

The role of civil society in conflict resolution in the Democratic Republic of the Congo, 1998–2006: An appraisal

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Abstract

The second Congo war (1998–2003) was a very complex conflict that involved a vast array of actors, interests and issues. After a stalemate was reached on the battlefield with none of the warring parties able to achieve military victory, peace negotiations became the only viable option to end the war. Civil society organisations were directly involved in both the peace process and the subsequent transitional dispensation designed to resolve the conflict, providing some sort of popular legitimacy to these two processes clearly dominated by politico-military forces. The central argument of this article is that while civil society involvement in the peace and transitional processes was instrumental in resolving the conflict underpinning the second Congo war, it entrenched a legacy: the politicisation of the civil society movement as inaugurated in the early 1990s. Indeed, although ground-breaking, the direct involvement of civil society in the management of transitional institutions contributed to weakening its member organisations as many of their leaders were either directly recruited into existing political platforms or simply decided to establish their own political organisations and join active politics.

Keywords: civil society, conflict resolution, second Congo war, civic engagement, politicisation, Democratic Republic of the Congo

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Introduction

Between 1998 and 2003, the Democratic Republic of the Congo (DRC) experienced what has been dubbed the world's most violent conflict since World War II (Malan and Porto 2004). The war involved the national armies of at least eight African countries,¹ as well as Congolese and non-Congolese armed groups. It caused the death of 3.9 million people while displacing over 8 million more both within and outside the country (Coghlan et al. 2006:49).² The war eventually resulted in a stalemate, precipitating the balkanisation of the DRC into several autonomous fiefdoms controlled by armed coalitions immersed in the rush for natural resources to sustain their war efforts and make a return on their 'war investment' (ICG 2000:66). As protagonists in the war explored ways to militarily defeat their opponents on the battlefield, civil society throughout the country emerged as the 'voice of reason', not only denouncing war-related exactions and crimes, but also calling for a negotiated mechanism to resolve the conflict.

Cognizant of the crucial significance and role of civil society in the country, the facilitation team of the Inter-Congolese Dialogue (ICD) led by former Botswana President Ketumile Masire – with support from all belligerents – agreed to the participation of civil society in the peace negotiations held in South Africa in 2002–2003. Subsequently, civil society sent representatives to all transitional institutions at both national and provincial levels, including the five civic institutions tasked with entrenching democracy during the transition, namely the Independent Electoral Commission, the Truth and Reconciliation Commission, the Commission on Ethics and Fight against Corruption, the High Authority of the Media, as well as the National Observatory of Human Rights. The direct inclusion of civil society in the transitional institutions was partly conceived as a strategy to

1 They include Angola, Burundi, Chad, the DRC, Namibia, Rwanda, Uganda and Zimbabwe.

2 Coghlan et al. (2006) further argue that not all those who died were killed by direct fighting. Instead, the vast majority of deaths were caused by preventable diseases that the war-affected and poorly equipped medical system could not manage.

avoid a potential polarisation of the transition in case it only consisted of former warring groups.

Notwithstanding the persistent instability in the two Kivu provinces, the transition process (2003–2006) was hailed as a success, culminating in the organisation of the first multiparty free and fair elections in the DRC in 41 years. While several Congolese and non-Congolese stakeholders were instrumental in contributing toward the success of the transitional process and the resolution of the conflict, the role of civil society cannot be overlooked.

This article analyses the role played by civil society in the resolution of the conflict brought about by the second Congo war (1998–2003). The scope of the study extends from the beginning of the war in August 1998 to the conclusion of the transitional process in December 2006. The central argument of this article is that, in spite of its sterling contribution to the resolution of the conflict brought about by the second Congo war, civil society remained a divided entity unable to pursue coherent objectives and vulnerable to the influence and manipulation of the main national political groupings. The next section clarifies the concept of civil society and presents its historical background in the DRC context.

Conceptual framework and historical background

Civil society: from theory to practice

In spite of its common usage in social and academic discourse, civil society ‘resists easy definition, especially when discussing it as a global development’ (Barnes 2007:11). Generally, civil society is considered to encompass all spheres of organised societal activities located outside the realm of active politics. Proponents of this school of thought distinguish the civil society from the political society – the domain of government institutions and political parties. Others view civil society as the society itself, whether organised or not, as long as it is different from the sphere of active politics.

Whatever perspective one may prefer, there is an agreement that civil society has tremendously grown in strength and prominence in Africa in the last three decades. It is also widely accepted that groups making up civil society differ significantly in terms of their membership, goals, size, level of professionalism, and impact on policy processes and social transformation. According to Thomson (2004:5), civil society can be defined as '[t]he organisations that arise out of the voluntary association within society, found between the extended family and the state. Included in this group are professional organisations, labour unions, trade associations, women's groups, church assemblies, businesses, special interest companies, community groups, and so on, right down to sports and social clubs'.

Civil society is thus usually defined in relation to the state (Bayart, cited by Okuku 2002:82–83); that is, the way society is organised outside the state, meaning 'the set of voluntary organizations and groups not created by the state' (Belloni 2008:182). Nevertheless, much of civil society work is geared toward complementing state or government efforts. For instance, in a study on local civil society's involvement in the provision of education and health services in the DRC's Kivu region, Seay (2010:517–533) demonstrates that civil society has the ability to deliver quality basic services, but that this can be used by state institutions to escape from their responsibility, although such a trend may actually disrupt the process of state-building in post-war societies.

In an attempt to define civil society from both the nature of its membership and its overarching objective, Fiedler-Conradi (2003:9–10) identifies 'two types of civil society associations, both of which are driven by a particular form of solidarity'. On the one hand, civil society associations 'for mutual benefit' are based on the organised relationship of a group of people who share a common interest. They include trade unions, sports clubs and small-scale farmers' self-help groups. These types of associations are strictly membership-based. On the other hand, civil society associations 'for public benefit' are based on an organised relationship between one group of people and another, in the interest of one of the two. This type includes charity organisations and human rights groups. While Fiedler-Conradi (2003:10)

acknowledges that ‘any one association may, transiently or permanently, develop both types of solidarity at the same time’, she further argues that both ‘types of associations do have in common that they respond to needs arising in society that are not – or need not be – catered for otherwise’.

Despite the general characteristics mentioned above that cut across societies as far as understanding civil society is concerned, there is an ongoing debate over the necessity to contextualise civil society, both as a concept and as a reality, taking into account the specific society in which it develops and/or is operating. Barnes (2007:11) argues in this regard that ‘[e]very society has its own distinct forms of social organisation, cultural and political traditions, as well as contemporary state and economic structures – all of which are central to the development of civil society and shape its specific features’.

In light of Law No 004/2001 of 20 July 2001 that regulates the activities of civil society organisations in the DRC, the concept ‘non-profit organisation’ (used in the Law to refer to a civil society organisation) applies to every association that does not engage in industrial or commercial activities and does not provide material gains to its members (Article 1). According to the Law, non-profit organisations are apolitical by their nature and may be divided into three categories, namely cultural, social, educational or economic associations; non-governmental organisations; and religious organisations. A non-governmental organisation strives to contribute to the economic development of the country. Cultural, social, educational and economic associations are, in general, membership-based while religious organisations focus on the moral and spiritual transformation of the individual within the context of his/her social community. Notwithstanding this legal categorisation of non-profit organisations, the most identifiable types of non-governmental organisations in the DRC are human rights, civic education and advocacy groups; private media (radio, television, printed); religious organisations; labour unions; professional associations; student, youth and women’s organisations; business corporations; social, cultural and sports associations; developmental associations, as well as academic and scientific associations.

According to Fiedler-Conradi (2003:10), '[t]he shapes civil society can assume, and the impact it can make ... in a given society do to a large extent depend on resources, power relations and legal frameworks as well as on culturally, socially, economically or politically determined opportunities and limitations'. In this regard, the flourishing of the civil society movement in the DRC has thus responded to two major developments in the country, namely the economic decline and the subsequent deterioration of the social conditions of the masses, as well as the quest for political participation brought about by the wave of democratisation in the early 1990s. Faced with a failing state, continuously 'privatised' by the ruling elite to the detriment of the majority of citizens, civil society has emerged as both an alternative to the public sector – in terms of provision of employment (Romkema 2001:36) and other services – and the channel through which the authoritarian tendencies of the state can be challenged. The result of this process has been the continuous growth of the civil society movement, both in terms of its numbers and its importance within the national socio-economic and political landscape.

However, it has been observed that there is a sharp discrepancy between the impressive growth of civil society organisations in the DRC and the quality of their interventions within the sectors in which they freely choose to operate, leading many observers to question the real motive behind the decision by many Congolese to establish associations and non-governmental organisations. According to Trefon (2005:141–142), establishing non-governmental organisations in the DRC is just one among several forms of coping strategies imagined by ordinary Congolese in times of hardship. In this regard, associations and NGOs are formed 'because of their links to international funding opportunities'.

Lastly, three main characteristics cut across civil society organisations in the DRC. Firstly, they are highly politicised and ridden by power struggles. Secondly, they are often built along ethnic lines, especially those located at local levels, as they tend to defend specific communities' interests. Thirdly, they are highly dependent on foreign funding and easily pliable to donors' agendas with the latter seeking to steer civil society activities toward their

own goals instead of letting them inform their programmes after rigorous analysis of their specific situation (International Alert 2012:43).

Civil society in the DRC since 1990: A short historical background

Although some forms of organised civil society existed under the single-party system that ruled the DRC between 1965 and 1990, the necessary space for the full emergence of civil society organisations independent from state patronage was only provided as a result of the democratisation process decreed by President Mobutu on 24 April 1990.

One of the implications of the context of political liberalisation under which civil society emerged in the early 1990s was the similarity of its policy positions with those of political opposition parties (most of which were also established in the same period). The *de facto* alliance between opposition political parties and civil society organisations was instrumental in requesting the convening of the National Sovereign Conference which took place between 7 August 1991 and 6 December 1992. Designed as a national political dialogue, the Conference brought together 2842 delegates, representing all strata of society, with the aim of identifying the causes behind the country's post-colonial failure and making recommendations on a new path for the country's development (Nzongola-Ntalaja 2002:190).

The Conference was the first instance of the politicisation of civil society in the DRC, especially after it was agreed that the Conference would be responsible for the establishment of political institutions needed to manage the country during the transition (Nzongola-Ntalaja 2002:190). Civil society soon realised its power as an influential force between the irreconcilable government and political opposition. Unsurprisingly, one of its members, Archbishop Monsengwo (from the Roman Catholic Church), was elected as the presiding officer of the Conference. As a result of the permeation of its member organisations by the politics of the time, the civil society movement split into two factions. The first faction was comprised of organisations that joined the main opposition coalition known as the Sacred Union of the Radical Opposition (USOR) which was subsequently

renamed Sacred Union of the Radical Opposition and Allies from Civil Society (USORAS). The second faction was made up of organisations that held a conciliatory view *vis-à-vis* the regime. Until 1997 when the Mobutu regime was toppled, civil society remained aligned to political parties, regarding itself as both a (political) power broker and contender.

The rise of Laurent-Désiré Kabila to power in May 1997 brought about new dynamics with regard to state-civil society relations. Throughout the war period, the AFDL³ under Kabila did not hide its mistrust and hostility toward civil society organisations that it accused of being accommodative of the Mobutu regime. On their part, civil society organisations never blunted their criticisms toward the AFDL for the group's role in human rights violations committed against civilian populations, especially Rwandan Hutu refugees. Civil society organisations were also concerned with the prospect of losing the space they had gained during the transition should the AFDL emerge victorious on the battle front (De Villiers and Omasombo 1998:57). They openly advocated for a negotiated settlement of the war, to the AFDL's utter dismay.

Upon assuming state power in May 1997, the AFDL embarked on a process of reducing civil society's space of operation, setting thus the stage for future confrontations between the two entities. According to the International Crisis Group (1999:13), 'leaders of NGOs and churches presented a different type of challenge to the regime. In principle, their policy options were similar to the non-violent opposition parties. They urged rapid moves towards elections and democratisation and they affirmed the legitimacy of the National Sovereign Conference ... which was the one time in the Congo's constitutional development, when they participated formally'.

As was the case during the National Sovereign Conference and the subsequent period, two major factions of civil society held competing views regarding the AFDL regime: the Congolese Civil Society (SOCICO) – whose origins may be traced back to the group that formally drew closer to

3 Alliance of Democratic Forces for the Liberation of Zaïre/Congo

the Mobutu regime – appeared more conciliatory toward the regime and opted for ‘constructive engagement’. The Civil Society of the Democratic Republic of the Congo – whose origins can be traced to the bloc that associated itself with the political opposition during the first transition – adopted a ‘confrontational approach’. This latter group, more effective than the former, consisted of dynamic networks such as the National Council of Development Non-Governmental Organisations (CNONGD) with its vibrant provincial structures known as Regional Councils of Development Non-Governmental Organisations (CRONGD).

In June 1997, CNONGD successfully organised a national conference on reconstruction in Kinshasa, attended by over 250 delegates representing all the country’s provinces. Among other things, the conference ‘declared its concern for the protection of fundamental liberties’ and about ‘the absence of political dialogue, indiscipline in the army, the absence of a clear-cut division between the state and the AFDL, and ... the absence of a constitutional framework’ (ICG 1999:13). A month later, CNONGD’s complaints were echoed by the Roman Catholic Church as its Bishops’ Permanent Committee expressed concern over the new authorities’ decision to reject the constitutional project adopted by the people at the National Sovereign Conference and ‘noted that certain acts were being committed by members of the new regime which did not respect the dignity of the human person’ (ICG 1999:13–14), acts that negated the rule of law. In response, the regime attempted – albeit unsuccessfully – a number of strategies to gain control over civil society including directing through government channels all NGOs’ financial and other aids coming from abroad, arresting activists, centralising NGOs’ registration process through the ministry of justice and dissolving NGOs that failed to comply fully with the new legislation. However, the eruption of the second Congo war in August 1998 resulted in the Kabila regime adopting a more conciliatory approach in its engagement with civil society, as discussed below.

The Second Congo War: Civil society under ‘uncivilised’ politics

The second Congo war was caused by internal contradictions within the AFDL alliance that toppled the Mobutu regime in May 1997. At the national level, Kabila’s Kinyarwanda-speaking allies within the AFDL were dismayed by his reluctance to overrule existing nationality laws that appeared to threaten their right to Congolese citizenship. They subsequently united with the Rwandan civilian and military contingents deployed in the DRC in antagonising and undermining the regime from within. At the regional level, the gap between Kabila and his Rwandan, Burundian, Ugandan and Angolan allies never stopped widening as the latter grew disillusioned by Kabila’s lack of commitment in addressing their respective countries’ security concerns. In fact, all these countries had supported Kabila’s military campaign against the Mobutu regime in the hope that his rise to power would provide them with a trustworthy ally who would enable them to tackle their respective military oppositions based on Congolese territory.

If anything, the eruption of the war led Laurent-Désiré Kabila to reconsider his engagement with national civil society. Three main reasons may have contributed to this shift. Firstly, the departure of Rwandan contingents alongside the AFDL’s Banyarwanda elements removed the main sticking point that had prevented a smooth cooperation between the regime and other national socio-political stakeholders. According to Kisangani (2012:142), ‘the minority Banyamulenge and Tutsi in government never wanted a broader political base because it could have marginalized their authority, given an already acute anti-Tutsi sentiment in the 1990s in the DRC’. Secondly, the eruption of the war compelled Kabila to realise the role civil society organisations were likely to play in legitimising his power to the masses, which would subsequently ensure the much-needed public support in the war period (Sadiki 2010:331). Thirdly and especially after a stalemate had been reached on the war fronts, Kabila was eager to build an alliance with civil society and favourable political parties in anticipation

of a possible national dialogue, which was being called for by all internal and external role players as the best mechanism to resolve the country's conflict.

Kabila's courting of civil society organisations for political survival became evident when he announced the organisation of a 'national debate' designed to end the country's war. In preparation of the national debate, a national consultation was held in Kinshasa on 29 February 2000, attended by representatives of churches, government, civil society and political parties. According to Fourie and Solomon (2002:11), although much of the discussion centred on requesting Rwandan and Ugandan troops to withdraw from the country, 'the meeting also gave civil society the much-awaited chance to openly and directly criticize Kabila'. Nevertheless, the main outcome of this interaction was that Laurent-Désiré Kabila became open to the idea of civil society's participation in all future initiatives designed to resolve the country's ongoing crisis.

Meanwhile, when a stalemate was reached on the fighting fronts starting from mid-1999 and the country fell into a *de facto* balkanisation, civil society organisations filled the vacuum left by the banned or weakened political opposition. In areas controlled by rebel movements, civil society organisations emerged as the most reliable sources for the provision of basic social services, including those in the fields of health and education. The humanitarian crisis resulting from the war also contributed to placing civil society organisations as the interface between the afflicted populations and international role players seeking to provide humanitarian assistance. Perhaps the most critical role played by civil society during the war was not only its mobilisation for negotiations as the sole mechanism to resolve the conflict behind the war, but more importantly its persistent denunciations of human rights abuses and other crimes perpetrated by all belligerents. The ability of civil society to denounce these abuses served as an advocacy tool toward the international community's decisive intervention in the DRC.

Although belligerents on both sides of the war spectrum could not embrace civil society organisations wholeheartedly as a consequence of the latter's continued denunciations, they all avoided antagonising such organisations

in an absolute manner. At best, they sought to infiltrate civil society so as to divide it from within. Furthermore, both the national government and rebel groups used intimidation, arrests and imprisonment as strategies to extract submission from civil society. However, a new era emerged following the assassination of Laurent-Désiré Kabila on 16 January 2001 and his replacement by Joseph Kabila. In contrast to his predecessor who was reluctant to negotiate directly with the rebels, Joseph Kabila lifted all obstacles preventing the launch of an all-inclusive negotiation process designed to end the war. As an uncontested national stakeholder, civil society was accepted by all warring and political parties as a critical participant in the different phases of the peace negotiation process that ended the second Congo war.

Searching for peace: Civil society in the peace negotiation processes

Initial attempts to resolve the conflict behind the second Congo war emerged as early as the very beginning of the war. They came from internal political players (such as Etienne Tshisekedi), African statesmen (including then South African President Nelson Mandela) and international actors (as was the case with the Italy-based Community of Sant'Egidio). However, none of these early attempts bore fruit as protagonists remained inclined to seeking military victory on the battlefield. These early initiatives targeted the warring parties and put emphasis on securing a ceasefire, a precondition for direct political negotiations among all major Congolese socio-political stakeholders. In this context, the Lusaka Ceasefire Agreement, signed on 10 July 1999, represented a significant breakthrough, although it remained dormant for nearly three years while war continued unabatedly. This situation changed in January 2001 following the advent of Joseph Kabila to the presidency. Under his leadership, national government not only committed to upholding the Lusaka Ceasefire Agreement but also lent the necessary support to the facilitation team under Ketumile Masire for the organisation of the Inter-Congolese Dialogue (ICD) provided for in the aforesaid agreement. Of course, this development was only made possible

thanks to the rise of George Bush to the USA presidency, replacing Bill Clinton and subsequently abandoning Clinton's policy of 'open-ended support' toward Rwanda and Uganda (Khadiagala 2009:317).

The ICD took place in South Africa and officially lasted between February and December 2002 with various interruptions caused by disagreements among the parties, as well as the inability of the negotiating parties to stick to the initially set timetable. Participants to the ICD were divided into two main categories. The first category was comprised of five 'components', namely the national government under President Kabila, the Congolese Rally for Democracy – Goma (RCD-Goma), the Movement for the Liberation of Congo (MLC), the political opposition, as well as civil society. The second category was made up of three 'entities', namely the Congolese Rally for Democracy – Kisangani / Liberation Movement (RCD-K/ML), the Congolese Rally for Democracy – National (RCD-N) and the Mai-Mai militias.

In theory, the inclusion of civil society and political parties in the ICD process could be seen as consistent with the need to instil some legitimacy to the process, a critical ingredient to the emergence of durable peace (Jarstad and Sisk 2008:11). As Zanker (2013:3) argues, '[s]ince the entire population cannot attend peace negotiations, civil society groups become the people's representatives and their involvement improves the prospect of ownership of both the negotiations and the outcome'. However, as far as the DRC is concerned, the inclusion of civil society and political parties could be explained through three different lenses, depending on the parties involved. For the facilitation team and external stakeholders, such inclusion was expected to render the entire process inclusive and lay the ground for its endorsement by the vast majority of Congolese socio-political stakeholders and ordinary people. For the Congolese warring parties, civil society and political parties' representatives were regarded as potential allies in the game of alliance building during the negotiations and even beyond. For civil society and political parties themselves, the ICD process provided an opportunity not only to shape the country's future at

one of its most critical historical junctures, but also to lay claims on one's right to partake directly in the management of the pending transition.

The ICD brought together a total of 362 delegates representing the five components and three entities mentioned above. As each of the other four components, civil society brought in a total of 66 delegates, representing a wide range of interest groups including churches, business organisations, human rights organisations, youth and women's associations, labour unions, and the private media. As was already the case with the National Sovereign Conference referred to earlier, the direct participation of civil society organisations in the ICD threw them into the arena of political manoeuvre and bargaining, although the return of peace seemed to remain the primary interest of all its members.

The ICD resulted in the signing of two separate agreements, namely the Political Agreement for a concerted management of the transition (henceforth Political Agreement) and the Global and Inclusive Agreement for transition in the DRC (henceforth Global and Inclusive Agreement). The Political Agreement was signed on 19 April 2002. Although the vast majority of delegates endorsed it, the Political Agreement did not involve all parties to the ICD. The agreement was propelled by national government and the MLC and provided for President Kabila to maintain his position for the entire transition period while MLC's leader Jean-Pierre Bemba would serve as prime minister. Kabila and Bemba justified their move to initiate the Political Agreement as a response to the approaching official deadline of the negotiations compounded by the RCD-Goma's perceived deliberate foot-dragging strategy. Forty five out of the 66 civil society delegates signed the agreement for at least three main reasons. Firstly, there was their shared concern for the return of peace in the country for the sake of the citizenry, as well as their own work. Secondly, there was a widespread anti-rebels (rather anti-RCD-Goma) sentiment among civil society activists, many of whom shared the dominant view among Congolese citizens that the war was designed by Rwanda and Uganda to serve their own interests in the DRC. Thirdly, the political bargaining that preceded the signing of the Political Agreement may have provided some of the civil society delegates

with incentives to be part of this process. This related to promises and other deals, including those on political appointments in the transitional institutions.

The Political Agreement was never implemented as it was totally rejected by the facilitation team, regional states including host country South Africa, as well as all international role players involved in the process, including the African Union (AU) and the United Nations (UN). Meanwhile, parties opposed to the Political Agreement, namely the RCD-Goma and a number of political parties and civil society representatives, coalesced to form the Alliance for the Safeguard of the Inter-Congolese Dialogue (ASD) under the leadership of Etienne Tshisekedi (national leader of the Union for Democracy and Social Progress – UDPS). Upon its establishment, the ASD embarked on lobbying Congolese, African and international role players for the resumption of the political negotiations with the ultimate aim of achieving an all-inclusive agreement on the transition (Mangu 2003:249). Ultimately, the negotiations were reconvened in South Africa in September 2002, paving the way for the signing of the Global and Inclusive Agreement on 17 December 2002.

In contrast to the Political Agreement, the Global and Inclusive Agreement was endorsed by all delegates to the ICD, the facilitation team and the international community. It was based on two main pillars, namely the unification of the (dismembered) country and the power-sharing-based consensual management of the transition. The inclusion of civil society groups in the ICD process was regarded as ‘one of the greatest achievements of the negotiations in the DRC ...’ (Kabemba 2004:8). However, although this view was shared by many Congo experts, at least one observer has questioned the overall contribution of civil society to the outcome of the ICD. He argues that whereas ‘most of the substantial resolutions adopted at Sun City were initiated by civil society organisations’, the decision by several of their members to align themselves with armed groups meant that these organisations ‘gave up the peacebuilding role they were expected to play by polarising further and reducing the scope of the talks’ (Rogier 2006:112).

Between civic engagement and politicisation: Civil society in transitional politics

Following the successful organisation of the ICD and the signing of several agreements both among Congolese parties and between the DRC and its neighbours (mainly Rwanda and Uganda), the transitional process was launched after President Joseph Kabila was sworn in as transitional president on 30 June 2003. The role of civil society during the transition encompassed two separate but interlinked spheres. Firstly, a number of civil society representatives were directly involved in the management of the transitional institutions. Secondly, the bulk of civil society activists remained outside the sphere of active politics and focused on pursuing their conventional activities.

With regard to the direct participation of civil society in transitional politics, it ought to be stated from the onset that civil society was not allocated any position within the 'presidential space' encompassing the president and his four deputies. The exclusion of civil society from the presidential space was surprising for two main reasons. Firstly, it overlooked the fact that, in the context of the ICD, civil society was considered as a component on the same level with the former national government, political parties, the RCD-Goma and the MLC and should, therefore, have been entitled to the same privileges (just as it was entitled to the same number of delegates to the ICD!). Secondly, the case for civil society's inclusion in the presidential space should have stemmed from the fact that the former national government was allocated a position of deputy president in spite of already securing that of the transitional president as represented by Joseph Kabila. Unfortunately this apparent injustice extended to the composition of the national transitional cabinet in which civil society was awarded two ministries (Human Rights and Public Administration) and three deputy ministries (International Co-operation, Trade, and Agriculture), a far cry from the seven ministries and four deputy ministries granted to each of the other four components (the former government, the RCD-Goma, the MLC and the political opposition).

However, the situation was fairly balanced with regard to the composition of the transitional parliament. Civil society received the same number of seats (94 out of a total of 500 in the National Assembly and 22 out of 120 in the Senate) as the other four components. More importantly, civil society was allocated the position of Speaker of the Senate which was awarded to Bishop Marini Bodo of the Protestant Church.

The distribution of powers among national stakeholders in the DRC's transitional institutions was further extended to provincial executives (governors and deputy governors), senior managerial positions within state-owned enterprises and diplomatic postings. At all these levels, civil society shared power proportionally to its member organisations to the ICD and in equilibrium with the other four components.

But, of much importance was the agreement reached by all parties to the ICD to devote the chairpersonship of all transitional institutions tasked with entrenching democracy to civil society. These included the Independent Electoral Commission, the Truth and Reconciliation Commission, the Commission on Ethics and Fight against Corruption, the National Observatory on Human Rights and the Media High Authority. Each of these 'civic' institutions was made up of 21 members proportionally selected from all groups that took part in the ICD, including civil society. However, it ought to be noted that all these institutions, except the IEC and to a lesser extent the Media High Authority, were unable to perform their duties adequately due to financial difficulties, and more importantly, due to the total lack of support from all the parties to the transition.

The IEC represented the most critical of all transitional institutions tasked with entrenching democracy as the transitional process itself was designed to lead to the organisation of free and fair elections throughout the country. Although national parliament dragged its feet in adopting the necessary legislation expected to set the IEC in motion and national government only reluctantly committed to providing financial means to the commission, the IEC secured much of its financial, logistical and expertise support from its international partners led by the UN (DRC) Country Team. Under the

stewardship of Roman Catholic priest Apollinaire Malu-Malu, the IEC was able to deliver a referendum and electoral processes considered to be the best organised in Africa in recent years (Mangu and Budeli 2008).

As stated earlier, civil society not only had its representatives included directly in the transitional institutions, but also continued unceasingly playing its traditional role during the transition period. Civil society organisations persisted in denouncing abuses committed by the warring parties, as well as their shaky commitment to ceasing hostilities. They continued to mobilise the international community on the ongoing humanitarian crisis in the country, especially in regions that witnessed the worst cases of violence during the war. Furthermore, inasmuch as nearly all important national political platforms either participated directly in the transitional institutions or simply endorsed the transitional process (by virtue of signing the Global and Inclusive Agreement), civil society equally assumed the role of a *de facto* political opposition. In this regard, civil society organisations repeatedly denounced the mismanagement that characterised the transitional institutions. They incessantly reminded the former warring groups of their duty to offer agreed upon disarmament and reintegration programmes to former combatants and to ensure the success of those programmes. They equally called upon the parties involved in the transition to work in a cohesive manner so as to increase the likelihood of the success of the transition, especially with regard to the organisation of free and fair elections in the country.

Although commendable, the newly found role of civil society as a *de facto* political opposition was not wholly constructive. In the words of at least one UN officer (cited by De Heredia 2011:12), '[t]he role of civil society is to check the government In Sun City they were given seats. These have been the main constraints for civil society to stay away from politics We got to the stage where civil society was doing 90% of political activity: questioning processes ... and advocating for appointments! They were not doing such things as demanding services or rights, but ... typical things that should be done by political opposition ...'. According to Kabemba (2004:8), '[w]hat the transition has done ... has been to politicise civil

society by including its influential members into government institutions, Parliament and the Senate'. Although this trend has equally been observed in other societies emerging from protracted conflicts, in the DRC '[p]olitical ambition seems to have become the main driving force of civil society leaderships and has seriously weakened the social force it pretends to present' (Vlassenroot and Romkema 2007:14–15).

Above all, in spite of the inability of the Truth and Reconciliation Commission to fulfil its mandate, civil society organisations embarked on peacebuilding activities with specific attention to capacity building, mediation, reconciliation, as well as the implementation of programmes designed to build trust within and among communities (Romkema 2001:41; International Alert 2012:43). Civil society organisations were also involved in activities relating to the reintegration of former combatants, including former child soldiers, into civilian life by offering them counselling services, capacity building and skills development training. Others worked directly in the collection of weapons and ammunition from former combatants and other illegal arms from the civilian population, taking advantage of the enacted amnesty laws. A case in this regard was the Ecumenical Programme for Peace, Conflict Transformation and Reconciliation (PAREC) – led by Reverend Ngoy Mulunda – which spearheaded a national campaign of collecting illegal weapons and ammunition in exchange for financial payment (US\$100 per surrendered weapon).

Perhaps, the most outstanding contribution of civil society during the transition period centred on its involvement in the electoral process. Not only were the national chairperson and all 11 provincial chairpersons of the electoral commission selected from civil society, the platform played a significant role in campaigning for the elections, providing voter education to the people and working in partnership with the electoral commission and international non-governmental organisations in the implementation of targeted projects in the field of the elections. To this effect, the role of the private media and the churches was outstanding. In a vast country faced with daunting transport and communication challenges, as is the DRC, the media and the churches emerged as the most effective and reliable

channels for the dissemination of election-related information. Ultimately, civil society organisations played a critical role in the voting process itself through the deployment of thousands of electoral observers throughout the country.

Appraising the role of civil society in conflict resolution

It ought to be noted that the second Congo war took place in the context of the entrenchment of civil society in the country. Although slightly disrupted in the early months of AFDL's advent to power, this trend was consistent with socio-political developments taking place in the DRC since April 1990 when President Mobutu introduced multiparty politics. As it rose to national prominence in the context of an ongoing democratisation process, civil society was committed to playing a meaningful role in shaping the emergence of a new democratic political order in the country. Rather than tempering its resolve for civic engagement, the eruption of the second war simply contributed to motivating civil society to explore ways and means to play a more assertive role in national politics.

It is therefore important to observe that, throughout the war, civil society did not seek to provide mediation services to the warring parties. Instead, it regarded itself as an equal partner to be directly involved alongside other national socio-political stakeholders (including the warring groups and political parties) in the search for peace in the country. The adoption of this position by civil society could be explained by how it perceived the second Congo war. For much of the civil society, the persistent instability in the DRC since the early 1990s in general and the second Congo war in particular were merely symptoms of a quest for the new democratic order expected to succeed the dismantled single-party system. In this regard, any proposed negotiation framework should seek to go beyond merely reconciling the warring parties to provide an opportunity for all national socio-political stakeholders to chart a new democratic path for the country. This perspective was to a large extent based on the experience accumulated during the National Sovereign Conference of the early 1990s.

Furthermore, civil society questioned the legitimacy of the warring parties on both sides and challenged their respective claims of pursuing national interests through their struggle. Instead, civil society regarded all belligerents as regime factions seeking to annihilate their real and perceived opponents in order to monopolise power. In this context, civil society considered itself and opposition political parties as critical players in the search for the new democratic order, given their entrenchment within the society. Lastly, many civil society activists embraced the idea of direct participation in the peace/political negotiations and the subsequent management of transitional institutions due to the attractive benefits this process would provide and the opportunity such participation would bring in easing their passage from civic engagement and advocacy to active politics.⁴

Although all groupings making up the Congolese civil society agreed to the principle of negotiations as the only mechanism to resolve the conflicts motivating the second war, as well as on the necessity of their involvement in the negotiation process, they could not permanently resolve the internal cleavages in their own midst. As was the case with opposition political parties, the civil society movement remained divided among several platforms often vying for prominence. The need to unify these two important constituencies prompted Belgian Foreign Affairs Minister Louis Michel to organise consultations for the civil society and the political opposition in Brussels in January 2002. Officially, the consultations were designed to assist the two constituencies to build internal cohesion, a critical factor for their playing a meaningful role in the ICD. However, critics – including political opposition leaders who declined the Belgian invitation – perceived a manipulative hand of the national government under President Kabila throughout the consultations, seeking to secure the support of these two constituencies prior to the ICD (Luaula 2010). Notwithstanding its internal differences, civil society – just like the political

4 Since the experiences of the colonial period, activism within civil society has always been regarded in the DRC as the ideal springboard to a political career.

opposition – emerged from the Brussels consultations as a more cohesive entity with a unified consensus-based leadership. This partly explains the collective decision by both factions of civil society to endorse the ill-fated April 2002 Political Agreement between the national government and the MLC. Such a sense of cohesion was preserved throughout the second phase of the ICD (September – December 2002) and was regarded by civil society organisations as key to their contribution in shaping the transition as designed by the Global and Inclusive Agreement.

However, it is important to observe that, although all political parties and warring groups agreed to the principle of civil society's participation in the ICD as a fully constituted component (on the same level with the former national government, political opposition parties, the RCD-Goma and the MLC), they were all reluctant to share power equally with civil society representatives. As discussed earlier, civil society was totally excluded from the presidential space and received less than half of the total number of ministerial positions allocated to the other four groups. The general understanding shared by representatives of warring groups and political parties was that, although civil society's direct participation in the management of transitional institutions was necessary, its involvement should remain minimal within the executive sphere – regarded as the preserve of politicians. Instead, civil society ought to focus its participation on the legislative sphere – regarded as the domain of national representation and policy formulation. As a consequence, civil society was allocated the same number of seats in the two houses of the transition parliament as the other four components of the ICD and was even granted the position of the Speaker of the Senate.

But, it would be mistaken to assume the role of civil society during the political negotiations and the transitional period as totally impartial. Throughout the negotiations and the transition, the three dominant forces on the Congolese political landscape, namely the national government, the RCD-Goma and the MLC, 'fought' for the support of civil society groups and even of the opposition political parties. In the end, the national government was the biggest winner in this game of alliance building for

a number of reasons.⁵ Firstly, there was an ‘unintended convergence’ of perceptions between the national government and civil society groups over the role of the rebels (regarded as Rwanda’s and Uganda’s proxies) in the second war and the negative consequences of the war in terms of human casualties and displacements, the collapse of the economy, the destruction of social infrastructures, the worsening of people’s living conditions and the total disruption of the democratisation process. Secondly, the fraught relations between the rebel movements and civil society organisations in the areas under the former’s control throughout the war had planted the seeds of mutual distrust among them that became visible during the negotiations, as well as the transition. This was compounded by the fact that civil society activists from rebels-controlled territories were fully aware of the level of the rejection of the rebels by the people. They could therefore not afford to be seen siding with the rebels at any stage of the negotiation or transition processes without risking the loss of their own legitimacy in the eyes of ordinary Congolese. Thirdly, by virtue of controlling the state, the (former) national government could afford to disburse patronage at a level unmatched by any other players in the political landscape, including the RCD-Goma and the MLC which held territorial control over some regions of the country for several months.

One of the main areas in which the impartiality of civil society came under serious scrutiny was the media, both printed and broadcast. The public broadcasting network (television and radio) remains under the tight control of the state, a trend that has prevailed in the DRC since the Mobutu era (1965–1997). However, as a consequence of the political liberalisation of the early 1990s, private ownership of media outlets has grown tremendously, especially in major cities such as Kinshasa and Lubumbashi. Yet, inasmuch as the emergence of a large private media network has contributed to the vibrancy of the sector and civil society in general, it ought to be admitted

5 According to Vlassenroot and Romkema (2007:15), this trend continued beyond the transition and especially during the 2006 national and provincial elections when several prominent civil society leaders openly campaigned for the coalition supporting President Kabila’s candidacy.

that the majority of private media outlets are aligned to political groups and interests. During the transition, private media outlets became the targets of the struggle for influence from the main stakeholders in government. Other media outlets were simply owned by political actors directly involved in the management of the transition as was, for instance, the case with Digital Congo television channel (close to the Kabila family) and the two Canal Kin television channels (that belonged to Deputy President Jean-Pierre Bemba). If anything, the nature of private ownership of media outlets in the DRC and the struggle for influence over them by political role players contributed to placing these structures in an ambiguous position during the transition. On the one hand, they provided a critical platform for constructive debates, lobbying and information dissemination for public interest. On the other hand, they became the frameworks for the pursuit of conflict by other means (Mandjem 2009:138). Although the Media High Authority was committed to fulfilling its task of ensuring that all media outlets abide by the principles of professional ethics throughout the transition, its lack of resources and the fluctuating commitment of the main transition role players to respect the ruling of the Authority meant that many media outlets were turned into political propaganda machines during the 2006 elections.

Conclusion

As the second Congo war erupted in August 1998, the vibrant Congolese civil society movement refused to regard itself as a neutral peacemaker waiting to step between national government and rebel groups fighting for the control of state power in the country. Instead, cognizant of the complexity that surrounded the war, civil society organisations presented themselves as important national stakeholders expected to play a meaningful role in the quest for peace alongside national government, rebel groups and political parties. In this regard, it ought to be acknowledged that the direct involvement of civil society organisations in the peace/political negotiation and the management of the transition was ground-breaking. Although such involvement cannot be regarded as the sole reason behind the success

of the transition process, this model ought to be carefully studied and its relevance assessed for application in other conflict situations in Africa and beyond.

However, it ought to be admitted that the direct involvement of civil society in the management of political institutions contributed to depleting its member organisations, as many of their leaders either were directly recruited by existing political parties and platforms or simply decided to establish their own political organisations and join active politics. Whereas this development may be regarded as a contributing factor toward the renewal of the Congolese political class, it runs the risk of setting a pervasive trend of civil society activists perceiving themselves as future politicians. Should this trend persist for a long period of time, it bears the potential of preventing civil society from entrenching expertise and professionalism in its midst. But above all, the direct involvement of civil society in the management of transitional institutions and the subsequent decision by a number of its prominent leaders to join active politics have significant implications for the credibility of its member organisations, especially taking into account the mistrust borne by ordinary Congolese towards politicians. In this regard, it should not be entirely surprising if civil society happens to be blamed (by the population) alongside political parties for the observed resistance of the Congolese political system to undergo meaningful qualitative transformation since the completion of the transition in December 2006.

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