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# Managing Spoilers in a Hybrid War: The Democratic Republic of Congo (1996–2010)

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*ABSTRACT* Scholarship on the management of spoilers in a hybrid type of conflict is almost non-existent. Through an examination of the recent Congolese wars and peace efforts (1996–2010), we develop an understanding of how spoilers are managed in a conflict characterised by both interstate and intrastate dynamics. Certainly, more strategies of dealing with spoiler behaviours in this type of conflict are likely to emerge as similar cases are investigated, but our discussion recommends these non-related, but strongly interacting principles: the practice of inclusivity, usually preferred in the management of spoilers, is more complex, and in fact ineffective, particularly when concerned groups' internal politics and supportive alliances are unconventional. Because holding elections is often deemed indispensable in peacemaking efforts, it is vital that total spoilers be prevented from winning or disrupting them. The toughest challenge is the protection of civilians, especially when the state lacks a monopoly on the use of violence and governance remains partitioned across the country.

## Introduction

In the Democratic Republic of Congo (DRC) since 1996, many agreements about reducing or ending violence have been reached after complicated, costly, and lengthy negotiations. These include bilateral and multilateral agreements prior to 1999, the Lusaka Ceasefire Agreement (1999), the agreement between the Rwandan and the Kinshasa Governments (the Pretoria Accord of 2002), the Global and All-Inclusive Agreement and Final Act of Endorsement (2003), and agreements about security sector reform. A United Nations (UN) presence in the DRC, known by its French acronym MONUC,<sup>1</sup> was created in the aftermath of the Lusaka Ceasefire Agreement in 1999, first as a small liaison force and later as a bigger force to implement the Ceasefire Agreement.

Peace efforts in the DRC are interesting because so many things have gone wrong in the peacemaking and peacekeeping phases. These efforts are also relevant in that the violence continues, and spoiling behaviours remain one of their most striking characteristics. Spoiling did not simply happen during the peacemaking phase of the conflict. As soon as the Lusaka Agreement was signed, for example, the violence in the DRC escalated and expanded (Cilliers and Malan 2001). Violence continued between rebel groups and Congolese Government forces, while the former Rwandan military (the Forces Armées Rwandaises or FAR) and *Interahamwe* militants,<sup>2</sup> supported by the Kinshasa Government, launched attacks into the Rwandan territory (Dagne 2005; Rogier 2005). Rwanda itself maintained about 23,000 troops in the DRC. Uganda had 10,000 (Weiss 2000; Cilliers and Malan 2001, 10–66). In 2003/2004, the UN Security Council authorised Chapter 7 or peace enforcement powers to MONUC to protect UN personnel, as well as civilians under imminent threat of physical violence. MONUC has been plagued by failures and problems, as can be seen in numerous withering reports (see Amnesty International 2009; Human Rights Watch 2009), some by the UN itself (see UN 2009). The UN deployment proceeded at a glacial pace. In 1999 and 2000, the Kabila Senior Government perceived the UN deployment of its liaison officers and military observers on Congolese soil as insulting and wanted the UN territorially restricted to neutral areas. Rebels followed suit. The UN has since struggled to reduce violence against civilians and UN personnel (Braeckman, *Le Monde Diplomatique* 7 April 2001, 2–5; Cilliers and Malan 2001; Swart and Solomon 2004).

Quite logically, many scholars try to explain why the peacemaking and peacekeeping efforts have not yielded better results:

First, some rather fatalistic explanations argue that the DRC's conflict has a non-negotiable character, due to the country's ethnic politics (see Vlassenroot 2006; Turner 2007), to spill-over from Rwanda (Reed 1998), and/or to the character of the country's governance (which has destroyed public institutions) (Young 1994; Hibou 2004; Renton et al. 2007).

A second explanation is provided by the strategies of mediation. Inclusive negotiations are often sought because mediators think it better to include those who are or are likely to be spoilers. By late 2001, however, the DRC negotiations had more than 350 participating delegates (Khadiagala 2009, 73), with ever-increasing unlikelihood that the major disputes will be resolved (Rogier 2004; also see Viken 2009). To keep the process going, the agenda had to narrow, and it primarily shrunk to power-sharing (Rogier 2004, 39). Eventually, the major agreements consisted of little more than ceasefires.

A third explanation hones in on South Africa (SA) as a mediator. Under President Thabo Mbeki, SA actively sought a role as a conflict mediator in Africa and offered to commit a great many resources to this end in the DRC conflict, including personnel for MONUC and post-conflict assistance, and lobbied for the commitment of international resources (Khadiagala 2009, 70–73). With it not being the officially designated mediator of the South African Development Community (SADC), SA's prominent role was primarily a product of its promises of assistance

along with its neutral stance during SADC's support of the DRC Government. As a mediator, SA was said to export its own experience, officially understood to consist of an all-inclusive national convention that produces an agreement, a transitional government, and a government of national unity (Mamdani, *Mail & Guardian*, May 23–29, 1997, 10).

In a context where peace is so elusive, it becomes important to ask a descriptive question about the management of spoilers: How does the UN manage, however imperfectly, those who use violence? We accept Carayannis' (2005, 83–106) characterisation of the DRC war as hybrid: our intent is to identify the main features of managing spoilers in the DRC's hybrid war. Our discussion spans the period between 1996 and 2010. Many issues including, but not limited to, the 2011 elections—characterised by violence and also said not to be free and fair—influenced the post-2010 political dynamics in the DRC. These dynamics affected MONUC/MONUSCO. For this reason, we end our analysis in 2010.

Our discussion begins with a brief outline of spoilers in the context of a hybrid type of conflict. We define the spoiler concept and concisely review major strategies of management in order to introduce the DRC case. Thereafter, we identify the DRC interstate and intrastate spoilers. Subsequent discussions include our definition of the spoiler-management concept and a critical examination of strategies and techniques that DRC peace managers had devised in order to address major encountered spoiling behaviours. We partly do so by reviewing important aspects of the efforts such as the negotiations leading to main agreements. From these discussions emerge our recommendations, which we boldly re-emphasise in our conclusion.

### **Spoilers in a hybrid conflict**

Spoilers, according to Stedman (1997, 5), are 'leaders or parties that believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it'. Spoilers can be found within or outside the peace processes and in all phases of negotiation. Spoiling behaviour is very likely when none of the fighting groups has been completely defeated; parties retain the means to resume fighting if they are upset with the peace agreement (Licklider 1995). Rebel groups also may not want to surrender the gains that they have made during their campaigns (Tull and Mehler 2005).

In Stedman's (1997, 12) view, mediators should understand the extent and nature of the problem, examine spoilers' motivations, and accordingly adapt their strategies. Types of spoilers require different management. Spoilers can be classified as (i) internal and external and (ii) limited, greedy, and total. A total spoiler cannot be accommodated, and so either force must be used to defeat it or 'the departing train strategy' must be used, whereby the increasing momentum generated is enough to make the spoiler realise that peace will come and that it will be marginalised (see Stedman 1996, 369–371; Hampson 2001, 391; Doyle and Sambanis 2006, 50).

Critics have identified weaknesses in the spoiler-management literature:

First, some groups may have very morally legitimate reasons for their behaviour. War crimes, for example, are not always addressed by peace agreements (Newman and Richmond 2006).

Second, the use of violence during negotiations is not always aimed at destroying the peace process but is a technique of negotiation (Newman and Richmond 2006, 2–8). The use of violence becomes more likely as an actor thinks that it is giving too much away to gain a place at the bargaining table.<sup>3</sup>

Finally, to a significant extent, the identification of a spoiler lies in the eyes of the beholder. One side's 'reasonable demands' may be nothing more than spoiling from another perspective (Newman and Richmond 2006, 2–8).

As is evident from the above, the notion of spoilers functions primarily in relation to peacemaking; it is a major explanation of why so many peace agreements fall apart.

In a hybrid conflict, spoilers come from within and beyond a country's borders. A hybrid conflict, according to Carayannis, combines the properties of a civil or intrastate war with interstate war. An interstate war consists of actors who challenge the sovereignty of a country and invade, occupy, or conquer that country in part or as a whole. An intrastate war consists of actors challenging the government of a country: they want the government or a part of it reformed, replaced, or destroyed. The principals involved in both intrastate and interstate wars typically form a network rather than functioning as stand-alone actors. The networked nature of the conflicts, of course, makes it difficult to draw a clear line between interstate and intrastate wars (Carayannis 2005). But from the point of view of managing the networked spoilers, it makes a huge difference.

### **The DRC as a hybrid conflict**

The Congolese conflict contains many levels. Levels are interconnected, and each contains different actors, all of whom can act as spoilers.

#### *Interstate spoilers*

- (1) *Rwanda under the Rwandan Patriotic Front (RPF) Government*: This government has continued to provide military support to groups in the DRC (Hoebeke 2005). The DRC indeed contains
  - (i) soldiers and para-militaries of the former Rwandan military (the FAR);
  - (ii) *Interahamwe* or Hutu militants (regrouped as the Forces Démocratiques pour la Libération du Rwanda—FDLR) who had fled to the DRC after their involvement in the Rwandan war and genocide; and
  - (iii) refugees in camps, a natural recruiting ground for Hutu rebels.
- (2) *Uganda*: Originally partnered with Rwanda, the Ugandan Government subsequently pursued a more independent course of action, among others, in supporting armed groups in north-eastern DRC, such as the Mouvement pour la Libération du Congo (MLC). Another spoiler with direct connection to

Uganda is the Lord's Resistance Army (LRA). For many years, the LRA has remained the most active Ugandan rebel movement operating in and from the Congo (Wadada-Nabudere 2004).

- (3) *Resource exploitation networks*: These include governments and their leaders, influential individuals, armed groups, and corporations (Kisangani 2003; Jackson 2006). The DRC has an abundance of portable resources: cobalt, coltan, copper, diamonds, gold, manganese, tin, tungsten, and uranium (Gourou 2003). Ituri, the two Kivu provinces, and Katanga are the best-endowed mineral provinces of the DRC. Rwanda and Uganda, along with more distant partners, are heavily involved in the smuggling network (UN 2001, 2005; International Court of Justice 2005).

### *Intrastate spoilers*

- (1) *Armed groups* made up of rebels against the Kabila Senior and Junior Governments: one such group is the Rally for Congolese Democracy (RCD). Formed in 1998 and supported by Rwanda and Uganda, the RCD also fought Hutu groups in eastern DRC. It later split into several factions. Rebels to the post-Mobutu Governments further included Congolese Tutsi, dismissed from their positions in the Kinshasa Government, and Rwandan soldiers, once part of the AFDL that brought Kabila Senior to power (Kisangani 2003, 51–81). Rebels to the Laurent-Desiré Kabila (Kabila Senior) and Joseph Kabila (Kabila Junior) Governments included armed groups made up of former members of the defeated Mobutu Government.
- (2) Congolese armed groups of Rwandan origin: these primarily consist of Rwandese people who have been in what became the DRC since the nineteenth century (Human Rights Watch 2004; Rafti 2006; Young 2006). The DRC's eastern provinces have over several centuries developed close economic, social, and cultural relationships with Burundi, Rwanda, and Uganda. Banyarwanda<sup>4</sup> migrated to the Congo in the nineteenth century. Belgium, the colonial power in both the DRC and Rwanda, encouraged or forced Banyarwanda migration to and settlement in the DRC. Frequent famines also forced migration,<sup>5</sup> as did violent decolonisation and state violence in Rwanda (UNHCR 2000, 49–50). In 1955, an estimated 160,000 Banyarwanda were living in eastern DRC (Jackson 1996; Mamdani 2002, 243; Vlassenroot and Huggins 2005, 129). Tutsi<sup>6</sup> are a small part of this group, today numbering several hundred thousands and constituting between 1 and 2% of the total Congolese population of some 60 million (Human Rights Watch 2007, 9; see also Lemarchand 2000).

In the DRC, access to land required Congolese nationality. After the DRC's independence, legislation about the Banyarwanda claims to Congolese nationality changed several times, granting it in the early 1960s, denying it in the 1970s, returning it in the late 1970s, and so on (Jackson 1996, 104; Nest et al. 2006; Nzongola-Ntalaja 2007, 69–80). Locals for various reasons were fearful and resentful of the Banyarwanda influence and access to land (Jackson 1996,

104–105; Mamdani 2002, 243). The Kinshasa Government never could stick to one policy, among others, because Banyarwanda managed to obtain high positions in the DRC's politics and society (Prunier 1998, 379; Nzongola-Ntalaja 2004, 3; International Crisis Group 2005, 8; Nest et al. 2006, 21). On their part, the Banyarwanda were insecure, too, especially when the Mobutu Government in the early 1980s revoked past legislation, turning Banyarwanda (especially Tutsi) into stateless people (Jackson 1996, 105).

By the late 1980s, Hutu–Tutsi distinctions among Banyarwanda were emerging very clearly; for example, the old Banyarwanda organisation, Umoja, split into two bodies, one based in the Hutu community in North Kivu. Its agenda was to identify indigenous Hutu in the DRC in order to grant them nationality. Tutsi formed their own organisation (Jackson 1996, 121; Mamdani 2002, 251–252; Turner 2007, 118). Despite the obvious east–west differences in the DRC, underlined by the absence of infrastructural links, President Mobutu contributed significantly to the single, national Congolese identity (Weiss and Carayannis 2004). This achievement was overshadowed by corruption and appalling governance, aided and abetted by the USA during the Cold War. After 1990, President Mobutu lost much western support and embarked on a half-hearted reform campaign including, for reasons of needing support, anti-Tutsi sentiments. Tutsi were expelled from North Kivu and Banyamulenge<sup>7</sup> were threatened with the same in South Kivu (Weiss and Carayannis 2004, 105–142). Significantly, locals demanded that *both* Hutu and Tutsi ‘foreigners’ be barred from political participation in the DRC, giving Banyarwanda a reason to forget about Hutu–Tutsi differences (Jackson 1996, 105–106). The outbreak of war in Rwanda in 1990 destroyed this rapprochement. Hostilities increased. Lacking protection from the Mobutu Government, communities created protection militias (International Crisis Group 2005, 9). The situation in North Kivu deteriorated fast; by early 1994, between 6000 and 10,000 people were killed and more than 250,000 displaced (UNHCR 2000, 258; Mamdani 2002, 245; Overseas Development Institute 2005).

Congolese of Rwandan origin can be described as having a permanent insecurity dilemma as their fate—economic and otherwise—depends on the DRC Government, which naturally comes under pressure from other Congolese tribal groups for granting rights to exiles and migrants (Human Rights Watch 2004; Rafti 2006; Young 2006, 302–308).

(3) Rwandan Extremists, Exiles and Refugees: the 1990–1994 war in Rwanda, which ended in genocide, featured the Rwandan military (FAR), Hutu extremists, and *Interahamwe* as perpetrators. The RPF gained victory in July 1994. The RPF's victory caused a massive influx of 1.2 million Rwandan Hutu refugees and defeated FAR and *Interahamwe* into neighbouring countries. The majority entered eastern DRC, where 80,000 refugees from Burundi were already sheltering (Mamdani 2002, 246–254; Reyntjens 2006, 111). The DRC military and France protected the Hutu refugees, and some *genocidaires* with arms were led to safe places, including refugee camps (Mamdani 2002, 246; Hugo 2006, 22). One reaction to the influx was the creation of the

Democratic Alliance of People (ADP) by a Congolese Tutsi to lobby for nationality for Banyarwanda and to protect Tutsi from Hutu *genocidaires*. The ADP became a partner of Rwanda and Uganda in the overthrow of the Mobutu Government in 1996.

There are some who would say that any discussion of spoilers of peace in the DRC should identify Rwanda under the RPF Government as the main spoiler. Such a view often roots the cause of the DRC's lack of peace in the 1990–1994 war in Rwanda, more specifically the 1994 genocide. Spoiling, in other words, can all be traced to Rwanda, and thus, if Rwanda is managed, all other spoiling will wither away. But to us, the character of governance and politics in the DRC is equally important: out of bad or non-existent governance, groups emerge and they spoil—without Rwandan support (see Young 1994, 247–263; Hibou 2004; Vlassenroot 2006, 49–65; Renton et al. 2007; Turner 2007).

Two comments can be made about this debate. First, as we show above, the number and behaviour of the spoilers change; the spoilers are opportunistic and can turn on their masters quite quickly. Groups created by Rwanda have turned on Rwanda. Second, one must distinguish between conditions at the start of a conflict and conditions created by the conflict. Rwanda may well have the most to do with the 1996 war, but, after 1996, the conflict facilitated (for example) the emergence of small, selfish, and violent groups typical of a resource war (Nest et al. 2006; also see Loffman 2007).

## **Managing the DRC spoilers**

### *What we mean by managing spoilers*

Managing spoilers should not be understood as managing those who initiated a conflict; rather, it is about dealing with those who are or have become the main impediments to ending the violence. In the DRC context, 'dealing' represents an ensemble of strategies that peacemakers devised in order to address concerns of, control, or defeat individuals or organisations whose behaviours threaten their efforts.<sup>8</sup>

### *Managing the interstate spoilers*

In August 1998, the Second Congo War was initiated against the government of Kabila Senior by his former allies, Rwanda and Uganda, as well as Congolese Tutsi regrouped into the RCD. About three weeks later, the SADC initiated its peacemaking efforts, seeking peace through (a) an immediate ceasefire and (b) the start of a political dialogue.

But who should participate in the negotiations? And what was the purpose of the negotiations?

UN Resolution 1234 (1999) stated that all warring parties needed to be recognised and should participate in the negotiations. Yet a major 'warring party' and the biggest potential spoiler, Rwanda, denied any involvement in the DRC. Later

(in 1998), Rwanda not only admitted to its troops being in the DRC and supporting the RCD, but also claimed that this involvement was justified because the FAR and *Interahamwe* militants taking refuge in the DRC were guilty of genocide and because the DRC's eastern neighbours were threatened by the Hutus' political behaviour in the DRC (see Cilliers and Malan 2001, 10–66; Clark, *The Monitor* 10 October 2004, 12–27). The Rwandan admission extended and intensified the conflict.

With Rwanda having admitted that it was involved, the Kinshasa Government secured SADC's military assistance (Coleman 2007). The Kinshasa Government started cultivating its relations with Hutu exiles and refugees and its already provocative anti-Tutsi rhetoric reached incendiary levels of intensity. Rwanda's ally in the previous actions against the DRC, Uganda, was clearly alarmed by what could be a Rwandan bid for regional dominance and thus struck out on its own, increasing its support of pro-Uganda armed groups, such as the MLC and RCD-Kisangani, in the north-eastern areas of the DRC (Clark 2001). When the rebels advanced quickly and threatened Kinshasa, the Kabila Senior Government requested SADC's assistance and the SADC agreed. Angola, Namibia, and Zimbabwe sent troops to help. The SADC also appointed Zambian President Chiluba as the mediator.

Various bilateral, multilateral, and summit meetings were held and a few agreements reached, such as the Sirte (Libya) agreement between the DRC and Uganda, but none made much impact. In mid-1999, however, negotiations in Lusaka achieved some success. Here Congolese armed groups met for negotiations for the first time. Eventually, the rebel groups and six African governments involved in the war signed a ceasefire agreement, known as the Lusaka Ceasefire Agreement. A ceasefire was probably the only thing about which the participants *could* agree (Swart and Solomon 2004). With a ceasefire having been concluded, the UN created a monitoring force, MONUC.<sup>9</sup> Rwanda was not a party to the Lusaka Agreement, although it had admitted to militarily helping DRC rebels.

As soon as the Lusaka Agreement was signed, the violence in the DRC escalated and expanded (Cilliers and Malan 2001, 10–66). Ex-FAR and *Interahamwe* militants, supported by the Kinshasa Government, launched attacks into Rwandan territory (Dagne 2005, 1–6; Rogier 2005, 3–24). Rwanda itself maintained about 23,000 troops in the DRC. Uganda had 10,000 (Weiss 2000, 1–25; Cilliers and Malan 2001, 10–66).

How were Rwanda and Uganda as spoilers managed at this point (when the war is going from bad to worse)?

The mediators returned to a more state-centric, bilateral approach and conducted a separate set of negotiations in Pretoria which included governments only. The Pretoria negotiations led to two agreements: the Luanda Agreement, about Ugandan troops in the DRC, and an agreement between the DRC and Rwanda. These agreements were about neighbouring countries as spoilers themselves and as patrons of DRC spoilers (Cilliers and Malan 2001, 10–66).

In an agreement between the Rwandan and the Congolese Governments (the Pretoria Accord) of July 2002, Rwanda agreed to withdraw its troops from the

Congo. The Kabila Junior Government promised to disarm ex-FAR and *Interahamwe* fighters.<sup>10</sup> The other SADC countries involved, such as Angola, Namibia, and Zimbabwe, also agreed to withdraw their troops from the Congo. A Joint Military Commission (JMC) would monitor the ceasefire and oversee the withdrawal of foreign troops. MONUC was to track down and disarm 'negative forces'. *Genocidaires* would be handed over to the International Criminal Tribunal for Rwanda (ICTR) or repatriated to their countries (Lusaka Ceasefire Agreement 1999; Cilliers and Malan 2001, 10–66).

Although foreign troops remained in the DRC for much longer than the Lusaka Agreement intended, the Rwandan and Uganda troops had been officially withdrawn by October 2001.<sup>11</sup> For our purposes, however, the point is that the intent of the negotiations was to gain a commitment from Rwanda and Uganda to not invade, occupy, or conquer the DRC in part or as a whole.

### *Managing the intrastate spoilers*

#### An elected government

The Lusaka Ceasefire Agreement contained remarkable clauses and commitments about governance in the DRC: National dialogue (through the Inter-Congolese Dialogue—ICD) and reconciliation would start. State administration would be re-established. With the help of the JMC, a national army for the DRC would be created (Lusaka Ceasefire Agreement 1999; Cilliers and Malan 2001, 10–66).

When Joseph Kabila succeeded his assassinated father in 2001, he promised to make peace. The ICD started in Ethiopia in October 2001. Soon, SA had 'taken over' as a mediator, as well as a host. Subsequent ICD meetings were all to be held in SA (Sun City). For all its wishes, the ICD (with Botswana's former President Masire as the initial facilitator) did manage to include major and small armed groups, local militias, representatives of civil society, leaders of political parties of opposition, and the Kinshasa Government.

Excluded from the ICD were groups capable and willing of spoiling. Also excluded were the ex-FAR/*Interahamwe* and *LRA fighters*, declared criminals and supposedly hunted down by MONUC and handed over to the ICTR. Small splintered RCD groups which continue violence over the citizenship and access to land rights for Banyarwanda were also disqualified (Boshoff and Rupiya 2003). Resource exploitation networks were also excluded. Resource exploitation networks had concluded agreements with numerous armed groups in the DRC. This was particularly evident in the Kivu provinces controlled by the Rwanda-backed RCD-Goma.

At the start of the ICD, the multiplying tendencies of the Congolese participants were in full view. In the east, the RCD now had become the RCD-Goma, RCD-Kisangani, RCD-ML, and the RC-National. About 22 local self-defence groups or militias, known as the Mai-Mai, were represented by General Padiri. In the northwest was a new group, the MLC (Weiss 2000, 18).

As spoilers multiplied, the negotiation process became more complicated. A 'vicious cycle' was in effect: more groups both clamoured for inclusion and

repeatedly splintered, presenting mediators with no choice but to engage with whoever was willing.<sup>12</sup>

Discussions over soft issues provided momentum to the negotiations. But some issues, such as power-sharing and security sector reform, brought everything to a halt (Cilliers and Malan 2001, 22–66; Swart and Solomon 2004, 15–23). Some groups, such as the MLC, seemed content to get any share of governmental power. The RCD was different: it wanted a share proportional to what it already controlled in territory, commercial contracts, resources, etc. It wanted the executive, to rotate among the Kabila Government and different formations. The RCD would not back down and indeed exercised the power of veto over the negotiations (Weiss 2000, 2–20; Boshoff and Rupiya 2003, 30–36).

As the number of participants increased, it became more difficult to reach a substantial agreement. To keep the process going, it became necessary to narrow the agenda. Eventually, the content of the talks consisted only of power-sharing (Rogier 2004, 39). The DRC never developed a comprehensive peace agreement: the major agreements consisted of ceasefires.

In December 2002, the ICD converted previous agreements into the Congolese major peace agreement, known as the ‘Global and All-Inclusive Agreement and Final Act of Endorsement’. This agreement’s final endorsement act was signed in mid-April 2003 in Sun City. A power-sharing government was installed in Kinshasa. For a two-year period, the transitional government was tasked with restoring political order through national elections and further with implementing the terms of previous agreements, especially the ones of Lusaka and Pretoria agreements (All-Inclusive Agreement 2003; Dagne 2005, 2–4).

The DRC is thus not a clear-cut case of mediators insisting on inclusive but counterproductive negotiation strategies. By initially denying their involvement with fighters in the DRC, Rwanda and Uganda obviated the need to be included in the negotiations. Internally, the Kinshasa Governments and major rebel groups in the DRC wanted to negotiate only with each other. Some mediators wanted to include only those who escaped the label of ‘negative forces’ (such as the FDLR and the LRA). Congolese parties to the negotiations, especially Congolese civil society groups and members of non-armed opposition groups, initially did not really care about these ‘negative forces’, seen simply as trouble-bearing foreigners.

After the power-sharing government was installed in Kinshasa in June 2003, the violence intensified. Again the situation worsened (for example, see Autessere 2006; Coghlan et al. 2006).

New armed groups emerged. Some of RCD-Goma’s hardliners supported the creation of several Congolese Tutsi-led militias, backed by Rwanda, in the eastern provinces. Tutsi communities, the RCD-Goma said, had to arm and organise themselves for self-defence against an impending genocide. Out of the Tutsi communities in Northern Kivu emerged a prominent organisation, the National Congress for the Defense of the People (CNDP). Led by Rwanda-trained leaders such as Laurent Nkunda and Jules Mutebutsi, the CNDP was not only willing and able to fight but also dominated their area economically. In reaction to the CNDP, the

number of militias in eastern Congo increased rapidly, while the *ex-FAR/Interahamwe* groups, with the help of the transitional government, recruited militants and expanded their training camps to other provinces (Swart 2004). *Ex-FAR/Interahamwe* militias, regrouped into the movement known as the FDLR, operated in eastern DRC under the noses of MONUC and despite the Congolese Government's commitment to disarm them. Rwanda, citing fear of *ex-FAR/Interahamwe fighters* and a new genocide, supported the rebel groups in eastern DRC and repeatedly threatened to invade the Congo and forcibly disarm them (Swart 2004, 1–7). In the far northeast, the LRA was a significant actor, but usually in the more remote areas.

The resource exploitation networks never missed a beat. A 2009 UN Report (for example) noted that the governments of Burundi, the DRC, Tanzania, and Uganda, linked to people based in France, Germany, and Spain, were still heavily involved in the illegal exploitation of the DRC's resources.<sup>13</sup>

It can be said that the negotiations, elections, and transitional government of the DRC were all failures. The negotiations did not produce much more than a cease-fire. The violence intensified. The transitional government of Kabila Senior and Junior, like previous governments, did not seem all that concerned with the suffering of the people of the DRC. The 2006 election did not usher in a period of calm post-conflict reconstruction. The DRC's Independent Electoral Commission (IEC) estimated 278 political parties to exist at that time, with 33 candidates competing for the presidency. About 9000 candidates competed for the 500 seats of the new federal parliament.<sup>14</sup> Costs skyrocketed. International donors including the European Union, Denmark, Ireland, SA's IEC, and the UN helped the DRC's IEC (Khadiagala 2009, 76) to cover well over \$1b of the total elections' costs, perhaps one of the most expensive elections in political history (Booyesen 2007).

Yet having an elected government is an essential part of managing conflict, for two reasons.

First, a free and fair election allows the winner to claim legitimacy: the winner is entitled to speak for the people of the DRC. This government can legitimately negotiate with other countries, take their seat in international bodies, enter into contracts, etc.

Second, an election should demonstrate that armed groups, the CNDP and the FDLR in particular, cannot by violence gain political power for themselves or ruin others who compete more civilly.

By these standards, the election was the key event of the management of violence during the 2003–2006 years. MONUC contributed heavily to the dramatic reduction of violence during the election, mainly by deterring violence through, among others, patrols, the display of force on roads and in towns, and the sheer force of numbers (Gambino 2008). To this day, spoiler groups such as the CNDP, the FDLR, and the LRA have been unable to win or disrupt an election.

#### Protection of civilians in a partitioned government

Apart from the fear of a DRC without an elected government, conflict managers feared a rising tide of violence against civilians, including UN personnel.

Managing the violence has been an evolving affair, beginning with international support of MONUC and ending with the *de facto* partitioning of the DRC into DRC- and UN-controlled areas.

*(i) Foreign military aid to MONUC: Operation Artemis*

Increased violence especially in Ituri in 2003 pressured the UN to deploy a special French-led force, named Operation Artemis, to help MONUC reduce the level of violence in Ituri (Khadiagala 2009, 76).

Apart from Operation Artemis, the UN responded to the deteriorating situation elsewhere by increasing MONUC's size and amending its mandate to include the use of force. Nevertheless, the situation in eastern DRC continued to deteriorate. By 2004, the level of violence was similar to that in 1998. Bukava (South Kivu's capital) fell to the CNDP (see Swart 2004, 1–7; Wolters 2004, 2–17). President Joseph Kabila ordered an immediate deployment of more than 10,000 soldiers, appealed for support from the Congolese population, and declared the actions of the CNDP both an act of war and a violation of the Pretoria agreement by Rwanda (Swart 2004, 1–7). Rwanda responded by denying its involvement and insisted that the Congolese Government carry out its part of the Pretoria Accord by disarming the ex-FAR/*Interahamwe* militias and allied Congolese groups (Breytenbach et al. 1999; Clark, *The Monitor* 10 October 2004, 12–27; Kagame 2003; Alusala 2005; Curtis 2005; Rogier 2005, 3–24). MONUC eventually negotiated a ceasefire.

In 2008, the CNDP attacked Goma again. But in early 2009, the CNDP was defeated during a Rwandan 45-day intervention. The Rwandan Government, which had already withdrawn Mutebutsi, arrested Nkunda. This illustrates, first, that a group can fall out with its ethnic allies: ethnicity is not the determining factor as it is so often said to be in the Great Lakes. Second, the most important armed groups of the east, the CNDP and the FDLR, are both heavily dependent on their patrons. There is no military solution to this patronage. Once the DRC and Rwanda agreed politically (in the Goma Accord of early 2009), Nkunda was under house arrest.

*(ii) Creating a legitimate means of monopoly of violence: the failure of the FARDC*

An essential complement to the All-Inclusive Agreement (2003) was an agreement about security sector reform in the DRC. All parties agreed that the new DRC military would consist of a balance between incumbent and rebel groups. The CNDP was supposed to become part of the federal army of the DRC (FARDC).

Yet the CNDP refused absorption into the FARDC. Other leaders contested command appointments. And armed groups of eastern DRC refused to serve outside of the east. But the main problem was probably that many former rebels *did* join the FARDC; in fact by late 2010, 59 insurgent groups had become part of the FARDC, resulting in a military that is a repository for competing groups. In late 2009, the USA tried to overcome these problems by creating a 'model' battalion of 750 Congolese soldiers; this battalion would inspire and be the role model for the rest of the FARDC (Axe, *Prospect Magazine*, 5 November 2010). But by late 2010, the formation of a new DRC military was still stuck on its

problems. The FARDC was militarily incompetent and unreliable; indiscipline prevailed; and wages were both low and erratically paid, resulting in soldiers, even the better disciplined soldiers, to loot wherever they went (Axe, *Prospect Magazine*, 5 November 2010). The failure of security sector reform to produce or even lay the foundations for a professional military and public order in the DRC is noteworthy, primarily because security sector reform in the Great Lakes area was a massive and massively funded undertaking.<sup>15</sup> Still, donors used formulaic top-down recipe books. Developments on the ground and gender and transitional justice issues were ignored (Faltas and Namwira 2007; Douma et al. 2008; Specker 2008). A partnership with a corrupt and intransigent government developed; donors or managers realised far too late that this was the case.<sup>16</sup>

Some scholars think that, given the fact that the DRC conflict is in part a resource war, security sector reform becomes mission improbable. If armed groups secure funding by access to portable resources, members of the group gain immediate rewards; they do not have to share with members of a larger coalition; and the group does not have to win politically in order for the members to benefit economically. Therefore, not only small groups survive, but there is also an incentive for small groups to emerge in the first place (Collier and Hoeffler 2000). The relative ease of small groups' military successes against the FARDC then either bred a military opportunism among these small groups or led them to cling to what they have gained by violence (Mamdani, *Mail & Guardian*, May 23–29, 1997, 10). Against this, security sector reform does not stand much of a chance.

But it may well be that donors and managers do not really know what to do with the security sector in the DRC. One reason is the size of men and women under arms, reportedly in the vicinity of 150,000; this number includes nearly 30,000 children (Faltas and Namwira 2007). Another reason is the complexity of the armed groups, whose internal dynamics are often impossible to discern (Gambino 2008, 9–19). Take the case of the RCD. It became a political party during the peacemaking and was a member of the transitional government. But the RCD continued to split, leaving dissidents to find patrons or make a new political home for themselves (Nduru, *New Internationalist* 371, 1 September 2004, 4–5). New armed factions thus emerge with deadly regularity. These groups were highly opportunistic; they served their patron Rwanda's interests, but often clashed with other Rwanda-supported group in the DRC.

### *Cursed partnership: the FARDC and MONUC*

The Goma Accord's promise of peace was short-lived. As violence spread again in the east in 2008, MONUC's leaders in the DRC made a decision that they would soon regret: MONUC would collaborate with the FARDC in trying to create a FARDC monopoly of legitimate violence. MONUC was to provide primarily logistical aid.

The FARDC victimised thousands of people as they tried to conquer the east. The UN reported of a large proportion of rape cases by the FARDC.<sup>17</sup> MONUC tried to recover from the outcry that followed. UN enquiries led to the replacement

of both the heads, civilian and military, of MONUC. The UN also initiated several education projects on child protection, human rights, and sexual violence for the FARDC soldiers and the Congolese police, notoriously famous for incompetence and corruption (Gambino 2008, 15).

By the end of 2010, it was clear to MONUC's leaders that if MONUC was to retain credibility, it had to keep its distance from the FARDC. Without a collaborative relationship with the FARDC and a tenuous relationship with the Kabila Government, MONUC monopolises the legitimate means of violence in eastern DRC. This may not be much of a peace. But it is preferable to the previous alternatives.

*(iii) Governance partitioned: the UN, international donors, and NGOs*

When the UN created MONUC's military mission, the goal was to protect the 500 unarmed observers of the Lusaka ceasefire. In 2002, a total of 5500 troops were involved (Khadiagala 2009, 72). By 31 October 2009, MONUC consisted of 18,606 uniformed personnel, 1008 international civilian personnel, 2611 local civilian staff, and 628 UN volunteers—the largest UN mission in history.<sup>18</sup> MONUC certainly was also the most expensive mission in the history of the UN, costing over US\$1 billion per year.<sup>19</sup>

Soon after August 1998, when Rwanda and Uganda invaded the DRC, the Congolese military either deserted or defected. Since that time, the DRC Government has not been able to claim to control eastern DRC. Rwanda-backed rebels controlled North Kivu and South Kivu, as well as the Maniema province. Uganda controlled most of Ituri. The DRC Government's strongest reach came to an end at a diagonal line, running from Gbadolite in the northwest to the southern end of the Tanganyika province. Only west of this line is the DRC governance relatively secure (Weiss and Carayannis 2004, 105–142; Thom 2010, 191).

In eastern DRC, the UN, other countries' agencies, and NGOs are the pillars of governance.<sup>20</sup> USAID, for example, is heavily involved in health services. Humanitarian aid and campaigns to counter diseases by, for example, vaccination, have made a big difference.<sup>21</sup> The positive impact of international actors on eastern DRC is probably explained by the fact that the population of the east is but a small part of the DRC population.<sup>22</sup> But some services, such as education, are in complete disrepair (Gambino 2008, 9–19).

Another indication of the DRC Government's lack of capacity in the east occurred in 2002 with the withdrawal of Uganda troops from north-eastern Ituri. The DRC Government asked Uganda to delay its withdrawal and leave 1000 troops to police that part of the province (Thom 2010, 194). In the east, it was MONUC that shouldered the responsibility for deterring attacks on civilians. In doing so, MONUC kept its distance from the weak, corrupt, and unmotivated FARDC and Congolese police. MONUC's activities escalated and expanded quite dramatically during elections (Gambino 2008, 9–19). MONUC is populated by professional soldiers, with Indian troops primarily deployed in North Kivu and Pakistan troops in South Kivu.

Immediately after the 2006 election, expectations of what was possible in the DRC soared. But five years later, it has been conceded that the DRC Government's

stronghold is much in the west of the diagonal Gbadolite–Tanganyika line. The FARDC is not soon going to establish a legitimate monopoly of violence over the entire DRC. In fact, the FARDC<sup>23</sup> at times is as big a menace as the FDLR, the LRA, or the CNDP. With civilians being victimised by nearly all armed groups, MONUC's mission is understandable: protect civilians. MONUC tries to do this by the deterrence of primarily numbers.

Why has MONUC's strategy become one of protecting civilians by *outnumbering* any given proxy, rebel, or resource network force?

Except for the CNDP and the FDLR, none of the armed groups (in the east) have since 1996 shown a willingness to fight another armed group. When opponents do meet, the weaker quickly flees or the opponents come to some arrangement about who will get what. On the move, the members of armed groups stick to roads, dirt tracks, or footpaths, and these can be attacked/blocked by MONUC's air and armour capabilities. So the skirmishes—they can hardly be called battles—tend to be brief.

Civilians are at their most vulnerable when one group flees an area and another moves in: the new masters of the area will victimise civilians for real and imagined support of the departed masters. MONUC does not yet have an answer to this victimisation. And when a determined group, such as the CNDP, wants to attack, MONUC struggles to hold its own. Civilians know this and usually flee (Thom 2010, 179–194).<sup>24</sup>

## Conclusion

In this paper, we have discussed how spoilers were managed in the Congolese peace efforts between 1996 and 2010. Through this exercise, we developed an understanding of how spoilers are managed in a conflict characterised by both interstate and intrastate dynamics.

Peacemaking scholars agree that spoilers must be managed. Certainly the DRC's peace process shows that a multitude of peacemakers, from the start, thought that spoilers needed to be managed.

Our discussion suggests that a favoured method of managing spoilers, by inclusivity, is much more complex in practice than suggested in the literature. Current practice, at least as displayed in the DRC peacemaking processes, shows that we do not fully appreciate the realities of factionalism and splintering in armed groups or recognise that inclusivity may well, albeit unintentionally, provide new groups with an incentive to use violence.

The task of managing spoilers in the DRC was actively sought by SA. Were the problems in the management of spoilers a result of SA being the mediator? SA did bring a set of problems to the process, but for reasons produced by its own national experience, SA was devoted to the principle of inclusivity. In all probability, any mediator would have encountered the same problems.

A considerable part of the management of spoilers in the DRC since 1998 has been devoted to interstate spoilers and Rwanda in particular. By 2001, Rwanda's

security concerns had been sufficiently recognised for the Kagame Government to commit itself to not invading, occupying, or conquering the DRC in part or as a whole. But the efforts to end Rwanda's interference in the DRC by means of proxies in the DRC have never met with success.

Since 2002, the DRC has in fact been portioned, not legally but certainly in terms of who controls what. Much of the east of the diagonal line from Gbadolite to the southern end of the Tanganyika province is the territory of Congolese rebels, Rwandan and Ugandan proxies, and resource networks. These are the intrastate spoilers. The FARDC is not soon going to establish control over the east or these spoilers; quite the contrary, the FARDC (as well as the Congolese police) is as big a menace as the proxies of Rwanda and Uganda.

We have argued that it becomes essential in managing spoilers in the DRC that armed groups not win elections or disrupt them. A winner in a free and fair election is entitled to speak for *all the people of the DRC*, even those beyond routine administrative reach. It is during elections that the international community, such as it is, mobilises all its energies in the DRC. MONUC contributed heavily to the dramatic reduction of violence during the 2006 elections, mainly by deterrent actions. Major spoiler groups such as the CNDP, the LRA, and the FDLR have been unable to win or disrupt an election.

We have also argued that the more difficult task is to protect civilians east of the diagonal line between elections. By all accounts, the reform of the DRC security sector has been a massive failure; the FARDC will not soon compel proxies, rebels, and resource networks to submit to the DRC Government's authority. That leaves MONUC. Even with good professional troops at hand and Chapter 7's authorisation, MONUC is unlikely to do anything but practise deterrence. When MONUC tried a strategy and collaborated with the FARDC, it nearly destroyed the UN mission. Perhaps the FARDC's collaboration with elite forces from France and the USA offers some hope, but two good battalions, even five, in the FARDC do not make a professional military.

MONUC's success, in the sense of preventing things from getting even worse, is largely due to the fact that by outnumbering the spoilers and inhibiting their movement, MONUC will not be attacked by proxy, rebel, or resource network groups—except for the CNDP and the FDLR. MONUC's casualties have thus been remarkably low for such a large force; this is a key factor in the willingness of countries to contribute to MONUC. And MONUC undoubtedly does help contain the victimisation of civilians. So a coalition of the willing remains willing.

## Notes

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1. In 2010, MONUC's name was changed to the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO).
2. Primarily young men organised into para-military groups.
3. In Burundi, armed groups that were excluded from the Arusha process increased their use of violence quite noticeably between June 1999 and January 2000, thus making 'themselves significant players in less than one year'. See Daley (2007, 344).
4. Literally 'those from Rwanda' in Swahili.
5. In Rwanda, 11 famines were recorded between 1895 and 1945. The latest occurred in 1990. See Lemarchand (2000, 330) and Prunier (1998, 88).
6. In Rwanda, Hutus and Tutsi were originally terms denoting political class or status, with Hutu meaning 'ruled' and Tutsi 'ruler', and applied to a society containing many crosscutting cleavages. The Belgians destroyed the system's flexibility: Hutu and Tutsi came to describe racial categories with Tutsi destined to rule because of their declared similarity to Caucasian people. Numerous authors have analysed how ethnicity was constructed in Rwanda; how the constructions were driven by claims about entitlement to power; how a zero-sum view of who could hold power developed; and how the possession political power was synonymous with economic power. See Mamdani (2002), Nzongola-Ntalaja (2002a, 93), Nzongola-Ntalaja (2002b, 219), and Prunier (1998, 39).
7. Banyamulenge, literally meaning 'the people of Mulenge', refers to Rwandan Tutsi living in the high plateau of South Kivu. The name was likely adopted in the 1960s by earlier Tutsi settlers to distinguish themselves from more recent refugees from Burundi and Rwanda. See Lemarchand (2001, 56) and Jackson (1996, 108).
8. We develop our definition after reviewing Stedman's contribution (1997).
9. The UN deployment proceeded at a glacial pace. The Kabila Sr Government took the UN's arrival on its soil as insulting and wanted the UN territorially restricted to territory not controlled by it or the RCD. See Braeckman (*Le Monde Diplomatique*, 7 April 2001, 2–5), Swart and Solomon (2004, 15–23), and Cilliers and Malan (2001, 10–66).
10. See 'the Peace Agreement between the Governments of the Republic of Rwanda and the Democratic Republic of the Congo'. Available online at [http://www.usip.org/library/pa/drc\\_rwanda/drc\\_rwanda\\_pa07302002.html](http://www.usip.org/library/pa/drc_rwanda/drc_rwanda_pa07302002.html) (accessed 25 August, 2006).
11. With these agreements in place, the RCD-Goma, the most powerful of the RCDs, returned to the ICD.
12. As noted earlier, the Sun City meetings of late 2001, the ICD already had more than 350 participating delegates. See Khadiagala (2009, 73).
13. See the UN Final Report of the Group of Experts on the Democratic Republic of the Congo UN/S/2009/603.
14. See <http://www.cei-rdc.cd/> (accessed 22 December, 2009).
15. The programme is the Multi-Country Demobilization and Re-integration programme. See <http://www.mdrp.org/> (accessed 25 August, 2009). This programme was concluded in 2010.
16. See 'Stockholm Initiative on Disarmament Demobilisation Reintegration. Final Report'.
17. See <http://www.monuc.org/News.aspx?newsID=17897> (accessed 12 August, 2009).
18. See <http://www.un.org/en/peacekeeping/missions/monuc/facts.shtml> (accessed 22 December, 2009).
19. See [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.5/63/25](http://www.un.org/ga/search/view_doc.asp?symbol=A/C.5/63/25) (accessed 22 December, 2009). See also the *UN Final Report of the Group of Experts on the Democratic Republic of the Congo* UN/S/2009/603.
20. The important actors in humanitarian assistance are the International Committee of the Red Cross, the International Medical Corps, the World Food Programme, the UNHCR, USAID, and Action Against Hunger.
21. Done by the UN Children's Fund; the UN World Health Organization; and Doctors Without Borders (MSF).
22. The eastern DRC, defined as four provinces, North Kivu, South Kivu, Maniema, and Orientale, is 14 m. The population of the DRC is 72 m (numbers rounded off). See <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html> (accessed 7 June, 2011).
23. Or the Congolese police.
24. Complementary statements by Anthony W Gambino, former head of USAID in the DRC, during a meeting with the class WWS 401e Post-Conflict Peacebuilding in Central and Southern Africa: Dealing with Past Abuses of Violence, Princeton University, and the various reports of MONUC.

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