

Reflections on 17 years of UN presence in the Democratic Republic of Congo



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Introduction

Since 2013 and the victory of the Congolese armed forces and the United Nations over the last serious threat against the regime - the 23 March (M23) movement-, the question of the relevance of the UN presence in the Democratic Republic of Congo (DRC) is raised again. Similarly to the other presidents in the region, Joseph Kabila intends to remain in power beyond the constitutional limits and hence sabotage any prospects of democracy. Despite the deployment of the largest peacekeeping force (MONUSCO) in Eastern Congo, this region remains on the fringes of all dangers, subject to deadly raids by national and regional armed groups. Finally, the host government continues to call for MONUSCO's departure, which is currently the largest and most expensive peacekeeping mission in the world (more than 20 000 personnel and \$ 1.4 billion annual budget).

To continue a peacekeeping mission with no prospect of progress, against a background of decreasing democracy and delegitimation of the current regime, is at best similar to a voluntary stalemate, and at worst a major political risk for the United Nations. While the UN peacekeeping mission will be celebrating its 17th year of presence in the DRC in 2016 and an electoral crisis appears to be looming on the horizon, an attempt at assessment is essential.

From MONUC to MONUSCO: building the largest peacekeeping mission

1999 - 2006: emerging from conflict

When the United Nations' Security Council ordered the deployment of military observers in the Democratic Republic of Congo in 1999, 6 out of the 9 African countries which were fighting on Congolese territory had just signed a ceasefire.¹ The role of the United Nations Mission in the Democratic Republic of Congo (MONUC), established by Resolution 1279 dated from November 30, 1999, was to monitor the implementation of the Lusaka Ceasefire Agreement and to prepare for further deployment.² Hence, MONUC was mainly made up of 500 military observers and a multi-disciplinary team.³

From 1999 to 2006, MONUC's mandate was expanded, and from February 2000, it authorised the deployment of a military force initially composed of 5 537 military personnel (i.e. a real peacekeeping mission).⁴ From this time, MONUC's, and then MONUSCO's personnel continued to increase until it reached 22 016 uniformed personnel in 2016, which now makes it the largest peacekeeping mission in the world.⁵ Despite difficulties in asserting itself militarily at the start of the mission, MONUC managed to implement the roadmap for transition in order to establish democratic institutions and to stabilise the country. So, in 2003, following the end of the Inter-Congolese Dialogue, facilitated by the AU and the UN, a transitional government was set up on June 30, 2003 and the international community was organised within the International Committee in Support

1. Ceasefire agreement in the Democratic Republic of Congo, 10 July 1999. This ceasefire was negotiated by the Organisation of African Unity (OAU), the United Nations (UN), as well as the Southern African Development Community (SADC). The signatories were Angola, the Democratic Republic of Congo, Namibia, Rwanda, Uganda, and Zimbabwe. The Movement for the Liberation of the Congo (MLC) and the Rally for Congolese Democracy (RCD), two rebel movements backed by Uganda and Rwanda, signed it on 1 and 31 August.

2. Resolution 1279, 30 November 1999, S/RES/1279 (1999).

3. Resolution 1279, 30 November 1999, S/RES/1279 (1999), para. 4 and 9, pages 2 and 4.

4. Resolution 1291, 24 February 2000, para. 4, page 3.

5. Facts and figures from the official MONUSCO website, available at: www.un.org, accessed on 20 January 2016.

of the Transition (CIAT).⁶ The support of the transitional government by MONUC enabled the referendum on the Constitution to be carried out in 2005 and the presidential and parliamentary elections in 2006, as well as the provincial and senate elections in 2007. Under the leadership of the US diplomat Bill Swing, MONUC proved to be capable of supporting the establishment of institutions of the 3rd Republic in the DRC.

2006 - 2012: the dynamics of a stalemate

The electoral cycle eventually finished and the International Committee in Support of the Transition (CIAT) was dissolved. The mission had to give up its role as regulator of a power-sharing process in order to support the operation of the new institutions and the implementation of the Constitution; that is to say, to support a democratisation expected by Congolese people since the start of the 1990s. At the same time, militarily, MONUC no longer had a mandate for observing the Lusaka Ceasefire Agreement. The renewed mandate focused on supporting reform in the security sector, integrating militia members into the army, and preparing for its departure – the Special Representative of the Secretary-General (SRSG) appointed after the transition, Alan Doss, was instructed to start planning the withdrawal process.

Yet, this ideal scenario rapidly came up against the Congolese reality, namely the dynamics of conflict which prevailed in East Congo, where many armed groups continued to operate and to commit atrocities against civilians with impunity. A new rebellion emerged in North Kivu, called the National Council for the Defence of the People (CNDP). The lack of a strong reaction by MONUC following the emergence of the CNDP, led by Laurent Nkunda, and the Goma crisis⁷ in 2008 was interpreted by the government as a betrayal. Starting with the crisis in 2008, the problem of East Congo would gradually dominate the UN mission's agenda until it changed its centre of gravity from Kinshasa to Goma after the second Goma crisis in November 2012. Following the 2009 Goma Conference,

6. The Inter-Congolese dialogue, which opened on October 15, 2001, brought together 80 representatives from the government, the RCD, the MLC, the political opposition, and Congolese civil society. It ended on April 2, 2003 at Sun City with the ratification of the Global and Inclusive Pretoria Agreement concluded on December 16, 2002 between Rwanda and the DRC which ended the Second Congo War (1998-2002). The Inter-Congolese Dialogue also established the transitional constitution and government, known as 1+4 (the government, parliamentary majority, RCD, MLC and political opposition).

7. In 2008, CNDP forces threatened to take Goma, the provincial capital of North Kivu, forcing Joseph Kabila to negotiate with the armed groups. The "Acts of Engagement" signed at this conference allowed for the political and military integration of the armed groups, the restoration of government authority in the Kivus, and development efforts.

which was supposed to provide a solution to the problem of armed groups in North and South Kivu, MONUC became the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO). Without forsaking its support for the national reforms set out in the Constitution (decentralisation, reform of the security sector and justice, etc.), MONUSCO developed a stabilisation strategy for the East which supported the implementation of the agreement signed at the Goma Conference between the government and armed groups. This stabilisation strategy promoted the restoration of governmental authority by providing the various administrative infrastructure services necessary for their operation (building of roads, government buildings, prisons, courts, etc.).⁸

The second Goma Crisis in 2012, which led to the capture of the city by a rebel movement (M23), resulted in MONUSCO completely focusing on the East, and on its own reform, in accordance with Resolution⁹ 2098. To the dismay of local and international representatives, the Special Representative of the Secretary-General (SRSG) moved MONUSCO's headquarters from Kinshasa to Goma and transferred tasks to UN agencies which it deemed not covered by MONUSCO. He also reoriented the work of the civil affairs section – which had implemented an ambitious programme for monitoring and preventing local conflicts throughout Congolese territory – to civilian and military operations in the provinces of North and South Kivu. With no radical change in approach, the stabilisation programme took on a new name (islands of stability).¹⁰ By only maintaining a residual presence in Kinshasa, these changes indicated a concentration on the problem of East Congo by the mission, with the Security Council's instruction “to neutralise the armed groups”.¹¹

8. The International Security and Stabilization Support Strategy (ISSSS) was developed in 2008 and 2009 and supported the implementation of the Stabilization and Reconstruction Plan for War-Affected Areas (STAREC) which was launched in June 2009. To find out more: *Stabilization strategy*, MONUSCO official website, accessed on February 22, 2016.

9. Resolution 2098, S/RES/2098, 28 March 2013, para. 9-12, p. 6-7.

10. On his arrival in the DRC, Martin Kobler presented and then tried to impose the concept of “islands of stability”, which resulted from the counter-insurgency strategy implemented in Afghanistan where he had served previously. However, this concept was never clearly defined. “The Congo Trap: MONUSCO Islands of Stability in the Sea of Instability”, *Stability International Journal of Security and Development*, 4(1): 52, p. 1–16, available at: <http://dx.doi.org>, accessed on 26 February 2016.

11. Resolution 2098, S/RES/2098, 28 March 2013.

2013 - 2015: failure of the rebound attempt

The United Nations was seriously humiliated after the capture of Goma by an armed group despite "protection" from the peacekeepers. During the M23 crisis, under insistent pressure from the UN, Indian peacekeepers were deployed as close as possible to the battlefield only to withdraw quickly as soon as M23 opened fire on their positions, killing two peacekeepers.¹² The fall of Goma in 2012 highlighted MONUSCO's military ineffectiveness – a problem already well-known to the Kivu population, but which then acquired worldwide exposure through the international media. Although MONUSCO advertised the unlikely fall of the city and their active resistance¹³ against M23, the peacekeepers' operation in the defence of Goma was non-existent and angered the Congolese government, and caused irony among some neighbouring Heads of State, who described the peacekeepers as "tourists".¹⁴ Consequently, the United Nations stepped up its efforts to get back into the game and "be part of the solution." Trying to take advantage of MONUSCO's ineffectiveness, the countries from the International Conference on the Great Lakes Region (ICGLR) tried to impose the deployment of a force of Rwandan and Ugandan troops. As both of these countries were sponsors of M23, the DRC and its allies in the SADC and the Security Council agreed to create a Forces Intervention Brigade (FIB) within MONUSCO, made up of troops from three countries in the SADC¹⁵, to conduct offensive operations against armed groups.¹⁶ In the aftermath, MONUSCO became the first peacekeeping mission to be provided with aerial observation capacity with drones. A political response was quickly developed in order to complete the military response: Ban Ki Moon sponsored the Peace, Security, and Co-operation Framework Agreement for the Democratic Republic of Congo and the Great Lakes Region (the Addis Ababa Framework Agreement) and a UN Special Envoy for the Great Lakes was appointed in February 2013. By working together,

12. "RDC : un Casque bleu des Nations unies mortellement blessé dans la prise de Bunagana", *Radio France Internationale*, July 6, 2012.

13. "Porte-parole militaire de la Monusco, Félix Prosper Basse : "La ville de Goma est bien sécurisée", *Digitalcongo.net*, October 4, 2012; "Selon la Monusco – La ville de Goma n'est pas infiltrée par le M23", *Le Congolais*, October 5, 2012; "Chute de Goma : la Monusco dit ne pas être la seule responsable", *Radio Okapi*, November 21, 2012; "RDC: la Monusco a recouru à la force pour éviter la chute de Goma, selon son chef d'État-major", *Radio Okapi*, November 29, 2012; "RDC : la Monusco a assisté les FARDC pour protéger Goma, affirme le ministre de la Défense", *Radio Okapi*, December 4, 2012.

14. "RDC : la Monusco, une honte qui fait du tourisme selon Y. Museveni", *Agence France Presse*, December 8, 2012; "RDC : la Monusco répond à Yoweri Museveni qui a accusé les Casques bleus de faire du tourisme", *Radio Okapi*, December 13, 2012.

15. This is Malawi, Tanzania, and South Africa.

16. Resolution 2098, S/RES/2098, March 28, 2013, para 9 – 12, p. 6-7.

the FIB and the Congolese army pushed back M23, which was weakened by internal fighting, and the end of Rwandan support. At the end of 2013, it retreated to Rwanda and Uganda where some of its commanders still were. Bolstered by this victory, the MONUSCO leadership wanted to engage in operations against other armed groups, and particularly the FDLR (Democratic Forces for the Liberation of Rwanda). However, the Congolese authorities' enthusiasm towards dismantling the armed groups abruptly cooled down after the mysterious assassination of the “Congolese hero” (Colonel Mamadou who commanded the offensive against M23 and immediately became well-known nationally), and the designation of the FDLR as a new target. Two years after the defeat of M23, it can be concluded that the creation of an “offensive” brigade, providing MONUSCO with a mandate to enforce peace, and the use of drones did not result in the neutralisation of other armed groups.

A perfect stalemate

The United Nations' mission was bogged down and lost all political and military capital in the RDC. Over the last 17 years, its many failures have led to changes in direction and reorganisations, but none have been able to end these two main problems on a long-term basis: a lack of military credibility and a very poor, and sometimes even hostile, relationship with the host government. This resulted in the paralysis of the largest UN peacekeeping mission and the mandates which were maintained for several years by the Security Council despite the lack of tangible progress.

The problem with non-use of force

The problem at the heart of MONUSCO's lack of credibility lays in its inability to neutralise the main armed groups. Although, for many years, all Security Council resolutions on DRC prioritised the protection of civilians and the mission had a Chapter 7 mandate¹⁷, MONUC, and then MONUSCO, demonstrated a lack of anticipation and reaction to attacks by armed groups.

A long-term strategy of avoiding armed groups

The 17-year presence of the peacekeepers in DRC has been riddled with massacres that they have not been able to or tried to prevent. The lack of military response by the UN mission which was clear from its beginning was to become its trademark in the eyes of the Congolese. From 2003, MONUC was unable to prevent the escalation of violence between the Lendu and Hema in the Ituri district in the north-eastern DRC. The peacekeepers were overrun by the militia and virtually under siege in the city of Bunia. An EU military mission (Artemis) was deployed urgently and was able to restore the situation to their advantage.¹⁸ In May 2004, ONUC

17. Chapter 7 authorises peacekeepers to use force in the event of self-defence and to protect the civilian population. United Nations Charter, Chapter 7, art. 42 and 51.

18. T. Vircoulon, "Ambiguïtés de l'intervention internationale en République démocratique du Congo", *Politique africaine*, June 2005, p. 79-95.

failed to prevent the abuses committed by the renegade general – Laurent Nkunda – in the city of Bukavu in South Kivu.¹⁹

The peacekeepers were accused of failing to protect the civilian population on several occasions, particularly in 2010 in North Kivu province and in Mutarule²⁰ in 2012. In 2014, the massacre of Mutarule in South Kivu²¹ and the regular assassinations of civilians by the Allied Democratic Forces (ADF) around Béni in North Kivu forced the SRSG to acknowledge the peacekeepers' inaction and to apologise for it.²² Indeed, it should be noted that the Indian and Pakistani contingents did not change their behaviour despite the fall of Goma into the hands of M23. During the offensive, in November 2013, the Indian contingent refused to be deployed with the FIB or to engage in conflict with M23. The creation of the FIB was similar to the creation of a force within the Force, and India and Pakistan continued to be opposed to the principle of peace enforcement during debates on peacekeeping in the Security Council.

In addition, the UN force has never been able to prevent or contain violent crises. During the transition, the lack of military strength of the UN forces was compensated for by the European Union, which agreed to deploy operational military missions twice: to end the violence in the Ituri district (Operation Artemis in 2003) and to secure the electoral process (EUFOR-DRC mission in 2006).²³ In North Kivu, MONUSCO was incapable of dealing with the increasing power of the CNDP, and then M23, as well as preventing the atrocities committed against the Hutu civilian

19. In May 2004, General Laurent Nkunda, who deserted from the FARDC (the Congolese armed forces) a few months beforehand, occupied the city of Bukavu in South Kivu province, and confronted the loyalist troops. Laurent Nkunda's troops finally left the city of Bukavu for North Kivu province, leaving a heavy toll on human lives behind them.

20. "Rapport préliminaire de la mission d'enquête du Bureau Conjoint des Nations Unies aux Droits de l'Homme sur les viols massifs et autres violations des droits de l'homme commis par une coalition de groupes armés sur l'axe Kibua-Mpofi, en territoire de Walikale, province du Nord-Kivu, du 30 juillet au 2 août 2010", Office of the United Nations High Commissioner for Human Rights, September 24, 2010 "Comprendre les conflits dans l'Est du Congo : la plaine de la Ruzizi", *International Crisis Group*, 23 July 2013.

21. "Massacre de Mutarule : l'abattement des familles des victimes", *Radio France International*, August 28, 2014.

22. "Je regrette ce qui s'est passé. J'en prends la responsabilité en tant que chef de la Monusco. Notre devoir est de protéger les civils. On ne l'a pas fait suffisamment"; "Les FARDC n'ont pas protégé leur population, mais ça n'excuse pas que nous n'avons pas réagi suffisamment. Et je m'excuse pour ça"; "Massacre de Mutarule : HRW condamne l'inaction du gouvernement et de la Monusco", *Radio Okapi*, July 2014; "Nous nous sommes rendus, le commandant de la Force et moi-même, à Mutarule et j'ai assumé publiquement la responsabilité de ce qui s'est passé et me suis excusé auprès des populations", UN Security Council, S/PV7237, August 7, 2014, p. 3.

23. The EUFOR mission took place from June 12, 2006 to November 30, 2006 and was made up of 2 500 European military personnel. This mission was authorised by the UN Security Council on April 25, 2006 by Resolution 1671, after a request to the European Union by the UN in an exchange of letters between March 28 and April 18, 2006.

populations by the Rayia Mutomboki²⁴ in 2012. After the first Goma crisis, the Indian *Force Commander* did not conceal that he had been instructed not to engage Indian troops in dangerous operations, and de facto, completely immobilised the military component of MONUC, which restricted its operations to static protection from the bases, which the troops would not leave, and daytime patrols in safe areas. A symbol of its reluctance to fight against the armed groups was that MONUSCO did not consider arresting Bosco Ntaganda, who, as a general in the Congolese army, freely moved around in Goma while being sought by the International Criminal Court (ICC). It also avoided arresting the militia leader, Cheka²⁵, and the Indian contingent even awarded the Peace Medal to Laurent Nkunda, the CNDP leader.²⁶

Moreover, MONUC and then MONUSCO's military component²⁷ was reorganised several times, and each time to adapt after having failed in its mission to protect the civilian population. Until the events of Bukavu in 2004, the Force's brigades were made up of troops from several countries. This patchwork make-up paralysed the Force's operations, because of a lack of unity in the chain of command, but also in the language of communication. Following the fighting in Bukavu in July 2004, MONUC started to learn lessons from its inability to implement its mandate to protect civilians. As of October, the Security Council asked MONUC for a report on the necessary reforms, which resulted in unifying the chain of command and the languages of communication, and in deploying brigades of troops from a single contributing country in the same area of operation. This is how North Kivu fell to the Indian contingent and South Kivu to the Pakistani contingent. Some years later, the number of interpreters within

24. The Rayia Mutomboki are village self-defence militia initially formed in the Shabunda area in South Kivu province. These local militia were originally formed by villagers in 2005 to protect themselves from the FARDC and FDLR. In 2012, some of these village self-defence militia, with the support of Bosco Ntaganda, were reactivated in South Kivu to fight against the FDLR. From June 2012, this trend has extended to the Walikale area in North Kivu and to Kalehe in South Kivu. The Rayia Mutomboki, who are lightly armed, have developed a strategy based on terror and reprisal against civilian populations associated with the FDLR. For more details, see "RDC: risque de nettoyage ethnique à Walikale ?", *Afrikarabia*, July 20, 2012, available at: <http://afrikarabia.com>, accessed on 27 February 2016, or "Raia Mutomboki: the Flawed Peace Process in the DRC and the Birth of an Armed Franchise", *Rift Valley Institute*, 2013.

25. "Le Gouverneur Julien Paluku sensibilise le rebelle Cheka", *Youtube*, 27 April 2014, available at: www.youtube.com, accessed on 27 February 2016.

26. "Monuc : un scandale de trop", *Digitalcongo.net*, 18 July 2008, available at: www.digitalcongo.net, accessed on 27 February 2016 ; "Congo-Kinshasa : Affaire Nkunda – Le Délégué Général du Gouvernement s'insurge contre les déclarations du colonel Chand Saroha", *La Prospérité*, 18 July 2008.

26. Called this in UN terminology.

27. Called the Force in UN terminology.

the contingents was increased to counter the lack of communication between the troops and the Congolese population, which was put forward to explain the lack of protection for civilians.

For the civilian population which observed several hundreds of millions of dollars of military resources deployed every day, the lack of decisive action by MONUSCO against the armed groups was interpreted as a willingness to let the conflicts in the East of the country continue for the peacekeepers' greater personal gain – an interpretation illustrated by the expression "No Nkunda, no job" which was then very popular in DRC in 2008.

The missing link for implementing Chapter 7: the convergence of political interests

There were two notable exceptions to the lack of engagement by the peacekeepers against the armed groups. In 2006, MONUC tried to track down Joseph Kony, the mystical leader of the Lord Resistance Army (LRA), and lost soldiers in a special operation of questionable legality.²⁸ The other example is happier, since it was obviously the engagement against M23. These two examples highlight the reason why Chapter 7 is applied exceptionally, but is not implemented most of the time.

Both these offensive operations against armed groups corresponded with strong and consistent political interests. The first was the result of a separate request by the USA, which is the largest funder of the UN mission and has been leading the hunt against Joseph Kony for a long time. The second was made possible by the alignment of the interests of the Congolese government (which wanted to put an end to M23), the Tanzanian, and South African governments (which wanted to counter Rwanda), the United Nations (which was humiliated by the capture of Goma), and some Western countries which took a dim view of further destabilisation of the Kivu provinces and put pressure on Kigali to abandon its support for this rebel movement.²⁹ Therefore, it was a combination of the actions and specific interests of some African countries, of some members of the UN Security Council, as well as the political willingness of the host government, which enabled a UN intervention force to be created, and hence the success of the offensive against M23. In this sense, the

28. "DRC: Armed Group Kills 8 UN Peacekeepers in Garamba Park", *UN News Service*, January 23, 2006.

29. The United Kingdom, Germany, Sweden, the Netherlands, as well as the United States temporarily suspended aid to Rwanda at that time and the United States exerted strong diplomatic pressure on Kigali.

military victory against M23 was first and foremost a political victory: that of having built the consensus which was lacking, and is currently lacking again against the FDLR.

Conversely, the Mutarule massacre in 2013, and then those around Beni since 2014, showed that the inclusion of a combat unit within MONUSCO was not enough to result in decisive action against the armed groups. At Mutarule, the component of this Force was the Pakistani contingent. Yet, Pakistan did not wish to expose its troops and favoured passive protection of the civilians by simply statically deploying its soldiers. For the Congolese government, there were no issues in the Ruzizi plain where communities had been competing over control of the territorial and economic spaces, but did not endanger the State. With regard to the violence against civilians in the Béni area, although the ADF are radical Islamists, they do not represent a real threat for the Congolese and Ugandan governments and the countries contributing troops. Moreover, MONUSCO itself was divided on the relevance of its involvement, the former SRSG and the former *Force Commander* did not agree on the issue.

Relationship between the mission and the host government: the point of no-return

The UN mission's lack of spirit not only had the effect of discrediting it in the eyes of the Congolese population, it also discredited it in the eyes of the Congolese government. The relationship between the Congolese government and the UN mission alternated between mistrust and hostility, and deteriorated to the point of no-return. The break between the government and MONUC was accomplished with the first Goma crisis in 2008. In fact, the Congolese government was then forced to negotiate with the CNDP and had to comply with some of its demands.³⁰ The obligation, among others, to carry out joint operations with Rwandan troops initially caused a political split in the Kabila clan³¹, but above all a strong rejection of the *Force Commander* and the SRSG. The replacement of the *Force Commander*, General Gaye, with a Spanish general who resigned a few

30. In December 2008, the CNDP which was then led by Laurent Nkunda, besieged the city of Goma although a peace agreement had been signed on January 23, 2008. Following strong pressure from the United States, the Rwandan government arrested Laurent Nkunda on January 22, 2009 and Bosco Natganda became head of the CNDP. The Congolese government and the CNDP signed a peace agreement on March 23, 2009.

31. The settlement of the conflict with the CNDP, but especially the entry of Rwandan troops on Congolese territory, caused a serious divide between President Joseph Kabila and the President of the National Assembly, Vital Kamerhe. The latter was expelled from the PPRD, Joseph Kabila's party, before resigning as President of the National Assembly on March, 25 2009. On December 14, 2010, he founded the opposition party, Union for the Congolese Nation.

weeks after his arrival, endorsed the image of MONUC as a paper tiger. The lack of commitment to defending Goma in 2012 proved that additionally the tiger had no claws or fangs.³²

Besides the fact that MONUSCO's military ineffectiveness created difficulties for Joseph Kabila's government, contentious issues continued to increase between the UN mission and the host government. The first and most significant of them unquestionably was what is, according to the Congolese government the honour, or according to some civilians the shame of the Congolese government: the army. MONUC, which was responsible for protecting the population and supporting the Congolese army, formalised a conditionality policy for its support of FARDC operations in 2010.³³ The Force can in fact provide logistical and fire support to the Congolese army under certain circumstances.³⁴ This conditionality policy aims to protect the United Nations legally from any indirect involvement in atrocities against civilians which were customary for the army in the East.³⁵ However, it was obviously seen as an interference by the government.

During Kabila's first presidency, the support promised by the United Nations was lacking and/or did not take the government's view into account. While the lack of basic infrastructure was also as pressing in the West as in the East, MONUC decided to allocate resources from the *pooled fund*³⁶ primarily in the eastern provinces and voluntarily neglected the West of the country, stating that the needs there fell under development and not humanitarian assistance. Similarly, the Congolese government

32. The Spanish general, Vicente Diaz de Villegas, was appointed MONUSCO Force Commander on September 8, 2008. On October 28, 2008, he resigned, saying that he did not have the necessary resources to fulfill his mission.

33. The conditionality policy for military support of the UN mission would only be formalised through the *Standard Operation Procedures (SOP)* from 2010. However, from 2005 but especially 2006, the protection of the civilian population became one of the keystones of MONUC and then MONUSCO's mandates, consistent with Resolution 1296.

34. MONUSCO had to ensure FARDC complied with certain criteria in terms of respecting human rights and international humanitarian law to provide logistic and military aid. Among these criteria, the track records in terms of human rights abuses and commanders' war crimes were the blocking factors. There are procedures for requesting exceptions so that MONUSCO can cooperate with some FARDC officers.

35. The Congolese army is characterized by its atrocities against civilian populations, particularly sexual violence, and the impunity which prevailed in the larger part of the territory. The FARDC and Republican Guard troops, among others, were guilty of the mass rapes in Minova in November 2012. Those responsible were virtually all acquitted in 2013. In 2014, the Minister of Defence launched a national plan to fight against sexual violence. In 2016, the FARDC remains one of the main perpetrators of human rights abuses in the DRC. According to the Office of the High Commissioner for Human Rights, in January 2016 the FARDC were guilty of 98 human rights violations with 134 victims.

36. United Nations Funds in the DRC for humanitarian assistance.

considered the support promised for the restoration of the state very disappointing. Moreover, it extended its internal wars of jurisdiction between the UNDP and the mission, and the UN did not have the funds although the Congolese authorities demanded them. It became entangled in technical approaches and projects without funding, due to a lack of a common strategic approach supported by the mission and the UN agencies.

Depoliticisation and repoliticisation of MONUSCO: a guarantee of ineffectiveness

Political “castration” is the price that the United Nations have paid for its military ineffectiveness. Being unable to prevent crises in the East, MONUC and then MONUSCO, saw their political roles being reduced from the pressure of the Congolese government. President Kabila, who experienced the CIAT as an intolerable supervision during the transition, exercised strict sovereignty after 2006. This policy, with regard to MONUC was indirectly driven by the military powerlessness of the peacekeepers in the field and struck a favourable chord in international circles during Joseph Kabila's first term. Indeed, under Roger Meece's leadership (a former US diplomat), the UN mission ceased to exist politically. On the one hand, reports relating to human rights violations by the Congolese army were rarely read and taken into account (for want of being able to suppress them); on the other hand, by highlighting the principle of sovereignty, the UN confined itself to a technical role in the 2011 elections, which proved to be massively fraudulent.

Between 2006 and 2011, the electoral section dropped from more than 600 people to 150. This reduction in staff corresponded to changes in MONUC's, and then MONUSCO's mandate. While in 2006, the international community (and its armed branch MONUC) had funded, organised, and secured the elections, in 2011, MONUSCO only had to technically support the electoral process.³⁷ An approach which reflected the will of the Security Council to consolidate the appropriation of the democratic process by the Congolese state, and the 2011 elections had to be the first elections financed 80% by the Congolese government. In accordance with its own mandate, the mission restricted its role to technical support for the Independent National Electoral Commission (CENI) and provided significant logistic support, particularly in terms of transport. Because of its technical involvement in CENI, MONUSCO's

37. Resolution 1925, Security Council, May 28, 2010, S/RES/1925, para. 12, sub-paragraph q, p. 7; Resolution 1991, Security Council, June 2011 28, S/RES/1991, para. 5-8, p. 64.

leadership was aware of the violence³⁸ and fraud, but preferred to turn a blind eye. This approach resulted in a very partisan MONUSCO which never questioned the poor quality of the 2011 electoral process, although it was riddled by manipulation of the legal framework and violations of the right of expression. In this context, the unfailing support of MONUSCO's electoral section strengthened the perception a compromised UN mission, which validated the fantastic electoral results, turned a blind eye to repression of the opposition³⁹, and left other international actors to decide on the elections.⁴⁰ Besides the disastrous elections of 2011, the UN mission has always refrained from commenting on the functioning of Congolese institutions⁴¹ to the point of appearing incapable of defending basic democratic principles.

This political withdrawal of the UN mission, which left the way open for the regime's authoritarian shift, changed from 2013 with the military reinvestment of MONUSCO against M23, and the Addis Ababa agreement. The UN then tried to regain a political role in the DRC by doubling the SRSG with a high-level special envoy (Mary Robinson, the former president of Ireland) to gain access to President Kabila and the SRSG (Martin Kobler) took initiatives which were not co-ordinated with the government and critical positions towards it.⁴² In the context of the

38. The SRSG, Roger Meece, blocked the UN Joint Human Rights Office report on human rights violations for several weeks during the electoral period so as not to compromise its relationship with the Congolese government. "RD Congo: Les autorités doivent contrôler les forces de sécurité", *Human Rights Watch*, December 2, 2011, "Congo : sauver les élections" *International Crisis Group*, December 8, 2011.

39. "La Mission d'observation électorale de l'Union européenne déplore le manque de transparence et les irrégularités dans la collecte, la compilation et la publication des résultats", Electoral Observation Mission, European Union, December 13, 2011; Office of the High Commissioner for Human Rights, March 2012, "US Envoy Lauds DRC Forces After UN Report on Rampage", *The East African*, March 24, 2012.

40. La Mission d'observation électorale de l'Union européenne déplore le manque de transparence et les irrégularités dans la collecte, la compilation et la publication des résultats", Electoral Observation Mission, European Union, December 13, 2011.

41. Although notified of the dysfunction of the provincial assemblies, MONUC and then MONUSCO, never addressed the issue. Similarly, the marginalisation of the role of the National Assembly was never the subject of any critical communication by the United Nations or even the support programmes.

42. In February 2014, MONUSCO stated that it had made the decision to deploy peacekeepers in the north of Katanga province to deal with increased tensions between the Pygmies and Luba, as well as the Kata Katanga militia. The peacekeepers were deployed on March 5 without consulting the Congolese authorities. This first attempt at unilateral action by MONUSCO ended with the repatriation of the peacekeepers at the end of April 2014, and although the government did not react publicly, this deployment was seen as a form of interference. Similarly, the positions taken by the SRSG in favour of constitutional deadlines and its consultations with the opposition were very badly perceived. Reproaches were made directly by President Kabila during a meeting with the entire diplomatic corps on 2 June 2014, and then reiterated during a speech to the nation in January 2015. "Joseph Kabila dit non à Martin Köbler", *Le Phare*, June 4, 2014, "Processus électoral : Kabila – Kobler : guerre inévitable!", *7sur7.cd*, December 19, 2014, available at:

controversy about the “future” elections, the SRSG criticised the restriction of freedom of expression and some arrests. This change in attitude compared to the very accommodating Roger Meece angered the Congolese President, who considered that the SRSG was only the administrator of the UN mission. MONUSCO openly positioned against the shift in strategy, and the government countered with a policy of obstruction.⁴³ After the tensions between President Kabila and the SRSG Köbler, the appointment of the new SRSG (Maman Sidikou) was interpreted as a return to a conciliatory course with the regime and MONUSCO's guarantee of political silence in a period which will doubtlessly be troubled.

At the heart of the contradictions: persistent fictitious missions

Despite a complete blockage, the MONUSCO missions were routinely reaffirmed with each resolution. From 2004, when the Security Council gave MONUC a mandate to intervene in the reform of the security sector, particularly by helping to reorganise the Congolese army and to integrate the disbanded forces in the FARDC. The Security Sector Reform and Justice Sector Reform Sections, previously grouped together under the “Rule of Law” section, were established in 2004 at the request of the Security Council.⁴⁴ After the 2006 elections and the deployment of two European Union (EU) Advisory and Assistance Missions to reform the army and the police (EUSEC and EUPOL), the Security Council asked for support for the Congolese government in its attempts to reform the security sector, but especially in improving co-ordination with other international partners.⁴⁵

Nevertheless, this co-ordination role came up against three obstacles: the lack of will from the Congolese government for real security and justice

<http://7sur7.cd>, accessed on February 27, 2016; “Joseph Kabila met le point sur les i”, *Forum des As*, February 16, 2016.

43. In January 2015, the Congolese government announced the launch of an operation against the FDLR, as well as the appointment of Generals Fall Sikabwe and Mandevu to command positions in North Kivu. These appointments resulted in co-operation ceasing between MONUSCO and the FARDC against the FDLR because of charges and suspected war crimes which hung over the two Congolese generals. See: “Les nominations des généraux compliquent l’opération Sukola II”, *La tempête des tropiques*, February 5, 2015; “Traque des FDLR : à quoi joue donc la Monusco ?”, *Le Forum des As*, February 12, 2015.

44. Resolution 1555, Security Council, S/RES/1555, October 1, 2004, para. 7, sub-paragraph b and c, p. 3-4.

45. Resolution 1925, Security Council, S/RES/1925, May 28, 2010, para. 12, sub-paragraph l-n, p. 6.

sector reform⁴⁶, the opposition of the President to intervention by the United Nations in this sector, and the reluctance of other international actors for effective co-ordination. Although it was charged with ensuring the co-ordination of the SSR (security sector reform) by the Security Council and the Belgian, US, South African, French and European partners openly called for greater co-operation, the mission was never able to take on this role. Indeed, besides the fact that due to a lack of real security reform, there was not much to co-ordinate, the main bilateral partners of the DRC in terms of security (Belgium, France, South Africa, Angola, United States and China) never encouraged co-ordination efforts. This situation was exacerbated by questionable choices made by the mission and the deployment of two EU advisory missions, which were in competition with the UN mission due to their financial resources.

In addition to internal discontent related to the reorganisations⁴⁷ and corporatist quarrels between the mission and the UNDP, and between military and civilian personnel, the transfer of the leadership of the SSR unit to Goma by SRSG Martin Köbler in 2014 made relations even more difficult between the unit and the relevant ministries in Kinshasa. After two years of total apathy from 2012 to 2014, a last attempt to present a joint military training programme for the FARDC under the auspices of the UN was proposed in 2015 to be immediately rejected by President Kabila. Currently, MONUSCO's activity in terms of security is at an impasse as none of the sections involved will co-operate with each other.

46. After designing a justice reform plan, attempts in this field were blocked by the government. After the appointment of Wivine Mumba Matipa on April 28, 2012, relations between MONUSCO and the Ministry of Justice were de facto cut off.

47. From 2013 onwards, the transfer of the leadership of the unit responsible for justice to Goma, and then its attachment to the DSRSG/HC/RC pillar paved the way for a merger between the sections responsible for the justice and security sector reform. This merger was largely criticised by staff of the justice section who felt that their activities were incompatible with those of the security sector reform section.

Conclusion: after a 17-year presence, is there still a future for MONUSCO?

It should be stated that after a 17-year presence and more than \$ 10 billion spent, the United Nations' mission in the DRC has a very poor security record (the neutralisation of one armed group, M23, in contrast with the many killings of civilians in the Kivus) and a negative political record – hopes of democratisation after the 2006 elections were called into question by the authoritarian shift of the regime and the will of President Kabila to remain in power beyond his two terms. Due to its ineffectiveness, it appeared to some people (including the opposition) to be contributing to the continuation of Kabila's regime and to the decline of the democratic agenda, while for others, it was no more than a particularly expensive observer of Congolese political and security developments.

The history of the UN presence in the DRC demonstrates that the UN's few successes (the 2006 elections and neutralisations of M23) resulted from the consistency of the political agendas of the members of the Security Council, the host government, and the main actors in the region. When this consistency in agendas is lacking, the international actors who prefer stability, only agree on maintaining the status quo, i.e. maintaining MONUSCO, at whatever cost, as inefficient as it is. The circumstantial alternation between politics of conciliation and of results (and therefore changeover of the SRSGs) also reflects the lack of a clear course from the Security Council over time. Sometimes, the preference for stability and for a non-antagonistic relationship with the Congolese authorities prevailed, and sometimes problematic developments like the Goma crisis in 2012 forced the Security Council to re-engage politically and to return to the principles that it records each year in its resolutions without the least conviction.

The current impasse of MONUSCO appears even more dangerous in this year of electoral deadline where pressure is scaling between the regime and the opposition. The so-called shift in strategy of President Kabila could result in two negative scenarios for the United Nations: a violent confrontation, that the largest peacekeeping mission in the world would once again be unable to contain, or preventative repression that

MONUSCO could only observe and condemn in press releases. The forthcoming electoral crisis will be further evidence that MONUSCO no longer provides solutions to Congolese problems.

Pre-empting this issue, the UN may be tempted to involve another actor so as not to bear the entire responsibility for future failure, namely the African Union. While the African Union has been conspicuously absent in the Congolese conflict, the appointments of Saïd Djinnit as the United Nations Special Envoy for the Great Lakes, and Maman Sidikou the ex-Special Representative of the AU for Somalia and Head of the AU Mission in Somalia, as SGSR, has opened a new window of opportunity for the African Union. To these two appointments can be added the appointment of the South African General Derrick Mbuselo Mgwebi as *Force Commander*. In addition to being a conciliatory gesture to the regime, these appointments pre-empt an involvement by the African Union in the electoral face-to-face. They are also bringing new African interests into the field of relations between the UN and the DRC and may, therefore, further deepen the structural problems of implementing the UN mandate.



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