratic era in the DRC through the holding of democratic elections since independence on the 30 June 1960.MONUC and the international community committed themselves to support the Congolese during the period of transition. They played important roles towards the logistic and financial support for the holding of free and transparent elections in the DRC. They also channelled the DRC post-conflict political system to build on a democratic culture.

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[125] Boshoff, H and Wolters, S, Situation Report: Future Scenarios for the Democratic Republic of Congo, Institute for Security Studies, www.iss.co.za/uploads/101005DRC.PDF, 2005, p 1

[126] Kabemba, C (2), Op Cit p 1

Chapter four: THE EFFECTIVENESS OF MONUC WITH REGARD TO DEMOCRACY AND HUMAN RIGHTS IN THE DRC

Introduction

This fourth chapter analyses MONUC's effectiveness between 1999 and 2006 with regard to democracy and human rights in the DRC.

MONUC has been involved in the Congolese conflicts since 1999. Under Chapter VII of the UN Charter, MONUC helped to bring peace through a conducive political environment that enabled dialogues among Congolese political parties including belligerent factions in the DRC. Following negotiations, MONUC played a major role during the transitional process up to the holding of national elections which brought political legitimacy and a way of building democracy after the war. Apart from political problems, MONUC also increased attention on human rights especially in the Eastern DRC. Indeed, the war in the Kivus and Ituri districts killed many civilians and displaced thousands others who required protection, rehabilitation and integration back into society. MONUC supported the Congolese people in both operations for durable peace and stability of the country.

4.1. The FHI as an indicator of overall civil and political rights after the commencement of MONUC

Many years of political stagnation and violence created insecurity and instability in the country. Both often disabled the state from having control over vast parts of the country, as well as providing fundamental services. Freedom House publishes annual reports assessing the degree of perceived democracy and human rights in each country.[127] In so doing, since 2002, it has published reports on political rights and civil liberties scores for the DRC. The FHI reports on the political rights and civil liberties are both ranked from 1 to 7 (with 1 representing the highest level of freedom and 7 the lowest).

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[127] Freedom House, <u>Advancing Freedom for 70 years</u>, Analysis " Freedom in the World", edition 2009 http://www.freedomhouse.org/template.cfm?page=351&ana_page=352&year=2009,

According to the FHI report in 2002, "the political rights rating improved from 7 to 6".[128] The improvement of political rights was due to the organization of the inclusive political dialogue such as the ICD. Indeed, all Congolese rebel groups, the non-armed opposition and the government met around a table and accepted a new political culture of cohabitation to end the war in the DRC. The civil rights rating ranked 7.[129] Indeed, the fighting of remaining militia groups in the Eastern DRC, especially in Ituri and the Kivus, increased sexual violence and poverty among displaced people. In addition, children were recruited into militia groups for profits and wealth of militia groups. As a result, civil rights were not well protected because of the destruction of the judicial system.

The FHI reports (2003, 2004, 2005 and 2006) show how the scores remained 6 for both political rights and civil liberties during the transitional period in the DRC.[130] Indeed, Congolese people have never changed the government through democratic ways. For instance, all official members at national and local levels in different sectors were appointed by the president and vice presidents. As a result, all powers such as the executive, legislative, judiciary and military were concentrated in the hands of a small group. Moreover, the Kinshasa government continued with the harassment of human rights such as torture, arbitrary arrests, detention, repression and assaults throughout the country. Therefore, the democratic transition period was unstable. The peace was fragile and paved the way for the return of widespread violence.

According to the Freedom House (2007) report, "the political rights rating improved from 6 to 5".[131] The improvement of political rights was due to the organization of the first successful presidential and legislative democratic elections in 2006 since independence in 1960.[132] For the first time since independence, Congolese people participated in both, a constitutional referendum in 2005 as well as presidential, legislative and provincial elections

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[128] Freedom House, Freedom in the World-Congo, Democratic Republic of (Kinshasa) (2002), http://www.freedomhouse.org/template.cfm?page=363&year=2002&country=1034
[129] Ibid
[130] See Freedom House, Advancing Freedom for the 70 years: Congo, Democratic Republic of (Kinshasa), and editions 2003, 2004, 2005 and 2006, http://www.freedomhouse.org/template.cfm?page=22&year=2007&country=7308.
[131] Freedom House, Advancing Freedom for the 70 years: Congo, Democratic Republic of (Kinshasa) (2007), edition 2007, http://www.freedomhouse.org/template.cfm?page=22&year=2007&country=7308.
[132] Ibid

in 2006. However, the 2007 report showed that the DRC is not an electoral democracy and has serious problems resulting in severe human rights abuses.[133]

4.2. Background of the Human Rights situation in the DRC

4.2.1. The Human Rights situation (1990 - 1999)

The implementation of human rights in the DRC remained poor even though there was the appearance of pockets of peace in the country. Congolese people never experienced fundamental human rights since independence in 1960. Moreover, Congolese people were neglected in different sectors such as justice, healthcare, and education. As a result, corruption, arbitrary arrests especially for people of different opinion increased all over the country.

In 1990, with the beginning of the transition to multiparty democracy, opposition politics were permitted to operate in the country. Therefore, the transition process opened ways to freedom of assembly and association as well as freedom of expression to political parties and civil society. During this period, widespread human rights abuses were committed by members of the army and the Mobutu security forces. They were responsible for violations such as torture, arbitrary arrest and imprisonment with the consent of the highest authorities.[134] Moreover, the ethnic violence in conflicts between "*originaires*" and "*non-originaires*" perpetrated by *Jeunesse de l'Union des Fédéralistes Républicains Indépendants* (JUFERI) militia supported by Kyungu Wa Kumwanza, governor of Katanga province, against people from the Kasai provinces in 1993 killed thousands from violence, starvation and diseases while millions of Kasai people were displaced into camps. Despite all these tragic atrocities, no judiciary action against Kyungu Wa Kumwanza and his militia was taken. Impunity was the norm in Zaire (DRC) during the Mobutu era with the approbation of the highest authorities.[135]

The 1994 the Rwandan genocide unlawfully killed around 800,000 Rwandan people and thousands Congolese people. Indeed, planned acts of vengeance against civilians were

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[133] Ibid
[134] Human Rights Watch (1), Human Rights Watch World Report 1995-Zaire, www.unhcr.org/refworld/docid/467fca9e1e.html, January 1995
[135] Ibid

committed by both the *Front Patriotique Rwandais* (FPR) and Hutu *interhamwe* in reaction to the conflict. Also, during the rebellion which brought Laurent Kabila into power, many massacres and human rights abuses were committed by the AFDL militia alongside the Rwandan RPF military against Congolese civilians and Hutu refugees in the Kivus. After removing Mobutu from power, Laurent Kabila quickly restricted political rights. All political parties were banned at the advantage of the AFDL and the *Comité du Pouvoir Populaire* (CPP) institution represented the powers of the government at local level throughout the country. As a result, the government intimidated opposition political parties and once again restricted the freedoms of press, expression, association and movement. In this perspective, Amnesty International condemned the Kabila government and labelled it repressive.[136] For Amnesty International "the human rights situation deteriorated since Laurent Kabila came to power: political activists, journalists, human rights defenders and trade unionists all worked under the threat of intimidation, harassment, arrest or torture for security institutions such as *Agence Nationale de Renseignements* (ANR) and *Détection Militaire Anti-Patrie* (DEMIAP)."[137] For instance in February 1998, Etienne Tshisekedi, leader of the UDPS was arrested and relegated to Kabeya-Kamwanga, his native village in Kasai Oriental province, under security monitoring of the then government.[138]

From August 1998 even worse violations were committed in the country such as rape and torture which characterised the conflict, especially in the Eastern DRC. Amongst the belligerent factions and militia groups, women and young girls were exposed to sexual violence which became a weapon of war against men in rebel held territories. Women were abused by government security forces as well as belligerent factions and militia groups. Many Congolese civilians were victims of unlawful detention, inhuman and degrading treatment by these same forces. Moreover, during the 1998 war, all Congolese rebel groups and countries involved in the conflict including the DRC government recruited children in their ranks. The recruitment of child soldiers was a violation of the International Convention on the Rights of the Child to which the DRC is a signatory. Similar to the Mobutu era, corruption, arbitrary arrest, detention and torture of opposition party members continued to occur in both the Kinshasa government and rebel held territories. Thus, human rights remained poor. Congolese people could not change the government peacefully and the government security

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[136] UNHCR, Background Paper on Refugees and Asylum Seekers from the Democratic Republic of the Congo, Centre for Documentation and Research, Geneva, www.asylumlaw.org/docs/congodemocraticrepublic/UNHCR_Congo_2000.pdf, May 2000
[137] Ibid
[138] Ibid

forces were responsible for various abuses, e.g killings, torture, beatings, rape, and disappearances, with impunity.[139]

Following the tragedy on the ground, in 1999 the UN sent a peacekeeping mission to assess the human rights situation in the territories of both the Kinshasa government and those held by the rebels.

4.2.2. The Human rights situation (1999 - 2003)

During the period 1999-2003, despite MONUC's presence, the government's security forces continued to act with impunity throughout the country.[140] The ANR, a specialised government security branch, committed many serious violations of human rights such as torture, repression and disappearances of opponents and political members of the opposition in various cities across the country. Security forces engaged in arbitrary arrests, assaults, detentions, threats and abuses of journalists and media outlets to limit freedom of press and freedom of expression.[141] In territories under rebel control, militia groups in several areas of the Eastern provinces also committed violations against civilians such as destroying villages and houses, killing and kidnapping men, raping women and recruiting children for military service.[142]

4.2.2.1. Human rights in territories under control of the Kinshasa government

In areas under government control the human rights record was reduced because numerous serious violations were committed. Government security forces especially the ANR, an intelligence agency responsible for internal and external security in the DRC, the *Garde Spéciale Présidentielle* (GSP) and DEMIAP security forces all reported directly to Joseph Kabila on the one hand, and on the other hand the *Police Nationale Congolaise* (PNC) and FARDC committed several abuses such as torture, beatings, and acts of rape, arbitrary detention, extortion, and other abuses against the civilian population and politicians of

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[139] Dagne, T, Op Cit p 8

[140] International Federation for Human Rights, Democratic Republic of Congo" Breaking Cycle of Impunity", www.fidh.org/IMG/pdf/DRCsexualcrimeseng2008.pdf, March 2008, p 5

[141] Department of State in accordance with Sections 116(d) and 502B (b) of the Foreign assistance Act of 161, as amendment , Country Reports on Human Rights Practices for 2004, http://foreignaffairs.house.gov/archives/109/99700.pdf, Vol. I, September 2005, pp 118-121

[142] Ibid, pp 118-121

opposition parties.[143] Generally, these government security forces mentioned above acted with impunity and sometimes independently of government authority.[144] Indeed, members of the security forces were undisciplined, poorly paid and poorly trained. The lack of professionalism among security force agents significantly decreased the DRC's human rights record. Also, President Kabila and his government used the pretext of war to severely limit the rights of citizens in the country. For that reason, the freedoms of opinion and media, movement, assembly and association were restricted. Political leaders and parties including journalists were often repressed or intimidated by security forces to express their opinions. Sometimes the government harassed journalists by seizing newspapers and printing equipments. Television channels and radio stations broadcasted under government control with many restrictions. Members of security forces used excessive and unjustified force against supporters of political parties during demonstrations. Demonstrators were frequently targets of intimidation, death threats and arbitrary arrests. Inhuman and degrading treatments in cells and prisons were the way of operating for security forces agents against civilians according to their political affiliations. As a result, security forces agents committed unlawful killings, beatings, torture with impunity. In some areas, women were marginalised and relegated to a secondary role in the society. For instance in the Northern part of the country, women were victims of genital mutilation and they were not protected. A number of women suffered from discrimination characterised by violence against them.[145] The government did not protect the rights of children because they were recruited as soldiers into the FARDC.

4.2.2.2. Human rights in territories under rebel control

In rebel held territories, the human rights situation was volatile and the life of people was at serious risk. The MLC and RDC-Goma rebel groups and their ally's troops severely harassed the population in the Eastern DRC. They committed human rights abuses such as limiting citizen's rights (freedoms of speech, press, assembly and movement). Regarding the freedom of expression and opinion, independent journalists were arrested, threatened and detained after broadcasting programmes from *Radio Télévision Nationale Congolaise* (RTNC) Kinshasa, the national television channel. For this reason, the leaders of rebel groups shut down RTNC Kinshasa programmes by putting local television programmes under their effective supervision and censorship. In addition, newspapers were banned to prevent

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[143] UNHCR, <u>Op Cit</u>
[144] <u>Ibid</u>
[145] <u>Ibid</u>

circulation of articles supposed hostile to them. As a result, journalists were warned to stop their radio and television transmitting from Kinshasa.[146] For instance, in the territory under RCD control, all previous existing political parties were suspended. Moreover, all political associations and meetings were banned and severely reprimanded by RCD rebels and while in the territory under MLC control, pygmies were victims of cannibalism, systematic rape, torture and kidnapping.[147]

In Ituri MLC militia and Ugandan soldiers alongside with Hema tribal militia committed massacres and violence against civilians. The massacre of civilians in the area was based mostly on tribal criteria. Moreover, the MLC and RCD/N committed massacres in Mambassa and Eringeti in their joint military operation "*Effacer le tableau*".[148] The operation consisted in destroying everything in those areas during their passage.

As a result, in rebel held territories, human rights remained poorly implemented. Rebel officers committed various human rights abuses with impunity because the judicial system was not operational and the judges fled into Kinshasa government controlled territory during the war.[149]

4.3. MONUC and the human rights situation in the DRC: 1999 to 2003

When the Security Council established MONUC in 1999, the DRC was divided into three segments: one for the government, one area under the influence of the Rwandese alongside the RCD and one for the MLC and Ugandan forces.

In an attempt to end the DRC war, the Security Council authorised 5,537 UN military personnel including 550 UN military observers to supervise the initial Lusaka Peace

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[146] Garretón, R, Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 2000/15, UN Commission of Human Rights,
www.afrol.com/Countries/DRC/documents/un_human_rights_2001.htm, February 2001
[147] Dummet, M, Congo rebels guilty of cannibalism, mass rape-UN, Reuters-Alert Net,
www2.reliefweb.int/rw/RWB.NSF/eacea085bacc7974c1256ec40042c62b/0e77d64ed565eb2185256caf0075b9e5?OpenDocument, January 2003
[148] Ibid
[149] Human Rights First, The Democratic Republic of the Congo: Ravaged by conflict, human rights atrocities and impunity, www.humanrightsfirst.org/international_justice/regions/DCR_Bckgrnd.pdf

Accords.[150] After the deployment of UN troops in the country, speedily 2000 blue-helmets were positioned to the ceasefire line between belligerent factions for the fulfilment of the clauses of the agreement.[151] Despite the UN deployment, the fighting continued in the Eastern DRC. The fighting in the Kivus and Ituri districts displaced around 3.4 million Congolese civilians who were unprotected from local militias' threats. This situation remained precarious because of massacres and ethnic violence perpetrated by militia groups as well as the proliferation of arms linked to the exploitation of natural resources in the region. As a consequence, in 2002 ethnic fighting erupted between the Hema and Lendu tribes. The UPC was a militia Hema group while the *Front des Nationalistes et Intégrationistes* (FNI) was a militia Lendu group. According to the Human Rights Watch report called *"The curse of gold"*, during the series of attacks between Hema and Lendu, two thousand civilians were killed, while over 140,000 were displaced in camps or in the forest.[152] Moreover, the FNI installed terror in Ituri by resorting to arbitrary arrests, beatings, and other forms of cruel practices on civilians while the UPC tortured, arrested and executed civilians suspected of cooperating with the Lendu.[153] UPC militia groups committed crimes against humanity and were condemned by the Security Council of serious atrocities against civilians.

Following the Hema and Lendu ethnic fighting, MONUC deployed a contingent of 10 blue-helmets to support the Ituri situation.[154] The number of blue-helmets deployed lacked means and was insignificant to force both the UPC and the FNI to negotiate. However, the MONUC force in Ituri attempted without success to assist and protect suffering civilians, and in order to strengthen security in Ituri as well as end violations of human rights from local militias, the Security Council enacted resolution 1445 which enlarged the MONUC force with 8,700 military personnel.[155]

In 2002, fighting erupted between the MLC alongside the RCD-N against the RCD/ML militias in the Oriental province. During the occupation, civilians were killed, villages were

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[150] Human Rights Watch (2), <u>ITURI: " COVERED IN BLOOD": Ethnically Targeted violence in North-eastern DR Congo</u>, Human Rights Watch report on the situation of human rights in the Democratic Republic of Congo Vol. 15, No. 11 (A), www.kongo-kinshasa.de/dokumente/ngo/DRC0703.pdf,July 2003, p 51
[151] <u>Ibid</u>, p 51
[152] Human Rights Watch (3), "<u>The curse of gold: Democratic Republic of Congo</u>" , United States of America, ISBN: 1-56432-332-3, 2005, p 31
[153] <u>Ibid</u>, p 31
[154] Human Rights Watch (2), <u>Op Cit</u>, p 51
[155] <u>Ibid</u>, p 51

destroyed and violence took place in Mambassa. Rapidly, MONUC placed a team of blue-helmets to ensure the protection of civilians and end violations of human rights, while also surveying the implementation of the Lusaka Peace Accords. As calm returned in Mambassa, early in 2003, MONUC reported its first broad human rights investigations on the Mambassa fighting. The report estimated that "some of these troops committed systematic rapes, looting, summary executions and ten confirmed cases of cannibalism against people of the Nande ethnic group."[156]As a result, on 15 January 2003, the Security Council condemned the MLC and RCD-N for systematic massacres and violations in Mambassa such as torture, rape, killing and cannibalism.[157]

In March 2003, the Security Council initiated trials against the MLC, RCD-ML and UPC at the ICC for human rights violations and crimes committed in the DRC. According to the Human Rights Watch report, *DRC: ICC's trial focuses on Child Soldiers,* Thomas Lubanga the leader of the UPC militia was charged of enlisting and conscripting children under the age of 15 as soldiers as well as widespread killing, rape and the torture of thousands of civilians in Ituri.[158] Later on in 2006, Thomas Lubanga was arrested and transferred to the ICC in The Hague for the issuing of international crimes.[159]

Having the mandate of monitoring the implementation of the Lusaka Peace Accords, in 2003 MONUC started DDRRR operations of foreign soldiers involved in the DRC conflict. MONUC was supported in this disarmament by representatives from the Congolese government, as well as from countries involved in the DRC conflict (Rwanda, Burundi and Uganda) who helped identify foreign combatants. Moreover, MONUC conducted several missions in the Eastern DRC to seek foreign troops in order to encourage them to join the DDRRR process. As a result of DDRRR operations, which targeted foreign soldiers on Congolese territory, around 15,000-20,000 foreign combatants with up to 30,000 dependents were located in the Eastern DRC.[160] Among foreign combatants in the Eastern DRC, 13,000 Rwandan soldiers were repatriated to Rwanda by MONUC. In addition, 3,085 *Forces Burundaises pour la Défense de la Démocratie* (FDD) and 501 *Forces Nationales de Libération* (FNL) and around a thousand of Ugandan Allied Democratic Forces (ADL)

[156] Ibid, p 52
[157] Ibid, p 52
[158] Human Rights Watch (4), DRC's First Trial Focuses on Child Soldiers,
www.hrw.org/en/news/2009/01/22/drc-icc-s-first-trial-focuses-child-soldiers, January 2009
[159] Ibid
[160] Emeric, R, Op Cit, p 262

soldiers were repatriated by MONUC to their respective countries. At the same time, MONUC got involved in UNICEF's programme of separating children from armed belligerents and militias. As part of its tasks, MONUC succeeded to disarm 9,000 Mai-Mai combatants to integrate them into the FARDC. MONUC's DDR operations teams were established in the Kivus. Reception centres for the DDR programme enabling contact with belligerent factions and militia groups were in Goma, Bukavu, Butembo, Beni and Uvira. The DDR operation continued until the end of 2007.

Despite MONUC's DDR programme, many disarmed and integrated militias returned to their previous duties which constituted insecurity as a serious concern in the Kivus.[161] As a result, human rights abuses and widespread atrocities continued to be committed in the Eastern DRC by remaining militia groups.

4.4. Human rights in the DRC with MONUC: 2003 to 2006

4.4.1. Abuses of civil and political rights

The country's draft constitution approved by the National Assembly and the Senate guaranteed some rights such as independence of institutions, freedom of expression, freedom of press, freedom of religion, freedom of movement, rights to freedom of assembly and association.[162] In addition, the country registered around 220 political parties including the MLC and RCD, the former rebel groups.[163] However, this fact on its own did not guarantee the putting into practice of constitutional rights.

It should be noted that the transitional administration officially began on 30 June 2003 with the establishment of the transitional government and other institutions for two years. Despite this fact, the ANR, DEMIAP, FARDC, PNC and other specialised government security forces continued to get involved in many serious abuses including repressing the civil liberties of the civilian population with different political affiliations. The situation of human rights during the post-conflict transition was as follows:

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[161] Mobekk, E, <u>MONUC: DDRRR, DDR, Military and Rule of Law reform-reducing violence against Women,</u> Action Aid Report, Recommendations for change, 2006, p 11
[162] Freedom House, Advancing Freedom for 70 years: Freedom in the World- Congo, Democratic Republic of (Kinshasa) (2006), edition 2006,
http://www.freedomhouse.org/template.cfm?page=22&country=7094&year=2006.
[163] <u>Ibid</u>

4.4.1.1. Freedom of expression and press

Freedom of expression and press guaranteed by the International Convention on Civil and Political Rights to which the DRC is party was seriously affected. Several members of the opposition, public critics and journalists were threatened, arrested or tortured by government security forces. On 30 June 2005 Pastor Albert Lukusa, the pastor of *Nouvelle Cité de David* a Christian Church in Lubumbashi was arrested, tortured and detained by the ANR agents just because he disapproved in a sermon with President Joseph Kabila and the government. After he was released from an ANR facility in October the same year, he died two months later, due to the inhuman and degrading treatments received.[164] The following year, on 14 May 2006, another pastor, Kutino Fernando, founder of an evangelical religious movement and his colleague, pastor Bompere were arrested simply because they criticised excessive foreign influence over the government.[165] Both pastors are still in detention at Makala correctional service in Kinshasa up to this writing.

Frequently the government's security forces intimidated and attacked journalists, political leaders and their supporters during demonstrations. In June 2005 UDPS supporters demonstrated in Kinshasa and other provinces of the country against the government's decision to delay the organisation of national democratic elections, which was judged "anti constitutional." As a result, in Mbuji-Mayi, Oriental Kasai province, government security forces killed fifteen UDPS supporters and injured another twenty six demonstrators during the demonstration.[166] In addition, UDPS leaders and other supporters were arrested and detained in jail where they underwent torture for weeks. The same day in Kinshasa, in another demonstration, several UDPS supporters and leaders were arrested, beaten and dispersed by force. Journalists were also arrested, their equipment was destroyed, and they were warned to stop their coverage of UDPS demonstrations.[167] As the government and its specialised security services got disappointed with the press coverage, they suspended the operation of RAGA TV, *Radio Télé Kin Malebo* (RTKM), Tropicana TV and other television channels and radio stations. Some journalists of the above-mentioned private television

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[164] Bureau of Democracy, <u>Human Rights, and Labour 2004, Congo, Democratic Republic of the,</u> www.state.gov/g/drl/rls/hrrpt/2004/41597.htm, February 2005
[165] Human Rights Watch (5), "Democratic Republic of Congo: Journalists and Human Rights Defenders under fire", <u>Human Rights Watch briefing paper</u>, No. 2, June 2006 www.kongokinshasa.de/dokumente/ngo/hrw_drc0606_en.pdf
[166] <u>Ibid</u>
[167] <u>Ibid</u>

channels and radio stations were arrested during live TV or radio broadcasts by the PNC, and upon their release, they were prevented from entering their offices. Others were summoned to conform to the national information agency. Moreover, during the period preceding the end of the transition, in June 2005, towards the organisation of elections in 2006, several members of the opposition parties, independent journalists and independent media watchdogs who were critics of the government were physically tortured, threatened or arrested and put in jail by the government.[168] In some other places, newspapers that were in favour of the government succeeded as regular publications all over the country.[169]

During the electoral campaign period, one journalist published articles criticizing the transition period in Kinshasa. On 8 July 2006, he was killed by unidentified armed men.[170] Kabeya Pindi Passi, a television journalist of *Tropicana TV* and president of the National Press Union in Congo, fled the country after receiving anonymous death threats from Vice-President Jean Pierre Bemba's supporters after his publication on their human rights abuses committed before and during the transition period.[171] The next month in August, twelve journalists of television channels *Canal Congo Télévision* (CCTV) and *Canal Kin,* owned by Jean Pierre Bemba, were also victims of anonymous death threats after reporting MLC incidents of two days in Kinshasa.[172] The government's security forces continually seized newspapers in order to stop articles which were estimated to present information in a biased way against government policy. Moreover, several television channels, radio stations and private newspapers were either suspended or obligated to operate according to government guidelines. As a result, some political reports of daily newspapers, radio Okapi and independent journalists reporting on corruption or constitutional matters were either killed or sentenced to prison.[173] As such, there is no freedom of expression and press in the DRC. Congolese people are unable to exercise these rights.

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[168] Ibid
[169] Ibid
[170] OUNHCHR, The human rights situation in the democratic Republic of Congo (DRC), report by the MONUC Human rights division, www.ohchr.org/Documents/Countries/UNHROBiannualReport01to062007.pdf, February 2007
[171] Human Rights Watch (5), Op Cit.
[172] Ibid
[173] Ibid

4.4.1.2. Freedom of assembly and association

During the transitional process, the government systematically continued to limit the right of freedom of assembly and association while the constitution provided for it. According to the Congolese government, the right of freedom of assembly and association in public places is important, but should not disturb public order. For that reason, the government obliged political parties, NGOs and other organisations to apply for the authorisation of demonstrations against the government, diplomatic missions and other matters. Therefore, the government often harassed political movements and their leaders as well as protestors, thus leaving each demonstration with no other option but being preceded by a local authority's notification. The experience on the ground confirmed that opposition political parties' demonstrations which were directed against government decisions were most seriously affected by the Ministry of the Interior's sanctions. As a result, the government often used excessive force against demonstrators through the PNC such as the UDPS demonstration on 30 June 2005 in Mbuji Mayi and Kinshasa.[174] Subsequently at the UDPS demonstrations, all journalists and a number of media broadcasters that were covering the event were threatened or arrested. As a consequence, several private media were suspended by the Minister of Press and Communication.

On 19 May 2006, security forces arrested 32 South African individuals under the pretext of plotting a coup d'état. Those particular individuals were members of a private South African security company appointed to protect some presidential candidates during the electoral campaign. The police illegally detained them at the Kin-Mazière Detention Centre without filing any formal charges. They remained three days in the detention centre.[175]

In July 2006, the PNC dispersed a UDPS demonstration against the organisation of elections in Likasi, Katanga province under the instructions of the local mayor. Apparently, the incidents started when the police sprayed teargas that seriously injured some people, and among them one man fell into coma.[176] Many of the demonstrators were arrested and

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[174] Ibid
[175] United Nations Report, MONUC UN Mission in DR Congo, The Human Rights situation in the Democratic Republic of Congo (DRC), http://monusco.unmissions.org/LinkClick.aspx?fileticket=wtFw3QXSGlU%3D&tabid=4135&mid=3999, July 2006, p 5.
[176] OUNHCHR, Op Cit

detained without charges. The police released them some days later without filing any formal charges.

In September 2006, security forces arrested sixteen members (ten men and six women) of the Solidarity for National Development, a political movement in Tshikapa (Kasaï province), who contested the temporary results of the elections of the National Assembly by the IEC. The local authority of Tshikapa gave instructions to the police to use excessive force in order to disperse the demonstrators claiming the demonstration threatened public order. [177] All arrested demonstrators remained in detention and were released two days later.

In October 2006, security forces dispersed a student uprising in Kisangani demanding the release of their principal who was imprisoned. In their confrontation, the police fired into the air causing serious injuries on approximately nineteen students. The arrested students were held at the police station for more than three days. In addition, during the student's detention, the policemen attempted to rape a young girl among them and subjected many other students to cruelties and inhuman treatments.[178]

Security services were responsible for serious violations of human rights during the period of transition. Political movements and their leaders, as well as human rights defenders and NGOs were often harassed by government security services, violating and restricting the right of freedom of assembly and association from holding and organise protest meetings for political movements on the one hand, and from making public observations for human rights defenders and NGOs on the other hand.

4.4.1.3. Freedom of religion

The constitution provides for freedom of religion. Therefore, the government called religious groups to register in a non-discriminatory way in order to be recognized. As such, religious groups should not disturb the public order nor oppose universal moral values.

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[177]Ibid
[178] Ibid

In June 2005, a religious ethnic and political group called *Bundu Dia Kongo* based in the Bas Congo province called for the establishment of a kingdom for the *Bakongo*.[179] The government estimated that the *Bundu Dia Kongo* march was plotting to bring about an anti-Kabila rebellion in the province for its separatist political characters. As a result, FARDC soldiers and PNC government security forces dispersed the demonstrators by using force and arrested five of them. The arrested members were held in an ANR detention without formal charges and they were subjected to cruelties and inhuman treatments.[180]

Following the *Bundu Dia Kongo* demonstrations, the government, in accordance with the High Authority of Medias (HAM), an independent institution supporting democracy, suspended all religious radio stations and television channels including *Radio Télé Message de Vie* (RTMV) from broadcasting political and news programmes for a period.[181] Prior to the event, Reverend Kutino Fernando, RTMV's owner, was harassed by security government forces to give tape recordings of a call-in program broadcasted between 9 and 11 April where he stated the end of the transitional government in transferring power to the population on 30 June 2005.[182] After the 30 June 2005, the government allowed stations to broadcast as usual.

4.4.1.4. Freedom of movement

Although the constitution provides for freedom of movement within the country, government security forces sometimes restricted this right by putting checkpoints in airports, national roads and ports, for security reasons. Following this disposition, security forces harassed national civilians by extorting their money or detaining them until such time that a payment of money, i.e. a bribe, is made.[183]

4.4.1.5. Situation of women

The situation of women remained precarious in the DRC. Women and girls were victims of sexual violence including rape throughout the country. Although the transitional parliament

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[179]Department of State, <u>Annual Report on International Religious Freedom 2006</u>, Department of State in accordance with section 102 of the international religious freedom act 1998, http://hcfa.house.gov/110/38274.pdf , 2005, p 25
[180] <u>Ibid</u>
[181] <u>Ibid</u>
[182] <u>Ibid</u>
[183] Freedom House, <u>Advancing Freedom for 70 years: Freedom in the World- Congo, Democratic Republic of (Kinshasa) (2006)</u>, edition 2006, <u>Op Cit</u>.

adopted a new sexual violence law, the government did not successfully put this law into force. Women and girls who were sexually violated remained unprotected by the local authorities and a national plan for protection and assistance of women and girls who were victimized by sexual violence did not exist, and as a result, women and girls were often at great risk of sexual harassment, rape, forced pregnancy, sexual slavery, and other sexual crimes particularly in the Eastern provinces. On several occasions, they were unwillingly raped and became pregnant by security forces, and when they reported abuses committed on them, perpetrators who were involved in the violations were suspended from their duties for legal prosecution.

The OHCHR (2007) issued a public report which showed how security forces, particularly the PNC and FARDC continued to sexually abuse women and girls in the DRC. The report highlights a wide range of sexual violence such as rape against women and girls perpetrated by government security forces, particularly the PNC and FARDC. In August 2006, twelve identified policemen and other unidentified policemen alongside sixteen civilians systematically raped 37 women and girls in the Bolongo-loka village in the Equateur province.[184] The incident caused panic which forced hundreds of villagers to escape and seek refuge in another place or in the forest. Investigations of rape and assault against women and girls were conducted by a local court. As a result, nine perpetrators, seven PNC agents and two civilians who were implicated in the violations were arrested and detained in a military prison in Lisala.[185] The same scenario happened in two localities of the Bongandanga territory in the Equateur province. More than 6 women were raped by a PNC commander alongside policemen under his orders. As numerous abuses continued to occur throughout the country, according to reports, the FARDC and PNC used rape to retaliate against targeted territories such as the districts of Equateur and the Kivu provinces. For instance during the Rutshuru (North Kivu province) fights, the FARDC used rape and sexual violence as weapons of war.[186] As a consequence of the fighting, between 40 and 90 women and girls were sexually violated by the FARDC. Also, in Uvira (South Kivu), young girls of 10 years of age were intimidated and raped by FARDC soldiers, thus causing a climate of fear among women and young girls who were at great risk of sexual violence in the region.[187] FARDC

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[184] OUNHCHR, Op Cit
[185] Ibid
[186] Ibid
[187] Ibid

soldiers contributed to a decline of human rights in Kivu and the Eastern provinces and as such impunity prevailed.

The PNC also committed mass rape and sexual violence throughout the country against women and young girls, sometimes in police custody or in front of the victims' families. For example, in Mbuji Mayi, the Oriental Kasaï province, a woman was raped by a group of policemen when she was in detention in a police station cell.[188] Other women were victims of rape in Internal Displaced Persons (IDPs) camps in the North and South Kivu provinces situated near the police station. Rape by both the PNC and FARDC was a serious problem in Kivu and in the Oriental provinces. Most of the PNC agents and FARDC soldiers were not prosecuted. Some of them were arrested while a number among them remained with total impunity.

4.4.1.6. Situation of children

The laws guaranteed by the International Convention on the Rights of the Child to which the DRC is a party were neglected. Although the constitution prohibits all forms of abuse through its articles on the protection of children's rights, several abuses such as hard labour, accusations on the practice of sorcery, trafficking of children as soldiers and porters, sexual violence and services continued to occur all over the country. With very few exceptions, most of the accusations on the practice of sorcery led many children to abandon their families which forced them to become street children. Moreover, one of the costs of the war in the country was the increase in the number of orphans. This prevented them from enjoying their rights, thus leading thousands to become homeless in Kinshasa and other cities of the DRC. Many homeless children were malnourished and the transitional government did not adequately assist or protect them. As a result, large numbers of them engaged in prostitution, criminal bands, begging and were mostly used as child soldiers during the conflict period.[189]

Human Rights Watch published detailed reports on human rights abuses on children in the DRC. Reports showed in general how security forces abused street children, raping them and stealing their belongings while armed groups in the Eastern provinces continued to enrol child soldiers in their ranks. Some street children were often arbitrarily arrested and abused

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[188] Ibid
[189] Human Rights Watch (6), What Future? Street Children in the Democratic Republic of Congo, www.unhcr.org/refworld/country,,HRW,COUNTRYREP,COD,,4455d3944,0.html, April 2006

by security forces. Homeless girls were especially targeted by security forces in big towns, and they were victims of severe harassment and sexual exploitation by security forces. Reports showed that the situation of children in the Eastern provinces was especially precarious. Some minor children continued to serve in armed groups such as the FNI, and *Forces Armées du Peuple Congolais* (FAPC) as well as work in inhuman conditions in the diamond mines in Ituri. Although the Congolese government collaborated with the United Nations Children's Fund (UNICEF) and MONUC through an international programme to prevent children from becoming child soldiers and to combat child labour, the UN special rapporteur for the DRC reported in 2004 that "the number of orphans and street children increased during the year: 25,000 and 50,000 child refugees, war orphans, and child sorcerers roamed the streets throughout the entire country, although some of those who were not orphans returned to their families at day's end."[190] Following the UN special rapporteur, it is true that the war exposed several children to different kinds of harassments throughout the country, especially in warring zones.

In 2004, Human Rights Watch conducted investigations into allegations of serious human rights violations committed against civilians by militias under General Laurent Nkunda and Colonel Jules Mutebutsi following the occupation of Bukavu. Reports described human rights abuses against children based on an ethnic criterion. In Bukavu children experienced nightmares of sexual violence during the occupation of the town by General Nkunda's and Colonel Jules Mutebutsi's militias. For instance, the militias abused four teenage girls by asking their ethnicity and then raping them more than once.[191]

4.4.1.7. Independence of the judiciary

The independence of institutions was not guaranteed in practice, especially for the judiciary. The judiciary system was under the influence of government officials. Corruption and manipulation were the code of conduct of the judiciary system because of lack of experienced personnel and resources.[192] The High Court of Justice did not maintain effective control on both civilian and military courts. As a result, judgements were arbitrarily pronounced which led to prisons being overcrowded. Because of long periods of imprisonment, conditions in

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[190] Bureau of Democracy, <u>Op Cit</u>.
[191] Human Rights Watch (7), "D.R. Congo: War crimes in Bukavu", <u>A Human Rights briefing paper</u>, http://hrw.org(english/docs/2004/06/11/Congo8803.htm, June 2004.
[192] Freedom House, <u>Advancing Freedom for 70 years :Freedom in the World- Congo, Democratic Republic of (Kinshasa) (2006)</u>, edition 2006,<u>Op Cit</u>

prisons where not good, with no privacy and most prisoners ending up sick and/or dead due to lack of medications and food. Until now, arbitrary detentions remain a serious problem in the country.

4.4.2. Run-up to the election

During the period preceding the 2006 national democratic elections, numerous violations on civil and political rights were committed by the police, the ANR and other government security forces. In fact, the police, the ANR and other government security forces engaged in practices such as arbitrary arrest, illegal detention or acts of physical violence, including beatings or use of excessive and unjustified force during political protest demonstrations resulting in the Congolese government restricting freedom of expression, assembly, and the freedom of the press prior to the elections.

According to a MONUC report in 2006, "*The Human Rights situation in the Democratic Republic of Congo*", government security forces committed various human rights abuses in Mbuji Mayi, during UDPS protests on 30 June and fifteen supporters were killed, while twenty-six others were injured and some leaders were arbitrarily arrested by the government's security forces.[193] The government responses to the UDPS demonstrations and a series of journalists' arrests were simply practices predisposed to decline freedom of press and freedom of expression and assembly. In addition, the OHCHR reported that during the period between public statements of the temporary results of the presidential elections, many violations of human rights were committed. Following the proclamations of presidential results, violence left four policemen dead and the High Authority for Media (HAM) and the National Human Rights Observatory (NHRO), two important institutions of the transition, looted.[194] During the electoral process, human rights declined in the DRC, and both government security forces and the security division of Jean Pierre Bemba were responsible for many serious abuses against civilians supposedly in a contrary political tendency.

Above all, despite constitutional guarantees on political rights and civil liberties approved by both the National Assembly and the Senate, the UDPS did not participate in the referendum nor take part in the 2006 elections. International observers perceived some irregularities and political corruption during the electoral registration. In spite of those irregularities, the

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[193] United Nations Report, MONUC UN Mission in DR Congo, <u>Op Cit</u>, p 25.
[194] OUNHCHR, <u>Op Cit</u>

elections were said to be free and transparent. Moreover, during the time of announcement for the presidential results by the IEC, the MLC rejected the outcome. As a result, clashes between the MLC and government troops arose, and Jean Pierre Bemba, the leader of the MLC, fled into exile in 2007 to save his life.[195]

4.4.3. MONUC's impact on the human rights situation

The human rights situation in the country remained unstable in the Eastern provinces especially in the Ituri and Bunia districts where rival factions and local militias continued to commit atrocities. As usual, in such conflicts women were raped by local militias and people were forced to move to other regions of the country or neighbouring countries. Instead of assisting vulnerable groups, MONUC peacekeepers became involved in gross human rights violations such as sexual exploitation and abuse of women and children.[196] They were plunged into accusations of sexual misconduct with prostitutes which is a violation to the UN Code of conduct for peacekeeping troops.[197] Security did not exist and the situation in both districts was horrendous with an estimated 50,000 people killed during local militias and ethnic fighting.[198]

In 2003, MONUC become involved alongside the international community including the Congolese and Ugandan governments in the pacification of Ituri through the Ituri Pacification Commission (IPC).[199] Also MONUC consolidated its position in several areas of Bunia. It provided security by coordinating deployments of multinational forces in both districts. For instance, in Bunia MONUC forces protected civilians, the airport and vital installations while providing a peacekeeping and reconciliation roadmap in Ituri.[200] With the deployment of multinational forces, stability returned in some areas and thousands of civilians returned and reintegrated into society.[201] Moreover, early in 2004 MONUC helped to end impunity in Bunia. Justice was restored: the prison, courthouse, police headquarters and judges

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[195] Freedom House, <u>Advancing Freedom for 70 years :Freedom in the World- Congo, Democratic Republic of (Kinshasa) (2006)</u>, edition 2006,<u>Op Cit</u>
[196] Dagne, T, <u>Op Cit</u>
[197] <u>Ibid</u>
[198] Horman, K, <u>Operation Artemis in the Democratic Republic of Congo</u>, European Commission, May 2007
[199] Dagne, T, <u>Op Cit</u>
[200] <u>Ibid</u>, pp 1-2
[201] United Nations Security Council (4), <u>Fifteenth report of the Secretary-General on the United Nations Organisation Mission in the Democratic Republic of the Congo</u>, www.kongo-kinshasa.de/dokumente/uno/N0427867.pdf, March 2004, p6

accommodations were renovated by MONUC and the international community.[202]Also, 81 police officers were trained by MONUC for patrolling duties and other functions.[203]

Despite some military shortcomings, MONUC supported the peace process and succeeded to pacify Bunia and Ituri. Although the war in the Eastern DRC was almost finished, some areas continued as serious threats to the stability of the country. To address this issue, MONUC continued both DDRRR and DDR programmes of the remaining forces where hostilities persisted. For instance, in 2005 and 2006, MONUC supported the FARDC with logistics in a joint military operation of repatriation of the *Forces Démocratiques de Libération du Rwanda* fighters (FDLR).[204]

Moreover, MONUC got in touch with the armed groups in the Northern DRC. This contact allowed MONUC to help the *Commission Nationale pour la Démobilisation et Réinsertion* (CONADER) in the DDR programme to disarm over 165,000 former combatants by providing security at centres. Furthermore, the disarmament of remaining former combatants reduced the level of insecurity in some of the Eastern areas. In the perspective of reducing insecurity in the Kivus through Radio Okapi, MONUC continued to send messages encouraging remaining Rwandan soldiers and armed groups still in the forest to enter DDRRR and DDR.[205]

As to the reform of the security sector, during the transition MONUC, alongside the international community, played a predominant role in devising mechanisms of transitional justice for justice to war crimes and crimes against humanity committed during the five years of civil war in the DRC. For that reason, MONUC's Human Rights Section dealt with judicial issues for the extrajudicial solutions because of the weak justice system in the DRC.[206] Indeed, national courts were unable to prosecute perpetrators of war crimes as well as crimes against humanity. As a result, MONUC supported the establishment of the NHRO

[202] Ibid, p 8

[203] Ibid, p 8

[204] Tull, D Op Cit, p 220

[205] Swarbrick, P, "DDRRR: Political Dynamics and Linkages" in Malan, M and Porto, J, Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, p 173

[206] Cisse-Gouro, M, "Human Rights Challenges during the transition: An OHCR Perspective", in Malan, M and Porto, J, Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, p 104

and the TRC towards the ending of the culture of impunity in the DRC.[207]The establishment of a TRC was useful for promoting reconciliation.[208] This commission was meant to investigate gross violations of human rights committed during the war and facilitate the creation of a past abuses record in the DRC. In this regard, MONUC and the international community engaged in the creation of a genuine and viable TRC in the DRC.[209]

For the promotion and protection of human rights in the post conflict transition, the DRC constitution established the NHRO. To support the establishment of the NHRO, MONUC coordinated with the OHCHR in creating a national consultation on National Human Rights Institutions in 2003.[210] The objectives and functions of the establishment of a NHRO were to investigate and prosecute cases of gross human rights committed by all parties during the civil war for the promotion and protection of human rights in the DRC.

Furthermore, in order to assist the Congolese judicial system on the one hand, and to deal with all crimes committed for the end of impunity in the DRC on the other hand, the ICC opened investigations for perpetrators who were responsible for serious crimes committed since 2002. As a result, MONUC, during its patrols in Ituri and in the Kivus, helped the Congolese government to capture Thomas Lubanga Dyilo, the leader of the UPC, a militia group. In 2006, the Congolese government transferred Thomas Lubanga to the ICC which charged him with war crimes and using children in armed combat. Another person, Thomas Lubanga's collaborator Bosco Ntangada, was charged with war crimes committed in Ituri and is still sought by the ICC.[211]

4.5. Analysis of the effectiveness of MONUC with regard to democracy and human rights in the DRC

From the eruption of the war in 1998 through to 2006, the year of national democratic elections, widespread human rights violations were committed in the country by all

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[207] Boshoff, H, "Overview of MONUC's Military Strategy and Concept of Operations", in Malan, M and Porto, J, Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004, p 136
[208] Cisse-Gouro, M, Op Cit, p 106
[209] Ibid, p 107
[210] Ibid, p 107
[211] The American Non-Governmental Organisation Coalition for the International Criminal Court, THE CASE OF THE PROSECUTOR V BOSCO NTANGADA AT THE INTERNATIONAL CRIMINAL COURT, http://www.amicc.org/docs/Ntaganda.pdf

belligerent factions and countries that were involved in the conflict. Most of the worst violations that were committed were rape, torture, forced recruitment of child soldiers, cannibalism, killing, internal displacement, threat, arrest and detention. During the period 1998-2003, human rights worsened because of the war. Indeed, more than 3.3 million people were killed, particularly in the Eastern DRC, and thousands of Congolese people who were displaced were compelled to seek safety in neighboring countries, whereas instability and mass killing persisted in the areas controlled by rebel groups. The Ituri area was the perfect example in this case due to ethnic conflicts. Like the human rights realities, the political situation of the country was unstable.

MONUC was committed to mainstreaming democracy and human rights in the DRC through the organisation of national elections in the DRC in order to put an end to abuses and wars for the achievement of peace. The involvement of MONUC in the DRC war started after the signing of the Lusaka Ceasefire Agreement on 10 July 1999. Since its establishment, MONUC undertook to fulfil its mandate as well as find solutions between belligerent factions and the Congolese government through negotiations and the settlement of disputes.

Under the Lusaka Ceasefire Agreement, MONUC was effective towards democracy in the DRC. Indeed, the positive support of MONUC to democracy further helped the DRC to deal with the challenge of peace implementation in a coherent way. During the transition period, MONUC made wide efforts to assist the Congolese government in the organisation of the first national democratic elections since independence in 1960. For instance, in terms of democracy, from 1999 through to 2002, MONUC separated warring parties and facilitated negotiations. Indeed, negotiations allowed the Congolese government and belligerent factions as well as the armed opposition and civil society to sign a peace agreement such as the ICD in 2002 and 2003. The signature of the ICD had a major impact on the conflict environment that was characterised by a nearly five-year violent civil war. Following the ICD signature, an agenda for mutual interest and a stable peace development was set up for the future of the DRC which ended the five years of civil war and generated a shift from authoritarian rule to democracy. Since 2003 MONUC's partnership with the international community increased political legitimacy in the country. As a result of the ICD signature, Kabila's autocratic system formally ended with the redistribution of political power. In addition, an effective multi-party system and the legitimacy of institutions were restored. Although the UDPS

boycotted the democratic process, the 2006 national election experience provided the legal conceptual framework of democracy for the future.

Regarding the human rights situation, was MONUC effective or ineffective in ending war as well as abuses committed in the DRC? According to Security Council resolution 1291 (2000) point eight, "MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect the United Nations and the co-located JMC personnel, facilities, installations and equipments, ensure the security and freedom of movement of its personnel, and protect civilians under the imminent threat of physical violence".[212] In its beginnings in the DRC, MONUC was aware of various abuses committed in the Eastern DRC, but was unable to control its areas of deployment for the protection of civilians. Indeed, it failed to ensure the protection of civilians from armed clashes and violence for sustainable peace in all areas of its deployment. The Kisangani and Ituri escalations were most obvious to illustrate the ineffectiveness of MONUC in ending war and human rights abuses. For instance, in 2000 during the conflict between Ugandan and Rwandan forces (the Congo's Eastern neighbours) in Kisangani, MONUC neither intervened nor cooperated with the belligerents. As a result, thousands of civilians fled into neighbouring countries due to extensive bombing and fighting. Faced with this tragedy, women were victims of routine sexual violence from both armed forces during the time of the occupation.

Furthermore, in June 1999 ethnic disputes between the Hema and the Lendu erupted over the controlling of land and mineral resources in Ituri. Human rights deteriorated between 2002 and 2003 when different armed groups became involved in the war. Each tribe identified itself with an armed group of its choice which enabled the conflict to spread and become bitter. Therefore, the Hema allied with the UPC militia while the FNI armed group stood for the Lendu. As a result, 50.000 civilians were estimated dead following the violence in Ituri between 2002 and 2003.[213]

The incapacity of MONUC to protect civilians from armed clashes and ethnic violence in Ituri dramatically hindered the war from ending. Furthermore, in the 2003 escalation, when the Ugandan Army invaded the town of Bunia, MONUC failed again in its mandate to protect

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[212] United Nations Security Council (5), Resolution 1291, www.undemocracy.com/S-RES-1291(2000).pdf, S/RES/12919 (2000), February 2000

[213] Kees, H, "Operation Artemis in the Democratic Republic of Congo" in European Commission: Faster and more united? The debate about Europe's crisis response capacity, Netherlands Institute for International Relations ,Clingendael www.clingendael.nl/publications/2007/20070531_cscp_chapter_homan.pdf, Chapter 12, May 2007

civilians. Although MONUC dealt with local militias in the region, various abuses such as looting, killing and raping continued to be committed. Facing a deteriorating security situation in Bunia, the Security Council authorised in its Artemis operation the deployment of an Interim Emergency Multinational Force (IEMF) to reinforce MONUC forces for the security of the town.[214] The operation had a task of securing and protecting the civilians as well as the IDPs against the militia and the Ugandan Army attacks in the town. When the Artemis operation started, it took control of the ground by increasing the protection of civilians against abuses. Indeed, through the Artemis Operation, alongside a multinational force, MONUC helped the cause of human rights in the pacification of Ituri. Moreover, MONUC committed itself to providing security in the region. During the period 2003- 2005, the human rights situation slightly improved. A small number of mass atrocities and serious human rights abuses committed during the war were brought to justice such as Thomas Lubanga's case. In sum, the Artemis operation was useful in Ituri in protecting the population against human rights abuses.

In 2004, MONUC was ineffective in the Bukavu crisis. As in the Bunia invasion, MONUC was supposed to protect civilians. War crimes and human rights abuses such as summary executions, rape, and looting against civilians based on ethnic criterion were committed by all the belligerent factions since 26 May 2004.[215] MONUC failed again to ensure the protection of civilians in the safe zone. During the warring time, in some rebel held territories, MONUC investigated and carried out human rights investigations on allegations perpetrated by the militia and all the fighting groups such as the MLC and RCD-N for the case of Mambassa. Unfortunately those investigations did not have any impact on the promotion of human rights in the country.

During the period surrounding the electoral campaign in 2006, the situation of human rights worsened with the restriction of the rights against several political party members. In addition, the transitional government continued to commit many serious abuses thus contributing to a decline of political rights and civil liberties. However, only a very small number of human rights abuses committed by the transitional government's security forces were prosecuted in court or investigated by MONUC in the fight against impunity. As such, civil liberties and political rights were not well protected during the 2002-2006 transitional

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[214] Ibid
[215] Human Rights Watch (7), Op Cit

period. In this perception, the challenge to democracy and human rights persisted. Civil liberties and political rights still required a lot of improvement in order to establish democracy and promote human rights. Finally, MONUC started the human rights campaign by contributing to the establishment of the NHRO and TRC institutions which tackled the issues of impunity in order to promote and protect the human rights in the DRC and to restore democracy. However, this aspect did not allow MONUC to influence the promotion of the transitional justice. For instance, during its existence, the NHRO was ineffective. In this perception, the 2006 Global Integrity Report published that "the National Observatory of Human Rights remained a timid organ and inactive against the massive human rights violations during the transitional period".[216]As a result, the political interferences influenced the institution rather than prosecuting the perpetrators of those abuses.[217]It was somewhat regrettable that in July 2006, the offices of the NHRO were demolished by political party members during the presidential campaigns of the same year.[218] For that reason, the institution ceased to exist.

With reference to the TRC's case of failing to prosecute the perpetrators of the serious crimes that were committed during the war, the institution seemed rather incompetent to deal with such atrocities committed in the DRC, thus leaving the majority of the perpetrators of massive human rights abuses unprosecuted. The majority of the aforesaid perpetrators were either promoted in the FARDC or in the Congolese government according to their political considerations.[219]

As described above, although MONUC supported the Congolese people in achieving democracy through the holding of free and transparent elections, it failed to promote human rights observance. Human rights abuses still persist in some areas of the Kivus to date.

4.6. Institutional liberalism approach to the role of MONUC in the DRC

The study which examines the role of MONUC with regard to the promotion of democracy and human rights in the DRC and peacekeeping in the DRC argues that institutional liberalism appears to be the theory which highlights better the effectiveness of MONUC. The

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[216] Electoral Institute for the Sustainability of Democracy in Africa (EISA), <u>DRC: National Observatory of Human Rights (Defunct)</u>, www.eisa.org.za/WEP/drcagency.htm
[217] <u>Ibid</u>
[218] <u>Ibid</u>
[219] <u>Ibid</u>

latter, being a special UN peacekeeping mission established by the UN Security Council resolutions, ought to prevent the resumption of civil war and to enforce the peace deal in the DRC.

A series of academic debates related to the impact and the support of peacekeeping in both intrastate and interstate conflicts demonstrated that peacekeeping operations help the establishment of lasting peace in a holistic way across countries torn apart by conflicts. A key element of these debates outlined the ideas that peacekeeping operations are "limited to maintaining ceasefires and stabilizing situation on the ground, so that efforts could be made at the political level to restore the conflict by peaceful means."[220]Explanations of academic debates were relevant to the impact and support of peacekeeping in conflicts. Moreover, academic debates were pertinent to understand the limits of the role of MONUC in the DRC. In recent years, UN peacekeeping operations evolved to meet the demands of different conflicts and changing landscape.[221] In fact, in terms of promoting durable peace, the institutional liberalism approach to peacekeeping is based on the effectiveness of international institutions to promote democracy, personal security as well as the rule of law.

Chapter one of this study provided a framework for the institutional liberalism approach to the role of MONUC in the DRC. Moreover, the theory provided a much wider understanding of MONUC's support in the DRC conflict for sustaining a durable peace. Indeed, with the cooperation of belligerent factions, the Congolese government and the countries involved in the DRC conflict, MONUC succeeded to promote democracy with the holding of free and transparent elections in 2006. In this perspective, MONUC worked dynamically towards sustainable institutions of governance and the disarmament, demobilisation and reintegration of former combatants. As a result, the political landscape changed. These political changes contributed to putting an end to the wars and building a democratic culture in the DRC. Moreover, the rebuilding of a democratic culture paved the way for the organisation of the second democratic elections expected in 2011.

Although many changes occurred on political aspects, the absence of effective peacekeeping to reach the UN standards of human rights was illustrated by examining personal security and the rule of law. Beside the creation of both the NHRO and the TRC for the promotion of

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[220] United Nations Information Service, Op Cit, p 3
[221] Ibid, p 3

human rights in the country, MONUC did not achieve the UN standards of human rights in the DRC. The reasons for such failings were MONUC's lack of enough means to accomplish the material objectives of its mandate. In these circumstances, beside efforts and resources, MONUC did not fully achieve its goals in the DRC.

Based on MONUC's experience in the DRC, it is tricky to affirm that the task was successful. However, relying on the 2006 democratic elections and on political changes, there was ample evidence that "the institutional liberalism approach to peacekeeping was helpful in preventing the resumption or escalation of violent conflict and establishing a durable and self-sustaining peace."[222] In fact, the analysis of the role of MONUC in the implementation of peace process in the DRC through the use of institutional liberalism approach was applied to address cooperation and negotiations with countries and belligerent factions involved in the DRC's conflicts. Therefore, the theoretical concepts of institutional liberalism and peacekeeping were relevant for the aim of this study.

Conclusion

As pointed out above, the situation of human rights in the DRC was very poor, especially during the time of the civil war. Each day widespread human right abuses were committed by all parties involved in the conflict. In addition to these abuses, the majority of perpetrators were not prosecuted and it is widely recognised that they are still living with impunity. Despite the establishment of the TRC and the NHRO for the promotion of the transitional justice in the DRC, those institutions were unable to deal with serious crimes against human rights. Therefore, impunity took place due to MONUC's lack of effectiveness to achieve its mandate through the TRC and the NHRO by prosecuting the perpetrators of crimes in the DRC.

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[222] United Nations University, Towards a Human Security: Approach to Peace building, www.unu.edu/publications/briefs/policy-briefs/2010/UNU_ResearchBrief_10-02.pdf, 2010

CONCLUSION

The study highlighted the role of MONUC to prevent conflict and facilitate the promotion of democracy and human rights in the DRC. The first chapter examined the theory of institutional liberalism, a theoretical framework which explained better MONUC's commitment to the DRC's political problems and its effort to prevent the conflict spreading further. The second chapter provided the outline of a series of UN peacekeeping missions undertaken in Africa including MONUC in the DRC, in an attempt to visualize the UN's effectiveness within the context of larger conflicts. The third chapter addressed the two major phases of the transition process to democracy in the DRC: the first phase covered the 1990-1997 periods whereas the second covered the 2002-2006 periods leading up to the elections. To be clear, the 2006 elections significantly shaped the peace process that achieved the building of a democratic culture for the future in the DRC. Finally, the fourth chapter discussed MONUC's effectiveness with regard to democracy and human rights in the DRC and the FHI findings for analysing the broader UN peacekeeping mission in the restoration of democracy and human rights in the country.

1. The Pre 1997 period

The DRC used to be under Mobutu's military and corrupt dictatorship regime for more than 30 years. Indeed, state repression paralysed the administration which led the country to both economic and political chaos.

Although the democratic process started after President Mobutu's speech on 24 April 1990, the political situation worsened with the liberalisation which accompanied the transition. This system favoured a rapid growth of many political parties (440 political parties). Most of them had ethnic and regional characters and competed for power. With this picture, the country remained fragile and unstable due to the violence of tribal groups against each other. Moreover, the inconceivable conduct of some political actors led some areas of the country into ethnic conflicts. The opening of a SNC, a step towards democracy, inspired great hope in Congolese people to end a dictatorial regime and re-introduced a multi-party system for the country's future. During this period, Mobutu started to divide opposition parties by corrupting some of the political opponents. The outcome demonstrated a kind of formal bipolarisation of the political situation, relying on the ethno-regional mobilisation which

emerged and much weakened the democratic process. For instance, Mobutu's supporters in the province of Katanga came into conflict with the *Luba* population of the province of Kasai, and that situation killed thousands and displaced millions of people between 1992 and 1993. In the Kivus, the ethnic violence over land between the *Hunde* and the *Banyarwanda* people was characterised by persistent human rights violations which killed hundreds of civilians and forced thousands to flee into neighbouring countries.

All in all, the political situation was in a permanent crisis. In this regard, democratic elections never took place and Mobutu continued to spread tribal conflicts to weaken the opposition parties. When Laurent Kabila toppled Mobutu from power on 17 May 1997, he banned all political party activities rather than consolidating the democratic process.

2. <u>**1999-2003**</u>

The five years of the bloodiest war ever in the DRC killed millions of Congolese people. In an attempt to solve the political problems and restore peace, the UN Security Council established MONUC in response to the crisis in the country. MONUC enormously contributed in the DRC's implementation of peace. The Lusaka Peace Agreement opened a way to the signatory parties to cooperate under UN assistance for sustainable peace in the country. However, the 1999 Lusaka Peace Agreement had several obstacles to achieve peace, and therefore the 2002 ICD, which ushered in the establishment of the transitional government, came to solve the Lusaka Peace Agreement's insufficiencies. The signing of the ICD known as the "Global and All-Inclusive Agreement" gave an opportunity to MONUC to assist the transitional institutions during the transitional process.

In accordance with its mandate, MONUC influenced the end of the Congo wars but failed to deal with the overall situation of serious violations committed in the Eastern DRC. In 2002, MONUC conducted, the DDRRR and DDR programmes for the security sector reform in the Kivus. Those programmes disarmed 9000 Mai-Mai combatants to integrate the FARDC and repatriated thousands of foreign soldiers such as Rwandese, Burundian and Ugandan soldiers. MONUC achieved some results by demobilising child soldiers from the militia through the UNICEF programme. However, MONUC's DDRRR and DDR programmes failed to disarm and demobilise all the militia and child soldiers during this period. In addition, during the same period, impunity and illegal access to weapons were not addressed. Despite MONUC's

commitment to address the issue of insecurity in the Kivus, human rights violations persisted in certain areas.

3. <u>2003-2006</u>

The end of hostilities in the Eastern DRC in 2003 led to the establishment of a transitional government, a step forward towards a lasting reconciliation processes. In this regard, with the mandate to accompany Congolese people into the holding of free and transparent elections, MONUC assisted the transitional government with materials, human resources and financial supports through the *Comité International d' Accompagnement de la Transition* (CIAT). In addition, MONUC worked with the transitional government to define its strategies and goals during the transitional process. In this regard, MONUC contributed and assisted the IEC in the organisation of the referendum in 2005 and the successful 2006 national elections which paved the way to building a democratic culture since independence in 1960. Therefore, the organisation of the 2006 democratic elections was estimated the greatest success attributed to MONUC's performance in the DRC.

Dealing with human rights abuses, although MONUC helped the Congolese government to capture and transfer Thomas Lubanga Dyilo, the leader of the UPC to the ICC because of war crimes and the using of child soldiers, it (MONUC) did not achieve together with the Congolese judiciary system the prosecution of other cases of serious crimes committed in the DRC as well as an end to impunity. On the other hand, MONUC failed through the TRC and the NHRO to rebuild the national justice system for the protection of human rights as well as the ending of impunity of serious crimes in the DRC.

Considering the DDRRR and DDR operations in the Kivus, MONUC continued to support those programmes according to its mandate. Despite considerable challenges in reintegrating some child soldiers and former combatants into society, MONUC succeeded to demobilise and disarm over 54,000 child soldiers and 9,000 Mai-Mai. In addition, around 15,000 foreign soldiers were repatriated to their respective countries. However, in some Eastern areas, MONUC was ineffective to protect civilians from human rights abuses. Yet, insecurity persisted in some areas of the Kivus.

Despite several criticisms against MONUC's role and ineffectiveness in the DRC, some progresses were made, especially in restoring democracy in the country.

This thesis argues that MONUC's presence in the DRC influenced the end of the five years of civil war and led to reconciliation among the Congolese. That is true; MONUC played a predominant role in bringing a democratic culture among the Congolese people through the 2006 national elections. But on the other hand, MONUC failed to influence the functioning of the NHRO and the TRC during the transitional period for investigating and prosecuting war crimes in order to end with impunity. In this perspective, with the functioning of the aforementioned institutions, the DRC judicial system could have broken down an ongoing culture of impunity for the promotion of human rights in the country.

BIBLIOGRAPHY

Adebajo, A, "From Congo to Sudan: UN peacekeeping in Africa 1", in Le Pere, G and Samasuwo, N, <u>The UN at 60: A new spin on old hub</u>, Institute for Global Dialogue, Midrand, South Africa, 2006

Adekeye, A and Landsberg, C, <u>Back to the future: UN peacekeeping in Africa</u>, EBSCO, 2002

A Paramount Group White Paper, <u>UN Member States Responsibility towards Peacekeeping Developments</u>, www.paramountgroup.biz/uploads/assets/files/Whitepapers/11-un-member-states-responsibility-towards-peacekeeping-deployments.pdf, June 2009

Boehmer, C, Gartzke, E and Nordstrom, T, "Do Intergovernmental Organizations promote peace?", <u>World Politics</u>, Vol. 57, No. 1, Project MUSE, The Johns Hopkins University Press, 2004

Boshoff, H, "Overview of MONUC's military strategy and concept of operations", in <u>Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo</u>, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

Boshoff, H and Wolters, S, <u>Situation Report: Future Scenarios for the Democratic Republic of Congo</u>, Institute for Security Studies, www.iss.co.za/uploads/101005DRC.PDF, 2005.

Brahm, E, <u>Intergovernmental Organisations (IGOs)</u>, Beyond Intractability, www.beyondintractability.org/essay/role_igo/?nid=1328, 2005

Bureau of Democracy, Human Rights, and Labour 2004, <u>Congo, Democratic Republic of the</u>, www.state.gov/g/drl/rls/hrrpt/2004/41597.htm, February, 2005

Cisse-Gouro, M, "Human Rights Challenges during the transition: An OHCR Perspective" in Malan, M and Porto, J, <u>Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo</u>, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

Christer, J and Jonas T, <u>Institutional Theory in International Relations: Institutional Theory in Political Sciences</u>, http://www.statsvet.su.se/publikationer/tallberg/joensson_tallberg_institutional_theory.pdf.

Ciobanu, D, "The power of the Security Council to organize peacekeeping operations" in Cassese, A, <u>United Nations Peacekeeping: Legal Essays</u>, Alpena an den Rijn- the Netherlands, 1978

Cohen, R, Hyden, G and Nagan, W, <u>Human Rights and Governance in Africa</u>, University Press of Florida, 1993

Dagne, T, <u>The Democratic Republic of Congo: Background and Current Developments</u>, Congressional Research Service, www.fas.org/sgp/crs/row/R40108.pdf, 2009

Dahrendorf, N, <u>MONUC and the relevance of coherent mandates: The Case of the DRC</u>, Chapter 3, dcaf.ch/serviceengine/Files/DCAF/.../chapter_dahrendorf_DRC.pdf.

Dallaire, R and Poulin, B, <u>UNAMIR: Mission to Rwanda,</u> www.dtic.mil/doctrine/jel/jfq_pubs/0534.pdf, 1995

Department of State, <u>Annual Report on International Religious Freedom 2006</u>, Department of State in accordance with section 102 of the international religious freedom act 1998, http://hcfa.house.gov/110/38274.pdf , 2005

Department of State in accordance with Sections 116(d) and 502B (b) of the Foreign assistance Act of 161, as amendment , <u>Country Reports on Human Rights Practices for 2004,</u> http://foreignaffairs.house.gov/archives/109/99700.pdf, Vol. I, September 2005

Discussion Notes, Part One, "International commitment to peace in the DRC" in Malan, M and Porto, J, <u>Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo</u>, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

Dong, V, World Vision Congo Communications Manager, <u>Timeline of Democratic Republic of Congo History& Key Events</u>, http://www.larryshort.com/congo/timeline.pdf.

Dummet, M, <u>Congo rebels guilty of cannibalism, mass rape-UN</u>, Reuters-Alert Net, www2.reliefweb.int/rw/RWB.NSF/eacea085bacc7974c1256ec40042c62b/0e77d64ed565eb2 185256caf0075b9e5?OpenDocument, January 2003

Electoral Institute for the Sustainability of Democracy in Africa (EISA), <u>DRC: National Observatory of Human Rights (Defunct)</u>, www.eisa.org.za/WEP/drcagency.htm, 2009

Emeric, R, "The Inter-Congolese dialogue: A critical overview" in Malan, M and Porto, J, <u>Challenges of peace implementation : The UN mission in the Democratic Republic of the Congo,</u> A joint project of the training for peace and the African Security Analysis Programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

Freedom House, <u>Advancing Freedom for 70 years</u>, Analysis "Freedom in the World", edition 2009, http://www.freedomhouse.org/template.cfm?page=351&ana_page=352&year=2009

Freedom House, <u>Advancing Freedom for the 70 years: Congo, Democratic Republic of (Kinshasa) (2007),</u> edition 2007, http://www.freedomhouse.org/template.cfm?page=22&year=2007&country=7308

Freedom House, <u>Freedom in the World-Congo, Democratic Republic of (Kinshasa) (2002),</u> http://www.freedomhouse.org/template.cfm?page=363&year=2002&country=1034

Freedom House, <u>Advancing Freedom for 70 years: Freedom in the World- Congo, Democratic Republic of (Kinshasa) (2006),</u> edition 2006, http://www.freedomhouse.org/template.cfm?page=22&country=7094&year=2006.

Garretón, R, Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 2000/15, UN Commission of Human Rights www.afrol.com/Countries/DRC/documents/un_human_rights_2001.htm, , February 2001

Guehenno, J, The evolution of peacekeeping: Part I, Peacekeeping Best Practices Section Division of Policy, Evaluation and Training Department of Peacekeeping Operations United Nations Secretariat, New York, 10017, www.peacekeepingbestpractices.unlb.org/Pbps/Library/Capstone_Doctrine_ENG.pdf, March 2008

Hansen, W, Rambothan, O and Woodhouse, T, Hawks and Doves: Peacekeeping and Conflict Resolution, Research Centre for Constructive Conflict Management, http://www.berghof-handbook.net/documents/publications/hansen_etal_handbook.pdf, 2004.

Horman, K, Operation Artemis in the Democratic Republic of Congo, European Commission, May 2007

Human Rights First, The Democratic Republic of the Congo: Ravaged by conflict, human rights atrocities and impunity, www.humanrightsfirst.org/international_justice/regions/DCR_Bckgrnd.pdf

Human Rights Watch (5), "Democratic Republic of Congo: Journalists and Human Rights Defenders under fire", Human Rights Watch briefing paper, No. 2, www.kongo-kinshasa.de/dokumente/ngo/hrw_drc0606_en.pdf, June 2006

Human Rights Watch (4), DRC's First Trial Focuses on Child Soldiers, www.hrw.org/en/news/2009/01/22/drc-icc-s-first-trial-focuses-child-soldiers, January, 2009

Human Rights Watch (7), "D.R. Congo: War crimes in Bukavu", Human Rights briefing paper, http://hrw.org(english/docs/2004/06/11/Congo8803.htm, June 2004

Human Rights Watch (1), Human Rights Watch World Report 1995-Zaire, www.unhcr.org/refworld/docid/467fca9e1e.html January 1995

Human Rights Watch (2), ITURI: "COVERED IN BLOOD": Ethnically Targeted violence in North-eastern DR Congo Human Rights Watch Report on the situation of human rights in the Democratic Republic of Congo, Vol.15, No. 11 (A), www.kongo-kinshasa.de/dokumente/ngo/DRC0703.pdf, July 2003

Human Rights Watch (3), "The curse of gold: Democratic Republic of Congo", United States of America, ISBN: 1-56432-332-3, 2005.

Human Rights Watch (6), What Future? Street Children in the Democratic Republic of Congo, www.unhcr.org/refworld/country,,HRW,COUNTRYREP,COD,,4455d3944,0.html, April 2006

International Federation for Human Rights, Democratic Republic of Congo "Breaking Cycle of Impunity", www.fidh.org/IMG/pdf/DRCsexualcrimeseng2008.pdf, March 2008

Jackson, R and Sorensen, G, Introduction to International Relations, Theories and Approaches, Oxford University Press Inc, New York, 2003

Kabemba, C (2), Perspectives on the role of key stakeholders in the DRC's political transition: Realising effective and sustainable democratic governance in Southern Africa and beyond, EISA occasional paper No. 26, www.eisa.org.za/PDF/OP26.pdf, 2004

Kabemba, C (1), "The Democratic Republic of Congo", in Clapham, C, Herbst, J and Mills, G (eds): Big African States, Wits University Press, Johannesburg, 2001

Kassa, M, "Humanitarian assistance in the DRC" in Malan, M and Porto, J, Challenges of peace implementation: The UN mission in the Democratic Republic of the Congo, A joint project of the training for peace and the African Security Analysis Programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

Karns, M, "The United Nations at 60 and the future of its peacekeeping role" in Le Pere, G and Samasuwo, N, The UN at 60: A new spin on old hub, Institute for Global Dialogue, Midrand, South Africa, 2006

Kees, H, "Operation Artemis in the Democratic Republic of Congo" in European Commission, Faster and more united? The debate about Europe's crisis response capacity, Netherlands Institute for International Relations, Clingendael, Chapter 12 www.clingendael.nl/publications/2007/20070531_cscp_chapter_homan.pdf, May 2007

Keohane, R, "International Institutions: Two approaches" in International Studies Quarterly, Vol. 32, No. 4, 1988

Keohane, R and Martin L, "The promise of Institutional Theory" in International Security, Vol. 20, No. 1, The MIT Press, 1995

Koko, S, "The 'one- plus –four' formula and transition in the Democratic Republic of Congo, African Security Review, Institute for Security Studies, Vol. 16 No. 1, 2007

Kuperman, A, "Rethinking the Responsibility to protect" in The Whitehead Journal of Diplomacy and International Relations, www.strausscenter.org/system/uploads/4/original/Kuperman-Whitehead-R2P-2009-final.pdf?1266510828, 2009

Lusaka Ceasefire Agreement, Art III, 11 a, www.iss.co.za/af/profiles/drcongo/cdreader/bin/2lusaka.pdf

Mac Queen, N, Peacekeeping and the International System, Routledge, New York, 2006

Malan, M and Porto, J, "Monuc's contribution to security in the DRC" in Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

Mangu, A, M and Budeli, M, Democracy and Elections in Africa in the Democratic Republic of Congo: Lessons for Africa, Law, Democracy & Development, http://ajol.info/index.php/ldd/article/viewFile/52884/41484.pdf, Vol. 12, No. 1, 2008

Missionary Atlas Project Africa, Democratic Republic of the Congo (formally Zaire), http://worldmap.org/maps/other/profiles/democratic%20republic%20of%20the%20congo/Republic%20of%20the%20Congo.pdf

MONUC: United Nations Organization Mission in the Democratic Republic of the Congo, <u>Democratic Republic of the Congo-MONUC- Mandate</u>
www.monuc.org/Depts/dpko/missions/monuc/mandate.html

 Mobekk, E, <u>MONUC: DDRRR, DDR, Military and Rule of Law reform-reducing violence against Women</u>, Action Aid Report, Recommendations for change, 2006

Nest, M, Grignon, F and Kisangani E, <u>The Democratic Republic of the CONGO: Economic dimensions of war and peace</u>, International Peace Academy, Lynne Rienner publishers, Colorado, USA, 2006

Office of Women in Development, USA Agency for International Development, <u>Intrastate Conflict and Gender</u>, Information Bulletin No. 9,
http://pdf.usaid.gov/pdf_docs/PNACP514.pdf, December 2000

OUNHCHR, <u>The human rights situation in the democratic Republic of Congo (DRC)</u>, report by the MONUC Human rights division,
www.ohchr.org/Documents/Countries/UNHROBiannualReport01to062007.pdf, February 2007

Radmann, W, <u>The Nationalization of Zaire's Copper: From Union Miniere to GECAMINES</u>, Indiana University Press, 1977

Report of the Secretary-General Pursuant to the Statement adopted by the Summit Meeting of the Secretary Council on 31 January 1992, <u>An Agenda for Peace Preventive diplomacy, Peacemaking and peacekeeping</u>, www.unrol.org/files/A_47_277.pdf, A/47/277-S/24111, June 1992

Rikhye, I, <u>The theory and practice of peacekeeping</u>, published for the International Peace Academy by C. HURST & Company, London, 1984

Serafini, M, N, Foreign Affairs, Defence and Trade Division, <u>Peacekeeping and Related Stability operations: Issues of US Military Involvement</u>, CRS Issue Brief for Congress, www.fas.org/sgp/crs/natsec/IB94040.pdf, 2006

Shabbir, C, G, <u>Democracy and development: A conceptual framework,</u>
http://unpan1.un.org/intradoc/groups/public/documents/un/unpan005781.pdf

Sorensen, G, <u>Liberalism of Restraint and Liberalism of Imposition: Liberal Values and World Order in the New Millennium,</u>
www.fpvmv.umb.sk/fpvmv_www/phprs/storage/File/ksp/GLUN/IR_2006_3_Soerensen_liberalism_liberal_order.pdf, International Relations, SAGE, 2006

Stembler, S, <u>An overview of content analysis</u> Yale University PACE Centre,
http://pareonline.net/getvn.asp?v=9&n=4, 2004

Swarbrick, P, "DDRRR: Political Dynamics and Linkages" in Malan, M and Porto, J, <u>Challenges of Peace implementation: The UN mission in the Democratic Republic of Congo</u>, A joint project of the training for peace and the African Security Analysis programmes at the ISS, funded by the governments of Norway, Sweden and Switzerland, 2004

The American Non-Governmental Organisation Coalition for the International Criminal Court, <u>THE CASE OF THE PROSECUTOR V BOSCO NTANGADA AT THE INTERNATIONAL CRIMINAL COURT</u>, http://www.amicc.org/docs/Ntaganda.pdf

Tshiyoyo, D, <u>Democratic Republic of Congo: Road to Political Transition, Electoral and Political Processes (EPP)</u>, EISA, www.eisa.org.za/PDF/drc2006background.pdf, 2006

Tull, D, M, <u>Peacekeeping in the DRC: Waging Peace and Fighting War</u>, International Peacekeeping, Routledge, http://dx.doi.org/10.1080/13533310802685729, 2009

UNHCR, <u>Attacks on Justice-Democratic Republic of Congo</u>, www.unhcr.org/refworld/pdfid/48abdd680.pdf

UNHCR, <u>Background Paper on Refugees and Asylum Seekers from the Democratic Republic of the Congo</u>, Centre for Documentation and Research, Geneva, www.asylumlaw.org/docs/congodemocraticrepublic/UNHCR_Congo_2000.pdf, May 2000

United Nations, <u>Somalia-UNOSOM II Mandate</u>, www.un.org/en/peacekeeping/missions/past/unosom2mandate.html

United Nations Information Service, <u>60 years of United Nations Peacekeeping: Looking back/Moving forward</u>, Vienna International Centre, www.unis.unvienna.org/pdf/60years_peacekeeping.pdf, May 2008

<u>United Nations Peacekeeping in the service of peace, Operation Artemis: The lessons of the emergency multinational</u>, Peacekeeping Best Practices Unit Military Division, www.peacekeepingbestpractices.unlb.org/PBPS/Library/Artemis.pdf, 2004

United Nations Report, MONUC UN Mission in DR Congo, <u>The Human Rights situation in the Democratic Republic of Congo (DRC)</u>, http://monusco.unmissions.org/LinkClick.aspx?fileticket=wtFw3QXSGlU%3D&tabid=4135&mid=3999, July 2006.

United Nations Security Council (4), <u>Fifteenth report of the Secretary-General on the United Nations Organisation Mission in the Democratic Republic of the Congo</u>, www.kongo-kinshasa.de/dokumente/uno/N0427867.pdf, March 2004

United Nations Security Council (5)<u>, Resolution 1291,</u> www.undemocracy.com/S-RES-1291(2000).pdf, S/RES/12919, February 2000

United Nations Security Council (1), <u>Resolution 1376,</u> www.grandslacs.net/doc/2369.pdf, 2001

United Nations Security Council (3), <u>Resolution 1671,</u> S/RES/1671(2006), www.grandslacs.net/doc/3999.pdf<u>,</u> April 2006

United Nations Security Council (2), <u>Twenty-second report of the Secretary-General on the United Nations Organisations Mission in the Democratic Republic of the Congo</u>, www.un-casa.org/CASAUpload/ELibrary/759.pdf, 2006

United Nations University, <u>Towards a Human Security: Approach to Peace building</u>, Research Brief, http://yblk-ext-proxy.appspot.com/www.unu.edu/publications/briefs/policy-briefs/2010/UNU_ResearchBrief_10-02.pdf, 2010

US Agency for International Development, Bureau for Democracy, Conflict, and Humanitarian assistance (DCHA), and Office of US Foreign Disaster Assistance (OFDA), Democratic Republic of the Congo-Complex Emergency, Situation report, www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/drc/fy2003/DRC_CE_SR02_04-16-2003.pdf, April 2003

Zehra, F, Democracy and human rights in developing countries, Lynner Rienner Publishers Inc, USA, 1991