

A 90-day plan to bring peace to the DRC?

An analysis of the Pretoria Agreement of 30 July 2002

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INTRODUCTION

On 10 July 1999, the six states parties to the DRC conflict signed a comprehensive ceasefire agreement in Lusaka. The agreement provided for the cessation of hostilities within 24 hours of signature, and for the establishment within one week of a 'Joint Military Commission' (JMC) for the purpose of overseeing the implementation of the agreement until such time as a UN peacekeeping force could be deployed. The accord also provided for the initiation of an inter-Congolese dialogue on the political future of the Democratic Republic of the Congo (DRC).¹

One of the key aspects of the Lusaka agreement is its provision for the disarming of the foreign armed groups operating on Congolese territory and posing a threat to the security of their countries of origin. According to the agreement:

There shall be a mechanism for disarming militias and armed groups, including the genocidal forces ... all Parties commit themselves to the process of locating, identifying, disarming and assembling all members of the armed groups, [and] commit themselves to taking all the necessary measures to facilitate their repatriation.²

The commitments made by the parties to this process (particularly Rwanda and the DRC government) have, to date, not been respected. Indeed it was the same issue of the disarmament of the 'negative forces' and the withdrawal of foreign forces in the Congo that was a major factor in the derailment of the Inter-Congolese dialogue at Sun City in April 2002. An earlier report by a Security Council mission to the Great Lakes region (15–26 May 2001) had confirmed that:

The disarmament, demobilisation, reintegration and repatriation or resettlement of the armed groups is the key to ending the conflict

in the Democratic Republic of the Congo. Resolving the remaining problems would remove any need for foreign troops to remain in the east of the country, immeasurably improve the security and quality of economic life for the area's inhabitants, and neutralise a dangerous source of conflict and instability in the region.³

While problems with the implementation of and adherence to the ceasefire agreement are most frequently laid at the door of the signatory parties, some (such as Zimbabwe) point to the fact that the international community, through the United Nations, has not been willing to deploy a credible military force to the DRC to enforce, or even verify, compliance with the Lusaka agreement. Ironically, the Zimbabwean position accords with the Brahimi Report, in so far as the UN Panel highlighted the fundamental point that:

As the United Nations has bitterly and repeatedly discovered over the last decade, no amount of good intentions can substitute for the fundamental ability to project credible force if complex peacekeeping, in particular, is to succeed.⁴

The issue of being able to rapidly back peace agreements with credible force was again brought into sharp relief on 30 July 2002, with the signing of a memorandum of understanding (MoU) between the governments of the DRC and Rwanda on "the withdrawal of the Rwandan troops from the territory of the Democratic Republic of the Congo and the dismantling of the Ex-FAR and Interahamwe forces in the DRC".⁵ Confronting, as it does, such major obstacles to the Congolese peace process, the MoU was soon being touted in the media as signalling the final end of the war in the DRC.

The new peace deal—brokered by South African President Thabo Mbeki and UN Secretary General

Kofi Annan—was signed in Pretoria by Presidents Kabila and Kagame in the presence (inter alia) of President Mbeki (in his capacity as facilitator and chair of the African Union) and President Bakili Muluzi of Malawi (in his capacity as chair of the Southern African Development Community—SADC). It was President Mbeki’s first peacemaking success in his capacity as chair of the African Union (AU). The stakes involved in the implementation of the agreement are thus very high for Mbeki, especially as the MoU envisages not only a reinforced UN mission, but possibly also an additional force constituted by the AU and/or South Africa.

The aim of this paper is to provide a brief background to the Pretoria agreement, and an early overview and analysis of the implications of the MoU, from the perspective of: South Africa’s role as peacemaker in the DRC; support to the military aspects of the peace process by the UN Mission in the Democratic Republic of the Congo; and the tasks, roles and timings for implementation implied by the Pretoria agreement.

PRETORIA AS PEACEMAKER

‘Peacemaking’ has become Pretoria’s favoured

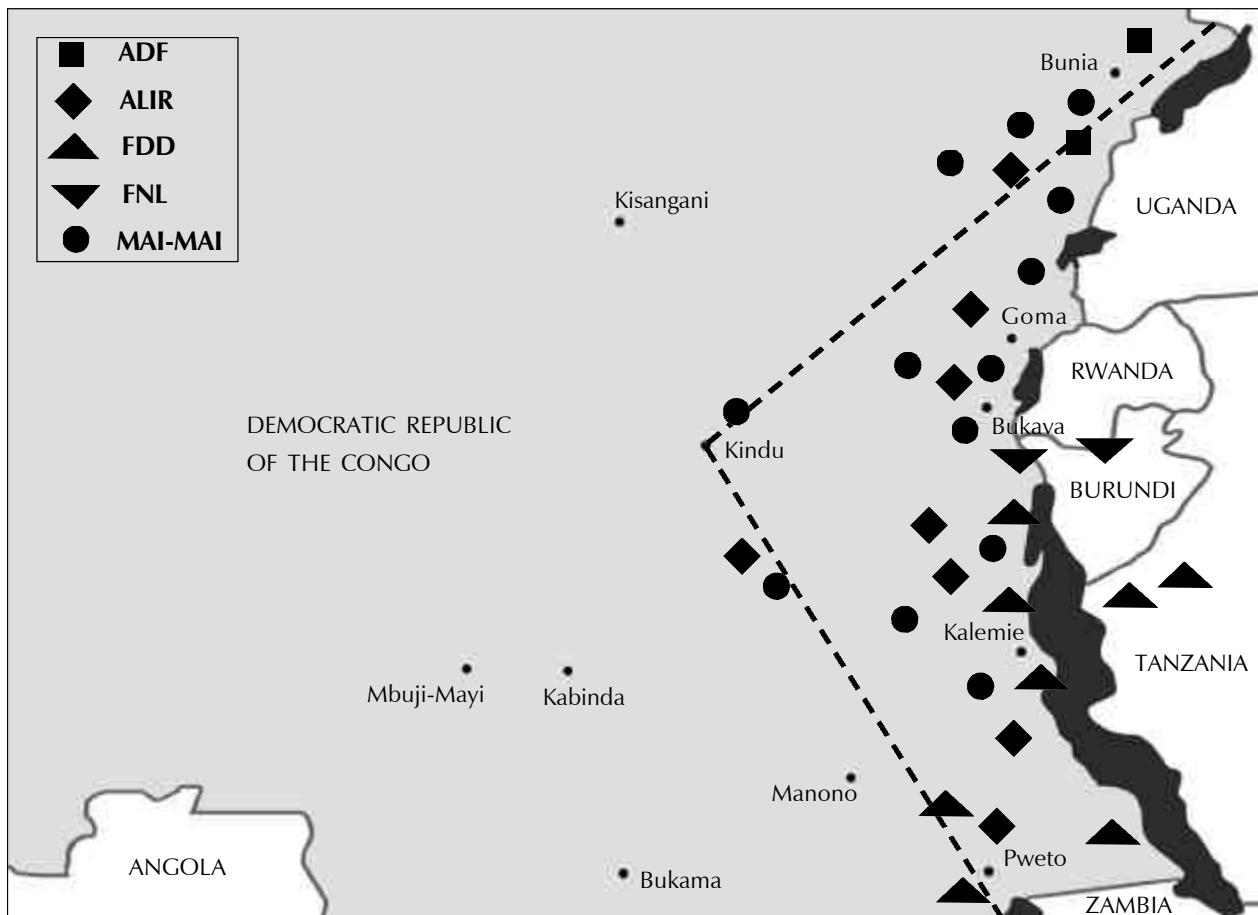
response to regional conflicts. Peacemaking may be loosely defined as a diplomatic process that involves the techniques of persuasion, negotiation and political manipulation to persuade adversaries to do things that (at least at the beginning of the process) they do not wish to do. However, third-party peacemaking—pushing belligerents towards an agreement that they don’t really want—can also have some very negative effects.

The Congolese conflict generated a bewildering array of rapid but incoherent peacemaking responses by a wide variety of actors (from President Jaques Chirac to Colonel Muammar Ghaddafi), who were all bent on ending the conflict as soon as possible after the rebellion was launched on 2 August 1998.

Initially, South Africa remained aloof from the fray, with the then SADC chairman, President Nelson Mandela, espousing the need for dialogue and a negotiated settlement to the conflict. On the other hand, the chairman of the SADC Organ, President Mugabe of Zimbabwe, was determined to defend Kabila’s regime with military forces. Angola, fighting its own rebels who were using Congo’s territory, soon followed suit, as did neighbouring Namibia.

An emergency summit of SADC leaders was

Map 1: Location of Uncontrolled Armed Groups



subsequently convened in Pretoria on 23 August 1998. The leaders present decided to confirm their recognition of the legitimacy of the government of the DRC and to call for an immediate cease-fire, to be followed by political dialogue on a peaceful settlement to the crisis. The meeting mandated President Mandela, as chairman of SADC, to organise a cease-fire in consultation with the OAU Secretary-General. However, the following month, at the 18th SADC Summit, the regional Heads of State and Government appointed Zambian President Frederick Chiluba to lead mediation efforts, assisted by the presidents of Tanzania and Mozambique.

Nevertheless, a good opportunity to talk peace arose in mid-1999 with the inauguration of South Africa's new president, Thabo Mbeki. A meeting of regional leaders, held in Pretoria on 17 June, brought together leaders from the 14 SADC member countries as well as Rwanda, Uganda, Libya and Kenya. The meeting paved the way for a DRC summit, which was scheduled for 25 June in Lusaka for the purpose of signing a ceasefire agreement.

After three weeks of intensive negotiations, on 10 July 1999, the agonising Lusaka process gave birth to a ceasefire agreement which was signed by the leaders of the six states parties to the conflict—but not by the Congolese rebel groups. Although South Africa was not a signatory to this agreement, then Foreign Affairs Director-General Jackie Selebi later revealed that Pretoria had played more than a cameo role in shaping the Lusaka agreement.

In August 1998, South Africa put forward proposals for ending the conflict in the DRC ... a year later, the essential ingredients of those proposals formed the basis for the Lusaka agreement on the conflict in the DRC.⁶

South Africa also became intensively engaged in the process of persuading the rebel movements to sign the Lusaka ceasefire. Foreign Minister Nkosazana Dlamini-Zuma was deployed to Kigali, Kampala and Kisangani in an attempt to get the rebel movements on board. Minister Zuma's efforts bore partial fruit on 1 August 1999, when Jean-Pierre Bemba became the first of the Congolese rebel leaders to sign the peace accord on behalf of the MLC. The peacemakers persisted in their efforts until, on 31 August 1999, the RCD eventually signed the ceasefire agreement in Lusaka. South Africa played a leading role in brokering a

compromise agreement under which all 50 founding members signed the document on the RCD's behalf.

The problem with this inventive diplomacy is that, even with the necessary signatures on paper, diplomatic activity should not be mistaken for actual achievement. Chiluba himself cautioned that the signing would not automatically bring peace to the DRC and called on the UN Security Council to approve the deployment of a peacekeeping force "with a mandate commensurate to the task at hand".⁷

In the Lusaka process, the peacemakers and the warring parties were clearly offering structures and guidelines that are very fragile. They also drafted roles for intervening forces that never materialised, and roles that those that did have been unable to fulfil. The situation is not surprising; it is consistent with a general tendency that emerged during the 1990s—for political negotiators to introduce a self-defeating dynamic by ignoring the finer details of an envisaged peace process. In most peace negotiations, the major concern has been to address and contain a proliferation of interests. This, it is believed, can only be achieved when regional consensus is high and belligerent parties put under pressure. The opportunity for action is therefore perceived as short and the need for impetus as all-important. Under such circumstances, negotiators do not wish to wrangle over details, but prefer an approach that minimizes problems.⁸

The Lusaka process provided a prime example of the tendency of peacemakers to gloss over detail. Although very much a 'home-grown' agreement, the ceasefire accord placed a heavy burden of expectancy on a UN peacekeeping force. The agreement, in addition to the 'standard' monitoring and verification tasks, also envisages a number of 'peace enforcement' tasks, including the tracking down and disarming of armed groups;⁹ screening mass killers, perpetrators of crimes against humanity and other war criminals; and handing over suspected genocidaires to the International Criminal Tribunal for Rwanda. Implicitly, these tasks would have to be carried out by UN peacekeepers. The Brahimi report takes issue with such situations, noting that:

The outlines of a possible United Nations peace operation often first appear when negotiators working toward a peace agreement contemplate United Nations

Diplomatic activity should not be mistaken for actual achievement

implementation of that agreement. Although peace negotiators (peacemakers) may be skilled professionals in their craft, they are much less likely to know in detail the operational requirements of soldiers, police, relief providers or electoral advisers in United Nations field missions. Non-United Nations peacemakers may have even less knowledge of those requirements. Yet the Secretariat has, in recent years, found itself required to execute mandates that were developed elsewhere and delivered to it via the Security Council with but minor changes.¹⁰

In such circumstances, the seeds of destruction soon become obvious, when agreements are translated into mandates and action, and the unresolved details become the operational problems of the peacekeepers on the ground. Brahimi has therefore urged that certain minimum conditions should be met before the Security Council seriously entertains requests for UN assistance with implementing a cease-fire or peace agreement—including the opportunity to have advisor-observers present at peace negotiations to

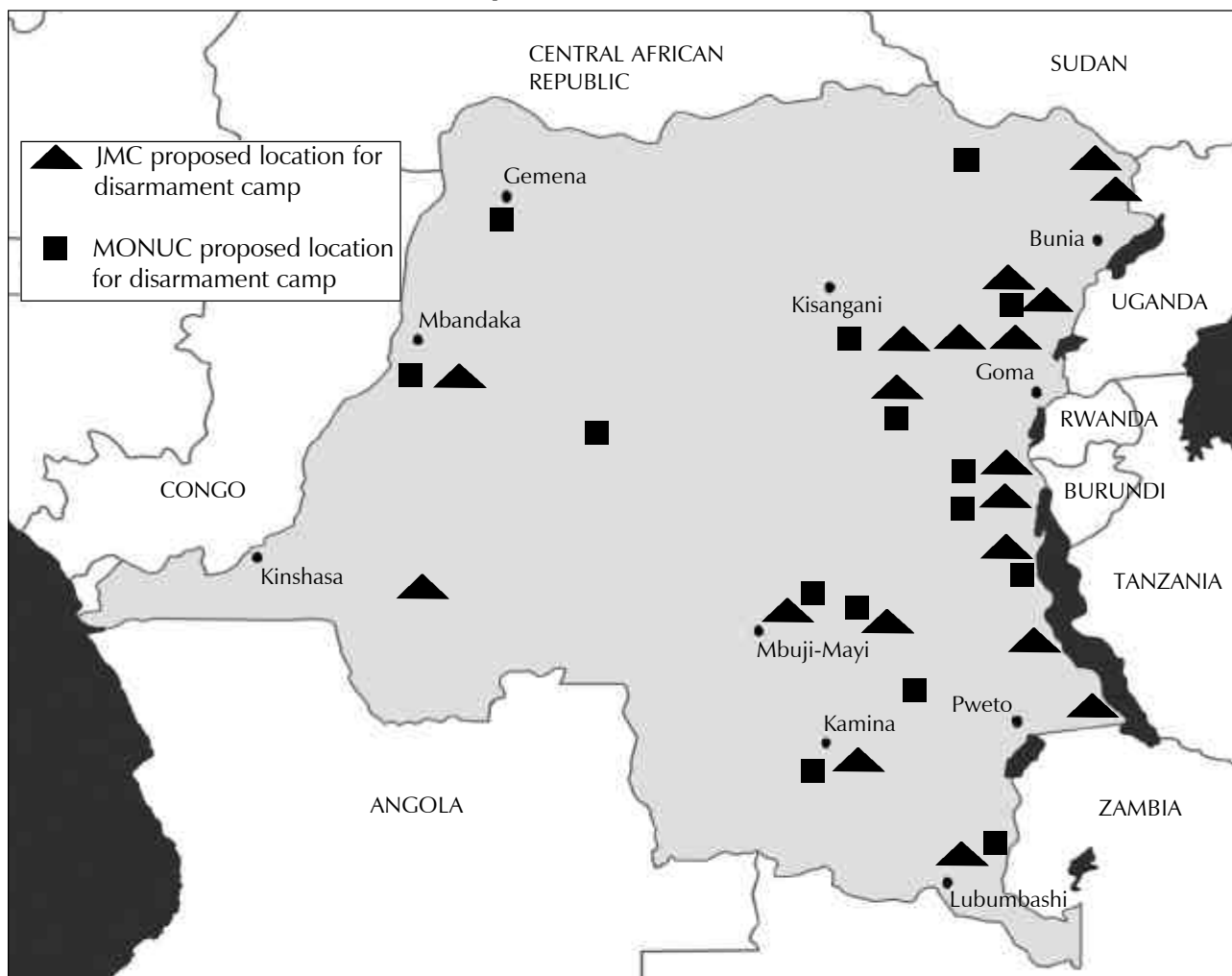
ensure that the envisaged UN tasks are operationally achievable.¹¹

The Lusaka process pre-dates the publication of the Brahimi report, but there was really no excuse for ignoring this injunction during the brokering of the Pretoria MoU. The peacemakers would also have been advised to note the recommendation that:

The secretary-general should be given the authority to formally canvass member states ... regarding their willingness to contribute troops to a potential operation, once it appeared likely that a ceasefire accord or agreement envisaging an implementing role for the United Nations, might be reached.¹²

Lack of troop commitment by member states is likely to be one of the biggest impediments to the implementation of the Pretoria agreement, as it has also been to the implementation of disarmament provisions of the Lusaka accord under the supervision of MONUC. On 25 February 2000, the Security Council authorised the deployment of MONUC with an authorized strength of 5,537 military personnel, including observers.¹³ Some 28

Map 2: Disarmament Sites



months later, MONUC had just over 3,800 personnel deployed and did not have the capacity to forge ahead with the disarmament process envisaged for its third and critical phase of operations.

IMPLEMENTING DISARMAMENT UNDER MONUC

The Lusaka peacemakers and signatories were hopeful that the UN would actually take the responsibility for tracking, neutralizing, identifying, screening and demobilizing the 'negative forces'. Such optimism, or naivety, was not to be rewarded. MONUC was not provided with a 'peace enforcement' mandate. Its main duty has rather been to observe the implementation of the Lusaka Ceasefire Agreement, report to the UN Security Council and monitor the progress made by the belligerents in implementing the agreement they signed. MONUC planners have therefore viewed the UN's primary function as that of catalyst, with mission personnel "seeking solutions to unlock difficulties and promoting attitudes by the Parties to keep the peace process moving along".¹⁴

The focus of phases 1 and 2 of MONUC has been squarely on the cessation of hostilities and the disengagement/redeployment of the parties' armed forces in the DRC—a task that has indeed been performed admirably by about 450 UN military observers, backed by some infantry support elements and mission headquarters in Kinshasa.

By April 2001, MONUC was planning a third phase of operations that would see the commencement of 'DDRRR', i.e. a process that aims:

to disarm, demobilise, repatriate, reintegrate (resettle) all armed groups in the DRC; hand over mass killers, perpetrators of crimes against humanity and other war criminals; and disarm all Congolese civilians who are illegally armed.¹⁵

According to UN planners, it would take at least an additional four reinforced infantry battalions of high quality to make a meaningful start to phase three operations, even though disarmament during phase three is intended to be voluntary, with MONUC providing security for and 'welcoming' volunteers to encampment sites. Any plans for enforcing compliance would have "to be worked out by a force that will carry out this task",¹⁶ but only after the voluntary compliance process had

been tested. The entire DDRRR process is in turn dependent on the provision of information on the armed groups by the signatories to the Lusaka Peace Agreement. Sufficient and reliable information is crucial pre-requisite for meaningful planning.

In the ritual calendar of events, as reflected in previous Security Council resolutions and mission mandates, the key to stabilization and security has always been seen as the disarmament, demobilization and reintegration of former combatants. In other words, the success of the whole peacekeeping process has hinged on the degree to which warring factions can be effectively disarmed. However, disarmament has historically been one of the most difficult tasks to implement. It has been extremely hard to collect all weapons, even at the end of an armed struggle, when the remaining conditions of insecurity create high incentives for the maintenance and acquisition of weapons by the community at large.

This type of program was ritualistically applied in Namibia, Cambodia, Mozambique and Bosnia, and was attempted several times in Angola, Liberia and Sierra Leone. In none of these cases was the calendar of events for disarmament implemented according to plan.

Nevertheless, MONUC envisages that Phase three will be executed in three 'simple' stages, over the period June 2002 to June 2003, as follows:

Stage 1: Transitional Operations.

Establishment of a 'forward force' in Eastern DRC capable of creating the necessary conditions for DDRRR. This deployment will focus on the gathering of information and building of confidence and security to minimize risk and maximize influence. The objective for this stage is to create the conditions for voluntary disarmament and demobilization by convincing combatants of a better life without weapons. Stage 1 will see the graduated deployment of command and control, logistic, engineering and guard assets to Kindu. This will be followed by the deployment of "Task Force 1", possibly via a staging area, to Kindu for subsequent exploitation east into the stage 1 area of operations. (See Map 3) The total strength of MONUC combined elements in the Kindu area of operations will not be greater than 2,500 during this stage.

Stage 2: Assistance to the D3 programme. The focus

Disarmament has historically been one of the most difficult tasks to implement

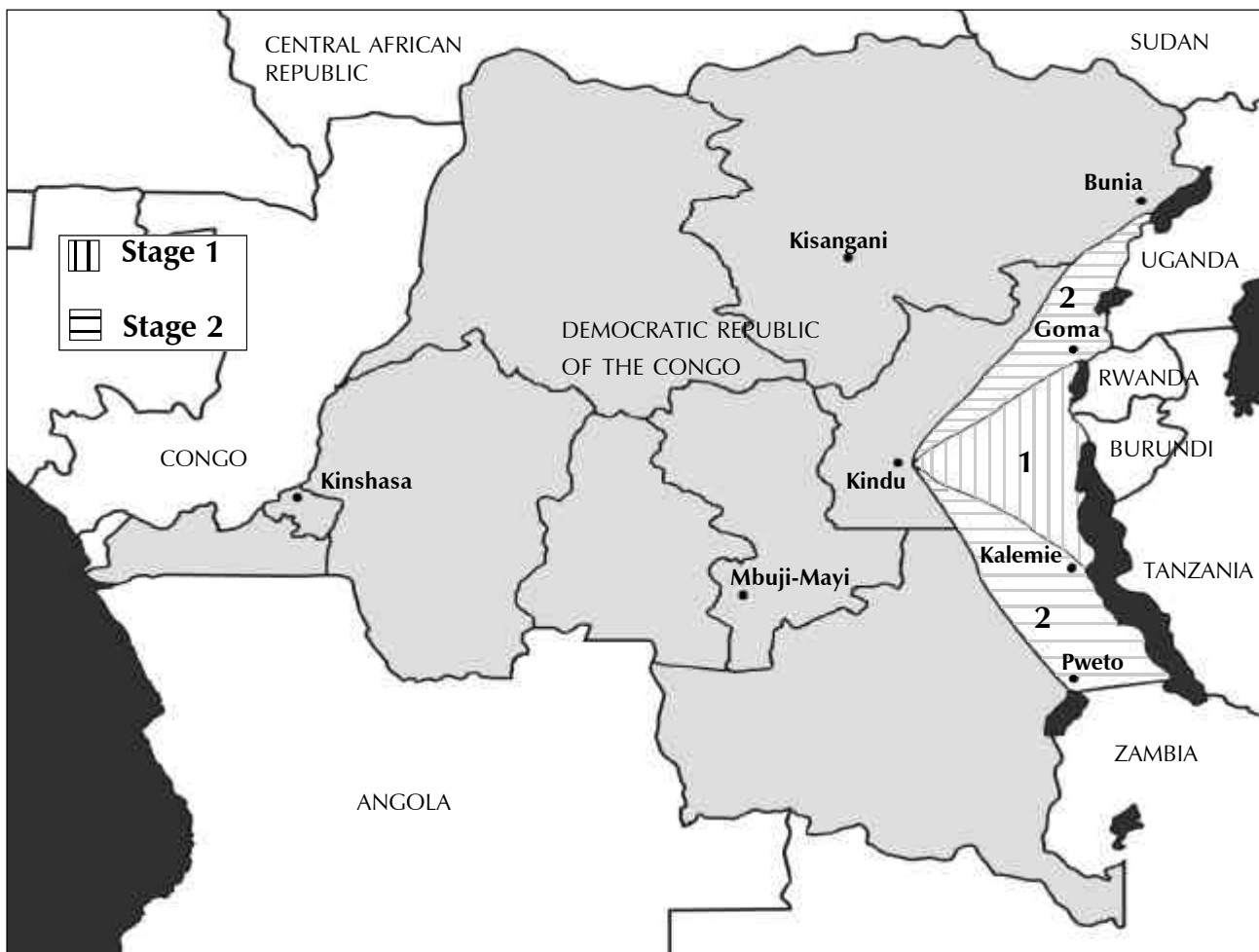
of this stage will be on repatriation and resettlement, which will have to be facilitated by political and civilian actors (other UN agencies and NGOs) in the mission, while the military force continues to conduct disarmament and demobilisation operations. Progress to Stage two will depend entirely on the success of the initial deployment in creating the necessary conditions of confidence and security that will be fundamental to embarking on any meaningful D3 activity. A key indicator of the extent to which these conditions have been met, will be the effective reopening and use of surface lines of communication leading to and emanating from Kindu. The execution of Stage two operations will require the swift build-up and deployment of a further three task forces (Task Forces 2, 3, and 4) in order to assist with the D3 program in the whole eastern area of operations. The total strength of MONUC combined elements in this area is thus likely to exceed 7,000.

Stage 3: Subsequent Operations. It is as yet too early for MONUC planners to predict the scope and scale of subsequent operations in Phase III. However, it is foreseen that the nature of operations will be affected by the extent of any possible MONUC responsibility for monitoring

border security, as well as activities related to reopening further lines of communication, in order to create the conditions for further regional regeneration in eastern DRC.

To execute phase three, MONUC thus requires four Task Forces, each of battalion group strength, for the South of the Kivus, in order to establish 16 disarmament camps and manage the disarmament and demobilisation process. A force of about 400 is now in place at Kindu, but the forward staging base is not likely to be completed before the end of October 2002. However, operations cannot commence before Task Force 1 is in place and there are firm troop commitments for task forces 2–4. The Force Generation Service of the UN Department of Peace-Keeping Operations (DPKO) has been trying in vain for months to acquire commitments by member states to provide MONUC with the kind of enhanced force levels that are essential for phase three. In his eleventh report on MONUC, Kofi Annan said that UN troops in the DRC were not “equipped, trained or configured” to intervene rapidly to help the needy, and that “it will be necessary for the Council to consider adjusting the strength of

Map 3: Area of Operations, Stages 1 & 2



MONUC in that regard". The secretary-general added that:

A major problem facing MONUC as it prepares for the main task of phase III is the lack of a capable force for this challenging task. The Mission's strategy depends on the creation of a climate of confidence and security in the east, for which the deployment of a robust contingent is essential. In the continuing absence of a country willing to provide a force with the necessary capacity, phase III of the Mission's deployment remains, for the present, delayed.¹⁷

On 14 June 2002, the Security Council responded to Annan's report by again calling on UN member states "to contribute personnel so that MONUC could attain its authorised strength".¹⁸ It is against the background of this lukewarm response that the Council met to consider its response to the Pretoria agreement on 6 August 2002.

THE PRETORIA AGREEMENT: TASKS, ROLES AND TIMING

The Pretoria agreement amounts to an acknowledgement by the DRC government that it had been supporting the Interahamwe and ex-FAR, and a commitment to cease such support. In turn, Rwanda has again committed itself to the withdrawal of all its forces from the DRC.

According to the agreement:

The Government of Rwanda reaffirms its readiness to withdraw from the territory of DRC as soon as effective measures that address its security concerns, in particular the dismantling of the ex-FAR and Interhamwe forces that have been agreed to. Withdrawal should start simultaneously with the implementation of the measures, both of which will be verified by MONUC, JMC and the third party.¹⁹

The 'third party' is defined in the MoU (paragraph 3) as "the Secretary General of the UN and South Africa, in its dual capacity as Chairperson of the AU and facilitator [of the agreement]."

The prerequisite measures for the withdrawal of some 20,000 Rwandan troops are detailed in a programme and timetable for implementation that is key to the success of the whole agreement and that includes, *inter alia*:

- the finalisation of MONUC phase three deployment within 15 days of signature;
- the establishment and operationalisation of the assembly points for the holding of ex-FAR and Interahamwe, including securing of the assembly points in terms of MONUC and JMC processes, within 25 days of signature;
- tracking down, disarming and dismantling Interahamwe and ex-FAR leaders and Troops, to be completed within 90 days of signature;
- repatriation of ex-FAR and Interahamwe forces, and verification of process of repatriation, within 90 days of signature; and
- withdrawal of Rwandan troops, also to be completed within 90 days from signature.²⁰

The agreement also reflects an admission by the DRC that the Interahamwe and ex-FAR are undesirable elements present within its territory, and a commitment to collaborate with MONUC and "... any other Force constituted by the third party, to assemble and disarm the ex-FAR and Interahamwe in the whole of the territory of the DRC".²¹ Rwanda, in turn, is committed to the immediate cessation of 'hostilities'.

The agreement thus potentially paves the way for the re-establishment, by the DRC, of control over those territories presently occupied by the Rwandan People's Army (RPA) and RCD-Goma. This is an unlikely scenario, since the Rwandan interpretation of the agreement is that MONUC will in fact replace and monitor those areas from which the RPA are to withdraw.

The agreement further provides room for implementing earlier plans for the creation of a 'security curtain' along the common DRC/Rwandan border. Paragraph 8.10 of the MoU states that:

The parties have further agreed that their respective governments would put into place a mechanism for the normalization of the security situation along their common border. This mechanism may include the presence of an International Force to cooperate with the two countries, in the short term, to secure the their common border.

This concept was mooted during a visit that took place from 27 April to 7 May 2002 to the Great

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Lakes by the special envoy of the Security Council. During discussions with the facilitator, Deputy President Zuma, it was made clear that such an international force will also be under the control of MONUC.

The issue of tracking down and disarming armed groups appears even more problematic than finding an 'international force' for border security. Although the "tracking down, disarming and dismantling Interahamwe and ex-FAR" forces is clearly beyond the scope of MONUC's mandate, the implementation programme assigns responsibility for this to "MONUC, DRC, JMC, Rwanda and [the] third party". The JMC has no real military, or even monitoring capacity, on the ground.

According to paragraph 7 of the MoU, however, this will primarily be the responsibility of the DRC government in collaboration with MONUC and the JMC in the territory under the control of the DRC government. According to MONUC's planning, the tracing down, disarming and dismantling of armed groups must be executed in phases, with the DRC government first disarming and dismantling the belligerents in the areas under their control. Unfortunately, most of these forces are deployed in areas outside the territory under control of the DRC government. MONUC will therefore disarm and dismantle those belligerents in RCD-Goma territory who actually volunteer to be disarmed. The problem obviously lies with those elements that do not want to be 'disarmed and dismantled'.

The RCD-Goma leader, Adolphe Onusumba, has already said that the movement "will not let the government forces manoeuvre in the territory under our control unless it is done within the context of a national army that includes armed factions of all Congolese belligerents".²² This makes the situation more complicated, and raises the issue of who will handle coercive disarmament, and when and how the Rwandans will be sufficiently satisfied with the dismantling process to start with troop withdrawal.

Most of the responsibility for the implementation, monitoring and verification of the Pretoria peace deal was given to the third party (South Africa). The role of the third party, in terms of verification and monitoring, features prominently in the MoU, and the SA Department of Foreign Affairs (DFA) is in the process of establishing a secretariat, based in Pretoria, to fulfil this function. In particular,

according to paragraph 8.6 of the Pretoria agreement, "the third party will take responsibility for verification of whatever information, through whatever measures they deem necessary". The secretariat will include representatives of the DRC and Rwandan governments, as well as DFA and UN officials. It is also envisaged that Presidents Kabila and Kagame, together with Mbeki and the UN secretary-general, will attend sittings of the secretariat to ratify any further agreements that may be necessary in the implementation process.²³

After discussions in New York, on 8 August 2002, South Africa and the UN announced that the joint secretariat will be based in Kinshasa, and that it will include two UN and four South African representatives. The UN officials will be the deputy special representative of the secretary general for the DRC, and the deputy force commander of MONUC. The South African officials will be the security adviser to the president, Billy Matsetla; the foreign affairs adviser to the president; Thandi Majola; DFA's chief director for Central Africa, Lindile Zulu; and Major General Ntsinga of the SANDF. How the secretariat will function is still unknown, but it may be assumed that it will have to rely heavily on the monitoring capacity of MONUC and the JMC.²⁴

It is a simple fact that the UN will not venture beyond consensual and voluntary processes

Another outstanding and thorny issue is the possible need to change the mandate of MONUC, to include robust peacekeeping functions and a bigger capacity as to force levels. Any such expanded mandate will preclude the kind of enforcement tasks envisaged in the Pretoria MoU (it is a simple fact that the UN will not venture beyond consensual and voluntary processes), and even building MONUC up to current authorised strength will require the kind of commitment from troop contributing countries that has thus far proved impossible to secure. Indeed, the UNDPKO feels that it has not been sufficiently consulted, and that it has been given a role in the peace agreement without having been given an opportunity to shape that role. According to a senior DFA official, the SA government feels that the UN representatives at the peace talks (political affairs officers from MONUC) were overly negative in their advice about what is operationally and technically possible.

President Mbeki, however, pledged during the signing ceremony that South Africa will respond positively to a request by the UN for troop contributions. South Africa is already preparing to deploy a battalion group (approx. 1,500 soldiers) to

MONUC. A 'robust' air contingent was also requested in addition to a field hospital and military field engineers. Despite presidential promises, the SANDF will be hard pressed to provide even this level of 'combat ready' troops, and it certainly will not be able to do so within the time frames envisaged in the MoU.

The poor state of operational readiness of SANDF units had been the subject of much parliamentary and media consternation in the weeks leading up to the signing of the Pretoria MoU, and remains a subject of intense debate. Where the other three battalion groups will come from is presently unknown. Contributions from Ghana and Senegal have apparently been discussed, but this still leaves the task force under-strength. Funding could possibly be provided by a special UN Trust Fund set up by donor countries for this purpose.

According to the MoU, the entire process must be completed within 90 days, and the third party will use a further 30 days for further verification. The three vital times pertain to:

- deployment of additional force levels to MONUC by D+15;
- disarming and dismantling of Interahamwe and ex-FAR, beginning on D+10; and
- the withdrawal of Rwanda troops, beginning on D+45 (detailed plans for the Rwandan withdrawal were to be submitted a mere ten days from 30 July).

The successful implementation of each of these elements requires a sequential process; i.e. the time lines for implementing each subsequent step will require the prior completion of the preceding step. Though each one of these steps is extremely important, it is obvious that the process cannot begin until such time as MONUC has received the requisite forces.

The Brahimi Report notes that the "first six to 12 weeks following a ceasefire or peace accord is often the most critical period for establishing both a stable peace and the credibility of the peacekeepers". However, there are countless issues that hinder the rapid deployment of a UN peacekeeping force. For example, funds cannot be allocated to a mission until the Security Council has formally created it, or authorised the expansion of an existing mission. Thus there has hitherto been roughly a six-month delay between the creation of a peacekeeping operation and the actual deployment of a fully functional mission at authorized strength. In the case of MONUC, as previously mentioned, this delay has been more than 18 months.

Amongst many other reasons for this delay, it must be obvious by now that MONUC is not a popular choice among potential contributors and that little can be done in this case to implement Brahimi's recommendation that:

The United Nations should define 'rapid and effective deployment capacities' as the ability, from an operational perspective, to fully deploy traditional peacekeeping operations within 30 days after the adoption of a Security Council resolution, and within 90 days in the case of complex peace-keeping operations.²⁵

The UN is still far from being able to implement this aspirational target for complex operations, and even the most optimistic of peacemakers should realise that there is no way on earth that MONUC can be brought up to Phase 3 strength by the middle of August 2002. The fact that the Security Council considered its response only eight days after the signing of the MoU certainly reinforces the prediction that the timetable will start slipping before the ink is properly dry on the MoU. And it will surely slip a great deal further when it comes to the process of disarming the Interahamwe and ex-FAR.

Despite the lack of capacity at all levels, and among all role-players, Pretoria is adamant that the peace plan must be implemented in full before the end of the year (i.e. within the extant 90+30 implementation and final verification timetable). The biggest concession made by Mbeki, according to officials, is that he "may be willing to consider a month's extension".²⁶

CONCLUSION

It is evident that Pretoria has invested a huge amount of time and effort in pushing the DRC peace process to where it is now. But it is difficult to gauge cause and effect in the realm of peacemaking, especially when so many players are involved in the game. It is also doubtful as to whether the combined weight of all the initiatives has been sufficient to maintain a sustainable ceasefire and to initiate and complete a very complex process of disarmament and repatriation.

The Pretoria agreement underscores the fact that the input of the combination of key implementing actors during the negotiating phase would have enhanced not only the overall concept of operations, but also the commitment to effective implementation of all those involved in the process. In reality, however, there was an immense gap in understanding between soldiers and politicians,

and amongst those responsible for political affairs in a field mission and the brokers of new peace agreements. Peacemaking thus continues to be conducted largely in isolation from peacekeeping, without due consideration of the resources available for implementation.

Thus, while some may feel that Pretoria has engineered the final breakthrough that is needed to bring peace to the DRC, others are rightly concerned that the Pretoria agreement may break down over issues of implementation. The major caveat to South Africa's brand of peacemaking diplomacy is that the country does not have an effective military expeditionary capability, and that covenants without swords are seldom taken seriously by protagonists. As Field Marshall Peter Inge has observed, "diplomatic activity which is not backed by a credible military force (and the pure political will to use that force) is purely rhetoric and frequently does more harm than good. Gesture politics are counterproductive".²⁷

In this respect, the UN's response to the 8 August 2002 briefings to the Security Council by the foreign ministers of South Africa, the DRC and Rwanda, was rather lacklustre. The secretary-general responded with a media statement asking the 'international community' to provide all necessary assistance for the parties to successfully implement the agreement, and said that he had instructed MONUC to examine what steps it could take to assist the parties to carry out their agreement. Annan also said he expected to report to the Council with specific recommendations with regard to the future of MONUC. In the interim, the mandate and maximum authorised strength of MONUC stays as is. This is sufficient for the implementation of phase three, stage 1. But for stage 2, there is an obvious requirement for an additional 5,000 soldiers.

On the positive side, the Pretoria agreement brings Rwanda back into the peace process and appears to open the door to the severing of the linkages between the RCD-Goma and Rwanda. It has again committed the DRC government to cease arming

and supporting the Interahamwe and ex-FAR. In the wake of the Pretoria agreement, both Uganda and Zimbabwe have announced that they intend to withdraw their forces from the DRC as soon as possible. Zimbabwe is planning to withdraw its estimated 8,000 soldiers at the end of October, while Uganda wants to withdraw immediately (although renewed violence in Bunia may necessitate an extension of the Ugandan presence). The agreement therefore restores a degree of integrity to the Lusaka Ceasefire Agreement. It does so within the UN framework, through MONUC, by potentially restoring the mission's momentum after the impasse that developed at the end of the Sun City talks that would enable further implementation of phase three.

Ongoing and close co-ordination between all role players (MONUC, the JMC, the 'third party', Rwanda and the DRC) may keep the agreement on track, if there is early recognition and acceptance amongst the officials representing these entities that the spirit of the Pretoria agreement is more important than the detail contained in the implementation plan and timetable. Success will further require recognition of the primacy of MONUC in the realm of monitoring and verification, as well as process facilitation on the ground. This means that the mandate of MONUC should be changed to make provision for robust peacekeeping capability and an urgent increase in force levels.

The secretariat of the 'third party', once constituted and briefed on its role and tasks, must take cognisance that most of the activities agreed to in the MoU have already been planned for in detail by MONUC. The disarmament camps have already been identified, and the steps involved in processing volunteers who report to these camps planned to the smallest detail. The first task of the secretariat should be to engineer an agreement amongst all parties to align their activities with MONUC's planning, and possibly to change the implementation time table from 90+30 days to 1 year+30 days, i.e. to synchronize with the MONUC phase three timetable.

ENDNOTES

- 1 The main provisions of the agreement included:
 - the immediate cessation of hostilities;
 - the establishment of the JMC, comprising the belligerent parties under a neutral chairman appointed by the OAU, to investigate cease-fire violations, work out mechanisms to disarm identified militias and monitor the withdrawal of foreign troops according to an agreed schedule;
 - the deployment of an “appropriate” (peacekeeping and peace-enforcement) UN mission tasked with disarming the armed groups, collecting weapons from civilians and providing humanitarian assistance and protection to vulnerable populations; and
 - initiating an “inter-Congolese dialogue” intended to lead to “a new political dispensation in the DRC”.
- 2 Lusaka Agreement, Article 22.
- 3 S/2001/521, 29 May 2001, op. cit.
- 4 United Nations General Assembly/Security Council, Report of the Panel on United Nations Peace Operations, A/55/305, S/2000/809, 21 August 2000 (Brahimi Report), Executive Summary, p. viii.
- 5 See Appendix B for the full text of the agreement.
- 6 J Selebi, 'Building collaborative security in Southern Africa, paper presented at a seminar on 'The Southern Africa Challenge for the SA Army', Pretoria, 29 July 1999. The proposal was made to the leaders of Rwanda, Uganda, Zambia and Zimbabwe. It recognised a number of harsh realities in the Congo situation which necessitated an unconventional approach to peacemaking. The essence of this proposal involved a plan to invite those [statutory] forces engaged in the military conflict in DRC to contribute to a multinational operation that would guarantee adherence to a cease-fire until such time as the UN/OAU could act.
- 7 South African Broadcasting Corporation, 2 September 1999.
- 8 John MacKinlay, Beyond the logjam: A doctrine for complex emergencies, in Max Manwaring and John Fishel (eds.) *Toward responsibility in the new world disorder: Challenges and lessons of peace operations*, London, Frank Cass, 1998, pp. 118-119.
- 9 The 'armed groups' identified included Rwandan Interahamwe militia and the former Rwandan government forces (FAR); Congolese Mayi-Mayi militias; the Allied Democratic Front (ADF), the Uganda National Rescue Front II, the West Nile Bank Front and Lord's Resistance Army in Uganda; the National Union for the Total Independence of Angola; and the Burundian Forces pour la defense de la democratie (FDD).
- 10 United Nations General Assembly/Security Council, Report of the Panel on United Nations Peace Operations, A/55/305, S/2000/809, 21 August 2000, par. 57.
- 11 United Nations General Assembly/Security Council, Report of the Panel on United Nations Peace Operations, A/55/305, S/2000/809, 21 August 2000, par. 58.
- 12 Ibid par. 117 (b).
- 13 UN Security Council, Resolution 1291, S/RES/1291 (2000) 25 February 2000.
- 14 MONUC Headquarters, MONUC Concept of Operations for Phase 3 Deployment, HQ MONUC G3/Plans/1, 28 April 2001, par. 8.
- 15 Draft DR plan under consideration by the Joint Military Commission dated 19 June 2001.
- 16 Ibid, p 16.
- 17 UN Security Council, Eleventh Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, S/2002/621, 5 June 2002, par. 27.
- 18 UN Security Council, resolution 1417, 14 June 2002, par. 2.
- 19 Memorandum of Understanding between the Governments of the Democratic Republic of the Congo and Rwanda on the withdrawal of the Rwandan Troops from the Territory of the Democratic Republic of the Congo and the Dismantling of the Ex-FAR and Interahamwe Forces in the DRC, Pretoria, 30 July 2002, para. 5.
- 20 Memorandum of Understanding between the Governments of the Democratic Republic of the Congo and Rwanda on the withdrawal of the Rwandan Troops from the Territory of the Democratic Republic of the Congo and the Dismantling of the Ex-FAR and Interahamwe Forces in the DRC, Pretoria, 30 July 2002.
- 21 MoU, 30 July 2002, par. 7.
- 22 Finbarr O'Reilly as quoted in Reuters
- 23 Sechaba Ka'Nkosi, SA Combat Troops Prepare for Congo, *Sunday Times*, 4 August 2002, p.1.
- 24 While MONUC currently deploys 450 military observers to monitor the implementation of the ceasefire agreement, the capacity of the JMC is almost non-existent in this regard.
- 25 Ibid, par. 91.
- 26 Sechaba Ka'Nkosi, SA combat troops prepare for Congo, *Sunday Times*, 4 August 2002, p.1.
- 27 Peter Inge, Challenges facing armed forces in the 21st century, in *South African Journal of International Affairs*, 6(2), Winter 1999, p. 202.

APPENDICES

Memorandum of understanding between the governments of the Democratic Republic of the Congo and Rwanda on the withdrawal of the Rwandan troops from the territory of the DRC and the dismantling of the ex-FAR and Interahamwe forces in the DRC

1. The Lusaka Ceasefire Agreement of 1999 sets out modalities for the tracking down and disarmament of ex-FAR and Interahamwe forces in the territory of the DRC. To date, it has not been possible to effectively implement the decisions relating to these armed groups.
2. The governments of the DRC and the Republic of Rwanda have sought to find an expeditious manner of implementing these decisions.
3. The parties acknowledge that there have been numerous attempts to implement agreements reached between them with regard to this matter. The parties also acknowledge that the launch of the African Union, recent UN resolutions and the involvement of a third party present a window of opportunity to urgently resolve this matter.

By third party, both parties understand this to refer to the Secretary-General of the United Nations and South Africa, in its dual capacity as chairperson of the African Union and facilitator of this process.

The parties further acknowledge that the resolution of this matter will be a process and not an event.

4. The government of the DRC reaffirms its stated legitimate right that the forces of the government of Rwanda withdraw from the territory of the DRC without delay.
5. The government of Rwanda reaffirms its readiness to withdraw from the territory of the DRC as soon as effective measures that address its security concerns, in particular the dismantling of the ex-FAR and Interahamwe forces, have been agreed to. Withdrawal should start simultaneously with the implementation of the measures, both of which will be verified by MONUC [UN Organization Mission to the DRC], JMC [Joint Military Commission] and the third party.
6. The Interahamwe and ex-FAR armed groups fled to various countries, including the DRC, after participating in the 1994 genocide in Rwanda. The DRC government states that it does not wish to have these armed groups

present in the territory of the DRC. The DRC government does not want its territory to be used as a base for attacks against its neighbouring countries.

7. The DRC government is ready to collaborate with MONUC, the JMC and any other Force constituted by the third party, to assemble and disarm the ex-FAR and Interahamwe in the whole of the territory of the DRC.

8. In this regard, the parties agree as follows:

8.1 The DRC government will continue with the process of tracking down and disarming the Interahamwe and ex-FAR within the territory of the DRC under its control.

8.2 The DRC government will collaborate with MONUC and the JMC in the dismantling of the ex-FAR and Interahamwe forces in the DRC.

8.3 The Rwandan government undertakes to withdraw its troops from the DRC territory, following the process outlined in paragraph 5. This will be according to measures as detailed in the implementation programme.

8.4 That MONUC, acting together with all relevant UN agencies, should be requested to immediately set up processes to repatriate all Rwandese, ex-FAR and Interahamwe to Rwanda, including those in Kamina, in co-ordination with the governments of Rwanda and the DRC.

8.5 The governments of the DRC and Rwanda would provide the facilitator of this meeting and the UN secretary-general with all the information in their possession relating to these armed groups.

8.6 The third party will take responsibility for verifying whatever information received, through whatever measures deemed necessary.

8.7 The parties agree to accept the verification report from the third party.

8.8 That the UN considers changing the mandate of MONUC into a peace-keeping mission.

8.9 MONUC should immediately proceed to implement Phase 3 of its DDDR and finalise its deployment in the DRC, especially in the eastern part of the territory.

8.10 The Parties agree that their respective governments would put into place a mechanism for the normalisation of the security situation along their common border. This mechanism may include the presence of an International force to cooperate with the two countries, in the short term, to secure their common border.

8.11 That a bilateral team, facilitated by South Africa and the UN secretary-general, work on a detailed calendar to implement this agreement.

8.12 Both parties commit themselves to accepting the role and findings of the third party in the process of implementing this agreement, and further accept that the commitments and agreements reached in this peace agreement are binding.

Programme of implementation of the agreement between the governments of the Democratic Republic of the Congo and Rwanda on the withdrawal of the Rwandan troops from the territory of the DRC and the dismantling of the ex-FAR and Interhamwe forces in the DRC

The governments of the Republic of Rwanda and the DRC, with the understanding that;

The Third party, defined in the main agreement as the Secretary General of the United Nations and South Africa, in its dual capacity as Chairperson of the African Union and as facilitator, will throughout the process of implementing the programme as agreed to by the parties, take authority over the management of the programme.

The Third party commits itself to continuously overseeing and verifying the processes that will be

undertaken by both parties in the spirit of executing the commitments made in the Peace Agreement.

The Third party shall establish, for the purpose of overseeing and verifying the implementation of this programme, a Permanent Secretariat, to be determined by the third party.

Both Parties further agree to commit themselves to accepting as final, verification reports by the third party and consider this agreement to be binding hereby commit themselves to the following calendar of events:

Principle in Peace Agreement	Activity	Time Frame	Responsibility
	Formal signing of the Agreement between Government of Rwanda and the DRC on the Withdrawal of the Rwandan troops from the DRC territory and dismantling of the ex-FAR and Interahamwe forces in the DRC, in the presence of the UN Secretary General and President Thabo Mbeki, Chairperson of the African Union.	D1	Governments of Rwanda and the DRC and Third party
5	Declaration of withdrawal by the Government of Rwanda on the basis of this agreement and the time-table thereof.	D1	Rwanda
	Rwanda to submit detailed plans/programme for withdrawal	D5-10	Rwanda
8.6	Establishment of the verification mechanism and the implementation structure by the Third Party (in liaison with the signatories, where necessary)	D5-90	Third Party
8.5	Communication of information to the Third Party's verification structure on relevant matters by both parties, including information on ex-FAR and Interhamwe	D5- 90	Rwanda and DRC
8.6	Verification process of information received begins	D10-90	Third Party
8.9	Finalisation of MONUC phase 3 Deployment	D1-15	MONUC
7	Establishment and operationalisation of the assembly points for the holding of ex-FAR and Interhamwe, including securing of the assembly points in terms of MONUC and JMC processes.	D5-25	MONUC, JMC and Third Party
8.6	Verification of the establishment and functionality of assembly points	D5-75	Third Party
8.1	Tracking down, disarming and dismantling Interhamwe and ex-FAR leaders and troops	D10-90	MONUC, DRC, JMC, Rwanda and Third Party*
8.9	Movement to assembly areas of ex-FAR and Interhamwe and its leadership	D15-90	MONUC
	Verification/monitoring of dismantling and cessation of support to ex-FAR and Interahamwe	D10-90	Third Party, JMC and MONUC
8.4	Repatriation of ex-FAR and Interhamwe forces	D30- 90	Rwanda, JMC and MONUC
5 and 8.3	Verification of process of repatriation	D30-90	Third Party

Principle in Peace Agreement	Activity	Time Frame	Responsibility
5	Withdrawal of Rwandan troops	D45-90	Rwanda
8.6	Verification of process of withdrawal	D45-90	Third Party and MONUC
	Final verification process on completion of the 90days Programme of Action	D90-120	Third Party
	Submission of final report	D90-120	Third Party
	Normalisation of relations between the two countries	D1-ongoing	DRC and Rwanda
<p>Issued by The Presidency [of the RSA] 30 July 2002</p> <p>* Rwanda and DRC's participation will depend on the extent to which they control the areas related to the task, as determined by the Third Party.</p>			

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The vision of the Institute for Security Studies is one of a stable and peaceful Africa characterised by human rights, the rule of law, democracy and collaborative security. As an applied policy research institute with a mission to conceptualise, inform and enhance the security debate in Africa, the Institute supports this vision statement by undertaking independent applied research and analysis; facilitating and supporting policy formulation; raising the awareness of decision makers and the public; monitoring trends and policy implementation; collecting, interpreting and disseminating information; networking on national, regional and international levels; and capacity building.

About this paper

The aim of this paper is to provide a brief background to the Pretoria agreement, and an early overview and analysis of the implications of the MoU, from the perspective of: South Africa's role as peacemaker in the DRC; support to the military aspects of the peace process by the UN Mission in the Democratic Republic of the Congo; and the tasks, roles and timings for implementation implied by the Pretoria agreement.

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