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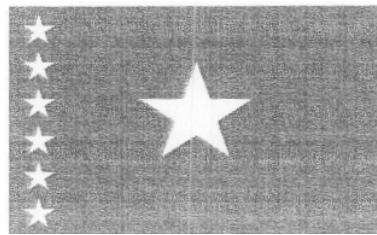
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PAPER:
Conflict Resolution and Peace-Building in Africa as a Process:
A Case Study of Democratic Republic of Congo

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UNITED REPUBLIC OF TANZANIA



**CONFLICT RESOLUTION AND PEACE BUILDING IN
AFRICA AS PROCESS: A CASE STUDY OF THE
DEMOCRATIC REPUBLIC OF CONGO**

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CONFLICT RESOLUTION AND PEACE BUILDING IN AFRICA AS PROCESS: A CASE STUDY OF THE DEMOCRATIC REPUBLIC OF CONGO

Being interested in thinking about conflicts in Africa and their resolutions for peace, the Mwalimu Nyerere Foundation has invited the Ambassador of the Democratic Republic of Congo to participate in the activities related to the commemoration of the birth date, 14th April, of Mwalimu Julius Nyerere.

In accepting, with thanks, this invitation from the prestigious Foundation, the embassy of the Democratic Republic of Congo has considered it as a good thing to contribute to the event with the presentation of a paper that, as process of conflict resolution and peace building in Africa, will focus on a **case study of the Democratic Republic of Congo**.

We take this opportunity to commend the United Republic of Tanzania, its President H.E. Benjamin William Mkapa for, among other things, hosting several meetings about the Congolese crisis and advices and mediation to the Congolese political leaders.

The following will be the main components of our study:

- I. Brief Historical facts,
- II. war of aggression and founding of the Rebellion
- III. Lusaka Agreement.
- IV. Inter-Congolese Dialogue and Signature of Agreements.
- V. Pretoria negotiation.
- VI. Institutions of the transition.
- VII. Urgencies of the transition.
- conclusion.

I. BRIEF HISTORICAL FACTS (Bearer of crisis/conflict causes)

- Let us first recall briefly that the Democratic Republic of Congo became independent on June 30th, 1960 after more than half a century of colonization by Belgium. But only after one month later the new independent state of Congo plunged into an institution crisis, particularly marked by the assassination of its first Prime Minister Patrice Emery Lumumba, chased from power and killed in January in 1961.
- This will be a crisis which will last till May 1997 when the courageous Congolese people led by the brave fighter Mzee L.D. Kabila, marched on Kinshasa and chased the dictator Mobutu Sese Seko from power he had taken by a coup and kept during 32 years.
- Once head of State, Mzee Laurent Desire Kabila committed himself to restore the authority of the State, the reconstruction of the Nation. With his government, he had elaborated a calendar for the democratization of the country going from the adoption of a draft of Constitution through a popular referendum to the organization of free, transparent and democratic elections.
- Alas, this run up of the political, economical rehabilitation and of the rebuilding of the Nation will be broken on August 2nd, 1998 by Rwanda, Uganda and Burundi through a war of aggression against our country.

II. WAR OF AGGRESSION AND FOUNDING OF REBELLION (Main causes of conflict with DRC as principal victim)

- 1) War of aggression: On August 2nd, 1998, the Rwandese Patriotic Army attacks simultaneously Kinshasa, Goma and Uvira, and so on.

On August 4th, 1998, the Uganda Army (UPDF) invades the northern Kivu, the Oriental Province and the Equator towards Kasindi and Ituri.

To cover their criminal act, those countries had hastily and defiantly labeled the aggression as Congolese internal rebellion against the so-called mismanagement of the country by Mzee L.D. Kabila and the question of nationality for the so-called "Banyamulenge", (a group of Rwandan refugees).

But in reality, as the international community and the United Nations Security Council by its several resolutions, will later know and admit it, the control of the political machinery and of the essential natural resources as well as the mining wealth of the DRC had constituted the true hidden reasons of this aggression machiavellianly prepared and carried out by Rwanda and Uganda. To cover themselves, Rwanda and Uganda had created Congolese rebel movements, as mentioned here before. Respectively, Rwanda had created on August 12th, 1998 in Kibuye (Rwanda) the "Congolese Rally for Democracy", in acronym "RCD" and Uganda had called its creation "Movement for the Liberation of Congo", in acronym "MLC", in October 1998.

III. LUSAKA AGREEMENT (Conflict Resolution as external initiative)

To put an end to the war, the international community had proposed to the protagonists in July 1999 to conclude an agreement framework called: "Lusaka Agreement". Lusaka, Zambia's capital being chosen as the venue for the negotiations.

Deeply attached to the culture of peace and resolution of conflict, the government of the Democratic Republic of Congo and its President Mzee L.D. Kabila accepted this external initiative related to the Peaceful settlement of the conflict as stipulated in the dispositions of the Chapter 7 of the Charter of the United Nations.

For these reasons, diplomatic actions conducted to the United Nations Security Council, negotiations and different direct or separated contacts have led to the conclusion of the Agreements as the basis of the settlement of the armed conflict in the Democratic Republic of Congo.

The willingness of the government of its Presidents L.D. Kabila and the actual Joseph Kabila had been demonstrated not only by their implication in the Lusaka Agreement, but as we will see it later, by also their initiatives about the revival of the Inter-Congolese Dialogue, the Sun City Agreement and other forum. At these negotiations, two positions were released.

- I. The position of the Congolese government backed by its invited and friend countries, Angola, Zimbabwe and Namibia, members of SADC supporting the fact that the aggression war against the DRC was led by Rwanda, Uganda and Burundi.
2. Even after a year of its eruption, Rwanda, Uganda and the two created rebel movements (RCD, MLC) kept arguing that the war was an internal rebellion against the alleged dictatorship of AFDL.

Moreover, the aggressor countries had searched to justify the aggression by the so-called problems of insecurity created by the Interahamwe and the Ex-FAR, along their borders with the DRC.

But the truth, once again, was that this aggression had for purpose the control of the political machinery of the DRC and its wealth. Hence the repeated confrontations between the Rwandese and Ugandan armies in Kisangani.

The Congolese rebels were reproaching the legal government of the Republic for so-called lack of democracy and respect of the human rights.

It was for these reasons that the Agreement experienced slowness in its implementation.

In spite of the withdrawal of the foreign troops provided in the Lusaka Agreement, the aggressor countries continue until today to arm militias they had created. We will mention:

- Uganda having created tribal hatred between the Hema and the Lendu in the District of Ituri, Oriental Province, arms the UPC (Union of the Congolese Patriots) of Thomas Lubanga. In spite of the presence of the MONUC, this militia has been committing acts of barbarity in this region of the DRC.
- Rwanda continues to back the RCD/coma, responsible of the criminal acts committed by the pro-Rwandese soldiers in Bukavu, Capital of the province of South Kivu. One of the proofs of these criminal acts is the fact that weapons belonging to RCD/coma have been found during the month of March 2004 in the houses of some Conoolese and Rwandese nationals in Bukavu. Their intentions were to destabilize the DRC by the East, as it had been the case in 1998, in order to block the peace process which should lead, in year 2005, to the free, transparent and democratic elections.

IV. THE INTER-CONGOLESE DIALOGUE AND SIGNATURE OF AGREEMENTS (Revival, internal initiatives)

- a) The Inter-Congolese Dialogue: with the arrival to power of President Joseph Kabila, after the assassination of Mzee L.D. Kabilal on January 2001, a new dynamic of the peace process started and restarted the Lusaka Agreement.

The cease-fire became effective, the political environment had been freed by the return in the country of the former exiled politicians. Contact with the facilitator Masire was resumed, for the organization of the National Dialogue and the climate of confidence with the MONUC (Mission of the United Nations in Congo) was created. This new dynamic led to the signature of the important Agreements, notably:

- b) The signature of the Agreements
- I. The Sun City Agreement in South Africa signed on April 25th, 2002 between the government of the Republic and the rebel Movement MLC in which has joined a majority fringe of the political parties and of the civil society.
 2. The Pretoria Agreement in South Africa signed on July 30th, 2002 between the Congolese government and Rwanda for the withdrawal of its troops from the DRC within 90 days.
 3. The Luanda Agreement in Angola signed on September 06th, 2002 between the Congolese Government and Uganda which undertook to withdraw its troop within 75 days.

These Agreements have constituted important stages of a global process aimed at ending the war and realizing the reunification of the whole national territory and the national reconciliation.

It is in this perspective that the government of the Republic was involved in the process of the signature of a Global and Inclusive Agreement.

The main objectives of the inter-Congolese Dialogue which have constituted for the government the elements of reference and which have led it to sign these Agreements have been:

- to restore the territorial integrity of the DRC with the withdrawal of all foreign troops;
- to realize the reunification of the country through the national reconciliation;
- to found a democratic state with the organization of the free and transparent elections.

After the signature of these Agreements, there had been the phase of the political negotiations in Pretoria, in South Africa.

V. THE PRETORIA NEGOTIATIONS

The political negotiations had been held in two phases:

The first phase of the political negotiations had taken place from November 15th to 23rd, 2002 in Pretoria, in South Africa, under the auspices of the Special Envoy of the Secretary General of the United Nations, Mr. MUSTAFA NIASSE.

During these negotiations all the political components and entities had adopted the principles of the Global and Inclusive Agreement. But this adoption had stumbled over four questions raised, essentially by MLC, RCD/coma, namely:

- the collegiality of management of the presidency;
- the demilitarization and the securing of the city of Kinshasa;
- the formation of the National Republican Army; - the question of vertical power sharing.

The second phase should lead, on the one hand, to the common understanding of all and each on the above mentioned four points and, on the other hand, to the definitive adoption of the Global and Inclusive Agreement, the draft of the Constitution, the document of the modalities of implementation of the Agreement as well as the document concerning the Army. The Agreement was signed on December 17th, 2002 in Pretoria.

Concerning the collegiality at the level of the presidency, the government did not accept this formula because it intended to weaken the power of the Head of State. But it had adhered to the diagram 1+4.

- In what does consist the diagram 1+4?

This diagram or formula was adopted in Pretoria by the whole components and entities. The text of the Constitution of transition establishes a collegial leadership at the level of the Institution "Presidency of the republic: which comprises the President of the Republic and 4 Vice-Presidents.

Each Vice-President represents his components and entities within the Institution "Presidency of the Republic". And for the equitable distribution of the management of the State Affairs between the different components and entities, four commission have been created:

- 1) the Political, Defense and Security Commission, allocated to RCD of Mr. Azarias Ruberwa;
- 2) the Economic and Financial Commission, allocated to MLC of Mr. Jean Pierre BEMBA;
- 3) Social and Cultural Commission, allocated to the political opposition and civil society of Mr. Z'HAIDI NGOMA;
- 4) the Reconstruction and Development Commission, allocated to Mr. ABDOULAY NDOMBASI YERODIA who represents the government.

Each Vice-President is responsible for his Commission.

To avoid any germ of the situation of conflict of the Institution "Presidency of the Republic", some competences or prerogatives are assigned to the President Joseph KABILA, namely:

- He is the Head of the State, guarantor of the Nation, of the National Unity and of the integrity of the Territory;
- He deals, in cooperation with the Vice-Presidents, with all questions concerning the management of the government;
- He chairs the Council of the Presidency and of the Government;
- He appoints the high civil servants.

It is necessary to note in this formula the absence of the Prime Minister.

VI. THE INSTITUTIONS OF THE TRANSITION

In the framework of the Inter-Congolese Dialogue, it was provided the equitable and balanced representation of all components and entities within the institutions of the Transition.

These Institutions are the following:

- The Executive comprises:
 - the Presidency of the Republic .
 - the Government.
- The Legislative comprises .
 - the National Assembly, .
 - the Senate.

VII. URGENCIES OF THE TRANSITION

Among the main urgencies to satisfy in the period of transition, the government has pinpointed:

- the reunification of the country,
 - the restoration of the national economic tissue completely dilapidated, by the war of aggression,
 - the creation of legal frame for securing the investments,
 - Reduction of poverty,
 - Organization, within 2 years, of free, democratic and transparent elections at all levels.
- **CONCLUSION**

The conflict in DRC has lasted 5 years with the assessment extremely detrimental on the human level as well as on the material level.

Since the beginning of the conflict, the DRC had called on the International Community and the States that this conflict was an aggression from neighbouring countries: Rwanda, Uganda and Burundi. The fallacious pretexts of security at their borders should not in any case have justified the violations on the human rights and the acts of barbarities committed in the occupied territories by Rwanda, Uganda and Burundi. Their objectives, we repeat it, were the control on the political machinery and the main natural resources and the mining wealth of the DRC.

The Adoption of several resolutions by the Security Council did not settle this conflict. However, deeply attached to the culture of the peace and to the resolution of the conflict by the Congolese themselves, the government of the Republic has privileged the Inter-Congolese Dialogue as a new dynamic which has led to the signature of the Agreements, notably the Sun City Agreement, the Pretoria Agreement, the Lusaka Agreement and the Pretoria negotiations.

It is thanks to these fruitful Agreements and negotiations that the different Congolese protagonists have succeeded to set up a transition of consensus.

The latter has ended the war and restored the peace postconflict in the Democratic Republic of Congo.

Lasting peace in the DRC, which is the heart of Africa, will play an important role in the resolution of conflicts and restoration of peace in the Great Lakes countries.

The example of President Joseph KABILA should be emulated. He has adopted to give and to receive the peace in spite of the fact that the DRC has been invaded by its neighbours of the Great Lakes Region and the Congolese rebels. It is in these efforts that it has been agreed a transitional government of power sharing to lead the DRC to the democratic elections.

The international conference on peace, security and development which will be held in Dar-es-Salaam, Tanzania in November 2004, will be an occasion for the DRC to invite the participants to reaffirm the principle of the intangibility of its frontiers inherited from the colonization and the respect of the sovereignty, of the political

independence of the States of the region. We are happy to see that this very important forum will take place in Tanzania, a country, once again we commend for its peace cherishing virtues, its respect for liberties, indeed one of the very rare countries in the Great Lakes Region without any hidden agenda against the Democratic Republic of Congo. The DRC will encourage the signature of the PACT of non-aggression by all the states of Africa, in particular, of the Great Lakes to so end the warlike adventures of some States of the region.

The criminal subterfuges like those having sacrificed lives of more than 3 millions of persons, destroyed economical tissue and occasioned other misdeeds should not be tolerated in the future by the African and international community. We are strongly of the opinion that it is a genuine and commendable way of conflict resolution and peace keeping that to refuse, to oppose, to reject and condemn what some neighbouring countries had done against the DRC.

For promoting the development, the African countries must privilege the cooperation, mutually advantageous, between them rather than the piracy of a certain epoch characterized by the aggression wars in order to monopolize the wealth of the others.

Peace, security and Cooperation should remain the mottoes for the development of Africa.

Dar-es-Salaam, April 08th, 2004. -