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**Post-conflict Reconstruction and Development in the DRC:
Revisiting the Main Challenges and the Role of the UN**



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As the Democratic Republic of Congo prepares for just its second general elections in four decades on 28 November, Congolese affairs analyst Theodore Trefon considers whether this failed state, still recovering from a war which led to an estimated four million deaths, can ever be rebuilt.





The aim of this presentation is to provide for an analysis of the most serious challenges associated with post-conflict reconstruction and development in the DRC (post 2006) with specific reference to the following: reconstruction and development through state building; and enhancing security governance and humanitarian conditions. Specifically, the role of the UN will be assessed in this regard.

The context of UN deployment in the DRC





- ▶ The DRC is the second largest country in Africa and has an estimated population of approximately 60 million.
- ▶ It is a mineral rich country but its mineral riches have not kept most of the population from the poverty of subsistence fishing, farming and herding in the countryside.
- ▶ The DRC's infrastructure is in ruins and roads beyond the cities are often impassable, so that the country's cities are only linked by notoriously unsafe airlines.
- ▶ The rule of law is not in evidence and where local government is to be found, it lacks most of what needs to be in working order.

- Artisan miners pay taxes, not to the government, but mostly to the army and rebel groups.
- The brutal conflicts in the DRC (and the former Zaire) over many years have directly or indirectly resulted in the deaths of millions of people.
- The situation has often been described as being a state of chaos, anarchy and total disorder.
- The AU force in Somalia operates with a term called 'VUCA', i.e. volatile, unpredictable, complex and ambiguous – a situation that has also been the order of the day in the DRC.

The DRC typically represents a so-called 'no war, no peace society'. Such societies continuously reproduce institutions and organisations – formal and informal – as well as norms and values that generate conflict both within the relevant conflicting society and neighbouring countries.

The 'state' in the DRC

The question is: of what notion is the conflict in the DRC an expression and how should we view the concept of 'state' and the understanding of this concept in the case of the DRC?

Thomas Mandrup brings three dimensions or elements to the fore.

- Firstly, there is the issue of the (partial) absence of effective state and especially state control, which has created 'ungoverned' or unoccupied spaces' into which other actors (rebels/militias) have moved.
- A second element that comes to mind is the set of dynamics and alliances between a myriad of different actors on different levels.
- A third element that arises is the distinction between public and private, or non-state, sources of security. This is closely related to what is understood in traditional state theory as the distinction between legitimate and illegitimate sources and users of violence.

- It could be argued that sovereignty and a geographical territory are generally the central elements in the modern conception of the term 'state'.
- The success of the state depends on the safeguarding of its particular internal coherence.
- The central authorities should be in a position to secure the existence of the necessary structures that allow the society to function in a satisfactory way.
- The success of the state also depends on the ability and capacity to deliver a minimum of services.

- Writing from his experience in a village in Liberia, Jonny Steinberg argues that 'the state' is mostly associated with the classic European variety:
- It is a huge and powerful instrument. It takes possession of each child within its borders from the day she is born, insisting that her birth and her name be officially registered. It takes her mind and much of her time for at least a decade of her young life, instructing her in a language and a syllabus shared by millions of others. It teaches her her country's history and equips her with the knowledge to work in its economy. And when she goes out to work, it is in labour markets regulated by laws that state institutions write.

- From Steinberg's experience of living in a Liberian village, things were really different from the above.
- Those who were in control of villages or small towns were neither interested in the births of all children nor in providing them a decent education. Their main interest was to extract minerals and raise taxes from the people. They managed to do so by forming alliances with other villages and making enemies with others.

- Mandrup postulates that when dealing with the challenges in the DRC a relevant question to ask is: has the state ever been in control of the territory and exercising a monopoly on the use of violence? The answer is no, and when some kind of order has existed in this geographically vast state, it has been through patronage.
- This means that the responsibility of providing security and acting as the state's local expression and image has been exercised through other role-players. In fact, since the early 2000s this was done through the deployment of relatively large numbers of UN peacekeepers.

Challenges facing the DRC in its pursuit of Post-conflict Reconstruction and Development

- Humanitarian situation and protection of civilians
- Disarmament, demobilisation and reintegration (DDR) & Disarmament, demobilisation, repatriation, resettlement and reintegration (DDRRR)
- Security sector reform (SSR)
- The DRC in contemporary regional context
- Strengthening democracy and the rule of law

Humanitarian situation and protection of civilians

- ◆ The humanitarian situation remains precarious due to large-scale population displacements; human rights violations by armed men, including rapes, killings and lootings; impeded humanitarian access; and security incidents against humanitarian workers.
- ◆ Towards the end of 2010 the total number of internally displaced persons in the DRC was estimated at 1,7 million and of these, about 1,3 million were displaced in the troubled Kivus.



- ◆ In recent years the FARDC (Army) has been a constant source of instability as the soldiers served both public and private functions. They represent the state, but also serve as private actors, acting as perpetrators of crimes against the local population and as a source of insecurity. These roles are difficult to separate as they are often played out simultaneously.
- ◆ The protection of civilians in the DRC and the humanitarian situation remain among the most pressing issues and challenges, especially in the eastern parts of the country.
- ◆ The number of internally displaced persons increased to 2 million in March 2012.

Disarmament, demobilisation and reintegration (DDR) & Disarmament, demobilisation, repatriation, resettlement and reintegration (DDRRR)

- ◆ Two processes basically unfolded in the DRC, namely that of conventional DDR and that of DDRRR.
- ◆ These processes especially concern(ed) the two most institutionalised armed movements in contemporary DRC, namely the **FDLR** and the **CNDP**, both operating within the political-military landscape in the Kivus.
- ◆ As for the **CNDP**, the plan has mainly been based on integration into the FARDC (army), not demobilisation.
- ◆ The plan with the **FDLR** and some relevant CNDP elements (specifically surviving members of the *genocidaires* who fled Rwanda in 1994 and their dependents or offspring) has basically been that of repatriation to Rwanda.

- ◆ The war in the DRC resulted in a dramatic change in the social organisation of the country in recent years.
- ◆ Both the CNDP and FDLR have established statelike institutions and administrative systems and developed into very visible factors in the everyday lives of people. The CNDP developed a tax collection system and in some instances replaced the formal Congolese authorities.
- ◆ The CNDP also secured large stockpiles of weapons and ammunition from the FARDC.
- ◆ The CNDP even developed into a truly global phenomenon that operated globally with networks that extend far beyond the Congolese state.

- ◆ Any process of demobilisation, integration and related action is obviously a most challenging endeavour as vested political and financial interest would potentially militate against changes to the *status quo*.
- ◆ The DRC government also faced some serious challenges from the Lord's Resistance Army (LRA), a guerrilla group that operated mainly in northern Uganda, but also in South Sudan and the eastern DRC. Like the FDLR, the LRA poses a serious threat to civilians in villages and remote areas.
- ◆ There is much unfinished business and the DDR and DDRRR processes will undoubtedly continue to pose serious challenges to the DRC Government and other role-players in years to come.
- ◆ M23 (March 23 Movement), all former members of the CNDP, mutinied against the FARDC.

Security Sector Reform (SSR)

- ◆ SSR is based on the reform and/or rebuilding of a state's security sector and aims to develop a secure environment coinciding with development, rule of law and good governance.
- ◆ The creation of a new Congolese army should be viewed in the context.
- ◆ Practically, the challenge for role-players in the DRC is to successfully manage the process aimed at building a new army by way of professionalising the FARDC – which is heavily dependent on the process of DDR. SSR also requires that the army should be complemented by a core police capacity, given the need for law and order enforcement.

- ◆ Integration into the FARCD is incomplete, the differences in roles between the police and the military are not clearly defined.
- ◆ Congolese soldiers and police officers use arbitrary and excessive force in many regions of the country, and impunity regarding these actions still prevails.
- ◆ There is widespread lack of law and order, which is exploited by the armed groups who no longer pose a real threat to the sovereignty of the DRC, but who loot the population, carry off natural resources and kill and rape.

The DRC in contemporary regional context

- ◆ Laurent Kabila and his Rwandan backers overthrew President Mobutu Sese Seko of the former Zaire in 1997, but Kabila then evicted his Rwandan allies who came straight back in force. Kabila also brought in Angola, Zimbabwe and Namibia to fight the ensuing rebellions engineered by Uganda and Rwanda through two new rebel movements.
- ◆ Improved relations in recent years between the DRC on the one hand, and Rwanda and Uganda on the other stand in stark contrast to regional relations and animosity during the rule of the late Laurent Kabila.
- ◆ The DRC allowed Rwandan troops to enter its territory to carry out joint operations aimed at derailing or ending the FDLR insurgency.

- ◆ In recent times tensions have been rising between the DRC and neighbouring Uganda over the exact location of the border between the two countries running through Lake Albert, which is prompted by Uganda's intention to extract oil from the lake.
- ◆ Significant oil and natural gas deposits are located in the areas where the DRC shares its eastern borders with Rwanda, Burundi and Tanzania, and that these areas can become potential flashpoints in a regional context.
- ◆ The M23 (March 23 Movement) seems to be supported by the Rwandan government.

Strengthening democracy and the rule of law

- ◆ The state has in some instances effectively been replaced by non-state centres of authority that introduced new forms of exercising political, social and economic control. Artisan miners pay their taxes to the army or other armed groups who control much of the trade.
- ◆ The government faces capacity-related challenges. The justice system is weak, and courts, parliament and oversight bodies lack capacity. Democratic oversight and accountability of the security sector are indeed serious challenges. Inefficient institutions at both the national and local levels hinder the government's ability to exercise control over the entire country.

- ◆ The holding of free and fair elections is obviously an important step in the consolidation of multiparty-democratic system the DRC Constitution. It is also essential for the success or failure of the peace process.
- ◆ The UN Security Council rightly pointed out that successful holding of timely, inclusive, peaceful and credible elections was a prerequisite for the consolidation of democracy, national reconciliation and the pursuit of a stable, peaceful and secure environment in which socio-economic development can progress in the DRC.
- ◆ The November 2011 elections were an imperfect but necessary and important further step in the peace building process.

Concluding remarks and evaluation

- Some 1 500 people die every day in the east, mainly due to disease and dirty water.
Ross Mountain: 'Every six months it's an Asian tsunami'.
- Older patterns of exploitation of national wealth are still driving elite politics and regional politics too. At an ethnic level, decades of mistrust and hurt require years of peace and progress to heal.

- Mills observes that while local politics have been institutionalised they have not brought prosperity and even stability. The build up to the 2011 elections was marked by fluttering flags from various political parties, but the problem is that political leaders “don’t think like nationalists, but act instead as individuals”.
- This implies that politics in the DRC is still largely viewed as a means of accumulating wealth while the state is regarded as the medium for pursuing sectional and material interest, as against the pursuit of the common interest or the public good. Thus post-conflict reconstruction and development endeavours in the DRC will encounter difficulties in enhancing the role of the state as a provider and guarantor of social and political order.

- Much about a better future for the DRC will depend on the Congolese themselves. Some observers contend that three attributes have been lacking: a real vision for the DRC's future; the competence and ability to execute the vision; and the character needed to ensure the realisation of the vision with sound judgement, integrity and equity.
- No matter how weak the post-conflict state might be, the relevant state needs to take responsibility for PCRDR and it also needs to work with other organisations, eg. the UN and relevant agencies.

Lastly...

- The problem is that the DRC typically represents a so-called 'no war, no peace society'. Such societies continuously reproduce institutions and organisations – formal and informal – as well as norms and values that generate conflict both within the relevant conflicting society and neighbouring countries.
- The DRC faces a scenario of becoming at country that is “neither at war, but neither a peaceful society”. The ideal of a positive, sustainable (let alone perpetual peace) in the country has largely been a vision encapsulated in paper peace agreements, but did not filter through to Congolese citizens' everyday life - even though laudable progress has been made in recent times to steer away from the threat of large-scale conflict and violence.