



Imagining the Congo Secure and Stable

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After being largely forgotten as other crises elsewhere in Africa pushed it off the agenda of the international community, long-simmering tensions in the Democratic Republic of the Congo (DRC) recently boiled over anew, potentially reigniting a conflict that has already taken the lives of more than five million people and focusing the world's attention on the future of the third largest country in Africa.

At first glance, recent developments do not augur well for the 66 million Congolese and any hopes that they might have nurtured for some respite from the country's seemingly perpetual cycle of violence – much less that they might experience real peace and sustainable development in the near term. The late September 2008 resignation of the octogenarian head of government, Prime Minister Antoine Gizenga, was widely interpreted as an admission of the failure of his two-year-old government to make much headway against the multiple military, political, economic and social challenges which it faced. Meanwhile in the eastern regions, notwithstanding a peace agreement announced at the beginning of the year, open warfare had broken out as militiamen loyal to the Congrès National pour la Défense du Peuple (CNDP), a largely Tutsi group led by a former general, Laurent Nkunda, compelled government troops (Forces Armées de la République Démocratique du Congo, FARDC) to retreat from positions near Goma on Lake Kivu. The fighting sent hundreds of thousands of displaced civilians fleeing toward the crowded border town, prompting the French foreign minister, Bernard Kouchner, to warn of the imminent risk of 'huge

massacres'. As if to confirm the overall apparent hopelessness of the situation, the commander of what is the largest United Nations peacekeeping operation in the world today the Mission de l'Organisation des Nations-Unies au Congo (MONUC), Spanish Lieutenant-General Vicente Diaz de Villegas, resigned at the end of October after less than two months on the job. He cited lack of confidence in the leadership of DRC President Joseph Kabila and foreboding that the UN mission was headed for failure.

Long-simmering tensions in the Democratic Republic of Congo recently boiled over anew

While often mistakenly characterised in international media reports as if it were 'just another' of Africa's all-too-many civil conflicts, the violence in the Congo has actually long transcended its parochial origins to assume a global profile. During the height of the Second Congo War (1998-2003), the armies of nearly a dozen African states – including Angola, Burundi, Chad, Namibia, Rwanda, Uganda, and Zimbabwe – were drawn into a fight that has been aptly described as Africa's world war.¹ The opportunities presented by the ensuing chaos as well as the allure of Congo's vast mineral wealth – including more than half of the world's cobalt, one-third of its diamonds, and three-quarters of its coltan – have attracted unscrupulous commercial operators, criminal



A young FDLR fighter in a deserted FDLR-controlled town in North Kivu province, DRC. Photo courtesy of Susan Schulman.

networks, arms traffickers, and possibly even terrorists to the region in the heart of the African continent. In short, the deteriorating political and security environment in the DRC represents not only an unfolding humanitarian catastrophe, but a significant challenge to international society.

The Crisis of the Colonial Order

It is a not-insignificant irony that the lamentable misery in which most of the citizens of the DRC find themselves – the country ranks 168th out of 177 countries surveyed in terms of human development according to the most recent survey by the UNDP – is directly attributable to the immense natural wealth of the Congo itself. More than a century ago, it was these riches to be won which led Leopold II of the Belgians to hire Henry Morton Stanley to carve out for him a territory seventy-six times larger than his kingdom in Europe, an audacious private venture that was eventually sanctioned by the 1885 General Act of Berlin Conference.² Although the inhuman depredations in

the Belgian monarch's demesne were widely condemned as brutal, even in comparison with the cruelties of colonial scramble of the time, no move was ever made to right the original historical wrong of throwing together in a single unit the size of Western Europe what has proven to be an explosive mixture of peoples with little historical basis for national cohesion.

Quite to the contrary, after the briefest of interludes at the time of independence in 1960, the authoritarian regime of Mobutu Sese Seko was, in some respects, a three-decade-long reprise of Leopold's cynically-named 'Congo Free State' insofar that once again the entire country and its resources – including its capacity to use the Cold War to extract billions of dollars in foreign aid from the West – were placed at the disposal of a sole sovereign ruler who bestowed them at his pleasure on favourites. Long before Mobutu fled into exile in 1997, the essentially privatised Congolese state had ceased to deliver even the most basic services. A decade later, less than one-sixth of the

roads bequeathed to the nascent Congolese state by the departing Belgian colonial administration are still serviceable.

The international community needs to acknowledge that its emphasis on a centralised model of post-conflict reconstitution of the country has proven sub-optimal

Sadly, but not surprisingly, this state of affairs, whereby the challenges of geographic breadth are exacerbated by the temptations of fabulous wealth and the near total lack of responsive governance, has largely determined the course of events in the DRC. As what had passed for central government



Hundreds of internally displaced persons in the grounds of a school in Rutshuru district, North Kivu, DRC. Photo courtesy of Susan Schulman.

essentially withered, various armed groups imbued with a 'fend-for-yourself' ethos simply used force to seize control of patches of territory, thus acquiring effective dominion over strategic assets which they then leveraged to acquire the wherewithal to combat opposing factions – all to the detriment of the overall peace of the country and the stability of its neighbours.

What is a 'warlord' but a proto-state figure?

Thus, the challenge faced by the Congolese is the one which all post-colonial African states have had to confront in one manner or another since independence: how is, what the French political scientist Bertrand Badie termed, *l'état importé* to be refashioned into an arrangement that is not only stable, but also accepted by its citizens as legitimate, as well as sufficiently capable of performing the basic functions of

statehood? At the centre of this crisis is the contrived and artificial nature of many African states, coupled with the almost surreal expectation that their post-independence leaders would somehow forge nations out of heterogeneous groups of peoples and cultures. A simple definition of a nation has been given by the English scholar of nationalism and ethnicity Anthony D Smith as a 'named human population sharing a historic territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members'.³ If such is the case, then there has never been such a chimera as the 'Congolese nation', much less one now that decades of slow state collapse followed by years of open violence have essentially turned the DRC into an archipelago of population centres separated from each other by literally hundreds of kilometres of impassable forest.

While the struggle, be it peaceful or violent, towards independence from

colonial rule united some disparate groups in a common cause, it was not sufficient in every case to coalesce into a national identity. The newly independent

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state which emerged from the Belgian Congo was rife with centrifugal impulses, which were aggravated by outside interests. The survival of the artifice is not so much a testimony to its internal legitimacy – by and large, non-existent – as it is attributable to the effects of the international juridical recognition originally granted to the legal vehicle for King Leopold's colonial rapacity. The status quo was formalised by the former Organisation of African Unity's stipulation that the received colonial borders constituted a 'tangible reality'

which required member governments to pledge themselves 'to respect the frontiers existing on their achievement of national independence'.⁴ Across the continent, and certainly in the Congo, this preservation of arbitrary territorial

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divisions has benefited illegitimate and, often enough, incompetent rulers, while depriving the masses of the civil and political liberties that ought to have been the fruits of independence, to say nothing of the minimal condition for the development of a tolerable standard of living. Lacking a structure of government that is viewed as legitimate by its citizens and is responsive to their quotidian concerns, the pattern of localised armed plunder that has characterised the DRC's political economy the past decade or so is likely to continue.

Imaginative Solutions

Given both the magnitude of the Congo's challenges and the failure of even relatively robust international intervention to arrest the country's relapse to instability and conflict – to say nothing about facilitating sustainable economic and social development – Congo and its international partners must summon the political courage and intellectual imagination to go beyond merely prescribing the conventional remedies for the malaises of post-conflict states. In other words, while a disarmament programme, provided it includes reintegration of former combatants and is fully implemented, and a complete set of free and fair national, provincial, and local elections, which the DRC has yet to have, would certainly represent significant progress, these measures alone would not be sufficient to set the country on the path

away from the vicious circle of corruption, strife and conflict that have long ensnared it. Rather, at least six policy reorientations must be seriously considered not only to break the impasse in the Congo, but also as 'lessons learned' for similar conflict management cases.

First, in view of the questionable legitimacy and, indeed, viability of the DRC as a unitary state, the international community needs to acknowledge that its emphasis on a centralised model of post-conflict reconstitution of the country – a bias which had the effect of recommending the unelected incumbency of Joseph Kabila – has proven, at best, to have been a sub-optimal choice. And while, to his credit, the younger Kabila has co-opted many of his opponents into the government, especially during the transition phase leading up to the 2006 elections, the team he put together could well be described by the French legal term *association des malfaiteurs* – Jean-Pierre Bemba, who served as one of the vice-presidents during the transition and was subsequently elected to the Senate after finishing second in the presidential poll, was arrested in Brussels in May 2008 on a warrant from the International Criminal Court which has charged him with five counts of war crimes and three counts of crimes against humanity. In fact, the enthusiasm within the DRC and external funding for elections has noticeably waned since the votes for the presidency and the National Assembly elections for provincial, communal, territorial and municipal level offices have yet to be held, although there is discussion of doing so in 2009. Yet it is precisely these local levels of government where an improvement in accountability to the electorate and overall governance capacity would have the most impact on the lives of ordinary Congolese – and, in certain cases, stem the support which many often give to various armed movements like the Mai-Mai which are closer to them than the denizens of far-off Kinshasa.

Secondly, while it is fashionable to brand the leaders of the various armed groups as 'warlords', what is a 'warlord' but someone who maintains control over

a territory and population through networks of clients, control over arms and economies that use force to generate resources and maintain power – in other words a proto-state figure? While warlords may attain their power through undemocratic means, the actual exercise of their authority does place them within a political framework, however primitive, and involves appeals to kinship, ethnic, or religious bonds of identity. One does not have to defend every last 'warlord' in the DRC to at least recognise the influence which such indigenous leaders exercise and, in many cases, the ethnic or geographic communities which they represent, especially in a complex political landscape like that of the Congo. While the international community cannot be expected to partner with those implicated in war crimes and other gross violations of human rights, it must nonetheless exert itself to reach beyond the Westernised elites of Kinshasa and other urban centres to engage with traditional elders, chieftains and even military leaders.

There needs to be a reconsideration of the role of the for-profit private sector in the rebuilding of the DRC's tattered infrastructure

The motivation behind both this proposal and its predecessor is two-fold: to give international donors 'entry points' in an otherwise impenetrable society where they might fruitfully engage in a way that has a positive impact on the lives of ordinary citizens; and to shift the momentum in state-building to a place where those citizens can more readily assume ownership of the process. This counsel applies to both international governmental and non-governmental organisations alike. In this respect, the Kabila regime's refusal to date to hold talks with the CNDP, despite the repeated urging of the UN special envoy, former Nigerian president Olusegun Obasanjo, is utterly unhelpful.



Whatever else General Nkunda may be, he is the *de facto* protector of eastern Congo's ethnic Tutsi, who have been attacked by both FARDC troops and irregulars, including some of the Hutu killers of the Forces Démocratiques de la Libération du Rwanda (FDLR) whose continuing presence on Congolese territory is an irritant to regional relations.

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Third, the experience in the DRC in recent years has shown once again that the international response, when it comes, tends to favour government-led reconstruction over private sector development which alone, over the long term, can deliver sustainable economic growth. While the United States government's Overseas Private Investment Corporation (OPIC) has provided modest financing and political risk insurance for investments in the mining sector and the Chinese government has negotiated deals for copper and cobalt, there must be a co-ordinated effort by these governments, as well as the EU and international financial institutions, to encourage private investment and to dissuade the DRC government from erecting barriers and other disincentives that continue to discourage both African and foreign private investors. As if the DRC's history of corruption, instability and violence were not enough to frighten off much-needed capital, recent moves by the Kabila government to re-evaluate binding contracts and to shore up failed state-owned enterprises are hardly positive developments. The entry of international business, with the infrastructure and technology improvements they will bring, will benefit Congolese society in general.

Fourth, there needs to be a reconsideration of the role of the for-profit private sector in the rebuilding of

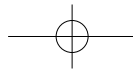
the DRC's tattered physical and social infrastructure. Quite frankly, about the only major sector with a proven capacity to function 'normally' in the difficult environment of the country has been that constituted by the multinational extractive resource companies. While many will want to reject the suggestion out of hand, given the scandalous failure of the national authorities in Kinshasa to deliver basic services for decades, why should royalties from the Congo's natural riches continue to flow to the capital, never to be seen again in localities where the wealth originated in the first place? Firms which, for their own purposes, have shown themselves fully capable of bringing roads, clinics, and other services to remote parts of the DRC might, under appropriate independent supervision, be tasked with delivering the same to the regions where they operate. The idea is not to increase the burden of corporate social responsibility whereby the companies voluntarily undertake philanthropic projects, but to alter the terms for awarding concessions from the payment of monies to the central treasury to the provision of services in resource-rich, but otherwise neglected, localities. In short, the profit margins for businesses would remain the same, but rather than paying royalties entirely in cash, a large proportion of the royalties would be spent actually improving the lives of the people of the DRC. As for the companies, their incentive would, in addition to access to concessions, lay in better community relations and a more stable local environment in which to operate.

Fifth, over the long term, the question that needs to be addressed is whether or not the maintenance of the DRC as a singular subject of international law, however decentralised, is a means that is fundamentally at odds with the strategic effect sought by the massive nation-building effort presently underway: that is, effective political institutions accepted as legitimate by those governed and presenting no undue threats to regional stability and global security. The international community needs to face up to the reality that in some cases, including quite possibly the Congo, 'nation-breaking' is precisely

what is required to escape the cycle of violence at the root of the current insecurity. After all, independence for the erstwhile Belgian Congo did not mark the return to pre-colonial institutional forms of sovereignty. Thus the newly-independent state suffered from what Canadian political scientist Kalevi Holsti has termed a deficit of 'vertical legitimacy', meaning it lacked any 'connection between society and political institutions'. Furthermore, the artificial nature of the inherited colonial boundaries that cut across pre-existing ethnic, social, economic, and political communities inevitably led to a further gap, which Holsti termed one of 'horizontal legitimacy', where there is a lack of consensus on criteria for membership in the polity since there is no link between the population and the territory of the state.⁵ In sociological terms, in such a state, there is agreement neither on the contents of the social contract nor on the identity of those entitled to negotiate the contract itself. No wonder endemic conflict has ensued.

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The legitimacy or lack thereof of the state is not merely a theoretical discourse, but rather directly impacts the range of governance strategies and economic options that political leaders have to choose from. The leadership of a state that has evolved endogenously and, consequently, represents either the interests of a predominant group or the compromise between competing groups, is generally freed of concerns about consolidation and is likely to adopt policies with longer time horizons. In contrast, rulers in states which lack this quality, like the DRC, find it more 'rational' to focus on a shorter horizon,



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using state resources to establish their hegemony through nepotism, patronage and other preferential policies.⁶ And while the returns from the latter strategy are greater for the ruler in the short term, over time it leads to a vicious cycle of diminishing state capacity that

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culminates in the weak state sliding into the 'failed state' category, that practically calls out for international intervention, whether of the exploitive kind like that of the Congo's neighbours during the late 1990s or of the more benign 'humanitarian' kind under the UN aegis.⁷

Sixth, if the very continued existence of the Congolese state as such is at least open to re-examination, then the role of outside forces like MONUC must be redefined. The upcoming deadline for renewing the UN mission's mandate provides an excellent opportunity to shift its emphasis to privilege the 'responsibility to protect' and control the flow of people and materiel along its borders, rather than trying half-heartedly to use force to assert the expansive sovereignty claims of questionably legitimate central 'governments' like the one which the younger Kabila inherited from his assassinated father. MONUC should be defending citizens, not the Congolese state as such. To this end, alongside the disarmament and demobilisation of combatants, the peacekeeping mission should concentrate on building up disciplined and locally accountable police forces, rather than creating a national military. Ordinary Congolese citizens need personal security and a functioning legal system more than they need an army. And, with MONUC deployed, the DRC has no real need for the FARDC. Such a redefined approach to MONUC's mission would not only be more 'neutral' with

respect to the end state, but would ultimately prove more flexible by giving the citizens of the DRC the time and political space within which to make their own determinations about their future while at the same time allowing the rest of the world, especially their immediate neighbours, an opportunity to address most of their pressing security concerns.

Implicit in all of these considerations is the recognition that the state-centred model which dates from the post-Westphalia settlement and whose fundamental normative validity is assumed as the basis for all efforts at security and development is under extraordinary stress in Africa and elsewhere. As the American strategic thinker Michael Vlahos has argued, 'local identities [are] rising, including many connected not to any notion of "state", but tied rather to their communities'. Thus, 'the very nature of ruling authority [has] shifted in people's minds, moving rapidly from established forms to new claims'. Simultaneously, a functional

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'equalisation' of military capabilities in both technology and operational art has undermined the effectiveness of the nation-state order in deploying and using military forces.⁸ So while the international community's expectations constitute 'rule-sets' which not only define its actions, but determine whether they are 'successful' or not, the universal applicability of those standards can no longer be assumed. After centuries of trial and error – mostly, it should be admitted, the latter – in an effort to remake Africa (and other regions of the world) to conform to the model adopted in Western Europe, it may be time to recognise that the far more sustainable path is to allow local polities the space to coalesce as they will and to arrive at resolutions which their peoples find adequate for their own

security and in conformity with their traditional notions of legitimacy.

Conclusion

While the DRC has made considerable progress since 2001, there have also been significant relapses. Quite simply, the Congo may be too immense and its problems so great that, without significant innovation in how the international community approaches the challenges, it is impossible to envisage real peace and stability, much less sustainable development. However, considering the crucially high stakes involved for the peoples of the Congo, and the stability of the region, it may indeed be time for creative political imagination and pragmatic policy innovations. ■

NOTES

- 1 See Gérard Prunier, *Africa's World War: Congo, The Rwandan Genocide, and the Making of a Continental Catastrophe* (New York: Oxford University Press, 2008).
- 2 See Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston: Houghton Mifflin, 1998).
- 3 Anthony D Smith, *National Identity* (London: Penguin, 1991), pp. 43; also see Bertrand Badie, *L'état importé. L'occidentalisation de l'ordre politique* (Paris: Fayard, 1992). On African states pre-colonial and post-colonial, see Basil Davidson, *The Black Man's Burden: Africa and the Curse of the Nation-State* (Oxford, James Currey, 1992).
- 4 *Final communiqué of the First Ordinary Session of the Organization of African Unity Assembly of Heads of State and Government, Cairo, Egypt (17-21 July 1964)*.
- 5 Kalevi J Holsti, *The State, War, and the State of War* (Cambridge: Cambridge University Press, 1996), p. 97.
- 6 See William Reno, *Warlord Politics and African States* (Boulder: Lynne Rienner, 1999), and Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Oxford: James Currey, 1999).
- 7 See J Peter Pham, *The Sierra Leonean Tragedy: History and Global Dimensions* (New York: Nova, 2006).
- 8 Michael Vlahos, 'Fighting Identity: Why We Are Losing Our Wars', *Military Review* (Vol. 87, No. 6, 2007), pp. 3-4.