



50 years of United Nations Peacekeeping Assistance in the DRC

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Welcome to the first report of the Congo Memory Institute.

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The 50 year anniversary of independence for the Democratic Republic of Congo (DRC) also marks a half-century of United Nations peacekeeping in the country. More than mere accident, these anniversaries are critical today.

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Dag Hammarskjöld, UN secretary General, died on 18 September 1961, during the UN's first peacekeeping mission that eventually ended with the long reign of Mobutu. Four decades on, the UN returned with the Mission of the United Nations in the Congo (MONUC) to restore a semblance of lawfulness after armed groups pushed west then east across the country. This mission has just transformed into MONUSCO, an indefinite, primarily armed force hoping to stabilize the country.

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considers ONUC, the first mission, and its influence on the post-independence power struggles. Olivier Kambala then considers the current mission, MONUSCO (and its predecessor, MONUC), and suggests that its integrity, as defined by Hammarskjöld's personal example, are central to evaluating its success as a peacekeeping mission.

Dr Juan Federer considers another UN mission, in Timor Leste, and draws comparative lessons for the DRC.

The report ends with Adam Hochschild reflecting on the minimum standards by which to judge MONUC and its successor MONUSCO.

Most stories that escape from the Great Lakes sound a monotonous refrain of killing, rape and other atrocities. Yet few shade these horrors with a sense of their particular history. How then are we to understand how, or what, the latest international intervention, MONUSCO, is to realize its protective mandate?

The shared hope of 30 June 1960 has faded into universal despair. Memories let us recapture that sense of hope and, perhaps, imagine new collective responses to a very human problem.

Olivier Kambala

Remembering Dag Hammarskjöld (1905-1961) — Henning Melber

The difficult and violent transition from the former so-called Belgian Congo to the independent state called today The Democratic Republic of the Congo, which culminated half a century ago in the assassination of Patrice Lumumba, is inextricably linked with the role of the United Nations and its second Secretary-General Dag Hammarskjöld. Hammarskjöld, who is widely considered as a unique international civil servant setting norms and living values not matched since then, lost his life in his efforts to find a peaceful solution to the conflict following the secession of Katanga.

On his way to a meeting with Moïse Tshombe, leader of the secessionist movement, the plane crashed upon approaching Ndola in then Northern Rhodesia (a mining town in what today is Zambia) shortly after midnight from the 17th to the 18th September 1961. None of the almost 20 passengers on board survived. Hammarskjöld died at the site in the early morning hours of 18th September 1961 before the wreckage was discovered. It remains a matter of speculation and conflicting theories, what the causes of the crash have been.

Ever since this tragic loss numerous efforts to bring lasting peace and stability to the resource-rich but torn country in the heart of Africa have failed. Like then, the people today have to pay the highest price. It is mainly the innocent ones who are the victims. They are sacrificed on the altar of greed. Even if he would not have ended so untimely and tragically, Dag Hammarskjöld might not have been able to bring his mission against all odds to a successful end either. Too much was at stake for the big powers, and all of them had their vested particular interests, which guided their selfish own agendas.

The Secretary-General of the United Nations was aware of this. In a statement before the Security Council on 15th February 1961 he characterized the Congo as “a happy hunting ground for national interests” and the UN’s role “to be a road-block to such efforts”. He was not prepared to compromise and never surrendered to the influence the big powers were seeking to exert over him and his office. This has remained a substantial part of the precious legacy he left behind. In his attempts to find a solution for the Congolese people, he maintained integrity and his independent role as a negotiator and facilitator, seeking to bring a solution to the suffering of ordinary people.

During the Suez crisis he had stated on 31 October 1956 before the Security Council in no uncertain terms that in his view “the discretion and impartiality ... imposed on the Secretary-General ... may not degenerate into a policy of expedi-

ency”. In his introduction to the Annual Report of the UN for 1959-1960 he reiterated: “It is my firm conviction that any result bought at the price of a compromise with the principles and ideals of the Organization, either by yielding to force, by disregard of justice, by neglect of common interests or by contempt for human rights, is bought at too high a price. That is so because a compromise with its principles and purposes weakens the Organization in a way representing a definite loss for the future that cannot be balanced by any immediate advantage achieved.”

Throughout his eight years in office Dag Hammarskjöld lived what he considered as the ethics of “The International Civil Service in Law and in Fact”. This was the programmatic title of his address delivered at Oxford University on 30 May 1961 – not much more than a hundred days before his untimely death: “...the international civil servant cannot be accused of lack of neutrality simply for taking a stand on a controversial issue when this is his duty and cannot be avoided. But there remains a serious intellectual and moral problem as we move within an area inside which personal judgment must come into play. Finally, we have to deal with the question of integrity or with, if you please, a question of conscience.”

For Hammarskjöld the United Nations were supposed to be the unique instrument for peaceful solution of conflicts. This required an urgent shift of emphasis from the purpose of preserving the established international (dis)order of the superpower rivalry between the West and the East during the Cold War period to the purpose of meeting and dealing in a constructive way with the challenges represented by the newly independent countries. Two examples directly related to what was then dubbed “the Congo crisis” document this uncompromising attitude, which brought him the full respect of those, who were not among the powerful.

When over the escalating conflicts of interest as played out between the powers seeking to secure their own agendas in the Congo the Soviet leader Nikita Khrushchev demanded Hammarskjöld’s resignation at the UN General Assembly in September 1960, the Secretary-General responded with the following historical words: “It is not the Soviet Union or indeed any other Big Power who needs the United Nations for their protection, but all the others. In this sense, the Organisation is first of all their Organisation, and I deeply believe in the wisdom with which they will be able to use it and guide it. I shall remain in my post during the term of my Office as a servant of the Organisation in the interest of all those other nations, as long as they wish me to do so. In this context the representative of the Soviet Union spoke of courage. It is very easy to resign. It is not easy to stay on. It is very easy to bow to the wishes of a Big Power. It is another matter to resist. As is well known to all members of this Assembly, I have done so before on many occasions and in many directions. If it is the wish of those nations who see in the

Organisation their best protection in the present world, I shall now do so again.”

Hammar skjöld’s refusal to give in to the demand for his resignation as Secretary-General during the most turbulent phase of the UN involvement in the Congo crisis was approved by a standing ovation of those he felt he is most accountable to, namely the delegates from those countries who normally are denied any meaningful agency in the world body.

His even-handedness towards the big powers is documented by another incidence, shared by Sture Linnér (1917-2010) with an audience attending his presentation at the annual Dag Hammar skjöld Lecture in October 2007 in Uppsala. Linnér was at the time of Hammar skjöld’s death as Under-Secretary-General in charge of the UN mission in the Congo. In July 1961 the US-American President JF Kennedy tried to intervene directly in local politics and UN affairs. Afraid of Antoine Gizenga coming into political power, then campaigning for election as Prime Minister and suspected of representing Soviet interests, he demanded that the UN should prevent Gizenga from seizing office. If not in compliance, the USA and other Western powers might withdraw their support to the UN. Reportedly, Hammar skjöld in a phone conversation with Linnér dismissed this unveiled threat with the following words: “I do not intend to give way to any pressure, be it from the East or the West; we shall sink or swim. Continue to follow the line you find to be in accordance with the UN Charter.”

Hammar skjöld’s integrity and conscience, combined with his sense of duty and his commitment to the search for peace and the recognition of fundamental human rights as the guiding principles of his defined mission in office were contributing factors to his decision to embark on a mission to Ndola on 17th September 1961, which others warned might be a great risk. He nonetheless felt that the efforts to bring peace to the people of the Congo would require exploring all possibilities of a dialogue, even with those, who were among the main reasons for instability. At the end, Hammar skjöld was unable to accomplish this mission. Instead, he had to give his life in vain.

Among the many almost painful entries in the diary he left behind, posthumously published as “Markings”, is a poem of 3 December 1960. It is an almost prophetic message, which guided Hammar skjöld’s mission in life until his untimely death:

“The road,
You shall follow it.
The fun,
You shall forget it.
The cup,

You shall empty it.
The pain,
You shall conceal it.
The truth,
You shall be told it.
The end,
You shall endure it.”

Kofi Annan, as Secretary-General of the UN, delivered on 6th September 2001 the annual Dag Hammar skjöld Lecture in Uppsala. The homage he paid to his predecessor almost on the day 40 years after his death remains valid:

Dag Hammar skjöld is a figure of great importance for me – as he must be for any Secretary-General. His life and his death, his words and his action, have done more to shape public expectations of the office, and indeed of the Organization, than those of any other man or woman in its history.

His wisdom and his modesty, his unimpeachable integrity and single-minded devotion to duty, have set a standard for all servants of the international community – and especially, of course for his successors – which is simply impossible to live up to. There can be no better rule of thumb for a Secretary-General, as he approaches each new challenge or crisis, than to ask himself, ‘how would Hammar skjöld have handled this?’”

Sture Linnér ended his Dag Hammar skjöld Lecture with some final reflections on what Hammar skjöld did in the Congo that had been of lasting value. He came to the conclusion:

The Congo crisis could easily have provoked armed conflicts in other parts of Africa, even led to a world war. It was Dag Hammar skjöld and no one else who prevented that. And it is certain that for a suffering people he came to be seen as a model; he brought light into the heart of darkness.”

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The UN in the Congo, 1960-1964 — Coel Kirkby

The 50th anniversary of Congolese independence is an ambiguous one. Over the first five chaotic years, its citizens would pass colonial for nationalist and then dictatorial rule. Many people weren't ruled at all, as armies, mutineers, mercenaries, militias, and rebels swept across the country. 'Tribal' (what is now spoken of as 'ethnic') feeling often won out against a fragile new Congolese nationalism. Great superpowers vied with each other, in open and in shadows, to influence the new leaders of this key African state. The former colonial powers in Africa fought to protect their interests, while new African and other post-colonial states sought to protect the nascent nationalist government. European settlers plotted with indigenous elites to preserve mining and farming wealth. Yet this cruel reckoning came out of the euphoric day of June 30, 1960.

The Republic of Congo (known then by the shorthand Congo-Léopoldville) was remarkable for its peaceful transfer of power from the Belgian government to the new national Parliament. This was not a foregone fate, as an earlier idea of a 30-year transition to independence had the unintended effect of spurring local leaders to demand it immediately. In early 1960, people in Léopoldville (Kinshasa) rioted when the Belgian authorities banned a meeting of ABAKO (*Association des Bakongo*), an ethnic Bakongo political party led by Joseph Kasa-Vubu who was arrested after the riots. The Belgians then promised to co-opt Congolese into colonial governance, which led to further riots including in Stanleyville where Patrice Lumumba, leader of the Mouvement National Congolais (MNC-L), was also arrested.

Faced with grim prospects, the colonial government proposed a conference in Brussels to determine the future of the colony with select Congolese political parties. The "Roundtable" of 1960 agreed on elections in May and a formal grant of independence a month later that June. In a foreshadowing of the last Congolese elections, the voting split roughly along the same west-east faultline as demonstrated by 2006 presidential elections. Lumumba's MNC-L won the Eastern province outright, as well as a strong showing in Kasai and Kivu, while the other provinces were dominated by political parties more closely associated with ethnic groups. The MNC-L did notably poorly in the province of Léopoldville in the west. Nevertheless, Lumumba, with a quarter of the votes and significant support from some smaller parties, formed a coalition government in Parliament with Lumumba as Prime Minister, and Kasa-Vubu as President.

With barely a moment to reflect on the transition, the new national government faced a string of crises. The *Force Publique*, the national army, mutinied after Lumumba granted all government employees except them pay raises. It did not help that all officers remained

Europeans with Congolese enlisted men seeing Lumumba's slight as dashing their hopes of transforming the moribund institution. As the mutineers left the barracks for the streets, terrified settlers fled to the cities and Belgian soldiers intervened a few days later. Lumumba responded, too late in retrospect, by promising to "Africanise" the army, promoting all men, and renaming the Force as the *Armée Nationale Congolaise* (ANC).

Then a deep-rooted conflict between the Lulua and Baluba in Kasai province split the MNC into a pro-Lumumba faction under Barthelemy Mukenge, a Lulua, and its foes under Albert Kalonji. By helping to place Mukenge at the head of a coalition government in the province, Lumumba had inadvertently favoured one ethnic group over another. Last, Moïse Tshombe and Godefroid Munongo declared the secession of the Katanga province on July 11, 1960. Backed by Belgian settlers, soldiers and rich mines, Tshombe refused to let the ANC enter the province and held fast with his own army built around a hard skeleton of European mercenaries.

As the promise of independence dissolved into chaos, Lumumba and Kasa-Vubu appealed to the United Nations on July 12th to protect the Congo against external aggression and restore its territorial integrity. The Secretary General, Dag Hammarskjöld, notified the Security Council under Article 99 of the UN Charter that the situation was a potential threat to international peace and security in Central Africa. The Security Council adopted Resolution 143 on July 14th calling on Belgium to withdraw its troops and for the UN to assist the ANC maintain order. After Lumumba threatened to ask for Soviet military assistance to crush the Katanga secession, the UN quickly approved a peacekeeping force, United Nations Operations in the Congo (ONUC), under the direct control of the Security Council with a special representative of the Secretary-General (SRSG) as overall manager.

ONUC's mission was to provide "military assistance" to the Congo government to (i) ensure withdrawal of Belgian troops, (ii) end Katanga secession, (iii) restore law and order in country. Lumumba argued that the UN should be under his control to reach these ends, while Hammarskjöld believed it was an autonomous force forbidden to intervene in such "internal" matters by Article 2 of the UN Charter. These debates took place as the Congo tilted deeper into crisis. On July 22nd the Security Council adopted resolution 145 affirming Congo as a unitary state and amplifying its earlier call for Belgian troops to leave. A couple weeks later, the Council passed a third Resolution, no. 146, that, for the first time, referred to Katanga explicitly, and allowed ONUC forces to

enter the province but not to interfere with the “internal” battle.

As Katanga held firm against the central government, Albert Kalonji declared the seceded Mining State of South Kasai on 8 August, 1961. The new state received the support of Tshombe and the Belgians, and Kalonji was named president as well as the new *mulopwe*, or Luba king, by some traditional leaders. At this point the ANC pushed into Katanga to crush its secessionist government. There followed a series of civilian massacres as the ANC passed through South Kasai towards Katanga. Hammerskjöld characterized the mass killings around Mbuji-Mayi and Kasengulu in late August 1960 as an act of “genocide.”

On September 5th, Kasa-Vubu was heard over the radio using Hammerskjöld “genocide” phrase to justify dismissing Lumumba as Prime Minister. Shortly after, both houses of Parliament gave Lumumba a vote of confidence and rejected his dismissal. Lumumba then dismissed Kasa-Vubu, but Parliament also rejected this. In the following week the new UN envoy Rajeshwar Dayal and other African leaders tried to reconcile both leaders. But before they could make any progress, Joseph Mobutu, the new ANC commander, stepped in to declare the temporary political “neutralization” of Lumumba and Kasa-Vubu (with tacit support of CIA and General Ben Hummou Kentani, deputy UN force commander from Morocco). He established a college of commissioners drawn from university graduates and students under Justin Bomkoko, foreign minister in Lumumba's cabinet. The coup was legitimized when a Kasa-Vubu delegation won an accreditation battle over Lumumba's delegation at the UN General Assembly.

Lumumba placed under house arrest on October 10th, but escaped at the end of November and made his way towards his stronghold of Kisangani. However, he was captured a few days later at Lodi and denied protection by UN Ghanaian contingent the next morning. On January 17, 1962, he was shot by Katangan gendarmes watched by Belgian officers at a villa outside Lubumbashi.

Lumumba's death was a shock to Hammerskjöld and many in ONUC, which now faced four pretenders to the Congolese government. First, Mobutu in Leopoldville had control of the capital, the ANC and the support of Western governments. Second and third, the two secessionists, Kalonji and Tshombe, retained control of South Kasai and Katanga, respectively. Last, Antoine Gizenga, a sometime ally of Lumumba's, had established his own government in Stanleyville. Despite pressure by the Soviet Union to resign, Hammerskjöld refused and the Security Council finally took the step (which Lumumba had asked for all of 1960) in Resolu-

tion 161 to prevent civil war by “the use of force, if necessary, in the last resort”.

For the next few months, however, the UN encouraged a negotiated peace between the four main actors rather than use its new found military authority. Earlier that year, on February 27, 1961, Joseph Ileo, interim Prime Minister, signed a peace accord with Kalonji and Tshombe in Lubumbashi. Mobutu later signed a military agreement with them in July 1961. During this time, the UN facilitated three conferences that eventually led to a compromise federal state in August. But the deal unravelled as it became apparent that Tshombe refused to give up Katangan autonomy. By July 1961, ONUC had reached its maximum strength of 19,825 troops. The UN tapped into this manpower to launch Operation “Rumpunch” on August 28th to disarm the Katangan gendarmes and arrest the mercenaries. Planned and executed by Conor Cruise O'Brien, Hammerskjöld's deputy special representative in Katanga, it succeeded until undone by Belgian intervention.

This setback led ONUC forces on a bolder plan, Operation “Morthor”, on September 13th to disarm the secessionists and their mercenaries. The plan combined military action with a legal cover. With warrants issued by Cyrille Adoula, now the internationally recognized head of the Congolese government, the UN could arrest Tshombe and other secessionist leaders. Morthor lacked the surprise of Rumpunch, and the Katangan forces held up the ONUC forces with death on both sides. While the UN captured some key buildings and officials, Tshombe escaped across the border to Zambia. The UN operation suffered a fatal blow when Hammerskjöld, on his way to meet Tshombe to discuss a ceasefire, died when his plane crashed on night of September 17, 1961.

Three days later, Tshombe was back in Elizabethville under a new ceasefire that restored his secessionist government to its previous stature. The ONUC forces had failed its goals and a month later an ANC attack likewise failed. The stalemate continued until November 24, 1961, when the Security Council passed Resolution 169 to again sanction military force to return foreign soldiers. ONUC launched Operation “Unokat” on the 5th of December in another bloody and finally successful attack on the Katangese gendarmes a month later.

Afterwards, the Lumumbists ministers were gradually squeezed out by October 1963. The most prominent, deputy prime minister Gizenga, was bundled off to the island prison of Bula-Bemba in January 1962. In July that year, Kalonji's own gendarme deposed him and brought southern Kasai back into the national government. Kalonji then joined Tshombe in his Spanish exile. A year later on September 29, 1963, Kasa-Vubu dismissed Parliament for a second time, which sparked the marginalized Lumumbists to create the *Conseil national de libération* (CNL), an umbrella group to coordinate resistance to the new regime, and based itself in the now friendly Brazzaville.

The CNL under Gbenye, who as Interior Minister in Adoula's cabinet had signed an arrest warrant for Gizenga in January 1962, had set up a resistance movement of Simba fighters in the eastern Congo. It quickly captured most of eastern Congo, excluding the southern parts of Kasai and Katanga, with its army of drugged youth armed with antiquated weapons (or nothing at all) officially named the Armée populaire de libération (APL). Kisangani fell to the APL on August 4, 1964, and Gbenye declared a people's republic a month later. At that point the CNL and its army of youths controlled seven of the 21 provincial capitals. Pierre Mulele, a prominent Lumumbist and China-trained guerilla, returned to Congo in 1963 to set up a partisan and popular resistance movement in Kwilu. The Kwilu maquis started their insurgency in earnest by January 1964, but never succeeded in expanding beyond the ethnic areas of the Mbunda and the Pende (ethnic groups of Mulele and Gizenga, respectively).

ONUC left the Congo on June 30, 1964, four years after independence, with a fragile government held together by little more than Mobutu's ANC. The next month Tshombe, the erstwhile secessionist, returned from exile, along with Kalonji, to replace Adoula as prime minister in a "national salvation" government. His first major act was to encourage Operation Dragon Rouge, where Belgian paratroopers were airlifted to Kisangani by American airplanes to rescue European hostages

held by Simba forces. The Belgian soldiers secured the city on 24 November 1964 just as ANC forces arrived by land. Despite his success, Mobutu ousted Tshombe in a coup on November 24, 1965.

The Congo in the early 1960s is a very different place then it is today. Yet the parallels are disturbing. Despite a new constitution, credible elections and a UN peacekeeping force, there are rural insurgencies burning in the east and the newly sanctioned government is pressing for a free hand to deal with them.

Further reading

There is no definitive history of the UN and the Congo in the 1960s. Abi-Saab analyses the UN's internal actions, focusing on Hammerskjöld, in *The United Nations operation in the Congo, 1960-1964* (1978), while Gendebien offers a wider narrative in *L'intervention des Nations unies au Congo, 1960-1964* (1967). Two of the actors involved, Chakravorty and O'Brien, wrote about their role in *The Congo operation, 1960-63*, ed. S.N. Prasad (1976), and *To Katanga and Back: A UN Case History* (1962), respectively. De Witte describes the death of Lumumba in *L'assassinat de Lumumba*. For the wider context of the UN in Congolese history, see chapters 3 and 4 of Nzongola-Ntalaja, *The Congo From Leopold to Kabila: A People's History* (2002).

The UN in the DRC from Security Council Resolutions 143 (1960) to 1925 (2010)

— Olivier Kambala

50 years after its creation as an independent state, the DRC's existence is linked to the United Nations' defining roles in assisting post conflict countries. In the DRC however, the UN assistance – in patterns and practices – seems to be a repetitive, but yet unfinished and inconclusive business throughout 50 years of the country's accession to a state of independence on June 30, 1960.

"Congo question" and "Congo crisis": the tale of everlasting woes

In 1960, what was coined "the Congo question" revolved around helping the nascent state to get rid of Belgian military presence, assist the Government to maintain law and order, to provide technical assistance after massive withdrawal of Belgian "expertise", to maintain the territorial integrity and political independence of the Congo, to prevent the occurrence of civil war and securing the removal of all foreign military, paramilitary and advisory personnel not under the UN command, and mercenaries. In 2010, what has become the "Congo crisis" – an incremental pattern in what should be considered as a deadly degree of Congo's ever plunges into chaos – presents the structural facets of 1960's challenges. The short way of describing the status quo in the UN's assistance in the Congo is the recent denomination of its mission: the United Nations Organisation Stabilization in the Democratic Republic of the

Congo (MONUSCO). The similarities between the substantive matters attended to under the "Congo question" and those the UN continue to deal with 50 years after are striking: demobilisation, demilitarisation, reintegration of Congolese armed groups, repatriation, reinsertion and resettlement of foreign armed groups, support the DRC's efforts to protect civilians, promote and protect human rights, fight impunity, support security and justice sectors' reforms, consolidate state's authority throughout the territory, develop rule of law institutions.

The novelty in UN assistance in the DRC pertains to electoral assistance and the aim to sever the links between natural resources and the continuation of the conflict. Apart from that, similarities between resolutions 143 and 1925 are blatant. The question one should ask is what did UN assistance in the DRC achieve in the field of peace building throughout 50 years?

Between July 1960 and December 1963, the United Nations Operation in Congo (ONUC) was tasked "to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as might be necessary until, through that Government's efforts with United Nations technical assistance, the national security forces might be able, in the opinion of the Government, to meet fully their tasks". The UN military assistance was invited into the Congo by both President Kasa Vubu and Prime Minister

Lumumba to help the then government handle the hasty Belgian decolonization, state fragility, weakness of central government authority and ethnic fragmentation. ONUC therefore used force to quench mushrooming insurgencies, notably the secession of the Katanga Province. While the 19,828 peacekeepers left the Congo in 1964, a semblance of peace and order prevailed in the country. But the fragility and weakness of the central government remained unaddressed.

MONUC in the footsteps of ONUC?

While in February 2000, the UN Security Council authorised the deployment of fifty-five hundred troops to monitor the ceasefire contained in the Lusaka Peace Agreement of July 1999, the second UN peacekeeping operation in the Congo was in the making. Forces in duty were 19,815 at the peak of the mission between 2005 and 2009. Initially known as the United Nations Organization Mission in the DRC (MONUC), the mission transformed into the United Nations Organization Stabilization Mission in the DRC (MONUSCO) on July 1st 2010. Through seminal Security Council Resolution 1234, the mission was tasked with a wide range of duties ranging from monitoring the July 1999 ceasefire agreement, monitoring the withdrawal of foreign forces, the re-establishment of the authority of the Government of the DRC throughout its territory, the disarmament of non government armed groups, but also to support an all inclusive political dialogue. The latter subsequently led to the formation of a transitional government and the advent of a “new political dispensation” after general elections of 2006 in which MONUC played an important logistical role.

In retrospect however, ONUC’s precursor’s peacekeeping endeavours and MONUC’s decade of “modern” peacekeeping involvements reveal that the issues have remained unaddressed. In fact, they worsen over years and the UN’s involvement has proven to be a continual repetition of mistakes, with a particularity that from 2000 the peacekeepers in the Congo became part of the problems instead of bringing solutions.

There is no question about the DRC’s government onus to ensure security in its territory and to protect its people. And on this one, successive governments on the territory of the DRC have literally failed: the Belgian colonial administration, the post-independence governments, and Mobutu rule, Kabila I, Kabila II, the transitional government (also known as 1+4) and the post 2006 elections’ governments have failed to exercise *Westphalian* sovereignty and most importantly failed to provide the basic services to its people. The UN involvement at a defining and foundational moment of the Congo post colonial state is what we consider to be problematic. The UN had a huge opportunity to assist the Congo to fulfil its sovereign responsibilities. In 1960, ONUC was satisfied by ending the secession in Katanga. When the UN returned in Congo in the mid-1990’s – after about 30 years – it is still dealing with the same state building dilemmas in the Congo through MONUSCO with little impact despite the cost associated to sustain such a vast parallel state-like machinery.

It should be recognised that ten years of MONUC in the Congo, from 1999 to 2010 contributed to attending to the following goals as stated in MONUC’s Briefing materials: “overseeing the

implementation of the Lusaka Agreement, monitoring ceasefires between foreign and Congolese forces, brokering local truces, disarming and repatriating thousands of foreign armed combatants, creating a conducive environment for the Sun City National dialogue, assisting the transition to democratic rule, facilitating the first democratic elections in 40 years, helping the Government dismantle remaining armed groups...”.

Pernicious instability and failure to protect vulnerable populations

Having mentioned that, the UN’s contribution seems to be disparaged by the continuing instability of the Congo, especially in its eastern part, the systematic patterns of human rights violations and the inability of the DRC government to exercise its authority in several parts of the republic. Increasingly the failure of the Congo government to protect its populations and to ensure security has also tarnished the UN force ability to protect at least those vulnerable populations in their reach. In 2003, civilian populations have been decimated in the town of Bunia as Uruguayan troops camped only at the airport while militias were busy killing not more than 20 kilometres away. In June 2004, the peacekeepers failed to stop a “four-day orgy of rape, pillage and murder” while rebel forces led by dissident General Laurent Nkunda marched on the town of Bukavu. In her book titled “*Vers la deuxième indépendance du Congo*”, Belgian journalist Colette Braeckman refers to the siege of Bukavu as a punishment of civilian population for opposing Rwandophone presence. On 4 November 2008, General Nkunda forces executed about 150 civilians in the town of Kiwanja while MONUC troops stationed few kilometres away. For 4 days between end of July and beginning of August 2010 more than 200 women were raped in and around Luvungi, 30 kilometres within the perimeter of a MONUSCO peacekeepers camp.

As early as 2004, allegations of civilian abuses by peacekeepers also emerged, tarnishing further the image of the UN mission in the Congo. Alleged cases were about child prostitution, rape, exchange of drugs for sex and other forms of exploitation. Troop contributing countries were either in denial or made lips service statement to punish guilty elements.

Human rights perpetrated often on a massive scale and against vulnerable civilians have become endemic results or causes of military hostilities. At the highs of the second war (1998-2003), allegations of such atrocities were made against rebel groups but also against governmental troops. The most haunting are the massacre of Makobola (1999), Kasika, Kisangani. Civilians were burnt alive in the houses, women raped, killed, buried alive... Children maimed and often killed with abhorrent and unimaginable violence. In instances such as Kisangani, civilians were caught up in the cross fire between Rwandan and Ugandan troops. In the Ituri district ethnic confrontations opposed mainstream ethnic groups, leaving thousands dead.

It is clear that ambiguities about the UN mission’s mandate to protect civilians did not work in the favour of a clear mandate to protect vulnerable populations. Although Security Council resolutions condemned attacks against civilians and humanitarian agencies, it is only in 2008 (9 years after the deployment of MONUC) that the UNSC sent a clear message, under chapter VII,

on the protection of civilians. Through resolutions 1843 (2008) and 1856 (2008), MONUC was given in non ambiguous terms the mandate to protect civilians after the siege of the town of Goma by Laurent Nkunda's CNDP rebels.

Recognition of failure does not suffice

The inadequacy and inefficiency of the mandate of UN peacekeepers to protect civilians have resurfaced again during July-August 2010. On September 7, 2010, a consolidated report presented before the Security Council by UN Assistant Secretary-General for Peacekeeping, Atul Khare, heralds that up to 500 women and children were victims of rape and sexual abuses. Mr Khare admitted that the UN mission failed to protect those vulnerable women and children in North Kivu. Just as Alain Le Roy, Under-Secretary-General for Peacekeeping Operations admitted on November 7, 2008 the failure of MONUC to carry its protection mandate in the killings of Kiwanja.

After the debacle of Goma in November 2008, MONUC troops participated in joint operations with the Congolese Army against FDLR and LRA elements, in addition to bilateral military operations launched by the Congolese army with Rwandan and Ugandan armies. A number of measures were also taken to assist MONUC in the implementation of its new protection mandate. But it is however disheartening to note that these measures have failed to curb renewed attacks on civilians.

In actual fact, less than five months after its enactment, Resolution 1925 (2010), with its "progressive" interpretation of MONUSCO's protection mandate, calls for adjustment or total overhaul. Coercive measures need to be taken on the field of operations. One will remember that it needed intransigence with militias during the apocalyptic moments in Ituri in 2003 to restore order and give peace a chance. In 3 months, the French-led operation Artemis was conclusive in terms of stabilising Ituri. Tough and exemplary judiciary measures to bring to account perpetrators wouldn't be excessive.

Ways forward

Options of rupture with convenient, contextual and continuous failures to handling properly security and recovery in the Congo must be debated and acted upon. These could entail:

- Deploying an Artemis-like international military operations to pacify war-torn areas of the eastern DRC.
- Handling Congo conflict resources on the basis of Security Council Resolution, attributing shared responsibility in resource control and management to UN mission and the Government of the DRC •Placing the DRC under United Nations Peacebuilding commission mandate to federate national and international stabilisation and reconstruction efforts.
- Ending impunity through judicial and non judicial measures destined to establish accountability, punish perpetrators, remove perpetrators from holding public office, empowering and assisting victims.

Peace and State Building in Timor Leste, lessons for the DRC — Dr Juan Federer

On April 8 2010, a meeting of government officials of the so-called g7+ states took place in Dili the capital of Timor Leste. Members of this new group include Afghanistan, the Central African Republic, the Democratic Republic of Congo, Sierra Leone, Haiti and Ivory Coast, countries that have benefitted from significant international aid for state building and peace consolidation, particularly though the UN.

They all have found that the results obtained from this aid have been less than optimal. They met in the context of a major meeting of Timor Leste and its aid donors who share the preoccupation that after years of huge international aid expenditures, the results in terms of state building and peace consolidation seem far from optimal. The burning question is: why?

Tiny Timor Leste (16,000 square kilometers, half the size of Belgium, with a population of just above one million, also known as East Timor) is a good case study to examine this question. After its decolonization process from Portugal was thwarted in 1975 by the invasion and a 25-year illegal occupation by its large neighbor, Indonesia, it became the 191st UN member state in 2002.

The United Nations played a key role in the birth of this state, for which the UN had been in one sense a parent, and in another, its midwife. The cost of the process in the decade since 1999 has reached several billion USD.

In my book, *The UN in East Timor, Building Timor Leste a Fragile State* (Darwin, Charles Darwin University Press, 2005), written from a close personal involvement in the process, I argue that the UN-led state building process was too short by far, and that sovereign independence was granted too soon. When Indonesia left in 1999, East Timor's international status was unclear. As a measure of last resort 9 days before the Indonesian invasion, it unilaterally declared independence from Portugal. This was only recognized by a small number of members of the international community. After Indonesia's withdrawal, Portugal did not resume authority of the destroyed territory. The UN became the effective sovereign authority over East Timor, a role it seemed not to have clearly understood. Its East Timor UNTAET mission -responsible to the Department of Peacekeeping operations- excessively concentrated its efforts on peace enforcement rather than on the primarily required creation of state institutions and peace building. But, a lesson could be learned from the experience: that peace building is a complex and lengthy affair, requiring specialized attention.

In my book I advocated for the creation of a Peacebuilding Commission in the UN System, specialized in strengthening fragile states emerging from conflict situations. Such a commission did eventually come into being in 2005, even if its mandate and objectives are far more limited than what I think is urgently needed. To be effective in addressing the plight of the people in weak and failing post-

colonial states the Peacebuilding Commission needs to be empowered to override certain aspects of state sovereignty, the shield that in several states currently protects their dysfunctional ruling elites.

After sovereign independence was granted to Timor Leste in 2002, the main emphasis of the UN in the fledgling state has been through a cumbersome arrangement -mostly through the UN Development Program- to develop state institutions for governance and the building of capacity of the personnel to run them. Normally the development of such institutions in a society and the associated human resource capacity building is a lengthy process that requires the evolution of local practices or the adaptation of imported models. In the case of most 20th century post-colonial states, such as the DRC, the model was -mostly the European-colonial administration. By definition, these administrations were neither participative nor representative of the local people, but were run by foreigners from the colonial metropolis aimed primarily at keeping order to facilitate resource extraction to profit metropolitan interests. The welfare and interests of the local people, if at all considered, were secondary concerns, mainly of churches and other non-governmental metropolitan organizations. For the population of most post colonial states, including the DRC, the accession to sovereign "independence" has meant little more than the exchange of a colonial ruling elite by a local one (or as the French expression goes, the exchange of white rulers -*préfets*- by black ones!). Despite much pretense and rhetoric, the process has in essence not been accompanied by truly democratic societal controls of those in leadership positions. As a result, they have tended to confuse their personal interests with those of the country's citizens, and their personal wealth with that of the state. The visible symptoms of this are opacity of decision-making, corruption, lack of separation of powers, disrespect for the rule of law, nepotism, tribalism, large lifestyle and wealth discrepancies among the ruling minority and the large majority, and ultimately social conflict and instability. The main sufferers are the bulk of the population, whose living standards have in several cases dropped below those enjoyed at the time of colonialism.

My observation of the Timor Leste case lead me to the opinion that building of state institutions and administrative and government capacity building could have been better and more cost effectively done before sovereignty was handed over. However, on one hand, the main funding UN member states were in hurry to discontinue backing an expensive "peacekeeping" mission, and on the other they were influenced by the pressures of local politically active elements that aspired to become the country's new ruling elite, having seen in other post colonial state examples the personal benefits to be enjoyed from such a status. Besides, this model, as experienced in many post-colonial states, was a familiar one to the UN community. It is my contention that a profound shift in thinking is necessary if effective peace state building in such cases is to be achieved.

UN's and Timor Leste government's self-congratulatory propaganda speak highly of the results obtained in state and peace building in the last 7 years of independence. Independent observers and the East Timorese opposition are less sanguine, however.

What can now be seen in Timor Leste is a growing progression toward the classic post-colonial state syndrome visible in several African countries, including the DRC. A new ruling elite, whose wealth originates in the corruption opportunities arising from their positions of power is emerging. Their affluent lifestyles are noticeably different from the bulk of the population, one of Asia's poorest. With large scale corruption at the top, smaller scale corruption throughout the administration is difficult to stamp out. It only grows. The economy is progressively dominated by the revenues derived from the country's oil and gas resources. The minority that has access to this economy is living increasingly well. Other areas of economic activity have not significantly developed. For the vast majority of the people, poverty has doubled since independence. Highest office bearers show growing disrespect for the rule of law and the separation of powers. It is my feeling that would it not be for the deterrent effect of the presence of a still significant number of international state and capacity-building personnel, the situation would have deteriorated significantly more than it already has. This is particularly so with the forces of order and defense, who in 2006 clearly showed their weaknesses. To keep stability an urgent return of international mentors became necessary at the time, squashing the myth that Timor Leste had been a UN state-building success, clearly showing that the hurried withdrawal had been premature. What will happen when the foreign police and military leave in the near future, as they are scheduled to? Despite "nationalistic" outburst by local office bearers, claiming to speak for the people when they demand the foreigners speedy withdrawal, so that these leaders are not hindered in pursuing their personal interests, the withdrawal of foreign personnel is cause for concern. Local human capacity to properly run the foreign-built state institutions is simply not sufficiently developed, and the capacity is lacking for true democratic control over the ruling elite to ensure that they truly serve the majority of the population rather than their own interests.

I do not personally know firsthand the situation in the DRC, a country many, many times larger than tiny Timor Leste in area, population numbers, and wealth of natural resources. I feel however that the experience of Timor Leste could give some indication as to the need not to rush the end of a UN-sponsored peace and state building presence there.

To be truly effective, a very important consideration given the huge costs involved by MONUC- the largest of UN peacekeeping missions, some significant changes in approach

are necessary.

In my opinion, and I grant that under current conditions this may not be politically easy to achieve unless there is a major shift in thinking, the following need to be considered:

The almost sacrosanct respect currently given to the principle of state sovereignty needs to be revised. Fragile states ruled by dysfunctional power elites cannot claim sovereignty in the same way as functional ones do, whatever the objections of their power elites. Attempts at legitimizing international intervention in selected cases, such as promoted by the “Responsibility to Protect” need to be strengthened. Good note should be taken of instruments such as the African Union Charter for example, which allows collective intervention in calamitously ruled states.

On the basis of the previous, the Peacebuilding Commission should be given much stronger powers. Furthermore, considering the large number of fragile post-colonial states in the world needing repair, and the huge costs associated with current ineffective state end peace building efforts, the Peacebuilding Commission should be an important, technically competent and financially well-endowed element of the UN system, working long-term and having a strong authority.

The international community, (i.e. the Peacebuilding Commission) should move away from dealing only with state institutions, which so often are not representative of the interests of the people, in the affected countries. There is need to strengthen the true participation of the people as is the case in true democracies, and their control of power holders. Expecting the latter to initiate reforms that will achieve this is illusory as has been seen so often. Re-editing of colonial-type administrations, presented with a local face, as has been the case, is clearly not the answer.

Development of means to penalize foreign partners for their support of rapacious local ruling elites. This mutually satisfactory collusion has had very negative effects on the bulk of the population of countries like the DRC, bringing not only suffering to its population, but regional instability and high order maintenance costs to international community members.

It is interesting to note the Dili Declaration that resulted from the above-mentioned g7+ meeting. Expectedly, the blame is on donors. The stress of the Declaration is on strengthening the power of ruling elites of the concerned states to apply donor funds. Little is said regarding the need to empower the populations so that they can effectively control their office holding-elites. The major problem of corruption, stemming from lack of controls and opacity is not mentioned. Expectedly, no reference is made to the need to strengthen international corrective authority to effectively intervene, at the expense of state sovereignty.

Adam Hochschild’s Latest Reflections on the UN’s role in the DRC

As the United Nations faces decisions over the future of MONUC, there are many pressures for a reduction in the force: the huge expense, failures and shortcomings in performance, the recent trouble-laden collaboration with the brutal and inept Congolese army. But the big question that must be asked is this: has MONUC's presence in eastern Congo saved a significant number of lives?

I believe it has. For the long-suffering people in dozens of communities where MONUC troops are stationed, the force often provides the only bulwark, imperfect though it may be, against complete lawlessness. Congo suffers from a fatal combination: vast mineral wealth and the lack of a government able to provide meaningful services and police protection in most of the country. It is this combination that is the root source of the tragic fighting among a huge variety of internal and external forces that has claimed so many lives in the last dozen years.

Having an international peacekeeping force on the scene large enough to fully stop the fighting and maintain complete order would be politically impossible, but, whatever MONUC's flaws may be, it has, in the long run, kept the bloodshed from being even worse. International peacekeepers are no substitute for a government that can keep the peace effectively and justly, but until that happens, a robust, enhanced MONUC is one of the best ways the international community can extend a helping hand to a country much in need."

About the Congo Memory Institute

The CMI seeks to address this fundamental problem by addressing and accounting past atrocities and resistance. We position ourselves at the heart of recording, preserving and accounting memories. Preserving and disseminating sources of the past is our first concern. Our archive will bring together the numerous primary sources that document the past. Since many are stored outside the Congo, it is essential to digitise these to make them accessible online. Local archives also hold valuable sources and must receive support to avoid further deterioration, theft or obscurity.

Our second concern is providing forums for people to express, share and document their personal memories. This project sees Congolese history as a tapestry of narratives rather than a single true story. Weaving together these stories will require the recording and archiving of people’s memories, and then sharing them with others within and outside the Congo. The CMI will strive to become a repository of a living archive of previously silenced memories.