



UNIVERSITY  
OF  
JOHANNESBURG

## COPYRIGHT AND CITATION CONSIDERATIONS FOR THIS THESIS/ DISSERTATION



- Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.
- NonCommercial — You may not use the material for commercial purposes.
- ShareAlike — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

### How to cite this thesis

Surname, Initial(s). (2012). Title of the thesis or dissertation (Doctoral Thesis / Master's Dissertation). Johannesburg: University of Johannesburg. Available from: <http://hdl.handle.net/102000/0002> (Accessed: 22 August 2017).

**The Renaissance of the Democratic Republic of Congo (DRC):  
A Narrative-Biographical, Auto-Ethnographic Study of 19  
Years of Statebuilding, Peacebuilding and Economic  
Recovery**

**Dissertation in Partial Fulfilment of the Degree**

**MA in Politics**

**by**

**Joseph K. Kabila**

**for**

**SARChi Chair for African Diplomacy and Foreign Policy**

**and**

**Department of Politics and International Relations**

**Supervisor: Prof C Landsberg**

## Dedication

This study is dedicated to the memory of my father, the late Laurent Desire Kabila, and all those in the Democratic Republic of Congo who lost their lives in the search for peace.



## **Acknowledgements**

I would like to thank my wife and children. This Master's degree would have not been possible without the support of them and other family, including my sister.

I would like to thank my supervisor Prof Landsberg for giving me the opportunity to pursue my master's degree when no one was willing to give me a chance and for giving me the liberty to conduct a research study on a topic of my choosing, despite it being a contentious issue at the time. Thank you for the continued supervision, support and patience, given that my studies took longer than the allocated time.



## DECLARATION

I hereby declare that this research work is in line with the Plagiarism Policy of the University of Johannesburg, with which I am conversant. I also declare that this work which has resulted into an MA in Politics is my own work, all sources used are clearly referenced and bibliography is provided. I finally declare that this research has not been submitted before for any other degree at any other university or publication.

**Name:**        **Joseph K. Kabila**

**Signature:** .....

**Date:** .....



UNIVERSITY  
OF  
JOHANNESBURG

## **Table of Contents**

Cover page.....	1
Declaration page.....	2
Dedication.....	3
Acknowledgements.....	4
List of Abbreviations.....	10

## **Chapter 1**

<b>Introduction, context and scope of the study .....</b>	<b>14</b>
1. Introductory chapter .....	14
1.1. Introduction and Background .....	14
1.2. Research methodology: Towards a narrative-biographical, crisis leadership approach .....	17
1.3. Theoretical framework: The African Renaissance.....	24
1.3.1 Renaissance of the Congo.....	34
1.4. Dissertation outline .....	35

## **Chapter 2**

<b>From the Transition towards the Third Republic under the leadership of President Kabila Kabange .....</b>	<b>40</b>
2.1 Introduction .....	40
2.2. Foregrounding the Berlin Curse and its effects on the Congo (1200s – 1960).....	40
2.2.1 The short-lived First Republic (1960 – 2001).....	43
2.3. The accession to the Supreme Magistracy Following the Assassination of the President of the Republic.....	46
2.3.1 Inauguration of President Joseph KABILA KABANGE .....	47
2.3.2 Message to the Nation – The Inaugural Speech.....	48
2.3.3 Travelling outside the country .....	50
2.4 From the State conditions when entering into office .....	50

2.4.1 At the political and administrative level .....	51
2.4.2 At the level of territorial integrity .....	51
2.4.3 At the military, humanitarian and security level.....	52
2.4.4 At the socio-economic level .....	52
2.4.5 At the peace searching level.....	53
2.5 Implementation of options stated in the Inauguration Speech .....	54
2.5.1 At the political level .....	54
2.5.2 At the level of the Lusaka Ceasefire Agreement .....	55
2.6 The Quest for Stability: At the level for the Search for Peace. ....	60
2.6.1 At the military, police and security level.....	61
2.7 Economy and control of natural resources operations.....	62
2.7.1 Daimond and other precious commodities.....	62
2.7.2 The Forestry .....	63
2.8 The Post and Telecommunication.....	63
2.9 Financial Sector, budget, banking and monetary sector .....	64
2.10 Public Administration Sector .....	66
2.11 Diplomatic and international sector.....	67
2.12 Social sector .....	71
2.13 Judiciary sector .....	71
2.14 Public Enterprise or Enterprise of The State .....	72
2.15 Aid and support services for the President of the Republic.....	72
2.16 The Three Republics Different periods of Transition in D.R.C .....	74
2.16.1 Period of Transition before President Joseph KABILA.....	75
2.17 Transition under President Joseph KABILA KABANGE.....	77
2.18 From the Global and Inclusive Agreement to Transition in D.R.C signed 17. 12. 2002.....	78
2.19 About the cessation of hostilities.....	78

2.19.1 About the objectives of the Transition .....	78
2.19.2 About the principles of the Transition .....	79
2.19.3 About the duration of the Transition .....	80
2.19.4 About the Institutions of the Transition .....	81
2.20 The Army .....	83
2.21 The Constitution of the transition .....	84
2.22 Political institutions in the Republic .....	85
2.23 Institutions to support democracy .....	85
2.24 Functioning of the institutions of the Transition .....	87
2.24.1 Satisfactory functioning .....	88
2.24.2 Weaknesses of the functioning of the institutions .....	88
2.25 From the end of the Transition and the birth of the Third Republic .....	90
2.25.1 Extension of the transition .....	90
2.25.2 Constitutional Referendum .....	90
2.25.3 Electoral process .....	91
2.26. Installation of the institutions and birth of the Third Republic .....	91
<b>Chapter 3</b>	
<b>The Third Republic: Political and Institutional Framework .....</b>	<b>96</b>
3.1 Introduction .....	96
3.2. General arrangements .....	96
3.3. Institutions of the Republic .....	98
3.3.1 Political institutions .....	98
3.3.2 Other institutions .....	99
3.4 Pre-eminence and predominance of President of the Republic institution .....	100
3.4.1 Statute of the President of the Republic and the missions thereof ..	100

3.4.2 Dispositions for the exercise of powers and prerogatives of the President of the Republic.....	102
--	-----

**Chapter 4**

**The functioning of the institutions during the First and Second Legislature..... 104**

4.1 Introduction .....	104
4.2. First Legislature .....	105
4.2.1 Central power level .....	105
4.2.2 Provincial level of power .....	105
4.2.3 At the level of the institutions supporting democracy .....	106
4.3. Second Legislature: Set up of institutions supporting democracy.....	107
4.4. Upper Council for Broadcasting and Communications .....	109
4.5. Putting in place political institutions: The President of the Republic.....	109
4.5.1 Central Government.....	109
4.5.2 National Assembly .....	110
4.6 Setting up other Institutions of a Constitutional nature.....	110
4.6.1. The Constitutional Court .....	110
4.6.2 . The Economic and Social Council .....	110
4.7. Memorable facts during the Second Legislature .....	111
4.7.1 Rebellion M23 .....	111
4.7.2 National Consultations .....	111
4.7.3 Victory of the FARDC on the Rebellion M23 .....	112
4.8. Ratification of the Framework Agreement of Addis Ababa.....	113
4.8.1 The Nairobi Declaration .....	113

**Chapter 5**

**The International and Diplomatic Relations of the D.R.C. .... 115**

5.1 Introduction .....	115
------------------------	-----

5.2 In pursuit of the D.R. C's foreign policy goals .....	115
5.2.1 Security .....	116
5.2.2 Welfare .....	116
5.2.3 Autonomy .....	117
5.2.4 Status and Prestige .....	118
5.2.5 Protection of ethnic, ideology or religious colleagues is another goal pursued by states.....	119
5.2.6 World reorganization .....	119
5.2.7 Territorial integrity .....	120
5.3 In pursuit of the D.R.C's National Interest.....	120
5.4 Neighbouring Countries .....	125
5.5 Sub-Regional Organisation.....	127
5.6 Africa and Regional Organisationa .....	129
5.5 The World and Organisations of global affairs .....	130
<b>Chapter 6 .....</b>	<b>133</b>
6.1 Conclusion .....	133
<b>Endnotes .....</b>	<b>147</b>

## List of abbreviations

ACL-PT	Legislative Assembly – Parliament of Transition
ADB	African Development Bank
AFDL	Alliance of the Democratic Forces for the Congolese Liberation
AMP	Alliance for the Presidential Majority
ANAPI	Agence Nationale pour la Protection des Investissements
ANC	African National Congress
ANR	Agence Nationale de Renseignements
ARPTC	Autorité de régulation de la poste et des télécommunications
AU	African Union
CAMI	Cadastre Minier
CAR	Central African Republic
CEEAC	La Communauté Economique de l’Afrique Centrale
CEEC	Centre d’ Evaluation, d’ Expertise et de Certification
CEI	Independent Electoral Commission
CEMAC	Communautés Economique et Monétaire de l’Afrique Centrale
CENI	National Independent Electoral Commission
CEPGL	La Communauté Economique des Pays des Grands Lacs
CEREA	<i>Centre de Regroupement Africain</i>
CIAT	Comité International d’ Accompagnement de la Transition
CICOS	La Commission Internationale du Bassin Congo-Oubangui-Sangha
CIRGL	Conférence Internationale pour la Région des Grands Lacs
CNS	Conférence Nationale Souveraine
COMESA	Common Market for Eastern and Southern Africa
COMIFAC	La Commission des Forêts de l’ Afrique Centrale
COPIREP	Comité de pilotage de la réforme des entreprises publiques
DGM	Direction Générale de Migrations
DRC	Democratic Republic of Congo
ECCAS	Economic Community of Central African States
ECGLC	Economic Community of the Great Lakes Countries
EU	European Union

FAC	Armed Forces of the DRC
FARDC	Chiefs of Staff of the Armed Forces
FPA	Foreign Policy Analysis
ICC	International Criminal Court
ICD	Inter-Congolese Dialogue
ICGLR	International Conference for the Great Lakes Region
IEC	Independent Electoral Commission
IMF	International Monetary Fund
M23	Mouvement du 23 mars
MLC	Movement of the Liberation of Congo
MNC	<i>Mouvement National Congolais</i>
MONUC	Mission de l'Organisation des Nations Unies en République démocratique du Congo
MONUSCO	Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo
MPs	Members of Parliament
MPR	Mouvement Populaire de la Révolution
NCHR	National Commission for Human Rights
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organisations
NIEC	National Independent Electoral Commission
OAU	Organisation of African Unity
OCC	Office Congolais de Contrôle
OHADA	Organisation for the Harmonisation of Business Law in Africa
OPDSC	Organ on Politics, Defence and Security Co-operation
PALU	<i>Parti Lumumbiste Unifié</i>
PPRD	Parti du Peuple pour la Démocratie
PSA	<i>Parti Solidaire Africain</i>
RCD	Rally for Congolese Democracy
RECs	Regional Economic Communities
RPF	Rwandan Patriotic Front
SADC	Southern African Development Community
SAESSCAM	Service d' Assistance et d' Encadrement du Small-Scale Mining

SOEs	State-Owned Enterprises
UBCB	Upper Council for Broadcasting and Communications
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNTOC	United Nations Convention against Transnational Organised Crime
WB	World Bank





**Political Map of Democratic Republic of Congo showing the Kivu provinces and neighbouring countries.**

[https://www.nationsonline.org/oneworld/map/dr\\_congo\\_map2.htm](https://www.nationsonline.org/oneworld/map/dr_congo_map2.htm)

## Chapter 1

### Introduction, Background and Methodology of the Study

#### 1.1 Introduction and background of the research

There has been much written and said about the political developments and peacebuilding efforts in the Democratic Republic of Congo (DRC). However, much of the literature and political commentary concerning the DRC have emerged from outsiders – many of whom have not set foot in the DRC. Indeed, there are many who regard themselves as experts on the topic, yet have very little knowledge about the inner-workings and intricacies of developments in the DRC. Conversely, there is little coming from insiders about peacebuilding, state-building and nation-building efforts, and those that were at the cusp of changes and significant political events. There is even less emphasis on political stability and stabilisation processes that were underway by political leaders, notably those in government. Indeed, the DRC threatened to literally splinter into a balkanised country, much like the situation we had in Sudan and South Sudan, which resulted in the referendum and separation of those two entities in 2011. Without fully understanding the complex situational context within the DRC and having sufficient knowledge, external intellectuals and commentators squint through a misted glass at the DRC and erroneously mistake their warped beliefs for universal truths and knowledge. For this reason, an inaccurate and slightly distorted and skewed political narrative of the DRC is floating around within the mainstream literature. The Congo bashing is common in mainstream literature, and it continues to fuel this distorted political narrative of the DRC. To borrow from the Somali poet and novelist, Nuruddin Farah, who argues that “Somalia is country that a lot is written about but little or nothing correct is known about”. In the same vein, the DRC has attracted a great deal of attention from local and international scholars and commentators, but the distortion of facts remains an unaddressed challenge.

I do not profess to be an arbiter of Congo nor an expert of some sort, but the role and office I occupied for close to two decades gives me a licence to

address some of the fundamental errors made by other scholars and analysts on the DRC. It is important that these weaknesses and gaps in the literature be addressed and filled. Moreover, that the false narrative imposed on the DRC by actors external to the country – and much of the continent – be rectified.

In true Western philosophical fashion, one can easily at first glance draw an analogy between such outsiders and the prisoners chained together in Plato's *Allegory of the Cave*:<sup>1</sup> Each prisoner misinterpreting distorted shadows on the inner cave walls as reality and (unknowingly) awaiting one person who has broken free from the cave to return and rescue them from their ignorance. Therefore, this dissertation, seeks to carefully separate the false beliefs from accurate and truthful knowledge, while upholding the central tenets of academic rigour. Because, as Africans, although we were enslaved by colonialism, our ancestor's and predecessor's wisdom has guided and liberated us from the prisons of Western thought.

However, contrary to Eurocentric philosophical thought, and more notably, this dissertation is firmly and deeply rooted in African philosophical tradition: That is, it is "grounded in African history, heritage, culture, tradition, and intellectual capacity towards challenging Western ideas."<sup>2</sup> African philosophy encapsulates the moral beliefs, and values of the African story through the wisdom of African descendants. It is the practice of addressing African problems by engaging with the culture and history of our continent and its people. Having been at the epicentre of decision-making, I tried by all means to be mindful of my country's culture, history and political dynamics.

This dissertation does exactly that: In it, I aim to make a modest, but, hopefully, important contribution by providing my insider's perspective on 18 years (January 2001 – January 2019) of political developments, notably political stabilisation, unity, peacebuilding, good neighbourliness and confidence with the in the DRC. As former Head of State and through this dissertation, I aim to offer a comprehensive account and salient standpoint of the hurdles which the DRC faced while it was on the volatile brink of implosion, and how I worked with rival political leaders, rebel groups, different ethnic groups, regional leaders,

and other members of the international community to prevent this conflagration. Beyond that, this dissertation also serves as a tool to share a more precise narrative of the DRC's path to stabilisation and peace. The front-seat that I was afforded in witnessing these occurrences and the role which I played in the precarious political stability, peacebuilding, unity-building, state-building and other processes, places me in the propitious position to give a honest, detailed and accurate first-account, unfiltered by foreign prejudices. It is my conviction that it is of the utmost importance for students, researchers and observers to hear directly from those that were at the coalface of political decision-making. Again, this objective reverts back to the African philosophical approach which stresses the importance of community and the need to share knowledge in order to achieve collective harmony and welfare of all Africans.

Crawford Young (2006), together with a renowned scholar and Africanist, Gilbert Khadiagala (2017) have noted that

“...analytical interest in the Great Lakes region has pivoted around critical theoretical issues that include ‘the costs and consequences of prolonged state decay, the possibilities and limits of democratization, novel patterns of internal wars, the reformulation of ethnicity in the crucible of violence, and the capabilities and constraints of international intervention in the face of genocide and protracted civil conflict.’”<sup>3</sup>

What is significant about Young and Khadiagala's perspective here is that it these observers recognise that, by 1997, the (Congolese (read: Zairian state was almost non-existent; dessimated and imploded. We were confronted with having to build a state almost from scratch, a point hardly recognised by many scholars. The emptying of the state had long been in full-swing during the Mobutu decades.

Young went further and stated that, “the uniquely intertwined crises confronting the [Great Lakes] polities deepen the conceptual challenge.”<sup>4</sup> This view by Young and Khadiagala is not an uncommon one. It is one shared by many analysts and scholars.

Referring specifically to the DRC, Khadiagala opined that, “state decay was symbolised by the dramatic unravelling of the post-colonial authoritarian state and epitomised by the fall of the Mobutu sese Seko regime in the DRC in 1997.”<sup>5</sup>

In line with the thinking of Young, Khadiagala and other scholars, “state decay in the DRC was a gradual process that unfolded against the backdrop of increasing centralisation of autocratic power, the neglect of regions beyond the capital city, and widespread state predation on society.”<sup>6</sup>

These scholars continued and argued that

in the face of the loss of widespread legitimacy and inability to control peripheral areas, the Mobutu regime attempted to democratise in the early 1990s, but the end of the Cold war and the growing citizenship claims in eastern Congo nullified this democratisation efforts and led to the demise of Mobutu”<sup>7</sup>. They are correct in asserting that the collapse of the Mobutu state had profound ramifications for regional politics, setting in motion the national and regionalised crises that have since dominated the Great Lakes region.<sup>8</sup>

The perspectives by Young, Khadiagala and others are important here: They add a crucial critical and objective element and view-point. However, given their understandable limitations – such as their lack of a deeper level of understanding – their contributions merely scratch the surface and are not capable of truly engaging with the underlying complexities at play within the DRC. Furthermore, as stated above, it remains important to supplement these external view-points with an insider’s perspective on the background and the intricate details of governance, stabilisation, peace and security, and state-building in the DRC. Therefore, in the age of the decolonisation of knowledge, I argue in this thesis that there remains a need to embrace unique approaches and knowledge production from Africa. Again, I try humbly to make my modest contribution as someone that was at the apex of decision-making for so many years.

In so doing, I attempt to provide an insider's perspective on the political and security developments within the DRC. After all, I had a front-row seat in observing, spearheading and helping to shape developments in the DRC, especially as head of state of that country for 18 years. Having occupied the position of head of state gives me a certain vantage point that allows me to provide a unique and, certainly, a more thorough and in-depth perspective about developments in the DRC which external perspectives and commentators lack. I set out deliberately to specifically provide a perspective on politics, state-building, peacebuilding, and development in the DRC having been at the apex of such developments in the country for almost two decades. I am confident that, while my analysis will differ greatly from that of many other analysts and observers. Mine will, at the very least, provide a unique and special perspective that readers and observers will hopefully find useful. Indeed, at times I will challenge the views and standpoints of other analysts.

## **1.2 Research methodology: Towards a narrative-biographical, transformational leadership approach punctuated by crisis leadership**

In the age of the decolonisation of knowledge, there is need to embrace unique approaches and knowledge production from Africa. It is important to also embrace fresh and unique knowledge production in the area of theoretical and methodological approaches. Here it is important to borrow from Afrocentric paradigms. In his 1987 book, *The Afrocentric Idea*, Molefi Asante defines "Afrocentricity" as, "the placing of African ideals at the centre of any analysis that involves African culture and behaviour."<sup>9</sup> Moreover, it is a theory of social change which demands that African scholars and intellectuals de-colonize their minds by breaking away from the dominating Western and Eurocentric thought.<sup>10</sup> The infusion of African values, thoughts, symbols and actions will all be done with the view to bring about a more peaceful and equitable society.<sup>11</sup>

In this study, which I infuse with this Afrocentric paradigm, I will employ a qualitative, unique approach that is made up of two methods: A narrative-biographical approach as well as a leadership crisis management approach. I combine these two complementary approaches as both are equally appropriate

and pertinent given my position as former Head of State. Moreover, I believe it would best do justice to what I seek to achieve, namely providing a critical, fresh and unique insider's perspective on the DRC.

In this manner, the combination of these two particular methodologies highlights the central aim of this dissertation, as noted above in this chapter's introduction, and that is to carefully separate the false beliefs concerning the DRC emanating from outsiders from accurate and truthful knowledge all while upholding the central tenets of academia befitting a research study; namely, embedding and the central arguments within the literature as to maintain professional objectivity. Moreover, the narrative-biographical aspect of the methodology enables me to share my story surrounding the challenges and victories of state-building in the DRC. In so doing, and most importantly, this methodological approach honours the exercise of African philosophy, being: The sharing and bequeathing of mutual and precious African knowledge and lived experience among current and future generations of Africa.

I apply these two approaches in a systematic fashion in an attempt to analyse the political, social and economic life of the DRC. Here I subscribe to Alan Bryman's (1998) view which holds that a "qualitative research has a number of features stemming from its philosophical and theoretical approach to the social world, including remaining close to the experiences and views of the researcher."<sup>12</sup>

In terms of this dissertation, similarities and contrasts between the state-building and post-conflict reconstruction efforts emerging from the DRC case will be employed. Much has been written about war, peace and state-building in the DRC but very little has been offered by way of insider accounts, and perspectives from analysts and observers from the government itself, and observers that have been intimately involved in the dynamics and processes in the country. This study will seek to make a modest contribution by analysing the political and security dynamics in the DRC from the perspective of a central key player, namely, myself as the Head of State.

As stated above, this study will analyse the political processes that have faced state-building and peacebuilding in the DRC, in particular; the efforts to bring about stability, build unity, rebuild state institutions, and restore the relationship between state and society, by using the narrative-biographical approach. Through this method, the delivery of “peace dividends” will be assessed. Here, Brian Roberts (2002) contends that

Biographical research is an exciting, stimulating and fast-moving field which seeks to understand the daily experiences and encounters of individuals in their daily lives, what they see as important, and how to provide interpretations of accounts they give of the past, present and future.<sup>13</sup>

I will make use of what Jean Clandinin and Michael Connelly (2000) call “field text” as they make a strong case for narrative writing as one of the more underrated methodological approaches.<sup>14</sup> I do so by extracting texts and sources directly from the annals of government and decision-making, and then proceed to – as objective and dispassionate as possible – interpret, dissect and analyse. As former Head of State, I am fortunate to have had access to all the primary sources and information, and for years, I kept detailed notes and memos about developments in the DRC. Key members of my staff compiled documents, notes, newspaper clippings, and general analyses of developments and my role over the years. I will rely on these primary and often confidential texts, and I will supplement this with the tapestry of knowledge I have at my disposal as former head of state of the DRC.

As argued, the study will employ a qualitative, narrative-biographical and auto-ethnographic approach, and apply it in a systematic method in an attempt to analyse the political, social and economic life in the DRC during the 18 years when I was president and Head of State of that country.

This study will analyse the political processes that have faced state-building and peacebuilding in the DRC, in particular efforts to rebuild state institutions, and the relationship between state and society, by using the narrative-

biographical approach. Through this method, the delivery of “peace dividends” will be assessed.

This study will adopt a two-pronged approach in terms of methodology: A narrative-biographical approach and an auto-ethnographic methodology. According to Carolyn Ellis, Tony Adams and Arthur Bochner (2011), “auto-ethnography is an approach to research that seeks to describe and systematically analyse personal experience in order to understand cultural experience.”<sup>15</sup> This approach, they argue, “challenges canonised ways of doing research and representing others and treats research as a political, socially just and socially conscious act.”<sup>16</sup> Ellis et al. further assert that, in auto-ethnography, “a researcher uses tenets of autobiography and ethnography to do and write auto-ethnography.”<sup>17</sup> Sarah Wall offers a novel perspective and argues that, when engaging in ethnographic studies, “an author retroactively and selectively writes about past experience.”<sup>18</sup> Most often, that author writes about “epiphany – remembering moments perceived to significantly impact the trajectory [of a] researcher’s life.”<sup>19</sup>

Sarah Wall (2008) made the important point that, “auto-ethnography is an intriguing and primarily qualitative method that offers a way of giving voice to personal experience.”<sup>20</sup> On this score, it should be highlighted that, “personal narratives can address several key theoretical debates...macro and micro linkages, structure, agency and their intersectionism, [and] social reproductive and social change.”<sup>21</sup> Equally important, is recognising that “data in ethnography traditionally arise from interviews, participant observation, field notes, document and art-effect analysis and research drives.”<sup>22</sup> As will be noted later, interviews will not form part of this study.

Sally Denshire (2014) opines that auto-ethnography is an alternative method and form of writing that falls somewhere between anthropology and literary studies.<sup>23</sup> Denshire crucially observes that, “auto-ethnography opens up a space of resistance between the individual (-auto) and the collective (-ethno), where the writing (-graphy) of singularity cannot be foreclosed.”<sup>24</sup> Moreover,

she is of the opinion that, “auto-ethnography is an alternative method and form of writing falling somewhere between anthropology and literary studies.”<sup>25</sup>

Denshire sets out to show, “how an auto-ethnographer writing within/against a profession may begin to rework representations of power circulating between intimates, friends, clients and colleagues...”<sup>26</sup> She also touches on the “future directions for writing auto-ethnography in terms of the social implications of telling a story from more than one point of view and the scope for unexpected collaborations in auto-ethnography with previously silenced authors.”<sup>27</sup>

In a very incisive contribution, Denshire quotes Linda Brodkey (1996) who opined that “...auto-ethnography invites writers to see themselves and everyone else as human subjects constructed in a tangle of cultural, social and historical situations and relations in contact zones.”<sup>28</sup>

The other element of methodology is that of biographical research, which refers to

...an exciting, stimulating and fast-moving field which seeks to understand the daily experiences and encounters of individuals in their daily lives, what they see as important, and how to provide interpretations of accounts they give of the past, present and future.<sup>29</sup>

This is one way of making use of Clandinin and Connely’s “field text”.

The auto-ethnographic approach will be utilised in tandem with the narrative-biographical approach: The latter approach is not strict biographical writing that will result in an autobiography by the author. Instead, it is an approach that will allow the author to tell the story, in scholarly fashion, of the process of change, transformation, state-building and reconstruction from the point of view of a key actor that was instrumental in such a process. This is certainly my intention, chiefly; to narrate the political story of “Renaissant Congo” and the avowed processes of mainly political, but also economic transformation from this perspective. I was at the centre of and instrumental in the political and change processes in the DRC. Thus, the narrative-biographical approach allows me to

recount the developments and events from a proximate and intimate insider's perspective.

The other important methodological approach that I use is an auto-ethnographical approach. In my view, this is one of the most underutilised methods in research; yet it is one that can unearth new epistemologies, knowledge and narratives in the age of the decolonisation of knowledge.

While each post-conflict country is unique, there is a need for comparative lessons to be drawn to inform the state-building processes in Africa. Similarities and contrasts between the state-building and post-conflict reconstruction efforts emerging from the DRC case will be employed.

Secondary sources will be used to anchor the study, including books, scholarly articles, papers presented at academic and policy-related conferences. But I will rely heavily on primary texts at my disposal, including government material, and documents from the United Nations (UN) (from, among others, the General Assembly, Security Council, Secretary-General, UN Development Programme (UNDP), UN Department of Economic and Social Affairs (UNDESA), World Bank (WB), and International Monetary Fund (IMF)); data from the African Development Bank (ADB), European Union (EU), African Union (AU), New Partnership for Africa's Development (NEPAD) and other donor organisations. Data will also be obtained from my interactions with other government role-players in the DRC. I will engage these sources critically.

The study will combine auto-ethnography and biographical-narrative analysis with a "crisis leadership" approach.<sup>30</sup> From

structuralist-functionalist accounts, a crisis is most often defined as an urgent threat to the core values or critical systems of a society that must be addressed under conditions of deep uncertainty and risk.<sup>31</sup>

Crises can pertain to policy issues, sectors, organisations, but can also threaten the status quo or entire regimes and political systems. Such macro-level crises can be induced by major shifts in the geostrategic or economic balance of

power. They can also emerge through an escalation of domestic socio-economic and ethno-political challenges, spillover effects of regional conflict or breakdown in civil-military relations.<sup>32</sup>

In their article, “Political Leadership in times of crisis”, Chris Ansell, Arjen Boin and Paul ‘tHart (2014) write about “the challenges and opportunities of leadership in times of crises, that is of conditions of serious, urgent and uncertainty-ridden threats to key values and structures of community or the polity as a whole”.<sup>33</sup> They say that

crisis leadership differs from leadership in routine times. Its stakes are much higher and, the public is much more attentive, its mood more volatile, and institutional constraints on elite decision-making considerably looser<sup>34</sup>.

In today’s world, political leaders may well be defined in terms of their “performance under pressure and stress.”<sup>35</sup>

Quoting Edelman (1977), they say,

fundamentally ambiguous, crises provide political elites with power chances and acute threats to their legitimacy. Likewise, crises can be more stressful and easier for leaders to muster than ‘politics as usual’. Over time, a genuinely interdisciplinary venture has emerged, held together by a fundamental premise: that conditions of crisis – a high threat, urgency and deep uncertainty – evoke political and psychological mechanisms that change the way in which people, organisations, governments, polities, and media act and interact, yielding both great challenges and great opportunity for the exercise of public leadership.

I fully identify with the perspectives of these scholars. I certainly inherited an unprecedented political crisis in the Congo, and from the word go I had to engage in crisis management and crisis leadership, in a coup prone, assassination prone, desolate country on the brink of a proverbial combustion and political conflagration. As I utilise this bifurcated methodology of narrative-biographical research combined with crisis leadership, secondary sources will

be used to anchor the study, including books, scholarly articles, papers presented at academic and policy-related conferences.

I will consult secondary literature, notably that which has a bearing on the study, and the study will not hesitate to take issue with some such secondary sources that it disagrees with. I will not hesitate to engage in contestation of ideas with some of these sources which I believe have a bearing on the perspective of the study, and with which this study will openly disagree.

This dissertation will zero in on explaining efforts on the part of the government which I led for 18 years to bring about stability, security and development. However, I will rely primarily on primary materials at my disposal to craft my narrative of “Renaissant Congo”. In so doing, I will try and make a unique contribution by making the case for what I believe are some of the missing elements to the Renaissance of Africa debate.

### **1.3 Theoretical framework: The African Renaissance**

The study will utilise two theoretical frameworks. The first is that it will make the case that the concept and idea of “African Renaissance” should, in the context of the decolonisation of epistemology and methodology, be regarded as an Afrocentric theoretical framework in its own right. Second, the study will also utilise and apply the theoretical approach of peacebuilding. In terms of the former, Serie McDougal (2009) contends that there is a need for “Afro-centric paradigms of analysis.”<sup>36</sup> As such, a focus could be placed on African states and the premier continental body, the African Union (AU) to devise a new Pan-Africanism that should be based on three theoretical foundations: Cultural and political unity of the African Renaissance; Afrocentric development; and an African conceptualisation of Ubuntu.<sup>37</sup> In such an analysis, the perspectives of African states should not be underestimated.

Tieku (2013:12) maintains that, “any theory that will help answer key questions about Africa’s IR must accommodate at least three key collective traits – that

is, group preferences formation, consensual decision-making procedures and the solidarity principle, which are the central referents of Africa's IR".

Tieku (2013:15) goes on to argue that, "no theoretical account of Africa's international relations will be complete without taking into serious consideration a regional African norm called the pan-African solidarity norm". Meko (2018:9) associates the African with Pan-Africanism and Black Consciousness precisely because "they too form part of the tradition of African renewal or consciousness".

Borrowing from Senegalese philosopher, Cheik Ante Diop, McDougall endorsed the notion that, "amid tremendous and individual diversity of African people, there is a set of cultural commonalities" that Africans should harness as strengths.<sup>38</sup> McDougall argued that cultural and political unity can serve as guides for African governance and foreign policy.<sup>39</sup> Cheikh Ante Diop argued that "cultural unity is a pretext to political unity."<sup>40</sup> Maybe Diop tried to suggest that it is a precondition for the renewal and rejuvenation of Africa.

Indeed, Cheik Ante Diop was a great advocate for Pan-Africanism and African Renaissance whose life work centered on the use of natural and social sciences to further advance the liberation of Africa from the shackles of its "inferiority complex."<sup>41</sup> At the tender age of 25, Diop wrote one of his seminal essays, *When will we be able to speak of an African Renaissance?* and was one of the first scholars to speak on the topic publicly.<sup>42</sup> For Diop, African Renaissance is equivalent to cultural renaissance: Only through the process of cultural awareness and restoration can a true political and scientific renaissance occur.<sup>43</sup> Kwame Nkrumah, however, adopts a historical approach to the concept of the African Renaissance.<sup>44</sup> Nkrumah, emphasises the need for Africans to take ownership and narrate their own history and not allow it to be dictated by Western colonisers. To this end, Nkrumah believed that the realisation of a truly egalitarian society through socialism would represent the best expression of the African Renaissance. Furthermore, and as discussed above in this chapter, Molefi Kete Asante encapsulated the ideals of the African Renaissance within his Afrocentric philosophy.

The notion of the African Renaissance was given prominence by Thabo Mbeki, president of the second democratically elected government of South Africa. The ideas of state-building, peacebuilding and economic recovery are key features of Mbeki's notion of the African Renaissance.<sup>45</sup>

McDougall provides his interpretation of the African Renaissance. For him, South Africa's former president Thabo Mbeki played a critical role in crafting the African Renaissance vision, a vision of African political, economic, social and cultural rejuvenation<sup>46</sup>. The AU should call for, and spearhead a "collective agenda."<sup>47</sup> Just as was the case with Cheikh Anta Diop, the African Renaissance also asserts that culture plays a basic role in achieving political and economic self-determination.<sup>48</sup> African states that share the same values, beliefs and traditions should be natural allies.

In International Relations studies, it is also dominant paradigms like realism, liberalism, radicalism, including Marxism, and the new fanfare around ideas like constructivism that are regarded as "theories." There is hardly recognition of African epistemologies that are regarded as paradigms and theories in their own right. Pan-Africanism and Pan-African thought are not regarded as theories in their own right. I will utilise the idea of the African Renaissance as the theoretical foundation of this study. McDougal is correct to opine that the notion of an "African Renaissance in Africa" was given currency in the mid-1990s, and it has been analysed mainly from the point of view of an attempt at intellectualisation by South Africa's former president, Thabo Mbeki. It has not yet been analysed from the perspective of policy discourse and agency, and the conceptual and theoretical implications of the idea for African agency and positioning is yet to be teased out. Simphiwe Sesanti (2018) argued that "the African Renaissance is historically an African revolutionary project aimed at reclaiming and reviving African heritage that was destroyed by European slavery and colonialism."<sup>49</sup>

Francis Kornegay and Chris Landsberg have likened the African Renaissance to a 21<sup>st</sup> century variant of Pan-Africanism.<sup>50</sup> So, whereas classic Pan-

Africanism busied itself with the quest for the political emancipation of colonised and dominated peoples of Africa and African descent, the new variant is concerned with restoring African agency in world affairs, and the need for the socio-economic emancipation of African states, and placing squarely on the agenda the question of the integration in Africa. With the African Renaissance notion, Mbeki and his partners put on the front-burner the need for Africa to take ownership of its peace and security, governance, co-operation, and development agendas.

The African Renaissance can be described as a Pan-African foreign policy doctrine, which speaks to politics, economics, culture, power and influence, as well as African identity, and it is an attempt to give Africa agency and a voice, both continentally and abroad.<sup>51</sup> It seeks to empower Africa with its own narrative for political, economic, social and indeed, psychological emancipation and advancement.

It has earned the stripes of being regarded as an emerging foreign policy doctrine, that is to say, an article of faith, a belief and conviction, a creed and a dogma.<sup>52</sup> It combines a philosophy, a view of Africa, with a set of foreign policy goals and domestic styles and politics, and international strategy, entrenched in a set of political, social and economic relations.<sup>53</sup> It can furthermore be regarded as a late, 20th century variant of Pan-Africanism that seeks to confront the challenges of globalisation in a Western-dominated international order.<sup>54</sup> It could be argued that the African Renaissance as Pan-Africanist theory was carried on into the new 21<sup>st</sup> century.

To be sure, Thabo Mbeki did not invent the concept of “African renewal” or “Renaissance,” but it did take time to think through a powerful concept, in rational thinking and calculated mode, and he thought about how he could turn it into a powerful policy concept that could influence continental African politics, and help to set the continental agenda. President Thabo Mbeki, too, spoke of “a reawakening”, “rebirth”, “restoration”, “revival”, and “reappearance” in Africa.<sup>55</sup> So, the historical idea is not even an idea belonging to the African National Congress (ANC). African nationalists from other parties and political

persuasions also contributed to putting the African agenda and the idea of African renewal on the political agenda.

The African Renaissance is much less ambitious, more realistic and practical as it seeks to help craft a community of African states that would act according to the contours of a union, namely common values, systems, and institutions. It also sought to facilitate Africa's reintegration into the Western-dominated global economy and promote "good governance" and democratization.<sup>56</sup> However, it wishes to do these things on the basis of African agency and African ownership, and not the prescripts of foreign dictates. One of the mantras on the basis of which it operates is: African solutions to African problems.

Hence, the question that confronts us is: What does the African Renaissance mean today? We would suggest that a more appropriate question to pose is: In states and regions where the renaissance has already begun to occur, what is needed to sustain it, and, conversely, where it has not, what is needed to bring it about? These questions should include the investigation of factors and conditions that can enhance, or derail, the progress of the renaissance. As for the foreign policy dimensions, the following two questions seem very central: i) What kind of partnership between Africa and the West can advance or reverse the renaissance? and ii) How can financial assistance be utilised to advance the renaissance?

Just like the African Renaissance, Pan-Africanism was a much debated ideal as it was espoused by many African intellectuals, Africanists and black people in the Western world from around the turn of the 20th century.

But while Pan-Africanism attracts less attention today than in the past, and even seems moribund according to some observers,<sup>57</sup> the African Renaissance has emerged to fill the void, and is even making a comeback. It is not as grandiose in its intent. Instead of promoting the bold idea of a United States of Africa, it sought to respond to the structural changes in the international system since the beginning of the 1990s introduced a renewed wave of democratic transitions in sub-Saharan Africa.

Taken at face value, the African Renaissance is a process towards the achievement of a number of strategic goals, including political, economic, social and cultural rejuvenation.<sup>58</sup> The African Renaissance takes seriously a number of important policy initiatives for Africa:<sup>59</sup> consolidation and deepening of democracy, peace, stability and order, economic vitality and vibrancy, education, self-assertion of Africans defined in terms of various cultural, traditional, spiritual, linguistic, philosophical and other forms of inclinations.

Mekoa (2018:9) has identified Pan-Africanism and the African Renaissance as traditions of African renewal or consciousness, thus this study see it fit to touch on Pan-Africanism as an ideological basis that informs much of our decisions and that of our regional partners (SADC and AU) in our respective endeavours towards state building in the DRC. The concept of Pan-Africanism is widely used in the AU discussions and in many multilateral platforms in the continent. Scholars across board agree that there is no single definition of Pan-Africanism, and they also agree that the history of Pan-Africanism can be traced to the African diaspora. For the purpose of this study, I define Pan-Africanism as a unifying ideology and a belief that Africans must stand together in solidarity towards the promotion of peace, development, good governance and democratic values underpinned by African solutions to African problems.

As aforementioned, Pan-Africanism emerged in the African diaspora in the early 20<sup>th</sup> century as an ideological and political movement that carried the aspiration and goals of the peoples of African across the globe. Despite its long history and role in shaping the discipline of IR, Pan-African has enjoyed little recognition as a theory of IR. For decolonial scholars, such as Sabelo Ndlovu-Gatsheni (2013:22), it comes as a shock that Pan-Africanism has been recognised as a theory of IR. Ndlovu-Gatsheni argues that, “Pan-Africanism is, above all, an international phenomenon and, as such, it should deal with power and interest dynamics in the international arena: international political forums and international political economy”. One of the central pillars of Pan-Africanism has been solidarity, which can be defined as togetherness in the attainment of common goals. One of the key proponents of Pan-Africanism, Kwame Nkrumah (1970), argued that “the troubles of the Congo are our troubles and her

struggles are those of the independent states of Africa.” This reflects the solidarity and unity which Africans have been pursuing. Thus, it is important to use the Pan-African lenses when studying the developments in the DRC, especially when focusing on the role of external player, in particular the regional and continental partners of the DRC.

The Pan-African movement led by Kwame Nkrumah, Jomo Kenyatta, Julius Nyerere, Patrice Lumumba, and many other liberations struggle heroes and heroines ushered African into an era independence from colonial role. From the onset, African leaders realised that the transfer of power from the colonial hands to the natives was not enough, thus one of our founding fathers, Patrice Lumumba said, “Political independence has no meaning if it is not accompanied by rapid economic and social development”. For Nkrumah, seeking political kingdom was an important step, but Nkrumah realised that colonialism is autopoietic, thus it was essential for Africans to hold on to the values of Pan-Africanism if they are to defeat neocolonialism, which Nkrumah defined as a last stage of imperialism.

In his book, ‘Neo-colonialism, the last stage of Imperialism’, Nkrumah argues that:

The essence of neo-colonialism is that the State which is subject to it is, in theory, independent and has all the outward trappings of international sovereignty. In reality its economic system and thus its political policy is directed from outside.

From earlier on, African liberators had to be vigilant of the emergence of colonialism “perhaps its most dangerous stage”, which is neo-colonialism. As part of fighting neo-colonialism, Nkrumah proposed that:

Unite we must. Without necessarily sacrificing our sovereignties, big or small, we can here and now forge a political union based on defence, foreign affairs and diplomacy, and a common citizenship, an African currency, an African monetary zone and an African central bank. We must unite in order to achieve the full liberation of our continent. We need a common defence system with an African high command to ensure the stability and security of Africa.

In his book, "*Challenge of the Congo: A case study of foreign pressures in an independent state*", Nkrumah (2002:108), argued that:

What I fear worst of all is the fact that if we do not formulate plans for unity and take active steps to form a political union, we will soon be fighting and warring amongst ourselves, with imperialists and colonialists standing behind the scene and pulling vicious wires to make us cut into each other's throat for the sake of their diabolical purposes in Africa.

Nkrumah's prophecy materialised in most parts of Africa, especially in sub-Saharan Africa. For Nkrumah, this was necessary to fight off colonialism, which was still a reality in some parts of Africa at the time of his writing and to safeguard the newly independent African countries from neo-colonialism.

In light of the above, Pan-Africanism has been a torch that brightens the pathway towards the dream of unity on the African continent. Over and above that, it has inspired the spirit of solidarity and autonomy, which means Africans should take charge of their own affairs. A key question to ask at this juncture is, what qualifies or disqualifies Pan-Africanism as a theory of IR? In answering this question, one should begin by explaining the concept of IR theories. Theories of IR enables us to make sense of the world around us by providing us with analytical tools. Each theory is made up of its own premises and beliefs.

What I can say is that Nkrumah's emphasis resonated with me, not just continentally, but in the context of the national political context that I had to contend with, and that we had to confront.

While each post-conflict country is unique, there is a need for comparative lessons to be drawn so as to inform the state-building processes in Africa, albeit, as I stated before, state-building is often emphasized at the expense of peace-building, or what I have called stability-building. On this score, Devon Curtis (2013) correctly observed that

...Africa has been the site of a large number of international and continental projects to promote peace. In 2011, Africa hosted seven of the sixteen United Nations (UN) peacekeeping missions in the world.

The first five countries on the Agenda of the United Nations Peacebuilding Commission, established in December 2005, are all African: Sierra Leone, Burundi, the Central African Republic (CAR), Guinea-Bissau, and Liberia. The first four cases before the International Criminal Court (ICC) are all African: Uganda, the Democratic Republic of Congo (DRC), Sudan, and the CAR.<sup>60</sup>

So while peace-building is important, as emphasized by Curtis, there is a tendency to underestimate the stability or stabilisation dimension.

Turning now to the second theoretical perspective, this study seeks to apply the idea of renaissance, or African renewal, as the theoretical foundation of the case of the DRC, with specific reference to peacebuilding, state-building, economic recovery in the post-conflict context of the DRC, and of course stability and unity. So, the aspects of stability and unity is added to both as pivotal elements. Former UN Secretary-General Boutros Boutros-Ghali, in his landmark 1992 report, *An Agenda for Peace*, defined peacebuilding as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.”<sup>61</sup> Here should be added that stability is just as crucial. Even Boutros-Ghali’s Agenda for peace did not place enough emphasis on stability and political unity in divided and ethnically fractured societies. Here I try to make a contribution by stating that these elements must be given more prominence.

Although the concept has since evolved, peacebuilding still revolves around actions taken by both national and international actors “to consolidate or institutionalise peace.”<sup>62</sup> As such peacebuilding invariably involves state-building; which can be defined as “the creation of new government institutions and the strengthening of existing ones.”<sup>63</sup> A broader conception holds that state-building is “an ongoing, long term and endogenous process of establishing and/or developing effective and legitimate state institutions and state-society relations.”<sup>64</sup> Scholars and practitioners now commonly link peacebuilding to state-building tasks such as constitution-making, electoral

processes, reintegration. I state again, political stability and unity must be given more currency in the peacebuilding dimension.

For the purposes of this inquiry state-building will be conceived of as a set of 10 tasks derived from the 10 core and interdependent functions a state is expected to perform:<sup>65</sup> 1) legitimate monopoly on the means of violence; 2) administrative control; 3) management of public finances; 4) investment in human capital; 5) delineation of citizenship rights and duties; 6) provision of infrastructure; 7) operation of the market; 8) management of the state's assets (including the environment, natural resources and cultural assets); 9) international relations (including entering into international contracts and public borrowing); and 10) rule of law. Ghani et al. add the critical point that "the goal of state-building recognises that under international law the state is the duty-bearer of citizens' rights."<sup>66</sup> Statebuilding must appreciate that there can be no peace or development without political stability. Political stabilization must be elevated to a crucial ingredient in such a process.

Apart from Boutros Boutros-Ghali's seminal report other top UN officials have also made important contributions in clarifying the various concepts associated with peace operations. For the present inquiry the key terms are of course peacebuilding and state-building, and in this regard the work of Brahimi deserves special acknowledgement. In his 2007 report, "Statebuilding in Crisis and Post-conflict countries," Lakhdar Brahimi (2007) argued that "we know only too well that conflict is the anti-thesis of development, and what is more, in today's globalized world, and internal conflict will not remain confined within the border of a single country for very long; it will spill over in a variety of ways to contaminate its immediate neighbours and affect the lives of people much further away."<sup>67</sup> Good-neighborliness, one of the central planks of my policy is crucial. In fact, engaging my regional counterparts, and regional states during my tenure, in particular for purposes of security, and restoring the territorial integrity of the DRC, was vital.

Francis Fukuyama is one of the influential scholars whose contributions to state-building theory have been widely used and disseminated.<sup>68</sup> In *State-*

*building: Governance and World Order in the 21st Century*, he defines state-building as “the creation of new government institutions and the strengthening of existing ones.”<sup>69</sup> Fukuyama suggests that while the post-Cold War era began with economists pushing for liberalisation and a smaller state, a decade later economists are concluding that some of the most important variables affecting development are not economic at all but relate to institutions and politics.<sup>70</sup> What Fukuyama’s treatise is silent on is how to build institutions and state structures from a very low base; even a non-existent base. The DRC, like South Sudan, are cases in point.

In terms of peacebuilding, this inquiry focuses on stability and unity as key features of state-building and regard these as critical elements of peacebuilding, and I will apply this in the context of the DRC.

In the age of the decolonisation of knowledge and of the literature, we have to put African theoretical perspectives and frameworks on the agenda. African perspectives hardly feature as paradigms and thought systems, according to dominant Western thought at least. It is time to bring African perspectives firmly back in and put them on the agenda.

Curtis made the interesting observation that

Peacebuilding is...not a script authored by outsiders, nor is it a script solely authored by Africans. Instead, peacebuilding is a set of ideas and practices, mediated by the interaction between local communities and international, national and regional actors. The contest over peacebuilding is not only a contest for funds but also a contest over meanings and interpretation.<sup>71</sup>

Said Curtis, “...peacebuilding is a site of political and political contestation and interaction, which raises questions about power and hierarchy.”<sup>72</sup> It typically involves “trade-offs, shifting identities, and multiple meanings of peace and peacebuilding.”<sup>73</sup> State-building is another aspect of peacebuilding and

is another practice fraught with contradictions and trade-offs. By the early 2000, most multilateral peacebuilding institutions had agreed that

lasting peace depended on the construction or strengthening of state institutions.<sup>74</sup>

I state here with a degree of confidence that building state institutions was not just one of my government's apex priorities; it was indeed a difficult challenge to deal with. The point here is that, just as the complex process in the DRC was about peacebuilding, it was by an extension also a process of state-building and political stabilisation; and vice versa.

I highlight the ideas of peacebuilding here because the project of Renaissance Congo I embarked on was fundamentally a political stabilisation and unity project that was anchored in a peacebuilding process. Political stabilisation and unity were anchors of that blueprint.

### **1.3.1 Renaissance of the Congo**

This study uses the theoretical perspective of renaissance, or African Renaissance to apply it to the transition and transformation in the DRC. The DRC had its very own advocate for the African Renaissance in the late Prime Minister, Patrice Lumumba, whose life work and, indeed, his legacy resonated the ideals of the African Renaissance through the liberation and re-imagining of the African continent.<sup>75</sup>

This study bears the title, *The Democratic Republic of Congo: From Despair to Stability and Towards Renaissance*. This title is used to demonstrate that, in spite of occupation and exploitation of a part of the country by foreign forces, on the one hand, and the untimely assassination of President Mzee Laurent Désiré Kabila, on the other hand; the Congolese people and leaders decided to show agency and leadership as they deliberately embarked on a process of pursuing reunification and peace-making for the country after liberation. State-building, with the aim of bringing about stability in the country was a deliberate and calculated strategy. This renaissance project involved deliberate efforts to rebuild the state, restructuring not only the territory on the political and administrative level, but also the social and economic national space (bearing

in mind the ethical and moral dimensions necessary to rehabilitate the Congolese people as citizens) and to rehabilitate their dignity and pride to be part of a proud nation in a country full of promise such as the DRC. Holding doing a fractured country, that could easily break up into different parts, was a key and fundamental objective of Renaissance Congo. Contrary to what some analysts would like to argue, the balkanisation of the DRC was a very real prospect that we had to contend with. In fact, the country could have broken up not just into two separate entities, but as many as four; maybe even more.

As aforementioned, two of the foundational concepts used in this study are state-building and nation-building. These two concepts are in line with the notion of African Renaissance and they are framed away from their Eurocentric foundation and more towards an Afrocentric conceptualisation. Framing the state and the nation using colonial perspectives runs the risk of misaligning the study by analysing an African state and an African nation from a Eurocentric perspective. Everisto Benyera, argues that there are two types of states in Africa. There is the African state which is yet to be realised and there is the colonial state which is resilient and present. When I mention nation-building and state-building, in line with Afrocentrism and African Renaissance by nation-building and state-building I am referring to the African state and the African nation those that were robbed and displaced by colonial processes. I can relate to Benyera's view here. By the time Laurent Kabila became president, I realised that the DRC still had to be born. There was no state called the DRC.

The regional planning of the national territory that needed first the conceptualisation and elaboration of the so-called "five policy initiatives" strategy led to establishment of many different projects, chiefly aimed at: The road, rail, air and port, health, school and universities infrastructures, and also the hydroelectric sites, state reform, public finance, public administration, army, police, justice department and the State-owned Enterprises (SOEs).

## **1.4 Dissertation outline**

Before delving into the chapter outline, I make the point that in DRC politics, we refer to different Republics. In Congolese politics, the period from 1960 to 1965 is known as the First Republic. From 1965 to 1997 during the Mobutu dictatorial regime, we referred to this period as the Second Republic. This was followed by a transitional period from 1997 to 2006 when the new Constitution was promulgated. The period from 2006 onwards is referred to as the Third Republic.

This dissertation will be divided into the following six chapters:

### **Chapter 1: Introduction and background to the research**

This chapter consists of the introduction, research background, research methodology, theoretical framework and the dissertation outline.

### **Chapter 2: From transition towards the Third Republic under the leadership of President Kabila Kabange**

The second chapter will cover my accession to the Supreme Magistracy (Section 1), then the state of affairs when I took office (Section 2), to the implementation of options stated in my State of the Nation address on the day of my inauguration (Section 3). It will be followed by a review of the different periods and the main events during the political transition (Section 4); the implementation of the Inter-Congolese Dialogue, and the Global and Inclusive Agreement on the Transition in the DRC (Section 5). The Constitution of the Transition, the functioning of the institutions of the Transition, as well as the end of the Transition and the birth of the Third Republic will be covered by the last three sections (Sections 6, 7 and 8).

### **Chapter 3: The Third Republic and its institutional framework**

This chapter focuses on the Third Republic and its institutional framework as anticipated by the Constitution dated 18 February 2006 (Section 1); and then the functioning of the institutions during the First and the Second Legislature

(Section 2); and finally, the external relations of the Republic with neighbouring countries, Africa, and the world (Section 3).

Under my leadership the country became involved in reconstruction and national rehabilitation, the concrete, palpable and visible results thereof provided hope for the realisation of political, institutional, social and economic stability conducive to the emergence of the DRC.

#### **Chapter 4: The functioning of the institutions during the First and Second Legislature**

This chapter will be dedicated to the specific projects initiated under the instigation of the Head of State.

Section 1 of this fourth chapter will describe the important mechanism by which the Head of State, as the President of the Republic, made (direct or indirect) use of governmental or parliamentary institutions in order to communicate with the nation.

The project pertaining to peace, reconciliation, unity, territorial integrity of the country, together with cohesion and solidarity will be examined in Section 2.

Bearing in mind the political crisis that broke the nation and the functional tools thereof, Section 3 will tackle the rebuilding of the state and its pillars of public administration, army, police, SOEs, and most notably intelligence and security services.

Section 4 will conceptualise another pillar of the state, namely the judiciary and the setting-up of the legal system. The consolidation of the democratic regime will be discussed in Section 5. Section 6 will carefully examine the political and administrative decentralisation of the provinces and territorial entities.

What then follows is a review of the public finances and the state budget on the one hand in Section 7 and then the banking and the monetary environment as well as the micro-finance on the other hand, in Section 8.

Section 9 will consider the safeguarding and the protection of natural resources, specifically mining, forestry, hydropower and hydrocarbon.

Section 10 will look at the DRC's choice to liberalise certain economic spaces for the purpose of opening up the country to private capital investment.

The recovery plan for productive activity and the promotion of socio-economic development required the building and modernisation of the road infrastructure, which will be the subject of Section 11, followed by the study on transport and other channels of communication in Section 12. Section 13 will report on the revival of agriculture and agro-industry.

The opening of several sectors of activity and encouragement for national as well as foreign investments require the implementation of certain incentives, which will be reviewed in Section 14, followed by the outline on rewriting the legal and institutional environment in Section 15 to attract investment.

All the efforts made in order to meet the basic needs of the citizens, namely employment, health care, housing, clean drinking water and electricity will be outlined respectively in Sections 16, 17 and 18. Furthermore, these efforts which have taken into account the safeguarding and the promotion of rights and interests of specific and vulnerable social categories, such as women, children, the disabled and elderly people will be discussed further in Section 19, while Section 20 relates to education and vocational training not only for the youth but also for adults.

Section 21 will be devoted to the moral and ethical aspects, which the management of state affairs require, and the work-in-progress regarding physical and sporting activities, culture and tourism will be the subjects of Sections 22, 23, and 24 respectively.

The refurbishing and servicing of political, legal and institutional sites could be part of tourism, but it will be treated separately in Section 25 since it deals with political and legal institutions and other working places.

Section 26 will end the chapter. In this chapter, diverse working projects initiated by the President of the Republic are presented, and the place of the DRC in the region, Africa and the world will also be discussed.

This reflection will have the aim of completing and rounding off the institutional framework given by the Constitution and the Law of the Republic, thereby examining all other possible questions of major national interest and strengthening the democratic system, the economic and social governance; last but not least this very reflection will enable the reconstruction of the country through rehabilitation and modernisation of the basic infrastructure.

Considering that the Republic came out of the abyss in which the disastrous and chaotic management of the past plunged it, the title “a Renaissance for the DRC: From Despair to Stability towards Emergence” will explain the political, social and economic developments of the country from the point of view of someone who had a front row seat and was central to the developments in the DRC. As head of state, I constantly marshalled members of my inner-coterie and I was intimately involved in the decision-making and efforts to strengthen the political and socio-economic system, safeguarding the stability of the political, economic and social institutions, and by moving with confidence and certainty towards development and emergence. Giving an insider’s view of developments in the DRC must be worthy of an account, and this is the modest contribution that I seek to make with this dissertation.

## **Chapter 5: The international and diplomatic relations of the DRC**

This chapter is dedicated to the diplomatic and international relations of the DRC, which is my focus: to pave the way for peace in the DRC, to increase its financial resources and to launch reconstruction of the country.

## **Chapter 6: Conclusion**

This chapter provides the main findings of the dissertation.



## **Chapter 2**

### **From the Transition towards the Third Republic under the Leadership of President Kabila Kabange**

#### **2.1 Introduction**

The chapter details the DRC's transition toward the third republic with me serving as Head of State. It is divided into the following 8 sections: Section 1 will cover my accession to the Supreme Magistracy. Section 2 details the state of affairs when I took office followed by the implementation of options stated in my State of the Nation address on the day of my inauguration (Section 3). Section 4 reviews the different periods and the main events during the political transition, while Section 5 focuses on the implementation of the Inter-Congolese Dialogue, and the Global and Inclusive Agreement on the Transition in the DRC. Sections 6, 7 and 8 covers the Constitution of the Transition, the functioning of the institutions of the Transition, as well as the end of the Transition and the birth of the Third Republic, respectively.

#### **2.2 Foregrounding the Berlin Curse and its effects on the Congo (1200s – 1960)**

Any study of this nature must start by placing the problem in proper historical context. I, therefore, start this chapter with some background.<sup>76</sup> This background gives us context and a sense of the multiple moments of crises that we had to contend with throughout the decades. Furthermore, it provides the backdrop to my presidency. In reiterating the dissertation's central argument made in the previous chapter concerning the deficient analysis of the DRC made by 'outsiders,' this chapter asserts that external perspectives often neglect to take into account the country's rich history. For this reason, many authors tend to write about the Congo without much regard for its history and how this chequered history shaped the development and trajectory of the country.

According to Johnny Selemani “The Kingdom of Kongo or Wene WA Kongo gave birth to modern day Congo.”<sup>77</sup> Thornton et al. argued that “this kingdom consisted of what is known as Angola, the Republic of Congo as well as the D.R.C”. Selemani goes on to state that

Lukeni lua Nimi (circa 1380-1420) ruled this region as unopposed chief and ruler until the arrival of Portuguese settlers in the region. The discovery of these territories inspired the likes of Henry Morton Stanley and Belgian King Leopold II to venture beyond Europe.<sup>78</sup>

Africa was in their sights, and Leopold had his eyes set on the Congo.

Thus, the DRC suffered its fair share of humiliation through colonisation. Restoring our national pride and dignity went hand in hand with restoring our prestige and status in the international community.<sup>79</sup> At the birth of the DRC, the world powers of the time accepted and recognised the independent state of the Congo at the Berlin Conference in 1885, headed by the King of Belgium Léopold II. As for today, the international community helped develop the birth of this state entity that has the dimensions of a sub-continent surrounded by nine countries. Here, we have to take heed of the views of Nigerian scholar Adekeye Adebajo, who wrote in his 2010 treatise “The Curse of Berlin” that,

at the 1884-1885 Conference of Berlin a cartel of largely European states effectively set the rules for the partition of Africa, an event whose historical and structural importance continues to effect and shape Africa’s contemporary international relations.<sup>80</sup>

Indeed, the Congo was directly affected by this crude and explicit form of colonialism and exploitation by foreign and aggressive powers who were after the wealth of African states. Belgium, in particular, played a very negative role in our country; one that, even today, we are still reeling from the consequences thereof.

At the Berlin Conference in 1885, Belgian King Leopold II was allocated the territory that used to be known as the Congo Free State, and to crown it all, it was awarded to him as his own personal possession. Leopold went as far as

transferring the country to his government and the Congo became known as the Belgian Congo in 1908.

Lord Salisbury, the then British prime minister, famously remarked at the Anglo-French Conference in 1890:

“We have been engaged in drawing lines upon maps where no white man’s foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by small impediment that we never knew exactly where the mountains and rivers and lakes were” (cited in Abegunrin, 2009:142).

Describing the effects of the Berlin Conference on Africa, Adebajo (2019) said, the effects were devastating because they “brought imported political systems; fragmented and weak economies, artificial, insecure borders; and 16 land-locked countries.” It is a view held by this study that the Berlin Conference had devastating impact on the DRC as much as it had throughout the continent. The Berlin Conference had an everlasting effect on the formation of a nation state in Africa, how Africans interacted with the colonially crafted states, and the Curse of Berlin continues to haunt Africans even post-independence.

Writing on the nature of pre-colonial African states, Adedeji (2008) postulated that the state and nation-building in Africa started before the arrival of the Europeans. Adedeji (2008:1) argues that the

“forms of state and nation-building were based on the centrality of community, solidarity and inclusion of populations around emerging territorial spaces. Boundaries, such as they existed, were not necessarily conceived as sacrosanct and immutable walls of division and separation. They also served as transactional spaces for mediating various social, economic, political and cultural flows”.

Adedeji goes on to argue that the nature of precolonial African states was disrupted by an unholy alliance of European colonisers who converged in Berlin in 1884/85, resulting in the partitioning of Africa into “a host of small politico administrative units on the basis of the Westphalian concept of the nation-state”.

Congolese liberation leaders continue to struggle for the independence of their country. During the late-1950s and 1960, these liberation forces persisted with their struggle and the Belgian government persisted with its efforts: The government in Brussels even resorted to dialogue and negotiations to try and persuade the Congolese to continue to yield to their European masters. In February 1960, the efforts eventually paid off and a Brussels Roundtable was convened where “dialogue” between the Brussels authorities and Congolese leaders was facilitated. This dialogue process put Congolese independence and liberation firmly and unapologetically on the agenda, and they also insisted on the need for the establishment of a Congolese government. The Congolese liberation fighters eventually persisted and on 30 June 1960 the Congo, then a Belgian colony, attained independence. This was a momentous day for the Congolese people in their quest for freedom and a better life for all.

### **2.2.1 The short-lived First Republic (1960–1965)**

In May 1960, the adoption of the Fundamental Law was established, and this in reality became the first legal basis that formed the Congo.<sup>81</sup> This also marked an attempt at state-building by the new native leaders of the Congo.

The new Congolese state was made up of six provinces, an executive branch (in the form of a government) and a legislative branch and representatives within a Senate (comprised of 87 seats).<sup>82</sup> A very sexist electoral system was adopted in which limited suffrage was introduced where only male citizens aged 21 and older could cast a vote, and members of parliament (MPs), a national assembly and provincial councils were elected. It was these elected members in Congo on whom got bestowed the title: *The First Republic*.<sup>83</sup>

In the DRC’s first general elections, held on 22 May 1960, Lumumba’s party, the *Mouvement National Congolais* (MNC), secured 38 out of the total 137 parliamentary seats and entered into a collation with *Parti Solidaire Africain* (PSA) and the *Centre de Regroupement Africain* (CEREA) in order to secure his position as Prime Minister.<sup>84</sup> However, in an effort to guarantee the stability of his newly-formed government, Lumumba entered into an agreement

with his main political competitor, Joseph Kasavubu, offering him the position of President of the Republic.<sup>85</sup>

But this dream was short-lived. Four days after the independence festivities, on 4 July 1960, a mutiny by the police broke down the administrative, police and security machinery of the colony.<sup>86</sup> On 11 July, the Katanga Province (led by Moise Tshombe) seceded, shortly followed by the South Kasai on 9 August – both provinces endowed with rich mining resources.

On 5 September, the Prime Minister at the time, Lumumba, was recalled, along with the Vice-Prime Minister Gizenga, the Interior Minister Christophe Gbenye, Justice Minister Mwamba Lungu, Information and Cultural Minister, Anicet Kashamura, and the Secretary of State for Information Roger Bolamba.<sup>87</sup> This order was made by President Kasavubu who blamed Lumumba for the troubles in Katanga and South Kasai. Lumumba immediately objected to this and responded by dismissing Kasavubu as President, arguing that if it were not for their prior political agreement, he would not have held the position of President.<sup>88</sup> At this particular juncture, on 14 September 1960, the Army Chief of staff, Colonel Joseph Désiré Mobutu intervened and sought to resolve this constitutional crisis by dismissing both Lumumba and Kasavubu from office.<sup>89</sup> Consequently, in mid-September, the Parliament, of which the majority supported the Lumumba Government, was dissolved.

In October 1960, Prime Minister Lumumba was arrested and in January 1961 he was assassinated along with his colleagues Okito and Mpolo in the vicinity of the city of Lubumbashi, in the Katinga Province.

The Adoula Government which was established in August 1961 during an extraordinary session of the Parliament, and which is known under the name of Lovanium Conclave, decided:

- to reduce the secessions under UN auspices,
- to initiate economic and social reforms, and

- to give the country a Constitution replacing the Fundamental Law of May 1960.

The Constitution dated 1 August 1964, which had been accepted by a popular referendum, enabled the setting up of democratic institutions.<sup>90</sup> Its implementation was abruptly halted by the intrusion of the army on the political stage, and a military coup brought Major-General Mobutu to power.

### **The Second Republic (1965–1997)**

If some signs of hope had been evident here and there for the first five years of the Mobutu regime, it was only illusory: For while maintaining unity of the country and integrity of the national territory, this very regime gradually led the country into a multifaceted crisis, political, social and economic, and the country was bled dry until the liberation by the military forces AFDL (Alliance of the Democratic Forces for the Congolese Liberation) on 17 May 1997.<sup>91</sup>

This step was supported with enthusiasm by the citizens, thereby, facilitating the task of the AFDL. As a result, 17 May 1997 was a great moment of joy and hope for a renaissance of the Congo – and in addition – for the whole of Central and southern Africa.<sup>92</sup>

Driven by a strong impulse for a fresh start to political and socio-economic life of the country, President Mzee Laurent Désiré Kabila adopted the signs and symbols of the Luluabourg Constitution that had been repealed by the Major General, namely:

- the name of the country, thus the Republic of Zaire changed into the Democratic Republic of the Congo (Acta Official);
- the blue flag with a large yellow star at the top left corner and crossed by a red stripe finely framed in yellow was reinstated as the national flag;
- the naming of provinces in order to designate the regional entities; and
- the national anthem of the independence “Debout Congolais” (Congolese Beginning) and the Congolese franc was again the currency.

Also noteworthy is that the Bank of Zaire was renamed The Central Bank of the Congo by Decree on 17 June 1998. In addition, the Shaba Province regained its previous name, and was to be again known as Katanga Province.

But unfortunately, the above transition was short-lived. In August 1998, the enemies of the Congo organised army mutinies, rebellions and occupied a part of the national territory. Finally, they managed to assassinate President Mzee Laurent Désiré Kabila in his office on 16 January 2001, thereby plunging the Congolese people into pain, fear and despair.<sup>93</sup>

### **2.3 The accession to the Supreme Magistracy following the assassination of the President of the Republic**

Indeed, crisis came unexpectedly. In the early afternoon of 16 January 2001, gunshots rang out within the Marble Palace housing the office of the President of the Republic. The executive protection unit arrived and found the Head of State unresponsive and lying in a pool of blood. His body was immediately brought to the Ngaliema clinic and from there transferred to Harare, Zimbabwe.<sup>94</sup>

The loss of Mzee Laurent Désiré Kabila, President of the Republic, Head of State, and Commander in Chief, as a result of a cowardly assassination in his office, in full daylight, immersed not only the family members, but also all the Congolese people into great shock and despair. Yet another Congolese leader was assassinated. President Laurent Kabila left the work of nation-building and national consolidation unfinished.

While this painful tragedy happened, I was on a national duty service mission in the Katanga province and recalled to Kinshasa. I was greeted by several members of the Government of Public Salvation, together with officers of the armed forces of the DRC (FAC).

Members of the ruling elite went into crisis decision-making mode. A crisis meeting that included the members of the Government and the officers of the FAC was immediately held, after which, it was decided that I be appointed Co-ordinator for Governmental Action, and I thereby acceded to the functions of Head of State.<sup>95</sup>

Things developed with rapid speed. Before I knew it, the following day at the Organisation for African Unity (OAU) Village in Mount Ngaliema, I was standing in military attire bare-headed and with a commando beret on the left shoulder. There, I received, as President of the Republic and Head of State, the condolences and homages by the ambassadors accredited in Kinshasa, as well as permanent member states of the United Nations Security Council (UNSC).

When Mzee Laurent Désiré Kabila was assassinated, we realised that all government resources and institutions had to be mobilised to avert a catastrophe, and prevent the country from degenerating into full-scale anarchy. The killing of President Laurent Kabila threatened to turn the country into an uncontrollable conflagration. We went into crisis-management mode, and staving off a civil war was our apex priority.

Fortunately, the Republic had functioning political institutions, namely the Government led by the President of the Republic, and also the Constituent and Legislative Assembly – Parliament of Transition (ACL-PT Assemblée Constituante et Legislative – Parlement de Transition), acting as Parliament and representing the legislative power.

As aforementioned, the DRC found itself in a period of crisis, but others refer to this as a period of turmoil. It was key to do a proper diagnosis of this crisis we found ourselves in, and this situation required a situational leadership, meaning we had to act based on the situation.

### **2.3.1 Inauguration of President Joseph Kabila Kabange**

Taking inspiration from the great words of Frantz Fanon, who famously said:

“Each generation must, out of relative obscurity, discover its mission, fulfil it, or betray it in relative opacity”. As a reader and scholar of this Martiniquen revolutionary who supported Algeria’s war in independence from France, myself and those close to me identified our historical mission. The mission that I and others identified for our generation was to restore order, bring peace, unite the peoples of the DRC, ensure security, develop our people, and live in peace with our neighbours and countries of the world. Just as important was to rebuild the state with the aim of bringing about stability in a country that had suffered occupation and exploitation at the hands of foreign forces.

Bearing in mind that when the country gained its independence and its international sovereignty, the first President of the Republic was Joseph Kasavubu who had been elected by the national deputies and the members of the Senate.<sup>96</sup> The President had been sworn in by both Chambers and in the presence of the Government. It had then been decided, and thereby respecting the practice, that for the purpose of enlarging the base of legitimacy of the newly-appointed President, Officer of the Armed Forces and holding the rank of Major-General, I should be ratified by the Parliament, and I should then be sworn in before the Supreme Court of Justice. Following that, I should address the nation on the main orientations of political leadership for the country. It was my first speech on the State of the Nation in the Palace of the Nation: A historical place, a fortress housing the hopes, aspirations and dignity of our people and with its own lasting memories.

It should thus be stressed that the position of Major-General Joseph Kabila Kabange, Officer of the Armed Forces had thus been ratified by the Constituent and Legislative Assembly, the Parliament of Transition, on 26 January 2001.

### **2.3.2 Message to the Nation – The inaugural speech**

I realised from the onset that I had to show decisive leadership. I had no intention of becoming a mere ceremonial president and figure-head. I set out to be a transformational leader. I was no “Big man of Africa”; nor did I have aspirations to become one.

On this very same day, 26 January 2001, I publicly announced in a message to the nation the fundamental choices and the essential orientations which were to guide my actions as Head of State.<sup>97</sup> I vividly remember being mindful of the idea of setting and communicating the key elements and hallmarks of the “Renaissance of the Congo” or “Renaissant Congo.” This was a very important speech for me, as I imagine it would be for every head of state. I was guided by the idea and notion of a Renaissance and re-emergence that I would like to usher in in the country. I wanted to give substance to the idea of the renewal at a cross-roads. I emphasised a number of vital points, poignant goals, most specifically:

- political opening and national reconciliation; political parties resuming their activities; normalisation of the democratic life; strengthening the rule of law, consolidation of democracy and good governance; the guarantee of human rights, legal and judicial security;
- restoring unity of the country and safeguarding national territorial integrity;
- establishing internal peace and consolidating national cohesion;
- re-launching the Lusaka Ceasefire Agreement<sup>98</sup> in order to achieve not only an effective ceasefire, but also to bring back peace in the Great Lakes Region (I will return to the Lusaka Agreement below);
- the continuation of the implementation of that previously mentioned Agreement and the resumption of contacts with the facilitator Sir Ketumile Masire, concerning reactivating this Agreement by organising the Inter-Congolese Dialogue;
- the immediate and unconditional withdrawal of foreign troops, mainly the ones from Rwanda and Uganda, what I regarded as aggressor countries;
- I was equally committed to see that allied forces also depart the DRC, so I am seen as even-handed in restoring the territorial integrity of the DRC;
- the reconfirmation of state independence and autonomy, and respect for the sovereignty of the country with a ‘good neighbourliness’ and ‘good

neighbourhood' policy, which privileges dialogue and the peaceful settlements of disputes in order to establish a mutually beneficial co-operation between African countries;

- the revitalisation of socio-economic life, while the state maintains control of regulation and control on the economic level;
- the commitment to respect for fundamental human rights as well as individual and public liberties as articulated by the international instruments, especially by the United Nations Charter, the Organisation of African Unity (OAU) Charter (Now AU) of 1963, and the Southern African Development Community Charter (SADC);
- the mobilisation of citizens for the purpose of reviving production and rebuilding the country;
- liberalisation of the economic sector and free circulation of foreign currencies and the Congolese French currency in parallel;
- the promulgation of a new mining law and the investments thereof;
- the setting-up of a framework for concerted actions between the government and business transnational actors;
- Confirm the DRC as a legitimate and respected member of the African community of nations, committed to the African Agenda and Pan-Africanism;
- improving working relationship with our main partners of the EU and with the United States of America, China, Russia, India, and the international financial institutions;
- restoring and attaining territorial integrity, alongside a firm commitment to preparing the elections and helping people choose their own head of state, namely the person who would preside over the destinies of the country; and
- realising the restitution of power to the people by organising at all levels free and fair, credible and transparent elections, bearing in mind that the army is an institution (to which I belonged) and whose aim is not to gain power but instead to ensure the stability of this current power in place, the independence of the country and the protection of territorial integrity.

I understood the importance of a national development plan, a security doctrine, and a sense of the national interest. In my mind, the above represented vital national goals and a comprehensive set of goals that I regarded as cardinal in the quest for the renaissance and re-emergence of the DRC. They communicate and highlight, in no uncertain terms, my most urgent priorities for the country as I saw them. They should dispel any notion that I set out to be a mere ceremonial head. I realised the enormity of the burden on my shoulders; almost impossible to contemplate. But becoming some figure head president, who would enjoy the trappings of power, was the furthest thing from my mind. It should be clear to any observer that the agenda that I articulated contained important national, regional and international priorities.

### **2.3.3 Travelling outside the country**

The mobility of any head of state is a sign of a country's standing and legitimacy in the world. As such, I deemed it important not just to communicate my unambiguous message and goals to the citizens of the Congo, but to the international community as well. Shortly after having delivered my message to the nation, I flew to the United States of America via Paris and on the way back via London and Brussels, in order to explain to our partners our vision, our strategy and our approach to finding solutions for many different problems in the DRC.

The purpose behind this trip was to reassure members of the international community of my plans for the country, and again I stressed the importance of political stabilisation, unity, peace and security. I highlighted in very direct terms the need for signatories to the Lusaka Agreement to live up to the letter and spirit of that important pact. I encouraged members of these governments to lend us their support.

While in the United States, I met with Rwandan leader Paul Kagame and engaged him directly on the Lusaka Peace Agreement. That Agreement was clear on the need for a ceasefire, and importantly for all foreign forces to withdraw from the DRC.

I will now appraise the actual situation at the moment when the representatives of the nation brought me to the Supreme Magistracy.

## **2.4 From the state conditions when entering into office**

In the preceding section, I zoomed in on the essence and process of my inauguration speech as well as the promises and commitments I took before the nation.

The despicable murder of the Head of State, Mze Laurent Kabila, entrusted me with the top functions of the Supreme Magistracy – the highest office. It was yet another crisis moment in the DRC's history, and it again called for crisis management and crisis leadership. This was at a time when the nation was torn apart by rebellion and war, and when it most needed this most illustrious person who left us. He was indeed a craftsman for liberation, the awakening of the national conscience, as well as the embodiment of restoring pride and dignity to the nation. In January 2001, the state of the country revealed major challenges at different levels of the societal tapestry.

I realised the importance of restoring peace and a sense of calm in the country. That became a major priority for me. As stated above, the country threatened to fall apart and holding together a fractured country was one of my overriding considerations.

### **2.4.1 At the political and administrative level**

The country – being led admittedly with national responsibility in mind but notwithstanding exercising its power on only a part of the national territory due to war and rebellion – was under three different administrations namely:

- a central administrated power;

- the administration under the control of the rebellion of the MLC (acronym for the Movement of the Liberation of Congo), with the support and assistance of the Ugandan army; and
- the administration under the control of the rebellion of the RCD (the) with the support and assistance of the Rwandan army.

The Government had to reduce the activities of political parties and of certain structures of civil society to a minimum for two reasons: The Government had to face the war of aggression and it sought to mobilise all human resources to meet the challenge on the one hand, and to limit the infiltrations that would eventually discourage and demoralise the population on the other hand. These actions had unfortunately been perceived as ‘a decline in democracy.’ This backsliding was something I took seriously. I did not hesitate to engage former adversaries

#### **2.4.2 At the level of territorial integrity**

In the introduction earlier, I made the point that territorial integrity is one of the most important goals pursued by states. No state wishes its territorial integrity to be violated. The presence of the Rwandan and Ugandan armies on the national territory constituted an inadmissible and unacceptable attack on the sovereignty of the country and to its territorial integrity, which, after evasiveness and hesitation, was later to be condemned by the UNSC.<sup>99</sup>

#### **2.4.3 At the military, humanitarian and security level**

As previously mentioned, the strategies of the armed rebels facilitated by Congolese compatriots, had been conceived and prepared in neighbouring countries, and executed on national territory by armed groups, receiving logistical support and operational aid from such foreign armed forces.

The Congolese armed forces were facing such a situation of emergency while it had to simultaneously undergo major restructuring. The Congolese army

received upon request of the Congolese government the support of Zimbabwe, Angola, Namibia and Chad.<sup>100</sup>

These conflicts provoked incredible violence on our territory, from which emerged new armed groups, causing insecurity over a very long time, and subsequently major migration of people, with all the consequences born thereof.

#### **2.4.4 At the socio-economic level**

These conflicts led not only to major civilian migration, resulting in a humanitarian catastrophe, but also caused the destruction of infrastructure, road communications and transport networks. In a nutshell, the economic fabric was severely tarnished, thereby reducing production output, if not leading to its disintegration and disappearance.<sup>101</sup>

The reduction of economic activities and the destruction of the infrastructures had devastating consequences on the people, and made life difficult and precarious. At this stage, it seems important for me to emphasise that the presence of foreign forces on our territory considerably contributed to the plundering of our natural resources, specifically forestry and mining. As a result, countries that did not possess mining resources, were exporting them.

#### **2.4.5 At the peace searching level**

Yolanda Sadie (2010) argued that “Mobutu’s fall from power in 1997 ended a repressive dictatorship of 30 years in the Congo”.<sup>102</sup> She further asserted that the struggle for Democracy in the Democratic Republic of Congo (DRC) has been long and protracted, and has been characterised by popular resistance to exploitation and repression by both the country’s rulers and their external allies and business partners.<sup>103</sup>

Said Sadie,

President Mobutu’s fall from power in 1997 saw the end of a repressive dictatorship of more than 30 years. With Rwandan and Ugandan

backing, Laurent Kabila took Kinshasa by force in May 1997 after a seven-month war.<sup>104</sup>

This brought the need for peace, restructuring and nation- and state-building squarely to the fore. Sadie correctly observes that

the devastating effects of the war and the resulting humanitarian crisis prompted the Organisation of African unity (OAU) and the Southern African Development Community (SADC) to urge the belligerents to negotiate a settlement. Many peace deals were signed, of which the Lusaka Agreement of July 1999 was the most prominent.<sup>105</sup>

The President of the Republic, Mzee Laurent Desire Kabila, embarked on a quest for peace and a search for solutions to problems resulting from foreign aggression and internal rebellion, and therefore signed a ceasefire agreement in Lusaka with:<sup>106</sup>

- on the one hand, the DRC and its allies, namely Angola, Zimbabwe, and Namibia;
- and on the other hand, with Rwanda, Uganda, the MLC and the RCD.

The UN and the OAU now AU, were witnesses and guarantors for the implementation of the Agreement.<sup>107</sup>

As I took office, the programme of the state had been established by the Lusaka Ceasefire Agreement, and I shall now look at the implementation and the actual realisation of the options and orientations declared in my inauguration speech of 26 January 2001.

## **2.5. Implementation of options stated in the inauguration speech**

As soon as I took office, I worked on putting in place what I had announced, or at least promised: re-establishing the political, social, economic and institutional environment, to allow implementation of the fundamental options and necessary orientations of my programme.

### **2.5.1 At the political level**

I established contacts with the political class, namely the different political parties' representatives and the politicians, in order to ascertain their views and suggestions on the situation of the country. I set out to be as inclusive as possible and reached out to many political actors, most notably former rivals and adversaries. I realised that for the sake of peace, a very important and dear price had to be paid: rapprochement with enemies. I have no doubt that some of my rivals also saw me as an enemy. But I followed my convictions and tackled this difficult process with confidence.

Following these contacts, which took place in March 2001 at the AU in Kinshasa, Ngaliema, a new law was passed on 17 May 2001 concerning the organisation and the functioning of parties and political associations, thereby allowing all political parties to resume activities.<sup>108</sup> This very law contributed to ease tensions within the national political environment.

Bearing in mind these contacts with the political class, my working method and my approach to political problems through dialogue were born and embodied at the Inter-Congolese Dialogue, which took place in South Africa at Sun City.<sup>109</sup> In the same vein and in order to promote the activities of non-governmental organisations (NGOs) and any other non-profit organisations, a new legal framework was set up, as a result of the law dated 20 July 2001, with provision applicable to charitable organisations and public and development authorities.

### **2.5.2 At the level of the Lusaka Ceasefire Agreement and the Sun City Inter-Congolese Dialogue**

The Lusaka Ceasefire Agreement had been seen as an unavoidable and necessary milestone in order to re-establish peace in our country and also with neighbouring countries, to launch the process of normalisation in the political life within our territory. Thus, and without any delay, I invited Sir Ketumile

Masire, the facilitator jointly designated by the UN and the OAU in pursuit of his objectives, to talk to the political and social forces of the country to enable the preparation of the forthcoming Inter-Congolese Dialogue.<sup>110</sup> I, therefore, made a point of working with the continent's premier interstate body: The OAU. Any notion that we had shunned such interstate and international overtures should be dispelled. I regarded the Congo as a full and legitimate member of the African family of nations and the intention was to reinforce the status and standing of our country as such. Working with the OAU and other African bodies was imperative for me.

Much has been written about the Lusaka Agreement, and I will momentarily give my own rendition thereof.

Let us first zero in on what others are saying about the Lusaka Agreement.<sup>111</sup> The Lusaka accord was indeed an important agreement. It set out to end decades of war. But it went much further as it laid out its own elements of rebuilding the state and transforming society.<sup>112</sup> In line with the title and theme of this study, the Lusaka accord helped to build the true basis for a renaissance of the Congo; or as I have put it in the title for "Renaissant Congo".

According to South African scholar, Deon Geldenhuys (2000), the Agreement for a Ceasefire in the DRC, concluded on 10 July 1999 was "designed to achieve far more than the official designation suggests."<sup>113</sup> "Apart from bringing a formal end to the country's civil war", argued Geldenhuys, "the accord makes provision for the rehabilitation of both state and society."<sup>114</sup> In line with the subtitle of this study, "From despair to stability to Renaissance", Geldenhuys correctly observed that

rebuilding the country is a task that is too ambitious to be treated merely as part of normal peacekeeping, upon which popular discussion of the Lusaka Agreement has focussed.<sup>115</sup>

According to Geldenhuys, "the war that the Lusaka Accord [was] supposed to end, began in August 1998 with rebellions in the east and west of the country..."<sup>116</sup>

Indeed, “many peace deals were signed, of which the *Lusaka Agreement* of July 1999 was the most prominent.” This was both a “ceasefire agreement and a roadmap for political transition in the Congo.”<sup>117</sup> It called for an inter-Congolese political negotiations process

that would include all parties and that would result in, among other things, the establishment of political institutions through free and fair elections. These negotiations, which became known as the Inter-Congolese Dialogue (ICD), spanned nearly three years (after unsuccessful attempts in Gaborone, Addis Ababa and Libreville).

Sadie opined that “negotiations finally reconvened in April 2002 at Sun City (South Africa) and a Peace Agreement was signed in Pretoria on 17 December 2002 and adopted at Sun City on 1 April 2003.”<sup>118</sup> This became popularly known as the Sun City Accords. It established “a transition based on power-sharing arrangements among the belligerents contained in an interim constitution adopted on 6 March 2003.”<sup>119</sup>

The preliminary and preparatory exchanges between components taking part in the Dialogue were held:

- First, in Gaborone where the number, the nature of the stakeholders, the location, the agenda and the question of financing the Dialogue were discussed;
- thereafter, in Addis-Ababa, Ethiopia where exchanges encountered obstacles not only on the nature and the number of participants, but also and specifically on the question of financing the Dialogue and the venue. In Addis-Ababa, it was only agreed to restart negotiations in South Africa, the latter namely wishing to host the Inter-Congolese Dialogue and bearing the cost thereof; and
- finally, the concerned parties in the inter-Congolese Dialogue met in South Africa at Sun City, where work for Dialogue started effectively under the facilitation of the former president of Botswana, Sir Ketumile Masire, who all along benefited from the input and advice of South African President Thabo Mbeki together with the help of eminent African

personalities, notably from the previous Senegalese Prime Minister Mustapha Niassé, the Nigerian General Aboubakar and Professor Le Bath, former Foreign Minister of Mauritania.

My own view is that, concerning the participants, two categories could be identified: The first category was based on the Lusaka Agreement, and included the delegates stemming from the so-called “components.” The Government component referred to the component MLC with Jean-Pierre Bemba, and the component RCD with Ruberwa. These components have been sometimes referred to as “belligerent parties.”

The Lusaka Agreement had also taken into account two other sub-components, namely the Political Opposition component with the non-armed political parties, the Civil Society component comprising associations and other non-political organisations, for example, religious groups, unions, professional associations and other NGOs of different kinds.

After a very acrimonious discussion, the second category planned besides the Lusaka Agreement at Sun City was to admit other armed groups, notwithstanding groups controlling some limited spaces of national territory. I stress again, a détente and rapprochement with former rivals and foes were difficult and painful, but necessary. But I had no hesitation to embark on this journey. Making peace was not an easy journey. It was challenging. But as head of state, I was convinced that it was the correct path to follow.

The Agreement was clear about some of the protagonists, and these groupings were named “entities,” in order to distinguish them from “components,” and were as follows:

- Kisangani, Mouvement de Libération, RCD/KML of Mbusa Nyamwizi and Tibasima ;
- National de Roger Lumbala, RCD/N; and
- Resistance groups (Groupes de résistance armée) called MAI-MAI.

Thus, the Inter-Congolese Dialogue was not limited to belligerent parties but also included the political opposition, civil society, and the so-called MAI-MAI patriots, fighting against the foreign armed forces. The wide-ranging scope of participation gave the Dialogue an inclusive character, representativity and consequently a strong credibility with the aim at putting an end to the war and re-establishing a climate of peace on the whole territory and inside our borders.

In this connection, it is necessary to bear in mind two serious events or mishaps: One being of a military nature and exterior to the Dialogue; and the other one of a political nature and this time internal to the Dialogue, that nearly jeopardised a successful outcome of the negotiations.

The first one was the capture of the Muliro Port on Lake Tanganyika in the Katanga Province, by the military forces of the RCD and with assistance from the Rwandan army. This military operation led the Government component to suspend its participation in the work of the Dialogue in protest, as the RCD and Rwanda had broken the ceasefire pact.

The reaction and the firm response of the UNSC compelled the forces of aggression to withdraw from Muliro and return to their initial position before the Inter-Congolese Dialogue.

The second incident which affected the work on Dialogue was the surprising conclusion of a political and military compromise between the Government and the MLC of Jean-Pierre Bemba and with its announcement of withdrawing from the Dialogue (this being due to the lack of significant progress of negotiations).

This agreement had foreseen a set-up of a new institutional order and had recognised General Joseph Kabila Kabange as President of the Republic while the President of the MLC, Jean-Pierre Bemba was to become Prime Minister and Chief of the Government.

This very agreement provoked division between the participants in two different camps: Most of the participants, chiefly the MAI-MAI, the RCD/N and the

RCD/KML adhered to it; the others, and at the forefront the RCD of Ruberwa and the UDPS of Tshsekeki opposed it and formed a coalition to safeguard the Dialogue and remained in Sun City.

Following this agreement, which is known as the Cascades Agreement,<sup>120</sup> (named after the hotel where it had been signed) the signatories of the Agreement, and those who adhered to it, left South Africa to pursue the negotiations; first in Kinshasa and then in the port city of Matadi in the Bas-Congo province later to become Kongo-Central.

In Matadi, the delegates established a commission to draft a new Constitution for the Republic. However, the work was not going forward and was definitely stalled, with the arrival of Mustapha Niasse, the special envoy of the UN Secretary-General, who asked the parties to return to Sun City, take their seats and resume the political negotiations within the Inter-Congolese Dialogue framework.

Following this step, that marked the failure of the Cascades Agreement, all the Congolese delegations met again in Sun City.

Finally, the delegates adopted 37 resolutions by consensus, between 25 February 2002 and 12 April 2002, with the Global and Inclusive Agreement on the Transition signed in Pretoria on 17 December 2002 and adopted at Sun City on 1 April 2003.<sup>121</sup> Later, the delegates of the Government, rebel movements and armed groups signed two Memoranda on the army relating to the formation of a restructured and integrated National Army, including the military forces of belligerent parties and the MAI-MAI, in order to create the Army Forces of the Republic of Congo (FARDC).

As a conclusion, the work done in Sun City produced not only the Global and Inclusive Agreement on the Transition in the DRC and the Memoranda I and II on the Army, but also the Constitution of the Transition, promulgated by myself as President dated 4 April 2003.

It is only proper that the government and people of South Africa should be acknowledged for their pivotal role in the Inter-Congolese Dialogue, and in particular the vital role of President Thabo Mbeki, for his relentless support, competent advice, and also to the Facilitator, Sir Ketumile Masire, who conducted the political negotiations with patience and perseverance within the framework of the Inter-Congolese Dialogue. The mediation team of South Africa was particularly instrumental in helping us to reach the important destination of a Final Act.

## **2.6 The quest for stability: At the level for the search for peace and security**

The Congolese crisis consisted of two parts, namely an internal one resulting in the Sun City Agreement and an external one involving Rwanda and Uganda but with no solution, in spite of the progress realised in terms of ceasefire which was signed at Lusaka in 1999. The Lusaka Agreement was supposed to bring about a ceasefire and a silencing of the guns, and ensure that the former friends-turned-foes respect the territorial integrity of the DRC. The former allies became aggressor parties and effectively turned into occupation forces. The Lusaka Agreement led to a standstill concerning the withdrawal of the occupation forces, without which the national reconciliation and the territorial reunification would be illusory.<sup>122</sup> There was a need to instil at any cost a new dynamism to the process of withdrawal of aggression troops. This became one of my major preoccupations as I was determined to see to it that not only did Rwandan and Ugandan forces leave the DRC, but also those who continued to attack the country and violated our territorial integrity from outside.

It is indeed for this reason that I initiated direct and separate contacts with the heads of state of Rwanda and Uganda.

These contacts resulted:

- on the one hand, in the signature with Rwanda on 30 July 2002 of the Pretoria Agreement, under the aegis of the UN and the facilitation of the

- Republic of South Africa, this agreement specifying the Rwandan troops' withdrawal and the dismantling of the armed groups in the DRC;<sup>123</sup>
- and on the other hand, in the signature with Uganda on 6 September of the Luanda Agreement under the auspices of Angola, this agreement specifying the total withdrawal of the Ugandan troops in the DRC, cooperation and normalisation of the relations between the two countries.<sup>124</sup>

Under the abovementioned agreements the aggressors' states pulled out of the Congolese territory. Moreover, and in order to confront peace and security in the Great Lakes Region, a subregional organisation called International Conference on the Great Lakes Region (ICGLR) or, in French, Conférence Internationale pour la Région des Grands Lacs (CIRGL) was born and will be scrutinised later on.<sup>125</sup>

But to show that I was even-handed and understood the complex process of statecraft, I also insisted that those who fought on our side, Zimbabwe, Angola and Namibia also depart from RDC territory.

### **2.6.1 At the military, police and security level**

Long before the work done in Sun City, I undertook restructuring of the FAC and signed the 26 January 2002 Decree-Law, thereby bringing the general organisation of Defence and the Congolese Armed Forces together with the Decree imposing the distinctive wearing of ranks and badges within the armed forces on 3 April 2003.<sup>126</sup> The DDR process undertaken by my government was one of the most intensive imaginable, and this is rarely understood by critics.

The police force was restructured on the basis of the 26 January Decree-Law bringing together the institution, the organisation and the functioning of the Congolese National Police. In addition, the 11 April 2002 Decree-Law instituted the display of distinctive ranks and insignias within the Congolese National Police.<sup>127</sup>

As far as the intelligence sector is concerned a Decree-Law dated 11 January 2003 created and organised the National Intelligence Agency (Agence Nationale de Renseignements or ANR), while at the same time another Decree-Law created the General Direction of Migrations (Direction Générale de Migrations or DGM), in order to follow people migrations and monitor the borders<sup>128</sup>. It was even ordered that only four services, namely the General Direction of Migrations, the Customs and Excise Office, the Control Agency (Office Congolais de Contrôle or OCC) and the Health Service would work at the border crossings to make sure that red tape is reduced to a minimum when entering the DRC.

## **2.7 Economy and control of natural resources operations**

Much has been written about resource exploitation in the DRC, and observers would state that this happens at the hands of internal and external forces. When Oxford scholar Paul Collier wrote about “greed and grievance”, many analysts apply it to the DRC.

I made the point earlier, in line with Devon Curtis’s argument, that “peacebuilding strategies to revitalise the economy are also the site of tensions and contradictions, and privilege some interests over others.”<sup>129</sup> Curtis further notes that,

during hostilities and afterward, the political economy of an area is reshaped, with some beneficiaries and some losers. In conflict, there are profits to be made for the large number of individuals and companies connected to the arms trade as well as for natural resource traders who benefit from weak laws and regulations.<sup>130</sup>

That there had to be management and strict regulation of the DRC’s vast minerals is beyond dispute. I now turn to this aspect of the conflict.

### **2.7.1 Diamonds and other precious commodities**

The liberalisation of the diamond trade and precious commodities took place through a new regulation relating to the access to and exploitation of, transport and export of diamonds and precious commodities. But to ensure the control of the abovementioned commodities, a public service was put in place in 2003, called Centre d' Evaluation, d' Expertise et de Certification (CEEC), covering all precious and semi-precious commodities.<sup>131</sup>

- **Mines and quarries**

A code for mining industries was promulgated on 11 July 2002 in order to control this sector and benefit populations and provinces.<sup>132</sup> This code established the principles of profit-sharing revenues realised from export, thereby adjusting a tax and customs system attractive for investors and organising for the first time in our country small-scale mining as well as the benefits derived through this activity.<sup>133</sup>

The mining regulation was then passed by a decree signed on 23 March 2003 and it brought to completion the legal and institutional framework ensuring on the one hand the development and marketing of mining resources and quarries, and on the other hand a better control of the activity thereof.

In order to ensure the legal and judicial security of the operators in the sector, the Code made provision for a professional category of mining consultants, called “mandataires en mines” (Mine Representatives or mandataries) with the mission of assisting and representing mining operators before Public Administration, most specifically the Ministry of Mining Industries.<sup>134</sup>

Furthermore, a service called “Cadastre Minier” (acronym CAMI) was organised for the processing of applications for mining licenses and the granting of mining titles through a decree dated 3 April 2003.<sup>135</sup>

Likewise, and in order to supervise and support the operations in the small-scale mining industry and the mining operators, a public service called “Service

d' Assistance et d' Encadrement du Small-Scale Mining” (SAESSCAM) was passed by a Decree dated 28 March 2003.<sup>136</sup>

### **2.7.2 Forestry**

A Forestry Code was promulgated on 29 August 2002 in order to continue to implement and control the operations of natural resources, specifically forest resources on the one hand, and bearing in mind the vital interest of local populations and surrounding communities, on the other hand.<sup>137</sup>

### **2.8 The Post and Telecommunications sector**

The Post and Telecommunications sector was also reorganised by means of three different laws, promulgated on 16 October 2002, namely: The Bill on Postal Services, a Bill on Telecommunication and lastly a Bill putting into place a Regulatory Authority for the Post and Telecommunications sector (Autorité de régulation de la poste et des télécommunications, ARPTC) to control the sector. These abovementioned Bills were aimed at putting an end to the state monopoly, by liberalising and opening the sector for other private investors, national or international investors, alike.<sup>138</sup> Since then, the sector has experienced remarkable growth, and is a main contributor to the budget, right after the Mining Sector.

- **Investment sector**

The new legislation framework regarding Mining, Forestry, Postal and Telecommunications laid the foundations for liberalising the sectors and opening up to private capital, national as well as foreign-owned capital. It was, henceforth, necessary, not only to redevelop a significantly new legal framework, but also and essentially to restructure the National Agency for the Protection of Investment (Agence Nationale pour la Protection des Investissements, ANAPI).<sup>139</sup> The Code of Investments was promulgated by the Law dated 21 February 2002 and the National Agency for the promotion of investments was restructured with a decree.

## **2.9 Financial sector, budget, banking and monetary sector**

In my State of the Nation address dated 7 September 2002, and delivered to the Constituent Assembly and the Legislative Parliament of Transition in Lubumbashi, I declared that employment would be created to redress the economy.<sup>140</sup> Several actions were then simultaneously taken with regard to the financial sector, the budget and the monetary policies.

Among these actions, I could emphasise the establishment of a floating rate of exchange, the suppression of monetary financing for the budget of the state, fiscal reform and recourse to real prices for oil prices, etc.<sup>141</sup> All these actions have helped the Government since 2001 to achieve the performance criteria needed to resume structural cooperation with the Bretton Woods Institutions and the ADB.

After the stabilisation of the macroeconomic parameters, the Government initiated the economic recovery phase together with the abovementioned financial institutions and through the urgent multi-sectorial programme of rehabilitation and reconstruction, without omitting several programmes of sectorial reforms geared primarily towards the key sectors of national life.

It is thus in this way that the IMF granted the DRC credit worth US\$750 million and from the WB US\$450 million. Additionally, the ADB cancelled the debt of US\$800 million.

From that point onward, the DRC regained international credibility and recovered “a good reputation,” as bankers and financiers like to put it.

At the internal level the national economy was at a turning point for recovery and the Central Bank of the Congo was to play an essential role on the economic and monetary front. Thus, it was decided to put in place a healthy monetary policy and endow the financial and banking sector with three important Laws.

The first Law dated 7 February 2002 contained general provisions for the Coopératives d' Epargne et de Crédit, the second Law of the same date contained general provisions regarding the activity and control of Etablissements de Crédit, while the third Law dated 7 May 2002 related to the constitution, organisation and functioning of the Central Bank of the Congo.<sup>142</sup>

Later in March 2003, I promulgated three Bills in the fiscal sector. The first was aimed at unifying in a single text the tax structure and procedures; the second reinstated the terminology "tax" instead of "contribution", the latter being quite ambiguous in all the legal texts and regulations in fiscal policy; the third Bill set terms for the calculation and collection of tax instalments as well as taxes withheld on benefits and profits.<sup>143</sup>

One of the priority actions of the Mzee Government was the monetary reform towards consolidating the financial sector, which could only be realised with a healthy banking system.

Nonetheless, the state of most credit institutions operating in the country did not provide for smooth monetary reform. There was a clear consensus for the need of a preliminary financial sector streamlining.<sup>144</sup>

Be that as it may, the realisation of this restructuring would meet some constraints relating specifically to the judiciary's insecurity due to the execution of some judgements and administrative formalities on legislation work, and notably regarding lay-offs for economic reasons. In light of the above, the legislator deemed it necessary to institute by decree on 20 April 1998 a special legal framework for restructuring of the Central Bank of the Congo. Due to expire on 20 April 2000, this Decree-Law was extended until 31 December 2001.

This special regime was extended in order to pursue recovery of the financial sector. Therefore, there was the enactment dated 16 October 2002 relating to exemptions on restructuring of the Central Bank of the Congo, the primary

objective being to enable the Bank to improve its efficiency in accomplishing its missions as reframed by the Bill dated 7 May 2002 providing new status for the Bank.<sup>145</sup>

For the sake of sound stability in the banking sector, a special Resolution Regime of restructuring for credit institutions was promulgated on 30 October 2002 in order to restore the viability of credit institutions, which have been in crisis for more than a decade.<sup>146</sup>

Thus, the two Bills mentioned earlier, the one on the Central Bank of the Congo, and the other on credit institutions; laid the foundations for the consolidation of the financial and banking sector.<sup>147</sup>

## **2.10 Public Administration sector**

Many civil servants and police officers, having fulfilled their legal and statutory conditions, were obliged to retire for the benefit of recruiting younger people.

At the same time, a campaign of moralisation aiming at the moral and ethical dimension was undertaken for all state public services and resulted in setting up a structure called the Commission for fighting corruption, fraud and trafficking, and also the counterfeiting of currency; with a decree dated 29 August 2002.<sup>148</sup>

In order to reinforce this campaign of moralisation and give it a legal base, a Decree-Law was promulgated on 3 October 2002. Its purpose is to ensure a standard of conduct regarding moral, ethical and professional behaviour; to promote industriousness and good governance, and to fight against malpractice in the working environment and is applicable for all state officers. State officers refer to any person engaging in public activity of the state and remunerated by the state.<sup>149</sup>

As a result, the Code of Conduct for public officers of the state is applicable without any exception to any person exercising political, administrative or

judiciary functions starting with the President of the Republic up to staff of private enterprises or mixed economy performing public activity for the state.<sup>150</sup>

This document was both an important reference in the fight against corruption and bribery, as well as educational and it enhanced the morale of state officials. This exemplified my will and my determination to fight corruption and other malpractices, which were affecting public administration.<sup>151</sup>

At the same time on 13 November 2003 an inter-ministerial commission was launched to regulate public administration with the purpose of guiding and directing this reform.<sup>152</sup>

## **2.11 Diplomatic and international relations sector**

It must be emphasised that the DRC did not take any initiative in breaking diplomatic relations although there were indeed reasons for breaking off diplomatic ties, notably with the so-called aggressor countries.

Diplomacy was a major instrument I discovered and used as Head of State from very early on. Nicolson (1963), we know has defined diplomacy as “the management of international relations by means of negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or the art of the diplomat.”<sup>153</sup> As such, diplomacy is the antithesis of war and violence. Indeed, negotiation is the fundamental bedrock of diplomacy.

I preferred to resort to dialogue and mechanisms of peaceful settlement between states to resolve and settle differences, and find adequate and appropriate solutions. In fact, the Republic held more meetings and increased the number of countries with which it conducted diplomatic and cooperative relations.

The Republic increased its participation in activities of international, regional as well as subregional organisations; it also regulated its situation regarding its

financial obligations to keep the right to “voice and speech” (vox et votum) intact.

The Republic was even more committed to international relations in appropriating some legal and international documents. Hence, on 12 June 2003, and long before the 1+4 Government, the Republic ratified and adhered to the conventions hereunder mentioned:

- the International Convention for the Suppression of the Financing of Terrorism;
- the International Convention for the Suppression of Acts of Nuclear Terrorism;
- the International Convention for the Suppression of Terrorist Bombings;
- the UN Convention against Transnational Organised Crime;
- the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition additional to the UN Convention against Transnational Organised Crime; aiming at preventing, suppressing and punishing trafficking in persons, women and children in particular;
- the UN Convention against corruption;
- the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;
- the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and
- Agreement on the Privileges and Immunities of the International Criminal Court.

The ratification, acceptance and accession of all these international conventions reflected my will and my determination to include the DRC in international relations and work together with the international community to allow for the promotion of human rights, fight against terrorism, against transnational organised crime, combatting trafficking in human beings,

particularly of women and children, fight against corruption, which is a scourge devastating business life at the international as well as on the national level.

The Republic ratified on 28 March 2001 several international conventions, thereby showing commitment to an active participation in international life. Concerning the universal instruments on human rights These are the following:

- The optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the UN General Assembly of 26 June 2000; and
- The optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The regional instruments on human rights are:

- the African Charter on the Rights and Welfare of the Child; and
- the Ouagadougou Protocol adopted in June 1998 on the creation of the African Court on Human and Peoples' Rights.

The instruments on international Human Rights Law are:

- additional protocol II to the Geneva Convention of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977;
- the Geneva Convention of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; and
- the Hawa Convention of 4 December 1997 on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction.

The instruments adopted under the aegis of the International Labour Organisation are:

- Convention no. 87 with regard to the Freedom of Association and Protection of the Right to Organise;
- Convention no. 15 on abolition of forced labour;
- Convention no. 111 on the elimination of discrimination in respect of employment and occupation;
- Convention no. 135 on the protection of workers' representatives in the enterprise and the facilities to be granted;
- Convention no. 138 concerning Minimum Age for Admission to Employment;
- Convention no. 144 on tri-partite consultations, intended to promote the enforcement of international labour standards; and
- Convention no. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

All the above conventions and Decree-Laws were published in the special issue of the Official Journal in September 2001 to authorise their ratifications.

With these moves, we showed we were determined to become a good citizen of the African community of states, and the international community of states in general. We were bent on showing that we were no pariah of Africa or the broader world community.

## **2.12 Social sector**

The social situation of our population was very disturbing. The disastrous humanitarian situation exacerbated by war and occupation for more than four years, and which resulted in nearly three million deaths, two million displaced persons within the country and 12 million children not attending school led me to create a Social Fund in order to finance social initiatives for the most-disadvantaged groups of the population.<sup>154</sup>

This specific structure was passed by Decree on 5 February 2002 and called Fonds Social de la République (Social Fund for the Republic). The

Administrative Council of the Social Fund was designed to bring together organisations and associations involved in the social sector.<sup>155</sup>

Furthermore, a new Labour Code was promulgated on 16 October 2002, thereby replacing the one of 1967, and with the aim of improving the relations in Contractual Labour.<sup>156</sup>

Similarly, and this time in the judiciary, a Bill was promulgated on 16 October 2002, thereby creating Labour Tribunals outside civil Tribunals, to enable a functional and efficient specialisation in the search for solutions to the problems and disputes arising from contractual relationship.<sup>157</sup>

### **2.13 Judiciary sector**

In addition to the Labour Tribunals mentioned above, it is necessary to emphasise the creation of economic courts on trade, specialising in disputes between traders and more generally between economic operators.

In order to reinforce the separation between civil justice judging all citizens and military justice for men in uniform, two Bills were promulgated on 18 November 2002, the first one on Military Code of Justice and the second one on Military Penal Code.<sup>158</sup>

### **2.14 Public enterprises or enterprise of the state**

Bearing in mind the bad functioning and the poor performance of the SOEs, I decided to undergo reforms and promulgated a Decree on 18 March 2003, thereby creating a Committee (Comité de pilotage de la réforme des entreprises publiques, COPIREP) to make a diagnosis of this sector and work on solutions for the challenge thereof.<sup>159</sup> Analysis, recommendations and conclusions of this Committee resulted later on in July 2008 in four Bills, namely one on general dispositions relating to the transformation of enterprises, the second one on the disengagement of the state in the Portfolio of State

Enterprises, the third one on public establishments, and the last one on regulations for organisations and management of the state portfolio.<sup>160</sup>

## **2.15 Aid and support services for the President of the Republic**

The aid and support services for the President of the Republic and Head of State were subject to a great restructuring by making a distinction between the Cabinet, the Maison Civile, the military house of the Head of State and the General Secretariat to the Presidency of the Republic.<sup>161</sup>

The setting up of Bills led to the creation of around 30 local development authorities, each with a Board of Directors delegating management to a Directorate-General. The same applied to roughly 20 public enterprises in the industrial and economic sector that became commercial activities related to corporate law and commercial courts. Other public enterprises were transformed into public services under the supervision of sectoral ministries.<sup>162</sup>

Finally, and to conclude this chapter on the setting up of actions stipulated in the inaugural speech, and the realisations on the political institutional plan as well as the social and economic recovery thereof, I shall now mention the creation of the National Order of National Heroes Kabila-Lumumba with the Bill of 5 August 2002.<sup>163</sup>

With this in mind, I think it is useful to point out the creation of an operational branch within the Ministry of Foreign Affairs for Congolese living overseas, in order to follow and protect their interest in consultation and coordination with our Embassies and Consulates.<sup>164</sup>

I must also highlight and single out the vital roles played by the Members of the Constituent and Legislative Assembly, the Parliament of Transition, for the quality and abundance of their legislative work that enriched the judicial arsenal of the country in such a short time: Namely from 2001 up to 2003, and before the setting up of institutions endorsed in the Comprehensive and All Inclusive

Agreement of Sun City and in accordance with the Constitution of the Transition promulgated on 4 April 2003.

Let me also mention for reference the Bill on the organisation and the functioning of political parties, the Bills on the Investment Code in the mining sector, the Mining Code, the Forestry Code, the Labour Code, the Bill on the Constitution and the functioning of the Central Bank of Congo (Banque Centrale du Congo), the Act containing general applications applying to Saving and Credit cooperatives, the Bill on the activity and the control of credit institutions, and the Act on the creation of commercial courts.<sup>165</sup>

In my State of the Nation address before the Constituent and Legislative Assembly, the Parliament of Transition in Lubumbashi dated 7 September 2002, I reminded the audience that, by setting up the ACL-PT, the late President Laurent Désiré Kabila had wished not only to have the people's participation for fighting and defending the country but also to ensure open participation for the country's management.<sup>166</sup> Hence, the war of liberation and the revolution of 17 May 1997 started a process that gave power back to the people, and this should be fully realised by means of the organisation of free, democratic and transparent elections.<sup>167</sup>

In my address to the nation, I also emphasised that at my inauguration on 26 January 2001 I made the solemn pledge to use all my energy to end the war, restore peace and national unity, thereby normalising democratic life and rebuilding the country in each and every sector.<sup>168</sup> These remained key priorities for me. I made this pledge with conviction and stability, peace and security and nation-building were apex priorities for me.

The initiatives undertaken for this framework aimed at invigorating and advancing the Lusaka Agreement which on the one hand, led to the disengagement of belligerent forces on the front line for a ceasefire to be effective<sup>169</sup>. It also needed the creation of an environment conducive to the withdrawal of aggressive foreign forces; and on the other hand, ensuring that the Inter-Congolese Dialogue at Sun City, in South Africa, took place.<sup>170</sup>

The Lusaka Ceasefire Agreement comprised two separate and important components for the resolution of the Congolese crisis:<sup>171</sup> The external component in the international dimension of the war of aggression; and the internal one on the resolution of the internal contradictions, which is linked to the crisis of legitimacy that had shaken the entire country since the halt of democracy with the assassination of our national hero, Prime Minister Patrice Emery Lumumba.

## **2.16 The three Republics and different periods of transition in DRC**

With his speech dated 24 April 1990 before senior officials of the Mouvement Populaire de la Révolution (Popular Movement of the Revolution, MPR), Field Marshall Mobutu, President of the Republic and Head of State called for an end to one-party rule, the liberalisation of the political and social space and also the organisation of elections on all levels, to enable citizens to design and have the freedom to choose the leaders of the country.<sup>172</sup> At the same time and by doing so, Mobutu ruled that from now on the Republic was entering a period of “Transition,” thereby preparing predominantly for the arrival of the Third Republic, which aimed at being free and democratic.

The transition had been perceived as an interim period for delivering and creating the new Republic; the following tasks had henceforth to be accomplished:

- First, preparing the draft of the constitution and submitting it to a referendum;
- then, once the constitution was adopted and promulgated, preparing and organising the elections, in order to find the persons sitting in the institutions provided for in the constitution; and, finally,
- carrying out the constitutional or legal formalities to enable these persons to take office.

### **2.16.1 Period of transition before President Joseph Kabila**

- **Transition under General Mobutu**

The transition started on 24 April 1990 and four constitutional texts were compiled at that time; there were eight Prime Ministers during a time span of seven years but this did not inaugurate the Third Republic so widely awaited.<sup>173</sup>

This transition ended with President Laurent Désiré Kabila taking office.

The following constitutional texts were passed:

- the Constitution of the Republic of Zaire was first revised on 5 July 1990 and then again on 25 November 1990 (National Assembly);
- the Act with constitutional provisions for the period of transition (Conférence nationale souveraine, CNS);
- Bill dated 2 April 1993 providing for a harmonised constitutional Act for the period of transition (National Assembly); and
- The constitutional Act of Transition dated 9 April 1994 amended by the 6 July 1995 Bill, that prolonged the duration of the transition for 24 months from 10 July 1995.

Under Field Marshall Mobutu, the transition had eight Prime Ministers, namely:

- Professor Lunda Bululu;
- Professor Mulumba Lukoji (twice; the first time to replace Lunda Bululu, and the second time in July 1991 when Tshisekedi refused the position);
- then Tshisekedi wa Mulumba (four times; the first time in July 1991, then in October 1991 after the notorious lootings of September, the third time when he was elected at the Conference Nationale souveraine, and finally in April 1997, in order to replace Prime Minister Kengo when the AFDL Forces advanced);
- Prime Minister Mungul Diaka;
- Prime Minister Nguz a Karl y Bond;
- Prime Minister Birindwa;
- Prime Minister Kengo wa Dondo; and

- General Likulia, being the last Prime Minister under Field Marshal Mobutu.

Let me mention here that when Tshisekedi was revoked in January 1993, the country was led by a college of General Secretaries of the Public Administration before the Government of Birindwa.

- **Transition under President Mzee Laurent Désiré Kabila**

The aim of the transition period towards a free democratic Republic remained unrealised due to the war triggered by Rwanda and Uganda on 2 August 1998, through the instrumentalisation of displaced citizens and also because of the cowardly assassination of Mzee.<sup>174</sup> That, notwithstanding, left us the Lusaka Ceasefire Agreement as a proof of his efforts to end the war without giving up the independence of the country and the territorial integrity thereof, while desiring a new political and institutional order, that was also wished for by the Congolese people.

## **2.17 Transition under President Joseph Kabila Kabange**

- **Under the influence of the constitutional Decree-Law dated 27 May 1997**

As stated repeatedly, I was almost thrust into this position, and I had to be ready and hit the ground running. This transition started upon my inauguration and my oath-taking before the Supreme Court in January 2001 up to the time of setting up institutions in accord with the Sun City Global and Inclusive Agreement.

Over this period of time, I primarily endeavoured to search for all the ways and means to end the war and pacify the country, not forgetting the tasks and missions associated with the leadership and the management of the country. Again, stabilisation, and peacebuilding was the leit motif of my president and

leadership. This shall explain the significant political, institutional, legislative, regulatory and administrative work I exposed early in the framework of the setting-up options and guidelines articulated in my inauguration speech.

- **Under the influence of the Global and Inclusive Agreement and the Constitutional Transition in the DRC dated 4 April 2003**

During this period, I worked hard with the assistance of the institutions of the transition to realise the main objectives articulated in the Global and Inclusive Agreement and organise the elections that would culminate with the birth of the Third Republic announced by Field Marshal Mobutu in his address to the nation on 24 April 1990.<sup>175</sup>

### **2.18 From the Global and Inclusive Agreement to Transition in DRC signed 17 December 2002**

The Global and Inclusive Agreement on the Transition in the DRC was structured around seven themes or material examined by the Inter-Congolese Dialogue and completed with five annexures, being an integral part of the Agreement.<sup>176</sup>

### **2.19 About the cessation of hostilities**

The parties that were present at this abovementioned Agreement with armed forces renewed their commitment for a ceasefire and a search for a peaceful and equitable solution to the crisis the country was going through. They accepted to embark on the formation process of a national army that was to be restructured and integrated.

The components and entities to the Inter-Congolese Dialogue accepted to combine their efforts to obtain the withdrawal of all foreign troops from the territory of the Republic, the disarmament of the armed groups and militia, and to safeguard the sovereignty and territorial integrity of the DRC.<sup>177</sup>

The parties also accepted to combine their efforts in order to achieve national reconciliation and decided to put in place a Government of National Unity enabling the organisation of free and democratic elections after the period of transition.<sup>178</sup> The parties agreed to take the appropriate steps to make provision for security for the populations and the leaders of the transition not only in Kinshasa but also in the whole national territory.

### **2.19.1 About the objectives of the transition**

The main objectives of the transition were:

- Stability, reunification, peacemaking, reconstruction of the country, the restoration of the territorial integrity, and the reintroduction of the state authority on the whole national territory;
- national reconciliation;
- the establishment of a national, restructured, and integrated army;
- organisation of free and transparent elections at all levels, thereby enabling the setting up of a constitutional and democratic regime; and
- putting in place structures aiming at a new political order.

### **2.19.2 About the principles of the transition**

- a) The parties at the Inter-Congolese Dialogue decided to participate in a political management during the transition to guarantee a peaceful transition. The institutions to be created would have to ensure appropriate representations of the 11 provinces of the country and different political and social opinions thereof. More specifically, it would then have to make provision for encouraging a balanced representation of men and women at all levels of responsibility;
- b) In order to ensure stability of the institutions, the President, the Vice-Presidents, the President of the National Assembly, the President of the Senate remain in principle, in function for the whole period of transition;

- c) The parties were committed to a system respectful of democratic values, human rights, and fundamental liberties;
- d) The institutions of the transition would be based upon the principle of the division of powers, between the legislative, the executive, and the judiciary. They would function according to the principles of consensuality, inclusivity, and non-conflictuality;
- e) The allocation of responsibilities within the institutions and at all levels of the state would be founded on the principle of inclusivity and the equitable sharing between the components and entities, according to criteria of competence, credibility, trustworthiness, and in the spirit of national reconciliation;
- f) The distribution of positions within the government and in particular within the governmental commissions, would be as fair as possible in terms of numbers, the influence of the ministries and governmental positions. A balance would be achieved between the commissions and the distribution of the positions within each of them, and would proceed according to priorities, thereby safeguarding a general balance between the parties; and
- g) In order for national reconciliation to be realised, amnesty would be granted for acts of war, political infractions and views, with the exception of war crimes, genocide and crimes against humanity. In doing so, the National Assembly for Transition would adopt an Amnesty Bill. Temporarily and until the adoption and the promulgation of the Amnesty Bill, amnesty would be promulgated by a presidential Decree-Law.

### **2.19.3 About the duration of the transition**

- a) The period of transition would end on the inauguration day of the Government of Transition. The election for the new president would

bring the period of transition to a close and would take place after the legislative elections.

- b) The elections would take place within 24 months following the beginning of the period of transition. However, and due to the problems specifically linked to the organisation of the elections, this period could be extended by six months, renewable only once and for a period of six months, should circumstances so require, on proposal of the Electoral Commission and by a joint and properly justified decision of the National Assembly and the Senate.

#### **2.19.4 About the institutions of the transition**

The institutions of the transition were as follows:

- a) Executive power:
- The President of the Republic, Head of State;
  - The Presidency would be comprised of the President of the Republic and four Vice-Presidents;
  - The Vice-Presidents would come from the Government Components, namely from RCD, MLC and Political Opposition. Each Vice-President would be in charge of one of the four governmental commissions hereunder mentioned:  
Political Commission (RCD Component)  
Economic and Financial Commission (MLC Component)  
Commission for Reconstruction and Development (Government Component)  
Social and Cultural Commission (Political Opposition Component);
  - The Government

The Government would be composed of the President of the Republic, the Vice-Presidents, Ministers and Vice-Ministers. It would be responsible for management of the state before the National Assembly.

The meetings of the Government or Council of Ministers would be presided over by the President of the Republic.

A Governmental Secretary General would assist the President and the Vice-Presidents for coordinating governmental action. The Executive component of the transition would function in a solidarity manner, and according to the spirit of National Union Government on the basis of, and following a common programme according to the resolutions of the Inter-Congolese Dialogue.

b) Legislative Power

- Parliament would be composed of two Chambers: The National Assembly and the Senate;
- The National Assembly would comprise 500 members, called deputies and these deputies would be designated by the Components and Entities;
- The Senate would be composed of 120 members called senators, designated by the Components and Entities;

c) Judiciary power

- The parties reconfirmed the necessity to have an independent judiciary power;
- The first President of the Supreme Court of Justice, the Public Prosecutor of the Republic and the Auditor General of the Armed Forces would be designated right after the signing of the Global and Inclusive Agreement, to respect the national balance, and according to a mechanism defined by the parties.

d) The Institutions supporting democracy

- The following Institutions would be set up to support democracy: The Independent Electoral Commission, the High Authority of the Media, the Truth and Reconciliation Commission, the National Human Rights Watch, and the Ethics and Fight against Corruption Commission;
- The functions of the President of these Institutions would be assigned to the 'Civil Society' Constituency ('Forces vives').

## 2.20 The army

- There would be a mechanism for creating a National Army, restructured and integrated with the Armed Forces of the Government, the Armed Forces of the DRC, the Armed Forces of the MLC. Bearing in mind peace, unity and national reconciliation the RCD-MLC, the RCD-N and the Mai-Mai would be included; and
- A superior Council for Defence would be created and presided over by the President of the Republic.
- **Final arrangements**

The Constitution of the Transition would be elaborated on the basis of the Global and Inclusive Agreement and fully integrated.

The annexes are fully integrated in the Agreement and have the same force of law thereof.

- **Annexes**
- The five Annexes to the Agreement concern responsibilities within the Government, the National Assembly, the Senate, the provincial

Administration, diplomacy, the monitoring committee of the Agreement, the international interest and security questions.

- Concerning the monitoring Commission of the Agreement, it was decided that it would be headed by the President of the Republic, General-Major Joseph Kabila and be composed of two High-Representatives by Components (or Constituencies) and a High Representative for each entity.

As far as international interest was concerned, an International Committee in Support for Transition (Comité International d' Accompagnement de la Transition CIAT) had to be realised with the mission to ensure the effective implementation of the Agreement, to support the governmental programme of transition and to give its full and active support to secure and safeguard the institutions of the transition, neutralisation and repatriation of armed forces operating on the territory of the DRC.

More information on these annexes were published in the Official Gazette, special issue dated 5 April 2003.

## **2.21 The Constitution of the Transition**

### **General provisions**

This Constitution took over the institutions the way they are specified in the Global and Inclusive Agreement, bearing in mind that this very Constitution had been based on the abovementioned Agreement, that the two Acts constituted the only source of power during the transition, and that any Congolese citizen had the right and the duty to defend the nation and the territorial integrity thereof, to defeat any individual or group of individuals, who took power by force or would exercise power in violation of the provisions of the Constitution.<sup>179</sup>

Following the cessation of the hostilities, this provision should discourage anybody, who would develop projects to divide and destabilise the country. This

provision had been reinforced with another one specifying that the central, provincial and local authorities had the duty to safeguard the integrity of the Republic, its sovereignty and national unity, subject to treason or high treason, depending on the case.

Furthermore, and in order to avoid the excuse of those who use nationality to wage war, a provision had been made in the Constitution that “all ethnic groups and nationalities within the Congo must benefit equally in terms of rights and protection as citizens”<sup>180</sup>. Many provisions provided for public freedoms, rights and fundamental duties of all citizens, in favour of the Congolese people.

## **2.22 Political institutions in the Republic**

As it was indicated in the Global and Inclusive Agreement, the political institutions of the transition were the President of the Republic and the Government defining the Executive Power, the National Assembly and the Senate defining the Legislative Power, and the Court and Tribunals to form the Judiciary Power.

## **2.23 Institutions to support democracy**

The institutions supporting democracy were ordered:<sup>181</sup>

- To guarantee neutrality and impartiality in organising free, democratic and transparent elections (Commission électorale indépendante);
- To ensure neutrality of the media (Haute autorité des médias);
- To consolidate national unity thanks to a genuine reconciliation between the Congolese people (Commission vérité et réconciliation);
- To promote and protect Human Rights (Observatoire national des droits de l’homme); and

- To promote the practice of moral and republican values (Commission de l' éthique et de la lutte contre la corruption).

### **Other institutions**

The Constitution also made provision relating to the Court of Auditors, the Central Bank of the Congo (Banque Centrale du Congo), the National Police and the Armed Forces.

### **Final provisions**

The Constitution also specified the transitional period of 24 months, starting from the creation of the Government of Transition and finishing with the inauguration of the President of the Republic, who was to be elected on completion of the elections, thereby concluding the transition period.<sup>182</sup> Nevertheless, it was indicated that for reasons due to the organisation of the elections, the transition could be prolonged for a period of six months; and renewable once, should circumstances so require, and on proposal of the Independent Electoral Commission, on a joint decision and duly motivated by the National Assembly and the Senate. It was also specified that the Constitution of the Transition would cease to have effect with the entry into force of the Constitution, adopted at the end of the transition.

As concluding remarks, it is important to say that at the end of the Inter-Congolese Dialogue only the President Joseph Kabila had been recognised and reconfirmed in his office as President of the Republic, Head of State, while all the other participants to the institutions of the transition had been chosen after Sun City, according to the adherence to the factions and entities, various stakeholders in the Inter-Congolese Dialogue. It was indeed therefore a great political victory for President Joseph Kabila, who was still an officer in the Armed Forces.

On Monday 7 April 2003, the Attorney General of the Republic addressed the Supreme Court of Justice in a solemn audience, thereby convening all relevant sections combined at the Palais de la Nation, Kinshasa/Gombe, as follows:

based on consensus the Comprehensive and All Inclusive Agreement has designated the actual President of the Republic, Mr. Joseph KABILA to conduct the transition of the Democratic Republic of Congo towards a democratic State as President of the Republic, Head of the Government.....In view of the fact that Section 67 of the Transition Constitution provides that the President of the Republic takes a public oath set out in this article, and before the Supreme Court of Justice... whereas in the personal record of Mr. Kabila, President of the Republic since 18<sup>th</sup> of January 2001, there is no apparent reason for impeachment or incompatibility so as to exercise the high functions of Head of State...May the Court take the oath made by Mr. Joseph KABILA as President of the Republic, Head of State and Head of the Government and give effect accordingly.'

The Supreme Court accepted the requisitions of the public ministry and noted the swearing in of President Joseph Kabila Kabange. It should be noted that President Kabila respected the terms of his oath during the transition and until the end thereof, in such a manner that he brought the country the delivery and birth of the Third Republic.

## **2.24 Functioning of the institutions of the transition**

As indicated above, this study is also about state-building in the DRC. And no state-building project will succeed unless it focuses centrally on institution-building. Linking this notion specifically to the DRC, the institutional set-up of the transition comprised/included a particular and specific structure, namely Presidency of the Republic, made up of the President of the Republic and four Vice-Presidents.

I continued to be consultative and reached out to fellow politicians as much as possible. I regularly held closed consultative meetings with the Vice-Presidents on all matters related to management of the Government, at least once every two weeks and in any case before each and every meeting of the Council of Ministers.

Whatever anyone says, this structure aimed at ironing out disputes, overcoming obstacles, and each time pointing to different solutions, in order to further the transition process. This is worth emphasising with distance and hindsight, the structure being also called “espace présidentiel” (presidential space) and was useful for the management of the transition while at the beginning it was considered sometimes of doubtful necessity. The Vice-Presidents who supported me within the structure must be congratulated.

#### **2.24.1 Satisfactory functioning**

From the outset the institutions of the transition functioned generally in a satisfactory manner, (and the political and social actors will agree with me) once the realisation of the fundamental objective, which was the end of the transition with the birth of the Third Republic (proclaimed on 24 April 1990 and born in 2006) was taken as a parameter of appreciation. This result was achieved at first with the efficient organisation of a popular referendum and the adoption of the Constitution promulgated on 18 February 2006; and then with the presidential, legislative, provincial and senatorial elections, and also with the setting up of democratic institutions, animated and directed by men and women having received the popular sanction, thereby giving birth to a constitutional and democratic regime and a new political order in the Congo.

Furthermore, the constitutional referendum and the elections had been organised on the whole territory for the reunification, the peace process in the country, the restoration of the territorial integrity and the re-establishment of the state authority, which were the main objectives of the transition, with regard to the Global and Comprehensive Agreement, and were realised with more than 90%. Notwithstanding this, the opinion made each and every time a mockery

of the Government of transition by calling it 'Gouvernement de 1+4' (Government 1+4), due to the presence of the President of the Republic and four Vice-Presidents, 'un monstre à cinq têtes' (a monster with five heads), as it was named.

#### **2.24.2 Weaknesses of the functioning of the institutions**

The satisfactory result does not exclude some functional weaknesses carried out by certain institutions; most specifically by the Truth and Reconciliation Commission, and the Ethics and Anti-Corruption Commission. These weaknesses are mainly attributed to scarce resources, and despite the good will demonstrated by the stakeholders of these institutions.

#### **Major incidents or serious ones during the transition**

Bearing in mind honesty and faithfulness to history, it seems now necessary to mention some major or serious incidents, which could have affected negatively the process of the transition in the DRC.

- Throughout the support for the implementation of the Memorandum on the Army and the preparation of the formation of the State Major-General and the Chiefs of Staff of the Armed Forces (FARDC), the designation to the functions of Chief of the Land Staff of a DRC officer brought about negative reactions from the Governmental Component and the Mai-Mai entity. I used my favourite weapon, namely dialogue and managed to have a cool-off period; then the officer chosen by the DRC was accepted and started his function.
  
- The Gatumba massacres at the borders between the Congo and Burundi, the arrest of Major Kasongo in Bukavu by the DRC component and the transfer in Kinshasa thereof, on the command of the military hierarchy, provoked emotional and sentimental reactions, albeit

understanding at the level of the DRC Component, that had threatened to suspend its participation to the institutions of the transition.

- It was then the MLC Component, that threatened to leave the institutions when governmental renovation was provided, and carried through with their threat and some ministers/MLC left the governmental team. However, calm was restored after chaos and it was back to normal routine in the transition period.
- Another major incident of both political and military nature deeply disrupted the regular process of the transition. It was due to a new rebellion in the eastern part of the country, animated by military elements and officials originating from the DRC Component and supported by the regular Rwandan Armed Forces.

This rebellion occurred in the northern provinces and in South Kivu without impacting in any way the electoral processes of 2006 and 2007, thanks to the substantial diplomatic efforts of the DRC. This rebellion subsided and gave way to the Goma peace accord signed in January 2008.

It must be pointed out that the UN represented by Alan Doss, the EU by Mr Roeland van de Geer, the AU by Pierre Yere, the International Conference under the Great Lakes region by Liberata Mulamula and the United States by Tim Shortley, participated at the Goma Conference as international facilitators and as far as national witnesses were concerned there were the traditional Chief Mwami Kabare for the South Kivu and the traditional Chief Mwami Alexandre Muhindo for the North Kivu.

## **2.25 From the end of the transition and the birth of the Third Republic**

### **2.25.1 Extension of the transition**

The transition was initially to last 24 months, and then was extended for a period of six additional months, due to problems linked to the organisation of the elections, and by a joint decision of the National Assembly and the Senate.

### **2.25.2 Constitutional Referendum**

In accordance with the procedure established by the Constitution of the Transition, the Senate initiated the preliminary draft of the Constitution to be submitted to a referendum, which after examination and adoption by the National Assembly became the draft of the Constitution.

The people adopted the draft after the referendum organised from 18 to 19 December 2005, with more than 85% turnout and the Constitution of the Third Republic was then promulgated on 18 February 2006. Thus, the Constitution of the Transition issued from the Inter-Congolese Dialogue of Sun City ended.

### **2.25.3 Electoral process**

The presidential election, in the first round, happened simultaneously with the legislative elections for choosing national parliamentarians in July 2006. After the first presidential ballot, President Joseph Kabila held first place while Vice-President Bemba was in second place; the patriarchs Gizenza Antoine and Nzanga Mobutu were candidates in third and fourth position respectively.

In view of the electoral results, I forged a political and electoral alliance with, on the one hand the *Parti Lumumbiste Unifié* (PALU) and Gizenza and on the other hand with UDEMO and Nzanga Mobutu.

Moreover, some political parties that had supported the candidacy of the previous Governor of the Central Bank of the Congo, namely Pierre Pay-Pay joined my political party, l' Alliance pour la Majorité Présidentielle, AMP (Alliance for the Presidential Majority). This was the case of UNADEF with Charles Mwando, PDC with José Endundo, ARC with Olivier Kamitatu and Christophe Lutundula; they left the AMP nine years later. You will note that the

workers of the 11th hour, according to the biblical expression, formed a 'rebellion' within the political family under the name G7.

The second round of the presidential election was held in October 2006 simultaneously with the elections of the provincial members, who in turn elected consecutively the Senators of the 25 provinces and the City of Kinshasa, the Governors and Vice-Governors of provinces that formed the provincial governments.

## **2.26 Installation of the institutions and birth of the Third Republic**

- **At the Central Power level: *The President of the Republic, Head of State***

Following the announcement of the final results of the presidential elections by the Supreme Court of Justice and before taking office, I took the constitutional oath before the High jurisdiction at the Palais des Nations, with the attendance of the state bodies and the representatives of the political forces of the nation, hereunder:

"I, Joseph KABILA KABANGE, president-elect of the Democratic Republic of Congo, solemnly swear before God and the Nation

- to observe and defend the Constitution and the Laws of the Republic;
- to maintain its independence and the integrity of its territory;
- to safeguard national unity;
- to let me guided by general interest and respect for Human Rights;
- to dedicate my utmost efforts to the advancement for the common good and peace;
- to loyally fulfil as faithful servant of the people the high duties that have been entrusted to me."

This ceremony took place on 6 December 2006, the date on which at a later stage and during the first legislature once a year I delivered the annual State

of the Nation address before the National Assembly and the Senate gathered in Congress.

- **Central Government**

According to Article 78 of the Constitution, a government originated from the parliamentary majority was constituted with at its head, Prime Minister Gizenga, Secretary General and Head of the Party PALU, as per our political and electoral agreement.

Likewise, and respecting the agreement with him, Nzanga Mobutu was named State Minister, taking precedence over the other members of the Government.

After the approval of the governmental programme and the inauguration of the Government through the National Assembly, the first Government of the Third Republic took office.

Later on, during the governmental restructuring Muzito Adolphe du Palu, Minister of the Budget in the Gizenga government, was named Prime Minister, thereby replacing Nzanga Mobutu, who was kept in the Government as Vice Prime Minister.

- **National Assembly and Senate**

The National Assembly and the Senate gathered in an extraordinary session 15 days after the announcement of the legislative and senatorial elections, and thus replaced the parliamentary chambers of the transition.

#### **At the provincial power level**

- **The Provincial Assembly**

In each and every province, the Provincial Assembly meets automatically in extraordinary session 15 days after the inauguration of the provincial elections results and takes office.<sup>183</sup>

### **Provincial Government**

After the election in each province of the Governor and the Vice-Governor and their inauguration by the President of the Republic, the Governor sets up the provincial government whose ministers were inaugurated by the Provincial Assembly after the approval of the governmental programme.

With the setting up of the institutions, at the central power in Kinshasa as well as at the provincial power in each capital city of the province, the long and painful transition, which had started in April 1990, effectively ended in February 2007, exactly 17 years later; and so was the Third Republic born as an independent, sovereign, united and indivisible, social, democratic and secular state in its borders on 30 June 1960.

With the aim of showing to the nation that the political struggle should not create tension among Congolese people, who are from different parties and want to come to power, I visited at his residence Vice-President Jean-Pierre Bemba, although tradition and political practice is that the 'defeated' candidate normally congratulates the elected one.

Before starting the second section, I wish to congratulate and thank all the Parliamentarians and Senators of the Transition, for their legislative achievements and all the work done often on the basis of drawn up and developed projects by the members of the Government.

I also wish to congratulate the members of the Independent Electoral Commission for their work often accomplished in difficult situations, and for their achievement in the electoral process to set up the main political institutions of the Republic.

I would like to convey my appreciation also to the members of the High Authority of the media for their framework then and after the elections, and for preventing the populations' sterile confrontations and ethnic or tribal violence.

I also have a thought for political parties, who supervised their supporters to cast their votes, while reinforcing the national conscience as well as the civic and patriotic education.

Finally, I salute the maturity of the Congolese people, whom I admire for their endurance and patience during this awkward transition and I express here my thanks for the choice they made, namely to bring me to the Supreme Magistracy to preside over their destiny.

In September 2002 I was before the Constituent and Legislative Assembly (Parliament of Transition) and I was already convinced that only the organisation of free and fair, transparent and democratic elections could put an end to the deficit of legitimacy that shook the DRC since the dawn of its independence and that the success of these elections would give birth to a new political and institutional order; better for the Third Republic, as Field Marshal Mobutu expressed it.

This was finalised in October, December 2006, and February 2007. The Congolese transition thus ended with the political victory of consolidation of the political and social forces started by President Joseph Kabila Kabange, that provoked actually the departure into exile in Europe of the previous Vice-President Jean-Pierre Bemba, nonetheless elected Senator of the South Ubangi province. A year later, Bemba was arrested in Belgium and transferred to The Hague, at the ICC, as he was charged with war crimes and crimes against humanity by the armed groups of the MLC in the CAR.<sup>184</sup>

## **Chapter 3**

### **The Third Republic: Political and Institutional Framework**

#### **3.1 Introduction**

In line with the biographical-narrative/auto-ethnographic analytical methodological approach adopted within this dissertation, this chapter details the processes of political stabilisation and state building conducted during my tenure as Head of State. These important political, constitutional and institutional reforms are considered to part of my enduring legacy as President of the DRC. As this chapter will show, under my decisive leadership, the country became involved in reconstruction and national rehabilitation. The construction and erection of capable, effective and strong political institutions – and the concrete, palpable and visible results thereof – served as a beacon of hope for the realisation of political, institutional, social and economic stability conducive to the emergence of the DRC.

This chapter is divided into three sections: Section 1 details the Third Republic and its political institutional framework as anticipated by the Constitution dated 18 February 2006. Section 2 discusses the functioning of the political institutions during the First and the Second Legislature. Section 3 elaborates on the external relations of the Republic with neighbouring countries, Africa, and the world.

#### **3.2 General arrangements**

The Constitution of 18 February 2006 like the Constitution of the Transition, reaffirms that the Republic is an independent, sovereign, united and indivisible, social, democratic and secular state governed by the rule of law within its borders of 30 June 1960.<sup>185</sup>

The Constitution provides that it is the duty of all Congolese people to defend the country and its territorial integrity when faced by threat or exterior aggression; and gives injunctions/orders to any national, provincial, local and

customary authority to safeguard the unity of the Republic and territorial integrity subject to high treason.<sup>186</sup>

Furthermore, the Constitution places the exercise of state power on two levels, namely the central and the provincial levels with distinctive competences between the state and the provinces on the one hand, and on the other hand within the provinces, at the local level (being city, commune, sector and chiefdom), constituted in territorial decentralised entities. Some have called this 'le Régionalisme constitutionnel' (Constitutional Regime).<sup>187</sup>

Thus, the province has changed from a simple territorial administrative unit to a political component with its own competences and attributions, with legislative power exercised by a provincial Assembly and executive power exercised by a Provincial Government led by a Governor elected by the Assembly.

The Constitution notes that this political and territorial configuration is neither fixed nor static, since with the terminology in its Article 4, new provinces or territorial entities can be created either by break-up or consolidation within the conditions determined by the law.<sup>188</sup>

Nonetheless, it is important to note that with Article 199, the Constitution allows for two or more provinces by mutual agreement to provide a framework for coordination and harmonisation of their respective politics and to jointly manage some services, which matters are linked to their competence.<sup>189</sup>

Furthermore, and in order to ensure harmonisation in the planning and carrying out of policymaking at central power level as well as provincial power level, a Conference of the Governors of provinces is scheduled with the mission to give opinions or make recommendations on public policy and on legislation to be enacted by the Republic; this Conference is to be presided over by the President of the Republic.<sup>190</sup>

As far as development is concerned, a 'Caisse nationale de péréquation' (a national redistribution fund) is instituted with the aim at financing projects and

programmes for public investment and ensuring national solidarity and correcting the imbalance in the development between provinces and other territorial decentralised entities.<sup>191</sup>

With the idea of strengthening the rule of law, the Constitution contains several provisions on human rights, fundamental liberties and duties of citizens and the state divided into civil and political rights, economic, social and cultural rights, collective rights and citizens' duties.

### 3.3 Institutions of the Republic

The Constitution of the Third Republic enshrines the classical principles of any democratic regime, namely separation of power between the executive, the legislative and the judiciary, while creating – innovation taken over from the Constitution of Transition – supporting institutions for the democracy called civil institutions.

#### 3.3.1 Political institutions

The institutions of the Republic are the following:

- a) **At the executive level**, the President and the Government led by a Prime Minister;<sup>192</sup>
- b) **At the legislative level**, the National Assembly and the Senate constituting the Parliament;<sup>193</sup> and
- c) **At the judiciary level**, the Courts and the Tribunal divided into jurisdictions of judiciary order under the control and the authority of the Supreme Court, jurisdictions of administrative order under the control and the authority of the State Council and the Constitutional Court.<sup>194</sup>

In this context it may be noted the existence recognised by the Constitution of Superior Council of Magistracy responsible for

administering the judicial authority and presided over by the President of the Constitutional Court.<sup>195</sup>

- d) **At the provincial level**, the provincial Assembly comprises of the provincial Parliament; the provincial Government is the Executive arm of the province.<sup>196</sup>

It is important to note that the Government of the Republic is responsible for national policy before the National Assembly, which endorses it before entering into effect and also may bring about its dissolution through a motion of no confidence or motion of defiance against the Prime Minister in case of the former and the resignation of a minister in case of the latter. These mechanisms are also brought about in the relations between the provincial Executive and the provincial Assembly.<sup>197</sup>

### 3.3.2 Other institutions

- a) The institutions to support democracy are the following:
- **The National Independent Electoral Commission** in charge of organising the electoral process, specifically for voter registration, voting operations, vote counting and organising any referendum;<sup>198</sup>
  - **The Superior Council for Broadcasting and Communication** so as to guarantee and ensure freedom and protection of the press as well as any other media, to ensure compliance with judicial ethics regarding information and equitable access to political parties, civil society and official means of information and communication;<sup>199</sup> and
  - **The National Commission for Human Rights** for promotion and protection of human rights.<sup>200</sup>
- b) The Economic and Social Commission has an advisory role on economic and social questions addressed by the President of the

Republic, the National Assembly, the Senate and the Government.<sup>201</sup>

### **3.4 Pre-eminence and predominance of President of the Republic institution**

According to the terms in Article 91 of the Constitution, the Government defines and carries out the policy for the nation and is responsible for the civil service, armed forces, national police and security services. However, the President of the Republic has a certain pre-eminence on the other institutions due to his status and has a leading role in the functioning of the institutions of the Republic in terms of power and legal prerogatives.<sup>202</sup>

#### **3.4.1 Statute of the President of the Republic and the missions thereof**

The President of the Republic is elected by universal and direct suffrage, and represents the nation and is the symbol of national unity.<sup>203</sup>

The President oversees the observance of the Constitution and guarantees through arbitration that all the activities of the institutions and its constituent bodies run smoothly and ensures the continuity of the rule of law.<sup>204</sup>

As Head of the National Executive and supreme commander of the Armed Forces, the President of the Republic presides over: The Superior Council of Defence and the Council of Ministers; the President is the guardian of the national independence, territorial integrity, national sovereignty, and of the respect for the treaties and international agreements that the President negotiates and ratifies.<sup>205</sup>

- **Powers and prerogatives**

The President of the Republic appoints and may also remove the Prime Minister, and the other members of the Government. The President appoints and also dismisses the judges and the public prosecutors.<sup>206</sup>

The President appoints and dismisses: Ambassadors and special Envoys, general officers and senior members of the military and national police, the Chief of Defence staff, the Chief of Armed Forces and commanding officers of major units, the senior government officials, state department heads, state representatives in the SOEs, and the magistrates of the Court of Auditors.<sup>207</sup> The President appoints, on his own initiative, three out of nine members of the Constitutional Court.<sup>208</sup> Moreover, the President designates and confers the President of the Constitutional Court elected by his peers.<sup>209</sup>

The President also confers power to Governors and provincial Vice-Governors, the members of the institutions for supporting democracy and the members of the Economic and Social Council once they have been either elected or designated.<sup>210</sup>

The President of the Republic may also dissolve the National Assembly, the provincial Assembly and dismiss a provincial Governor, for certain political institutions.<sup>211</sup>

As far as the legislative process is concerned, the President promulgates the laws, may request either a second reading of the laws or pursues remedies with the aim at having a Bill declared unconstitutional.<sup>212</sup>

Following certain conditions, the President may declare a state of emergency or the state under siege or even wage war.<sup>213</sup> As for the judiciary, the President exercises the right of pardoning power either by remitting, replacing or reducing the punishment.<sup>214</sup>

The President may confer grades regarding the national orders and awards decorations.<sup>215</sup>

Finally, I may mention that the President of the Republic has also the right of initiative regarding Constitutional amendments.<sup>216</sup>

While entrusting the Government with the definition and the conduct of the national policies of the nation, this latter having the responsibility before the National Assembly, the Constitution provides that the definition of policies is done in conjunction/consultation with the President of the Republic and that defence, security and international relations are domains of cooperation between the President and the Government.<sup>217</sup>

### **3.4.2 Dispositions for the exercise of powers and prerogatives of the President of the Republic**

#### a) Countersignature of the Prime Minister

With the exception of the rulings designating the Prime Minister, nominating Governors and provincial Vice-Governors and conferring grades regarding the national orders, the ordinances of the President of the Republic are countersigned by the Prime Minister.<sup>218</sup>

#### b) Initiative, advice, consultation or cooperation with other organs

The exercise of power of the President of the Republic and the setting up of his prerogatives are mostly subordinated to the initiative of another organ, for example, regarding nomination, initiatives of the Government or the Superior Magistracy Council, propositions of the Prime Minister regarding the members of the Government.<sup>219</sup>

Dissolving the National Assembly requires not only the existence of an ongoing crisis between the Government and the National Assembly but also requires previous consultation of the Prime Minister, of Presidents of the National Assembly and the Senate.<sup>220</sup>

Concerning the dissolution of a provincial Assembly or the changing of a provincial Governor, there must be consultation with the national headquarters of the National Assembly and the Senate, and also deliberation in the Council of Ministers.<sup>221</sup>

The investiture given by the President of the Republic requires either an election (for Governors and Vice-Governors), or a prior designation by other organs (for the six members of the Constitutional Court, the members of the Economic and Social Council and the members of the institutions to support democracy).<sup>222</sup>

c) Mechanism of dissuasion towards the President of the Republic

The Republic is a state subject to the rule of law and as such, the President of the Republic is not above the law. The President is subject to judicial review from the Constitutional Court for criminal matters regarding political offences of high treason, contempt of Parliament or honesty and also insider offences for other infringements of the law in the exercise of the presidential function.<sup>223</sup>

In conclusion, the institutional architecture as established by the Constitution, covers all the sectors of national life and should allow the pursuit of work for reconstruction and development of our territorial space, rehabilitation of the nation and the Congolese citizen, in the political, economic, social cultural and ethical dimension.

## **Chapter 4**

### **The Functioning of the Institutions during the First and Second Legislature**

#### **4.1 Introduction**

All tiers of governance and the state are important, and it is important that all tiers work and function optimally. It is not just the Executive and Judicial branches that are important. The Legislative branch is just as important. For this reason, this chapter will detail the specific projects initiated under the instigation of the Head of State.

Despite some weaknesses and deficiencies/shortcomings here and there, the institutions at the central level of power and also at the provincial level of power were trying hard to function due to a major political event; namely, the electoral victories in 2006 and 2011 of my political party. This victory made it possible to keep the same parliamentary majority within which the President of the Republic found all his Prime Ministers. This ensured the political continuity of the Head of State with the launch of the programme called 'les cinq chantiers' (five sectors) for which I was elected in 2006, followed by the programme 'La Révolution de la Modernité' (the revolution of modernity), which ensured my victory in 2011.

Although the political institutions with the exception of the Senate were led by people from the same political party with the emotional and political basis of President Kabila, this party is, however, made up of around 30 political parties together with independent personalities, fighting sometimes with hatred and bitterness, thereby forgetting the united link.

In 2006 the presidential party PPRD (Parti du Peuple pour la Démocratie) obtained 130 seats at the National Assembly, but in 2011 it was only 60 seats, and therefore the support of allied parties was needed, in order to ensure 130 seats.<sup>224</sup> This was called 'Mosaïque PPRD' (PPRD Mosaic). The PPRD won in 2006 all the provinces except the province of Equator, which was won by the

MLC, the party of Jean-Pierre Bemba. The latter became senator of this province.<sup>225</sup> However, and around the end of the first legislature, the province of Equator governed by Bemba switched to the PPRD, so that all the provincial political institutions fell under the supervision of the political party 'kabiliste.'<sup>226</sup>

## **4.2 First Legislature**

### **4.2.1 Central power level**

Respecting my political and electoral commitments and following my inauguration in December, I designated at the Head of the Government a member of the Lumumba party, namely Antoine Gizenga first and then Adolphe Muzito, former Minister for the Budget during the Gizenga Government.<sup>227</sup>

The National Assembly changed at the office level with the MP Boshab replacing Kamehere as the Head of the Assembly.<sup>228</sup> No motion of defiance was initiated by the MPs of the opposition and thus no member of the Government resigned.

### **4.2.2 Provincial level of power**

Continuous frictions between the Assemblies and the Governments disturbed the functioning of the institutions in the provinces except in the Katanga, Low-Congo and the oriental provinces.<sup>229</sup>

These struggles, whether openly or secretly/stealthily, led on the one hand to the resignation of the Governors in the Bukavu and the Katanga provinces twice, in Mbandaka, Bandundu and the Kindu provinces; and on the other hand, to the resignation of some Presidents of the provincial Assemblies, specifically in Mbuji-Mayi and in the Kindu provinces.<sup>230</sup>

### 4.2.3 At the level of the institutions supporting democracy

The CENI (National Independent Electoral Commission) replaced the CEI (Independent Electoral Commission) and was preparing to tackle the electoral deadlines for the Second Legislature, under the supervision of the President of the Commission, Pastor Mulunda and the Vice-President, Professor Ndjoli.<sup>231</sup>

- **Salient facts of the First Legislature**

Four significant political events marked the First Legislature, namely:

- the set-up of the programme of President Kabila based on “les cinq Chantiers” (five sectors) and the remarkable launching of Chinese cooperation with the “gagnant gagnant” (win-win) formula.<sup>232</sup>

The following fifth chapter of this dissertation will deal with the achievements of the economic and social programme under the leadership of President Joseph Kabila Kabange, due to the political, socio-economic and psychological impact of the concepts of “Cinq Chantiers” under the Second Legislature and “La Revolution de la Modernité” in the Second Legislature.

- The success of the socio-economic programme of the Government starting in 2001, with the assistance of international financial institutions supporting our internal efforts to clean up the economic and financial environment, which led to the cancellation of external debt to the extent of some US\$12 billion.<sup>233</sup>
- The control and strengthening to an acceptable level of the macro-economic framework, especially the inflation rate, the rate of exchange related to foreign currencies, particularly to the US Dollar, stability of price levels and a substantial increase in our exchange reserve, resorting more and more frequently to Congolese currency for commercial transactions.<sup>234</sup>

- The organisation of commemoration concerning the 50th anniversary of independence and international sovereignty of the country, which was celebrated with great pomp and circumstance considering the numerous guests and the delegation of 14 Heads of State, one being the Belgium King Albert II accompanied by Queen Paola.

### **Revision of Article 71 of the Constitution**

In the initial text of the Constitution promulgated on 18 February 2006, Article 71 read as follows:

The President of the Republic is elected by an absolute majority of expressed votes. If a majority is not obtained in the first round, a second round will take place within fifteen days. Then the candidate with the majority of cast votes is elected.<sup>235</sup>

This provision was revised on 20 January 2011 and read as follows:

The President of the Republic is elected with a simple majority of expressed votes.<sup>236</sup>

Henceforth the presidential election was brought back to a single round and in December 2011, the President of the Republic was elected with a relative majority of 48%.<sup>237</sup>

### **4.3 Second Legislature: Set-up of institutions supporting democracy**

The National Independent Electoral Commission (NIEC) according to the Constitution was structured by the Bill dated 5 June 2004 and organised the presidential, legislative, provincial and senatorial elections, and also the elections for Governors and Vice-Governors in difficult conditions between July 2006 and January 2007.<sup>238</sup> Considerable technical problems occurred with identification problems of the Congolese people and the enrolling of electors, as well as organising casting votes in such a vast country, in which communication facilities are still insufficient and precarious.

The NIEC, whose president was previously Malu-Malu, was established by the Bill dated 28 July 2010, and the Commission also organised in November 2011 the presidential elections as well as the Parliamentary elections under the supervision of Pastor Mulunda.<sup>239</sup> In the general observations accompanying the Law, and in order to guarantee transparency of the electoral process as well as providing efficiency, the number of members at NIEC was limited to seven, namely four members designated by the majority and three members by the opposition.

However, the various assessments of the electoral process of November 2011 on the one hand, and the recommendations for improvements after report hearings of the NIEC by the National Assembly on the other hand, caused the Legislator to review the institutional framework for organisation of the elections.

Consequently, the Bill dated 28 July 2010 was modified by an organic Law dated 19 April 2013, thereby introducing some innovations to reinforce independence, neutrality and credibility of the NIEC. These include the following:<sup>240</sup>

- 3 the creation of the Plenary Assembly as the conception, decision, orientation and evaluation and control structure for the NIEC;
- 4 the effective involvement of civil society as third component with the political majority and the opposition;
- 5 the institution of consensus/dispute resolutions as main means of taking decisions;
- 6 the definition in the Law of the powers of the Bureau members of the NIEC;  
and
- 7 women representation with at least 30% of the members of the NIEC.

On 12 June 2013, the members of the NIEC were conferred by a presidential decree and took an oath before the Supreme Court of Justice, with again Pastor Malu-Malu at the Head of the Commission.<sup>241</sup>

However, two years later and due to illness Pastor Malu-Malu had to resign, and was replaced by Corneille Nangaa, who was endorsed by the President.

#### **4.4 Upper Council for Broadcasting and Communications (UCBC)**

The UCBC was instituted by Article 212 of the Constitution and organised by the Bill dated 10 January 2011, and was a body dedicated to regulations of the media, which are vital and necessary tools for building the democratic state and the rule of law.<sup>242</sup> The members of UCBC were conferred by presidential decree and took office after taking an oath before the Supreme Court of Justice.<sup>243</sup>

#### **National Commission for Human Rights (NCHR)**

Article 222 of the Constitution provides for the legislative body to create other institutions for support of democracy and thus the NCHR was created and organised by an Organic Law dated 21 March 2013 with the members taking up their function after presidential decree and the taking of an oath before the Constitutional Court.<sup>244</sup> This act, symbolic though it might seem, shows that we were very committed to the rule of law in the DRC and that this would signal another break with the past.

#### **4.5 Putting in place political institutions: The President of the Republic**

Joseph Kabila Kabange was elected President of the Republic following the election in November 2011 and took the constitutional oath before the Supreme Court of Justice on 22 December 2011, at the Cité de l' Union Africaine, and assumed office immediately.

##### **4.5.1 Central Government**

A few days later, in February 2012, the President of the Republic made the Government headed by Prime Minister Muzito resign and designated as Prime Minister the previous Minister of Finance Augustin Matata Pognon. After the

approval of the government programme on the “Révolution de la Modernité,” as the continuation of the “Cinq Chantiers” programme, and introduced by the new Prime Minister, the Government was given power by the National Assembly and started work immediately in order to translate into facts the programme called “Révolution de la Modernité.”

#### **4.5.2 National Assembly**

The legislative elections had been organised for the second time in November 2011 and gave rise to a new National Assembly under the supervision of the Honourable Aubin Minaku, MP of Idiofa (Kwilu District, Bandundu Province) and General Secretary of the PPRD.

#### **4.6 Setting up other Institutions of a Constitutional nature**

##### **4.6.1 The Constitutional Court**

Following Article 169 of the Constitution, an Organic Law was promulgated on 15 October 2013, relating to the organisation and the functioning of the Constitutional Court.<sup>245</sup> The nine members were appointed and named by the President of the Republic on 7 July 2014.<sup>246</sup>

A solemn ceremony took place at the Palais du Peuple in the Salle des Congrès, with the Head of State and other institutions of the state.

The President of the Court, also President of the Superior Council of the Magistracy was elected by his peers and conferred by the Head of State on 11 April 2015.<sup>247</sup>

##### **4.6.2 The Economic and Social Council**

The Economic and Social Council, like all great Institutions of the Republic, was instituted by the Constitution, following Article 208 thereof, and its functioning was made effective by an Organic Law promulgated on 30 October 2013.<sup>248</sup>

The members of the Economic and Social Council were designated by the structures and associations to which they respectively belong, and were given power by the Head of State.<sup>249</sup> They formed their Office under the supervision of Councillor Ezaty and took office thereafter.

## **4.7 Memorable facts during the Second Legislature**

### **4.7.1 Rebellion M23**

In February/March 2012, the province of North Kivu experienced a mutiny under the insurrectional movement called M23, supported by the special Rwandan forces and took the city of Goma.<sup>250</sup>

After diplomatic steps and under the pressure of the UNSC, the rebels withdrew from Goma and entered into negotiations with the Government of the Republic in Kampala under the facilitation of President Museveni, at the time President of CIRGL.<sup>251</sup>

### **4.7.2 National consultations**

On 15 December 2012, I held my State of the Nation address before the two Chambers gathered in Congress; and then on 31 December 2012 with my new-year greetings I announced a political initiative to reinforce national, institutional and popular cohesion to deal with the enemies of the Republic and peace.

The national consultations started on 7 September 2013 and ended on 23 October 2013.<sup>252</sup> The 15 members of the UNSC, President Sassou Nguesso of Congo-Brazzaville and the President of the AU Nkosazana Dlamini-Zuma attended the closing ceremony for the work of national consultations on 23 October 2013.<sup>253</sup>

The putting into effect of the resolutions taken at the national consultations led to the creation of a Government of National Cohesion headed by Prime Minister Matata, assisted by three Vice-Prime Ministers.<sup>254</sup>

In addition, it is important here to stress that in the current circumstances, the national consultations took the resolutions and recommendations by consensus and had requested to do an electorate and a population census, this being in view of the next elections to constitute an electoral register from which the electoral lists are drawn.

#### **4.7.3 Victory of the FARDC on the Rebellion M23**

The southern African security architecture is still an evolving one, and the SADC Organ on Politics, Defence and Security Co-operation (OPDSC) is not well consolidated for peace-enforcement operations. SADC member states South Africa, Tanzania and Malawi deployed a 3 000 strong intervention force in March 2013.<sup>255</sup> Together with the Congolese army this force was able to rout the *Mouvement du 23 mars* (March 23 [M23]) rebel group in November 2013.<sup>256</sup> It is interesting to note that this intervention by the three SADC members was undertaken outside the formal SADC Brigade structures.<sup>257</sup>

This was also prompted by the delays faced and poor results of the Kampala Conference. So, the FARDC launched an offensive with the logistic and operational support of the special squad of the *Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo* (MONUSCO) and defeated the rebels of M23, who sought refuge beyond our borders in Uganda and Rwanda.<sup>258</sup>

This represented an undisputable victory for our armed forces and I congratulate them for their bravery and sense of sacrifice.

The Battle of Chanzu Hill on 4 November 2013 resulted in a decisive military defeat of M23 by FARDC and MONUSCO/IB. This hill is situated close to the

border with Rwanda and Uganda in eastern DRC, and with the hills of Runyoini and Mbulizi made up the area known as the “cradle of the M23 rebellion.”<sup>259</sup>

Here I wish to make reference to a very contentious issue: the changed role of Uganda and Rwanda. On this score, Tanzanian scholar Mwesiga Baregu coined the highly controversial notion of “allied” vs aggressor or axis states, an idea that was of course borrowed from the First and Second World Wars. On this score, Baregu would have likened the role of Uganda and Rwanda to “axis” and “aggressor” states.

#### **4.8 Ratification of the Framework Agreement of Addis Ababa**

A Framework Agreement for Peace, Security and Cooperation for the DRC and the Great Lakes Region was signed on 24 February 2013, to guarantee peace and stability in the Great Lakes Region.<sup>260</sup>

The Heads of State of 11 countries, members of the CIRGL, the UN, the AU, and SADC ratified this Agreement.<sup>261</sup>

Internally and following the Agreement, I issued a Decree concerning the establishment, organisation and the functioning of a national mechanism for follow-up and supervision to fulfil the commitments entered into by the DRC in terms of the Framework Agreement of Addis Ababa.<sup>262</sup>

##### **4.8.1 The Nairobi Declaration**

The restructuring of the NIEC set up after the presidential and legislative elections in November 2011 and mentioned earlier, led to a new system within the office of this institution in the middle of the second semester 2015.

Corneille Nangaa was named President, Norbert Basengenzi as Vice-President and Pierrette Mwenze as Quaestor.<sup>263</sup>

I now turn to the state of International and Diplomatic Relations of the DRC, after outlining the constitutionally delineated institutions under the second legislature and some memorable facts thereof in the following chapter 5.



## **Chapter 5**

### **The International and Diplomatic Relations of the DRC**

#### **5.1 Introduction**

I now turn to the chapter on foreign policy. All states in the world, no matter how big or small, African states included, have foreign policies and maintain diplomatic relations with other states. The DRC is no exception. This chapter is, thus, dedicated to the diplomatic and international relations of the DRC

#### **5.2 In pursuit of the DRC's foreign policy goals**

States pursue foreign policy goals in order to meet their needs. A foreign policy goal can be defined as “a vision of a future state of affairs that policy makers aspire to bring about...”<sup>264</sup>

It is essential to understand the following:<sup>265</sup>

- Leaders pursue foreign policy objectives on behalf of the nation; and
- A foreign policy objective is a vision of a future state of affairs that policymakers aspire to bring about influencing the behaviour of another state or non-state actors.

Foreign policy goals include security, prosperity, autonomy, changing world order and protecting friends and allies. These were all very important in the context of the DRC. Once one understands the fundamentals of a government one can analyse the system of the country and thereby derive its intent in its foreign policy goals and aims.

States typically pursue seven goals of foreign policy. These are: Security, welfare, autonomy, status and privilege, protection of ethnic, ideological or religious colleagues, world reorganisation and territorial integrity.

### 5.2.1 Security

States search for both internal and external security, and this can be understood only in the context of the potential or actual threats they face.

When heads of states and governments are inaugurated, they typically pledge to “protect” and “defend” their countries/states and to remain “faithful” to the “values” of their states.

There is a difference between threats and vulnerabilities in security:<sup>266</sup>

*Vulnerability* derives from geographical characterisation and the resultant transportation corridors for military action, something we had to contend with a lot in the DRC.

*Threats* are more immediate and are beholden to the capabilities at the hands of adversaries to exploit vulnerabilities.

The second important goal pursued by states is that of welfare or prosperity. In the African context we refer to this goal as development.

The bases of social welfare are increases in wealth and economic efficiency. These, in turn, require foreign trade and economic investment and economic growth.

### 5.2.2 Welfare

Today the *welfare state* has a direct responsibility for maximising economic growth, for minimising unemployment, and for providing a variety of services that enhance the quality of life and the economic and personal opportunities of all citizens.

Thus, increasing economic efficiency and creating wealth is a part of the national interests of states and therefore becomes an integral part of foreign

policy. This is especially true considering trading opportunities and limitations and therein managing foreign trade. Interestingly, many of the economic conflicts seen in the world are due to the different approaches of wealth generation to increase economic production and trade and this often is done at the expense of another economy and even political decisions can influence factors of economy.

### 5.2.3 Autonomy

The third important goal pursued by states is that of *autonomy*. Autonomy implies the ability of a government to determine and implement its domestic and foreign policies according to its own priorities, without coercion or prescription from abroad.

But the ability to exercise autonomous decisions is highly influenced by power capabilities. Power denotes the ability or capacity to act in a way in relation to someone, or influences a party, in a manner that you get them to do what you intend for them to do. No state wishes to be dictated to by other states, and states wish to set and own their policy agendas. No state wishes their behaviour to be dictated by others. Autonomy is influenced by the way political agendas are set and influenced, or the way others think and behave. States can be offered rewards, or threats – that is, incentives and disincentives, carrots and sticks – to achieve their goals and lure or dominate others.

The doctrine of sovereignty provides a legal basis for autonomy. But it does not prevent coercion or reduce the constraints that operate through various forms of dependency or asymmetrical vulnerabilities.<sup>267</sup>

But virtually all states in our interdependent world are faced with the problem of the erosion of autonomy. In order to secure or maximise other purposes such as security, welfare and status, they are compelled to limit their freedom of choice and action. As we have seen, alliance commitments involve obligations, as do declarations of neutrality. Yet to the extent that these undertakings are entered into voluntarily, autonomy has not been reduced.

#### 5.2.4 Status and prestige

A fourth goal pursued by states is that of *status and prestige*. Like individuals, states are also keenly aware of their status and prestige. A range of means could be used by states to enhance their international standing.

In earlier times, prestige and status were established through the power of military force. Thus, in establishing autonomy and gaining territorial powers through military force and wars, stronger states also established greater prestige and status in comparatively larger power and expanding sovereignty. To this day, ceremonies of military parades are still seen as prestigious in many countries such as Moscow, Paris and elsewhere for national 'revolutionary day' festivities.<sup>268</sup>

A power status these days is "not just the display, but what is being displayed."<sup>269</sup> There is a status attached to being able to develop nuclear weapons and having 'nuclear power.' Holsti states that

the explicit or implicit hierarchy of states in our minds, i.e. how we rank states in various ways, remains to a large extent based on military might and potential of each country. Most political leaders are well aware of this and act accordingly.<sup>270</sup>

But we should not underestimate the importance of internal, national security of a state like the DRC. Such security is absolutely vital and critical for development and for the territorial integrity of a state. It is worth repeating something here that was stated earlier: many observers stated that it was important for the DRC to consider breaking up into several territorial entities as it would be much easier to control.

Prestige and status also centres largely on values and what these values mean to states. These values are universal.<sup>271</sup>

### 5.2.5 Protection of ethnic, ideological or religious colleagues

This secondary goal is derived from various transnational loyalties, and this is a goal long pursued by numerous governments.

Despite the role of politics in foreign policy goals and amassing military power, there is often a strong sense of sentiment driving foreign policy goals as well. Holsti states that

governments representing broad public attitudes, frequently offer aid, support, or protection of ethnic kin or to populations with similar political, social and religious beliefs who are reputedly suffering at the hands of a foreign government.<sup>272</sup>

Ethnic identification and sharing in ethnic pride between neighbouring states can be strong.

These can also go beyond ethnic. They can be formed around religious and cultural affiliations. They can also extend to ideological and human rights reasons.

As an ideology, South Africa fosters an Ubuntu philosophy that it extends in protecting its African neighbours and counterparts. So, sometimes foreign policy goals centre on sentiments fostered by particular ethnicities, philosophical ideologies or human rights beliefs.

### 5.2.6 World reorganisation

Yet another goal pursued by states is *dreams of world reorganisation*. Yet another secondary goal is the *universalisation of the political values of a particular state or group of states*. For example, communism, liberal democracy and Islam. After the end of the Cold War, many Western states felt triumphant, and started to introduce “conditionalities” for good governance and pressurised African and other developing countries to move in the direction of electoral and liberal democracies.

This essentially relates to states who have, as stated by Holsti,

great dreams of a global empire, the efforts to reorganize the world or vast regions of it along new power, territorial or ideological lines. These aspirations, when sought through military conquest, subversion and revolutionary activity, have caused the great wars of the state system, because the dreams were fundamentally incompatible with the basic principles of that system, namely sovereign independence, autonomy and noninterference in internal affairs.<sup>273</sup>

In the many examples across history and in more contemporary times, it indicates that "choices are thus made not only in terms of priorities but also in the selection of means (politics and actions) to give them effect"<sup>274</sup>. There is a connection between values or purposes and policies. Some actions contribute to more than one value.

### **5.2.7 Territorial integrity**

A seventh and very important goal pursued by states is that of *territorial integrity*. Territorial integrity is the principle that states should not engage in acts of aggression and illegal use of force against fellow states. No state desires for other states to do harm against their territory and take such authority with force. In the case of the DRC, which is surrounded and encircled by nine states, this goal of territorial integrity is of existential importance.

### **5.3 In search of the DRC's national interest**

A key concept closely related to foreign policy is that of the national interest.<sup>275</sup> The concept *national interest* is controversial and loaded. It is a key feature of statecraft and the study of foreign policy.<sup>276</sup> It is considered to be one of the most controversial and evocative and emotional objects of Foreign Policy Analysis (FPA).<sup>277</sup> National interests refer to the fundamental objectives and ultimate determinants that guide the decision-makers of a state in conducting foreign policy. It is a general conception that constitutes the most vital needs of

a state, including self-preservation, independence, territorial integrity, military security, and economic well-being.<sup>278</sup>

The relationship between the national interest and foreign policy is well established in FPA. Joseph Nye (1999) argues that the national interest “is a slippery concept, used to describe as well as prescribe foreign policy.”<sup>279</sup>

Frankel (1970) agreed with Nye when he said that the national interest is a “singularly vague concept. It assumes a variety of meanings.” James Rosenau (cited in Frankel, 1970) said that “as an analytic tool, national interest is employed [to] describe, explain, or evaluate the sources or the adequacy of a nation’s foreign policy.” The national interest is also “an instrument of political action” and “it serves as a means of justifying, denouncing or promoting policies.” It is a way of justifying what is “best for a national society.”

Essentially, national interest is:

- A general conception that constitutes the most vital needs of a state, including self-preservation, independence, territorial integrity, military security and economic well-being.
- Morgenthau (1949) sees interest “defined in terms of power.”<sup>280</sup>
- Foreign policy objectives are designed to maximise the state’s power (=Realist)<sup>281</sup>.

Although the term ‘national interest’ has been described as “slippery” and highly contested, there are several working definitions describing the concept.<sup>282</sup>

Nuechterlein (1976) describes the concept as “the perceived needs and desires of one sovereign state in relation to other sovereign states comprising the external environment.”<sup>283</sup> Joseph Frankel (1964) regards the national interest as the key-concept in foreign policy.<sup>284</sup> One common sense definition describes it as “the general and continuing ends for which the nation acts. It is, thus, characterised by its non-specific nature, by a degree of continuity, and by its connection with political action.”<sup>285</sup>

Nye defines the national interest as “simply the set of shared priorities regarding relations with the rest of the world. It is broader than strategic interests, though they are part of it.”<sup>286</sup> This conception is an attempt to move the concept away from the realist tradition, which always emphasises strategic (security) concerns as the primary motivation for foreign policy.<sup>287</sup>

The concept has been highly influenced by the realist school of international relations. When a state bases its foreign policy wholly on the bedrock of national interests, with no consideration for moral considerations, it could be said to be pursuing a realist foreign policy.<sup>288</sup> The realist view holds that states are unitary actors that speak with a single voice and articulate the national interest. However, nations speak in a variety of voices because different individuals and groups have different interests. Let me state upfront: African states are just that: states. As such, there should be no doubt that African states have “national interests”; they have vital needs, including: survival, territorial integrity, unity, peace and security, and of course vitally, development and the welfare of their people. The DRC is no exception.

This chapter is dedicated to diplomatic and international relations of the DRC, which is my first focus: to pave the way for peace in the DRC, to increase its financial resources and to launch reconstruction of the country. It should be stated upfront that African states also have national interests. In the DRC we certainly had, and continue to have national interests. These national interests are situated both outside and inside the country and constitutes a *sine qua non* condition before launching other sectors inside our borders. It is thus the signal of many more specific sectors of enterprise aiming at the country’s reconstruction and the development of the national space. While we did not harbour what Holsti called “dreams of great empire”, the DRC had committed itself to become “an independent, sovereign, united and indivisible, social, democratic and secular State governed by the rule of law.”

This very same community had come to help the Congo upon her accession to independence in 1960, following secessions of some provinces – which had been reduced thanks to the intervention of the UN troops.

Later on, the armed forces of the AFDL, headed by Mzee Laurent Désiré Kabila and in order to liberate the Congo from the dictatorship under general Mobutu, received substantial military support of some African countries, as it was the case when the DRC was attacked by Rwanda and Uganda. On this score Rwanda and Uganda were once important allies in the Congo rebellion and struggle for liberation. Later they became what Baregu called “axis” powers.<sup>289</sup> He even likened their roles to that of “invaders.”<sup>290</sup>

Managing relations with these two erstwhile neighbours has been one of my major preoccupations during the almost two decades of my role as Head of State and Supreme Magistry.

For the past 15 years, the UN troops have been stationed in the DRC in order to help and ensure peacemaking of the eastern part of the country, and the neutralisation of the armed groups, who spread death and destruction in the eastern provinces.

As mentioned earlier, the birth of the DRC and its evolution as an independent and sovereign country is characterised by both the African and international community, and mostly so through the UN.

Global warming and climate change trigger risk for mankind as a whole and thus, the DRC took centre stage due to our forests constituting the second lung of the world after Amazonia.

Furthermore and because of its geographic position and political evolution, the DRC must maintain links with neighbouring countries, be engaged in African relations and be interested in what is happening in the world. Hence, its regional, African and world mission, as the DRC is a reservoir of raw materials,

valuable and scarce materials sought after in the whole world for the development of humankind.

Therefore, the first thing I did upon my accession to the Supreme Magistracy in January-February 2001 was to contact the Western powers, thereby visiting Paris, Washington and finally London and Brussels. I was determined to communicate to these states and Western powers that the DRC had turned over a new leaf, and was determined to realise its political, security, social and economic goals. Indeed, these vital goals essentially constituted our national interests.

During the preceding years, we had developed a set of concentric circles for the foreign policy of the DRC. Concentric circles resemble the layers and priorities of a country. We indeed developed a set of concentric circles for DRC foreign policy and diplomacy.

In 2011, my government developed a vision statement and mission around the DRC's foreign policy as part of the DRC Government Programme of Action, 2012-2016. In that DRC Government Programme of Action, 2012-2016, we stated the following about DRC foreign policy:<sup>291</sup>

The strengthening of Congolese leadership are regional and international levels, neighbourliness policy with neighbouring countries, pursuit of innovative partnerships, in particular with neighbouring countries, promotion of foreign direct investments, continued support to Congolese exports, maintenance of peace and security in the sub-region of central Africa, the strengthening of diplomatic bonds with member states of the Security Council, International Organisation of Francophonie and development partners constitute the basis of Congolese diplomacy during the five year period 2012-2016.

What this broad statement shows is that we prioritised economic diplomacy and economic statecraft, as much as we prioritised peace and security, as well as strategic partnerships with states and policies of good neighbourliness with our

neighbours. Not only did we want to end wars and deadly conflict; we also committed ourselves to foster peace and security at all times.

DRC foreign policy, both bilateral and multilateral, was based on principles of sovereign equality and reciprocity.<sup>292</sup> Foreign policy was based on the country's national interests, and this was derived from the DRC's intention to appoint and promote excellent talent in international and subregional organisations.<sup>293</sup> The DRC set out to develop a dynamic and efficient diplomatic sphere of influence within Regional Economic Communities (RECs) in the region, i.e.: SADC, Common Market for Eastern and Southern Africa (COMESA), Economic Community of Central African States (ECCAS), Economic Community of the Great Lakes Countries (ECGLC), and ICGLR.<sup>294</sup>

As part of the DRC's good neighbourliness policy with all neighbouring countries, we were also committed to sign and enter into non-aggression pacts and economic and commercial agreements of mutual interest with them.<sup>295</sup> Another priority was to deepen military cooperation with neighbouring countries and participate in peacekeeping operations in favour of subregional organisations.<sup>296</sup>

In terms of concentric circles, the international and diplomatic relations of the DRC are first with the neighbouring countries and the subregional organisations, then with the rest of Africa and the regional organisations (most specifically with the AU) and finally with the world and the organisations of a global character such as the UN and the specialised institutions thereof.

#### **5.4 Neighbouring countries**

Foreign policy and diplomacy constituted one of my major priorities. I deployed Congolese diplomacy in the countries sharing borders with the DRC to inform them I was setting up "a politics of good neighbourhood", with the aim of promoting peace and developing a mutually advantageous cooperation for our people. It was, thus, a message of peace for all the countries surrounding the DRC.

In view of normalising the situation on our eastern borders, and with the states that had attacked the DRC, let me recall here that peace accords were concluded respectively with Rwanda on 30 July 2002 in Pretoria, South Africa, and also with Uganda on 6 September 2002 in Luanda, Angola.

Following the aggression towards the DRC by Uganda on the one hand, and confrontations in Kisangani of Ugandan and Rwandan armies on the other hand, the ICC ordered the Ugandan state to compensate the DRC with the payment of billions of US\$; the ICC was declared to be incompetent with regard to Rwanda.<sup>297</sup>

Furthermore, it is necessary to note that a Bill dated 7 December 2004 was promulgated, thereby authorising the ratification of the Convention concerning the creation of the Initiative on AIDS of the Great Lakes Regions.<sup>298</sup>

A Presidential Decree dated 27 December 2004 approved the Agreement of Cooperation in the field of Defence between the Government of the Republic of Angola and the Government of the DRC. It is necessary to specify that the Republic forged also special and privileged relationships with Namibia and Zimbabwe.

On 12 June 2006 the Memorandum of Understanding between the DRC and the Republic of Zambia on the economic and technical cooperation in the fields of Geology and Environment was approved.

The resumption of diplomatic relations with Rwanda and the opening of the Embassy of the DRC in Kigali took place in November 2009; the Embassy having been closed down in 1994 when the Rwandan Patriotic Front (RPF) headed by President Kagame took power. The chancellery opened its doors after the meeting of Presidents Kagame and Kabila in Goma in August 2009.

## 5.5 Subregional Organisations

Multilateralism, and a commitment to good and effective global governance, constituted important planks of the DRCs foreign policy and diplomatic posture. In order to consolidate the socio-political and socio-economic situation subregional bodies are vital not just for the development of African countries, but for regional and continental integration in general. One should, therefore, not underestimate the role of subregional bodies in Africa's development.

In keeping with our commitment to "good neighbourliness" I took the decision to join the following subregional organisations:

- The International Conference on the Great Lakes Region (CIRGL) which as first phase had the Conference Declaration on Peace, Security, Democracy and Development in the Great Lakes Regions, adopted in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004, and resulted in the adoption of The Pact on Security, Stability and Development in the Great Lakes Region, signed in Nairobi, Kenya on 15 December 2006 by the Heads of State of 11 neighbouring countries concerned directly or indirectly by serious conflicts that shook the region over past decades. This is the case for Angola, Burundi, the CAR and the DRC, Kenya, Uganda, Rwanda, Sudan, Tanzania and Zambia.

The Conference accepted also the countries bordering those in the area as "co-opted countries"; these countries being Namibia, Malawi, Botswana, Mozambique, Zimbabwe and Egypt.

This geographic enlargement had been dictated by the imperative of a search for peace and stability in the Central African region, East Africa and southern Africa; this region to which the DRC belongs is perceived as the central state and the economic engine of integration.

Several protocols were also issued in the framework of the CIRGL, namely the Protocol on Non-aggression and Mutual Defence in the

Great Lakes Region; the Protocol on Good Governance and Democracy; the Protocol on the Prevention and Punishment of the Crime of Genocide, Crimes against Humanity and War Crime, as well as the prohibition of all forms of discrimination; the Protocol on curbing the illegal exploitation of natural resources; the Protocol on Judicial Cooperation and the Protocol on the Property Rights of Returning Persons;<sup>299</sup>

- SADC, (once presided over by President Joseph Kabila) which sent its troops to help the DRC in the course of the Uganda-Rwanda aggression;
- The Central Africa Economic Community (La Communauté Economique de l'Afrique Centrale, CEEAC), once presided over by President Kabila;
- The Central Africa Forestry Commission (La Commission des Forêts de l'Afrique Centrale, COMIFAC), which is supposed to manage Forestry and Environment in the Congo Basin (also presided over by President Kabila);
- The Nile Basin Organisation;
- The International Commission of the Congo-Oubangui-Sangha Basin (La Commission internationale du Bassin Congo-Oubangui-Sangha, CICOS), which concluded a headquarters Agreement with the DRC on 24 September 2004;
- The Economic and Monetary Community of Central Africa (Communautés Economique et Monétaire de l'Afrique Centrale, CEMAC), to which the DRC belongs but only with regard to the Internal Navigation Code;
- COMESA presided over once by President Kabila;

- Organisation for the Harmonisation of Business Law in Africa (OHADA).

It should be pointed out, however, that the Economic Community of the Great Lakes Countries (CEPGL) which brings together the DRC, Rwanda and Burundi had by that time not yet relaunched effectively its activities. I regarded this as most unfortunate as the establishment and effective functioning of this body would have sent an important message about peace and security and a “new dawn” so to speak, in the DRC.

## **5.6 Africa and regional organisations**

Any African state should have an “African agenda” and posture. Our African agenda was, and will always be shaped by our geography, and, therefore, by our geopolitics. Very few analysts and observers make time to reflect on the geographical position and location of the DRC. It can be a very precarious situation indeed, and safeguarding the territorial integrity of a state can be a hazardous undertaking. So, consider the following fundamental reality: the DRC finds itself in the unique, and some would say invidious position in that it is surrounded by nine countries, where the situation has been considerably disturbed:

- Angola with the UNITA rebellion,
- Congo-Brazzaville with civil war, Presidents Sassou Ngwesso and Lissouba,
- CAR, Coup d’état of Generals Kolingba and Bozize,
- Sudan with civil war which led to secession and independence of South Sudan,
- Uganda facing revolts of ADF-NALU and of LRA,
- Rwanda in civil war, which led to the Habyarimana regime’s fall, genocide and arrival of FDLR in the DRC,
- Burundi with the civil war.

This has all manner of political and certainly security implications, and one can just imagine what a drain this has been on the resources of the state to have to maintain security.

Concerned with the Nile Basin and the Congo-Oubangui-Sangha Basin, finally with the OHADA, which covers 16 African countries mainly situated in western Africa, and due to its geographic location; the DRC has an African mission and has the responsibility to restore and maintain peace and stability in Africa in the economic and industrial domains for the exploitation of its natural resources and mining, industries, and also the potential in forestry and hydraulics.

With the accession to power of President Joseph Kabila Kabange, the DRC had taken back its seat at the AU, and resumed contact on the economic and financial level with the ADB whose representation office is in Kinshasa.

On the legal and judicial level and by adhering to the Treaty dated 17 October 1993 relating to the OHADA, the DRC developed a new business legislation at a new jurisdiction to the Congolese judiciary system called “Cour Commune de Justice et d’Arbitrage” (The Joint Court of Justice and Arbitration) with its seat in Abidjan, Côte d'Ivoire.<sup>300</sup>

## **5.7 The world and organisations of global affairs**

I have already made the point earlier, and repeatedly: Multilateralism is not a nice-to-have for countries like the DRC. It can indeed be a matter of existential survival for us. Relations with the UN, and defending the centrality of the UN is of vital importance for us. With my accession to the Supreme Magistracy, the DRC carried on its activities in the framework of the UN and the specialised institutions thereof. The DRC improved its relations with *Mission de l'Organisation des Nations Unies en République démocratique du Congo* (MONUC) - later renamed MONUSCO on 1 July 2010.

Bearing in mind that it is the first country in the francophone area concerning the importance of its populations (circa 70 million), the DRC relaunched its

activities within the international organisation of La Francophonie by sending a permanent representative and also creating within the Foreign Affairs Ministry a Directorate in charge of the Francophonie.

To top off my commitment to the cause of the Francophonie and the French language, the DRC organised the 14th Summit of Heads of State of the International Organisation of La Francophonie, which in turn assigned the chairmanship for two years to the Congolese Head of State.<sup>301</sup>

Henceforth, it is important to note that the Association of Parliaments of Francophone countries had nominated in 2015 the President of the National Assembly Aubin Minaku, as President of the Parliamentary Assembly thereof. Besides, it should be emphasised that parliamentary diplomacy deployed by the DRC Parliament supports the diplomacy I conducted with the help of the Government of the Republic.

Concerning the relations with international financial institutions and under my presidency, the DRC worked to establish permanent and regular contacts, and to participate in the processes of the IMF and the WB General Assemblies. This consequently led to the visit of the WB President, Paul Wolfowitz, in March 2005.

As a conclusion to this section, I wish to acknowledge that the DRC recognised the competence of the ICC and ratified the Rome Statute, the world jurisdiction that has as its mission to repress the most serious crimes by universal conscience. But we did not enjoy the easiest of relations with this body, which as we know, became very controversial from an African vantage point.

On 11 June 2002, the President of the Republic ratified the ICC Agreement on Privileges and Immunities (Accord sur les Privilèges et Immunités de la Cour Pénale Internationale) signed on 17 July 1998. When this Accord was drawn up, it was done in line with the prescripts and content of the all-important 1961 Vienna Convention. We also took heed of the AU's Constitutive Act which was

adopted just months before we adopted this. Let me state clearly, our position was not in opposition or juxtaposition to the Rome Statute.

On 6 October 2004 an Accord of judiciary cooperation between the DRC and the Office of the Prosecutor of the ICC was signed.<sup>302</sup>



## Chapter 6

### Conclusion

#### 6.1 Conclusion

While much has been written and said about political developments and peacebuilding efforts in the DRC, many of the writings have emerged from outsiders, even from those who have not set foot in the DRC. As such this study seeks to make a modest, but hopefully important contribution by providing an insider's perspective on 19 years or so of political developments and peacebuilding in the DRC. It is important for students, researchers and observers to hear from those that were at the coalface of decision-making. After all, I had a front-row seat in witnessing, and helping to shape developments in the DRC, especially as Head of State of that country for more than 19 years. Thus, this gives me a certain vantage point that allows me to provide a unique perspective about developments in the DRC for this time.

In the age of the decolonisation of knowledge, I argue, there is a need to embrace unique approaches and knowledge production from Africa. It is important to also embrace fresh and unique knowledge production in the area of theoretical and methodological approaches. In this study, I employed a qualitative, unique approach that is made up of two methods: a narrative-biographical approach, as well as a leadership crisis management approach. I applied these two approaches in a systematic fashion in attempts to analyse the political, social and economic life of the DRC. In terms of this dissertation, similarities and contrasts between the state-building and post-conflict reconstruction efforts emerging from the DRC case were employed. Much has been written about war, peace and state-building in the DRC. But very little has been offered by way of insider accounts, and perspectives from analysts and observers from the inside of government, and observers that have been intimately involved in the dynamics and processes in the country.

I am emphatic that it is important to embrace fresh and unique knowledge production in the area of theoretical and methodological approaches. I attempted to provide an insider account, and perspectives from analysts and

observers from the inside of government, and observers who have been intimately involved in the dynamics and processes in the country.

The study employed a qualitative, narrative-biographical and auto-ethnographic approach, and applied it in a systematic method in attempts to analyse the political, social and economic life in the DRC during the 19 years when I was President and Head of State of that country. Here I subscribed to Bryman's view which holds that "qualitative research has a number of features stemming from its philosophical and theoretical approach to the social world, including remaining close to the experiences and views of the researcher".

Biographical research

is an exciting, stimulating and fast-moving field which seeks to understand the daily experiences and encounters of individuals in their daily lives, what they see as important, and how to provide interpretations of accounts they give of the past, present and future<sup>303</sup>.

This study adopted a two-pronged approach in terms of methodology: a narrative-biographical approach and an auto-ethnographic methodology. The other element of methodology is that of biographical research. Through this approach, I hope to have made a modest contribution to what Clandinin and Collnely call "field text."

The auto-ethnographic approach utilised in tandem with the narrative-biographical approach, is not strict biographical writing that will result in an autobiography by the author. Instead, it is an approach that will allow the author to tell the story, in scholarly fashion, of the process of change, transformation, state-building and reconstruction from the point of view of a key actor who was instrumental in such a process. In my view auto-ethnography is one of the most under-utilised methods in research; yet it is one that can unearth new epistemologies, knowledge and narratives in the age of the decolonisation of knowledge. The study combined auto-ethnography and biographical narrative analysis with a "crisis leadership" approach.

Crises can pertain to policy issues, sectors, organisations, but can also threaten the status quo or entire regimes and political systems. Such macro-level crises can be induced by major shifts in the geostrategic or economic balance of power. They can also emerge through an escalation of domestic socio-economic and ethno-political challenges, spillover effects of regional conflict or breakdown in civil-military relations. Of course, I consulted secondary literature, notably those which have a bearing on the study, and the study did not hesitate to take issue with some such secondary sources that it disagreed with. I did not hesitate to engage in contestation of ideas with some of these sources which I believe have a bearing on the perspective of the study, and with which this study will openly disagree.

From a theoretical perspective, the study utilised two theoretical frameworks. The first was that it made the case that the concept and idea of African Renaissance should, in the context of the decolonisation of epistemology and methodology, be regarded as an Afrocentric theoretical framework in its own right. Second, the study also utilised and applied the theoretical approach of peacebuilding. In terms of the former, McDougall (2009) contends that there is a need for African states and the premier continental body, the AU to devise a new Pan-Africanism that should be based on three theoretical foundations: cultural and political unity of the African Renaissance; Afrocentric development; and an African conceptualisation of Ubuntu. Borrowing from Senegalese philosopher, Cheik Anta Diop, McDougall endorsed the notion that, “amid tremendous and individual diversity of African people, there is a set of cultural commonalities” that Africans should harness as strengths. McDougall argued that cultural and political unity can serve as guides for African governance and foreign policy.

The notion of the African Renaissance was given prominence by Thabo Mbeki, president of the second democratically elected government of South Africa. The ideas of state-building, peacebuilding and economic recovery are key features of Mbeki’s notion of the African Renaissance. Francis Kornegay and Chris Landsberg likened the African Renaissance to a 21<sup>st</sup> century variant of Pan-Africanism. So, whereas classic Pan-Africanism busied itself with the quest for

the political emancipation of colonised and dominated peoples of Africa and African descent, the new variant is concerned with restoring African agency in world affairs, and the need for the socio-economic emancipation of African states, and placing squarely on the agenda the question of the integration in Africa. With the African Renaissance notion Mbeki and his partners put on the front-burner the need for Africa to take ownership of its peace and security, governance, cooperation, and of course development agendas.

The African Renaissance can be described as a Pan-African foreign policy doctrine, which speaks to politics, economics, culture, power and influence, as well as African identity, and it is an attempt to give Africa agency and voice, both continentally and abroad. It seeks to empower Africa with its own narrative for political, economic, social and indeed psychological emancipation and advancement. It has earned the stripes of being regarded as an emerging foreign policy doctrine, that is to say an article of faith, a belief and conviction, a creed and a dogma. It combines a philosophy, a view of Africa, with a set of foreign policy goals and domestic styles and politics, and international strategy, entrenched in a set of political, social and economic relations. It can furthermore be regarded as a late 20th century variant of Pan-Africanism that seeks to confront the challenges of globalisation in a Western-dominated international order. It could be argued that the African Renaissance as Pan-Africanist theory was carried on into the new 21<sup>st</sup> century. But while Pan-Africanism attracts less attention today than in the past, and even seems moribund according to some observers, the African Renaissance has emerged to fill the void, and is even making a comeback. It is not as grandiose in its intent. Instead of promoting the bold idea of a “United States of Africa” it sought to respond to the structural changes in the international system since the beginning of the 1990s introduced a renewed wave of democratic transitions in sub-Saharan Africa.

For the purposes of this inquiry state-building was conceived of as a set of 10 tasks derived from the 10 core and interdependent functions a state is expected to perform: 1) legitimate monopoly on the means of violence; 2) administrative control; 3) management of public finances; 4) investment in human capital; 5) delineation of citizenship rights and duties; 6) provision of infrastructure; 7)

operation of the market; 8) management of the state's assets (including the environment, natural resources and cultural assets); 9) international relations (including entering into international contracts and public borrowing); and 10) rule of law.

In the sense that the study used the theoretical perspective of renaissance, or African Renaissance, it set out to demonstrate that in spite of occupation and exploitation of a part of the country by foreign forces on the one hand, and the untimely assassination of President Mzee Laurent Désiré Kabila on the other hand, the Congolese people and leaders decided to show agency and leadership as they deliberately embarked on a process of pursuing reunification and peacemaking for the country. This renaissance project involved deliberate efforts to rebuild the state, restructuring not only the territory on the political and administrative level, but also the social and economic national space, bearing in mind the ethical and moral dimensions necessary to rehabilitate the Congolese peoples as citizens, and to rehabilitate their dignity and pride to be part of a proud nation in a country full of promise such as the DRC.

In terms of the empirical dimensions the study, chapter 2 began by placing the problem in proper historical context. This background gave us context and a sense of the multiple moments of crises that we had to contend with throughout the decades, and gave the backdrop to my presidency. Many authors writing about the Congo tend to ignore its history and how this chequered history shaped the development of the country. Thus, I reminded the reader that the DRC suffered its fair share of humiliation through colonisation. Restoring our national pride and dignity went hand in hand with restoring our prestige and status in the international community. At the birth of the DRC the world powers at the time accepted and recognised the independent state of the Congo at the Berlin Conference in 1885, headed by the King of Belgium Léopold II. Belgium in particular played a very negative role in our country, and even today we are reeling from the consequences thereof.

Congolese liberation leaders struggled for the independence of their country. In February 1960, the efforts eventually paid off and a Brussels Roundtable was

convened where “dialogue” between the Brussels authorities and Congolese leaders was facilitated. However, the First Republic was short-lived. In May 1960, the adoption of the Fundamental Law was established, and this in reality became the first legal basis that formed the Congo. This also marked an attempt at state-building by the new native leaders of the Congo. The new Congolese state was made up of six provinces, an executive branch in the form of a government, and a legislative branch and representatives within a Senate, made up of 87 seats. A very sexist electoral system was adopted in which limited suffrage was introduced where only male citizens aged 21 and older could cast a vote, and MPs, a national assembly and provincial councils were elected. It was these elected members in Congo that got bestowed with the title *The First Republic*.

Four days after the independence festivities, on 4 July 1960, a mutiny by the police force broke down the administrative, police and security machinery of the colony. On 11 July, the Katanga Province seceded, shortly followed by the South Kasai on 9 August, both provinces endowed with rich mining resources.

On 5 September, the Prime Minister at the time, Lumumba, was recalled, along with the Vice-Prime Minister Gizenga, the Interior Minister Christophe Gbenye, Justice Minister Mwamba Llunga, Information and Cultural Minister, Anicet Kashamura, and the Secretary of State for Information Roger Bolamba. In mid-September, the Parliament, of which the majority supported the Lumumba Government, was dissolved. In October 1960, Prime Minister Lumumba was arrested and in January 1961 he was assassinated along with his colleagues Okito and Mpolo in the vicinity of the city of Lubumbashi, in the Katinga Province.

But unfortunately, the above transition was short-lived. In August 1998, the enemies of the Congo organised army mutinies, rebellions and occupied a part of the national territory. Finally, they managed to assassinate President Mzee Laurent Désiré Kabila in his office on 16 January 2001. The loss of Mzee Laurent Désiré Kabila, President of the Republic, Head of State, and Commander in Chief, as a result of a cowardly assassination in his office, in full

daylight, caused not only the family members, but also all the Congolese people, great shock and despair. President Laurent Kabila left unfinished the work of nation-building and national consolidation. While this painful tragedy happened, I was on a public service mission in the Katanga province and recalled to Kinshasa. Members of the ruling elite went into crisis decision-making mode. A crisis meeting that included the members of the Government and the officers of the Armed Forces was immediately held, after which, it was decided that I be appointed Coordinator for Governmental Action, and thereby I acceded to the functions of Head of State. When Mzee Laurent Désiré Kabila was assassinated, we realised that all government resources and institutions had to be mobilised to avert a catastrophe. Fortunately, the Republic had functioning political institutions, namely the Government led by the President of the Republic, and also the ACL-PT acting as Parliament and representing the legislative power.

When the country gained its independence and its international sovereignty, the first President of the Republic was Joseph Kasa-Vubu who had been elected by the national deputies and the members of the Senate. The President had been sworn in by both Chambers and in front of the Government. It had then been decided, and thereby respecting the practice, that for the purpose of enlarging the base of legitimacy of the newly-appointed President, Officer of the Armed Forces and holding the rank of Major-General, my position would be ratified by the Parliament, and I would then be sworn in before the Supreme Court of Justice, and following that, I would address the nation on the main orientations of political leadership for the country.

I realised from the onset that I had to show decisive leadership. On this very same day, 26 January 2001, in my inaugural address, I publicly announced in a message to the nation the fundamental choices and the essential orientations which were to guide my actions as Head of State. I vividly remember being mindful of the idea of setting and communicating the key elements and hallmarks of the “Renaissance of the Congo”. I wanted to give substance to the idea of the renaissance. In terms of travelling outside the country, I realised how important this was to bolster the legitimacy of the country. The mobility of

any head of state is a sign of a country's standing and legitimacy in the world. As such, I deemed it important not just to communicate my unambiguous message and goals to the citizens of the Congo, but to the international community as well. Shortly after having delivered my message to the nation, I flew to the United States of America via Paris and on the way back via London and Brussels, in order to explain to our partners our vision, our strategy and our approach to finding solutions for many different problems in the DRC.

The despicable murder of the Head of State, Mze Laurent Kabila, entrusted me with the top functions of the Supreme Magistracy – the highest office. It was yet another crisis moment in the DRC's history, and it again called for crisis management and crisis leadership. This was at a time when the nation was torn apart by rebellion and war, and when it most needed this most illustrious person who left us. He was indeed a craftsman for liberation, the awakening of the national conscience, as well as the embodiment of restoring pride and dignity to the nation. In January 2001, the state of the country revealed major challenges at different levels of the societal tapestry. In terms of territorial integrity, it should be remembered that no state wishes its territorial integrity to be violated. The presence of the Rwandan and Ugandan army forces on the national territory constituted an inadmissible and unacceptable attack on the sovereignty of the country and on its territorial integrity, which, after evasiveness and hesitation, was later to be condemned by the UNSC.

At the military, humanitarian and security levels, it was important to engage neighbouring countries, and executed on national territory by armed groups, receiving logistical support and operational aid from such foreign armed forces. The Congolese armed forces were facing such a situation of emergency while it had to simultaneously undergo major restructuring. The Congolese army received upon request of the Congolese Government the support of Zimbabwe, Angola, Namibia and Chad. Moving to socio-economic levels, these conflicts led not only to major civilian migration, resulting in a humanitarian catastrophe, but also caused the destruction of infrastructure, road communications and transport networks. In a nutshell, the economic fabric was severely tarnished,

thereby reducing production output, if not leading to its disintegration and disappearance.

At the peace searching level, there was an urgent need to bring peace, restructuring and nation- and state-building squarely to the fore. Sadie correctly observes that

the devastating effects of the war and the resulting humanitarian crisis prompted the Organisation of African unity (OAU) and the Southern African Development Community (SADC) to urge the belligerents to negotiate a settlement. Many peace deals were signed, of which the Lusaka Agreement of July 1999 was the most prominent.

As I took office, the programme of the state had been established by the Lusaka Ceasefire Agreement, and we, therefore, looked at the implementation and the actual realisation of the options and orientations declared in my inauguration speech of 26 January 2001. I worked on putting in place what I had announced, or at least promised: re-establishing the political, social, economic and institutional environment, to allow implementation of the fundamental options and necessary orientations of my programme. At the political level, I established contacts with the political class, namely the different political parties' representatives and the politicians, in order to ascertain their views and suggestions on the situation in the country. Bearing in mind these contacts with the political class my working method and my approach to political problems through dialogue were born and embodied at the Inter-Congolese Dialogue, which took place in South Africa at Sun City. As pertains the level of the Lusaka Ceasefire Agreement, this important pact was seen as an unavoidable and necessary milestone in order to re-establish peace in our country and also with neighbouring countries, to launch the process of normalisation in the political life within our territory. Thus, and without any delay I invited Sir Ketumile Masire, the facilitator jointly designated by the UN and the OAU to pursue his objectives, talk to the political and social forces of the country to enable the preparation of the forthcoming Inter-Congolese Dialogue. I therefore made a point of working with the continent's premier interstate body, the OAU. Any notion that we had shunned such interstate and international overtures should be dispelled. I

regarded the Congo as a full and legitimate member of the African family of nations and the intention was to reinforce the status and standing of my country as such. Working with the OAU and other African bodies was imperative for me.

The Lusaka accord was indeed an important agreement. It set out to end decades of war. But it went much further as it laid out its own elements of rebuilding the state and transforming society. In line with the title and theme of this study, the Lusaka accord helped to build the true basis for a renaissance of the Congo; or as I have put it in the title for “renaissant Congo”. My own view is that, concerning the participants, two categories could be identified. The first category was based on the Lusaka Agreement, and included the delegates stemming from the so-called “components”. The Government component referred to the component MLC with Jean-Pierre Bemba, and the component RCD with Ruberwa. These components have been sometimes referred to as “belligerent parties”. The Lusaka Agreement had also taken into account two other sub-components, namely *the political opposition component* with the non-armed political parties, *the civil society component* comprising associations and other non-political organisations; for example, religious groups, unions, professional associations and other NGOs of different kinds. The Inter-Congolese Dialogue was not limited to belligerent parties but also included the political opposition, civil society, and the so-called Mai-Mai patriots, fighting against the foreign armed forces.

The Congolese crisis consisted of two parts, namely an internal one resulting in the Sun City Agreement and an external one involving Rwanda and Uganda but with no solution, in spite of the progress realised in terms of ceasefire. The Lusaka Agreement led to a stalemate concerning the withdrawal of the occupation forces, without which the national reconciliation and the territorial reunification would be illusory.<sup>304</sup> There was a need to instil at any cost a new dynamism to the process of withdrawal of aggression troops. It is indeed for this reason that I initiated direct and separate contacts with the Heads of State of Rwanda and Uganda. These contacts resulted:

- on the one hand, in the signature with Rwanda on 30 July 2002 of the Pretoria Agreement, under the aegis of the UN and the facilitation of the Republic of South Africa, this Agreement specifying the Rwandan troops' withdrawal and the dismantling of the armed groups in the DRC;
- and on the other hand, in the signature with Uganda on 6 September of the Luanda Agreement under the auspices of Angola, this Agreement specifying the total withdrawal of the Ugandan troops in the DRC, cooperation and normalisation of the relations between the two countries.

The diplomatic and international relations sectors also needed overhaul. I had a preference for dialogue and mechanisms of peaceful settlement between states to resolve and settle differences, and find adequate and appropriate solutions. In fact, the Republic held more meetings and increased the number of countries with which it conducted diplomatic and cooperative relations. The Republic increased its participation in activities of international, regional as well as subregional organisations; it also regularised its situation concerning its financial obligations to keep the right to "voice and speech" (*vox et votum*) intact.

In terms of the important sector of the poor performance of the SOEs, I decided to undertake reforms and promulgated a Decree on 18 March 2003, thereby creating COPIREP to make a diagnosis of this sector and work on solutions for the challenge thereof.

The Constitution of 18 February 2006 like the Constitution of the Transition, reaffirms that the Republic is an independent, sovereign, united and indivisible, social, democratic and secular state governed by the rule of law within its borders of 30 June 1960. The Constitution provides that it is the duty of all Congolese people to defend the country and its territorial integrity when faced by threat or exterior aggression; and gives injunctions/orders to any national, provincial, local and customary authority to safeguard unity of the Republic and territorial integrity subject to high treason. Furthermore, the Constitution places the exercise of state power on two levels, namely the central and the provincial

levels; with distinctive competences between the state and the provinces on the one hand, and on the other hand within the provinces, at the local level (being city, commune, sector and chiefdom), constituted in territorial decentralised entities. Some have called this 'le Régionalisme constitutionnel' (Constitutional Regime).

As indicated above in chapter 3, the Constitution of the Third Republic enshrines the classical principles of any democratic regime, namely separation of power between the executive, the legislative and the judiciary, while creating – innovation taken over from the Constitution of transition – supporting institutions for the democracy called civil institutions.

In terms of the Statute of the President of the Republic and the missions thereof, and explored in chapter 4, the President of the Republic is elected by universal and direct suffrage, and represents the nation and is the symbol of national unity. A Framework Agreement for Peace, Security and Cooperation for the DRC and the Great Lakes Region was signed on 24 February 2013, to guarantee peace and stability in the Great Lakes Region. The Heads of State of 11 country members of the CIRGL, the UN, the AU, and SADC ratified this Agreement.

Similarly, chapter 4 explored the restructuring of the NIEC which was set up after the presidential and legislative elections in November 2011 and mentioned earlier, led to a new system within the office of this institution in the middle of the second semester of 2015. Corneille Nangaa was named President, Norbert Basegenzi as Vice-President and Pierrette Mwenze as Quaestor.

Neighbouring countries, foreign policy and diplomacy constituted one of my major priorities, as detailed in chapter 5. I deployed Congolese diplomacy in the countries sharing borders with the DRC to inform them I was setting up “a politics of good neighbourhood”, with the aim of promoting peace and developing a mutually advantageous cooperation for our people. It was thus a message of peace for all the countries surrounding the DRC. In view of normalising the situation in our eastern borders, and with the states that had

attacked the DRC I recalled that peace accords were concluded respectively with Rwanda on 30 July 2002 in Pretoria, South Africa, and also with Uganda on 6 September in Luanda, Angola. Following the aggression towards the DRC by Uganda on the one hand, and confrontations in Kisangani of Ugandan and Rwandan armies on the other hand, the ICC ordered the Ugandan state to compensate the DRC with the payment of billions of US\$; the ICC was declared to be incompetent regarding Rwanda.

As discussed in chapter 5, the world and organisations of global affairs are key players in global affairs. I have already made the point earlier, and repeatedly: multilateralism is not nice to have for countries like the DRC. It can indeed be a matter of existential survival for us. Relations with the UN, and defending the centrality of the UN is of vital importance for us. With my accession to the Supreme Magistracy, the DRC carried on its activities in the framework of the UN and the specialised institutions thereof. The DRC improved its relations with MONUC that later in 2010 was called MONUSCO. Bearing in mind that it is the first country in the francophone area concerning the importance of its populations (circa 70 million) the DRC re-launched its activities within the international organisation of La Francophonie by sending a permanent representative and also creating within the Foreign Affairs Ministry a Directorate in charge of the Francophonie. To top off my commitment to the cause of the Francophonie and the French language, the DRC organised the 14th Summit of Heads of State of the International Organisation of La Francophonie, which in return assigned the chairmanship for two years to the Congolese Head of State.

In conclusion, with this study, I set out to make a modest, but hopefully important contribution to the political development in the DRC by providing an insider's perspective on 19 years or so of political developments and peacebuilding in the DRC. This dissertation is significant in that it makes a valuable contribution to African literature through its distinctive and pertinent African philosophical approach through which I have the privilege of being instrumental in the sharing and bequeathing of mutual and precious African knowledge and lived experience among current and future generations of

Africa. This all being possible because I had a front-row seat in witnessing, and helping to shape developments in the DRC, especially as Head of State of that country for more than 19 years, it gave me a certain vantage point that allowed me to provide a unique perspective about developments in the DRC.



## Endnotes

---

- <sup>1</sup> Plato. "The Allegory of the Cave." *Arlington Reader*. Ed. Louise Z. Smith and Lynn Z. Bloom. Boston: Bedford/St. Martin's, 2014, pp.234- 236.
- <sup>2</sup> Odebiyi, Matthew & Choi, Youn-Jeng. The challenges of measuring epistemic beliefs across cultures: evidence from Nigerian teacher candidates. *Teaching Education*, 2020, 10.1080/10476210.2020.1844650.
- <sup>3</sup> Gilbert M. Khagiagala, "Security in the Great lakes Region: An Introduction", in Gilbert M. Khadiagala (ed.), *War and Peace in Africa's Great Lakes Region*, Palgrave MacMillan, 2017, p. 3; Crawford Young, "The Heart of the African Conflict Zone: Democratization, Ethnicity, Civil Conflict, and the Great Lakes Crisis," *Annual Review of Political Science* 9 (2006), p. 302.
- <sup>4</sup> Gilbert M. Khagiagala, "Security in the Great lakes Region: An Introduction", in Gilbert M. Khadiagala (ed.), *War and Peace in Africa's Great Lakes Region*, Palgrave MacMillan, 2017, p. 3.
- <sup>5</sup> Ibid.
- <sup>6</sup> Ibid., pp- 3-4.
- <sup>7</sup> Ibid., p. 4.
- <sup>8</sup> Ibid.
- <sup>9</sup> Molefi Asante, *The Afro-centric Idea*, Temple University Press, 1987.
- <sup>10</sup> Molefi Asante, *Afrocentricity: The Theory of Social Change*, African American Images, 2003.
- <sup>11</sup> Ibid.
- <sup>12</sup> Alan Bryman, "Quantitative and Qualitative Research strategies in Knowing the Social World", in Tim May and Malcolm Williams (eds.), *Knowing the Social World*, Open University Press, 1998, pp. 138-156.
- <sup>13</sup> Brian Roberts, *Biographical Research*, open University Press, Buckingham, 2002, p. 1.
- <sup>14</sup> D. J. Clandinin and F. M Connelly, "Narrative Inquiry: Experience and Story in Qualitative Research", Josse-Bass, 2000.
- <sup>15</sup> Carolyn Ellis, Tony Adams and Arthur Bochner, "Auto-Ethnography: An Overview", *Forum: Qualitative Social Research*, Vol. 12, No. 1, January 2011.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid.
- <sup>18</sup> Ibid.
- <sup>19</sup> Ibid.
- <sup>20</sup> Sarah Wall, "Easier said than done: Writing an Autoethnography", in *International Journal of Qualitative Methods*, Vol. 7, No. 1, 2008.
- <sup>21</sup> Ibid.
- <sup>22</sup> Ibid.
- <sup>23</sup> Sally Denshire, "Autoethnography", 2014 (available at [sociopedia.isa on scribed.com/document/36940294/sally+denshire+Autoethnography-pdf](https://sociopedia.isa.ox.ac.uk/document/36940294/sally+denshire+Autoethnography-pdf))
- <sup>24</sup> Ibid.
- <sup>25</sup> Ibid.
- <sup>26</sup> Ibid., p. 2.
- <sup>27</sup> Ibid.
- <sup>28</sup> Linda Brodkey, "I-site," *Literacy and Numeracy Studies*, Vol. 6, No. 2, 1996, p. 29.
- <sup>29</sup> Ibid.
- <sup>30</sup> Chris Ansell, Arjan Boin and Paul 'tHart, "Political leadership in times of crisis", in R.A.W Rhodes and Paul 'tHart, *The Oxford handbook of Political Leadership*, OUP, 2014.
- <sup>31</sup> Ibid.
- <sup>32</sup> Ibid.
- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid.
- <sup>35</sup> Ibid.
- <sup>36</sup> Serie McDougal, "African Foreign Policy: A Question of Methodology", Vol. 2, No. 9, 2009.
- <sup>37</sup> Ibid.
- <sup>38</sup> Ibid.
- <sup>39</sup> Ibid.
- <sup>40</sup> Ibid.
- <sup>41</sup> Molefi K. Asante, Meeting Cheikh Anta Diop on the Road to African Resurgence, *International Journal of African Renaissance Studies - Multi-, Inter- and Transdisciplinarity*, Vol 13, No.1, 2018, pp.4-15, DOI: [10.1080/18186874.2018.1459427](https://doi.org/10.1080/18186874.2018.1459427)

- 
- <sup>42</sup> Cheikh Anta Diop and Egbuna P. Modum, *Towards the African Renaissance: essays in Africa culture and development, 1946 – 1960*, Karnak House: London, 1996.
- <sup>43</sup> Ibid.
- <sup>44</sup> Tadadjeu, Johanna & Nzino Munongo, Victorine Ghislaine. African Renaissance in the United States of Africa: A Historical and Political Approach of a Pan Africanist Vision of Africa. *Journal of Pan African Studies*, Vol 9, 2016, pp. 34-51.
- <sup>45</sup> Col A. H. Louw, the Concept of the African Renaissance as a Force Multiplier to Enhance lasting Peace and Stability in Sub-Saharan Africa, Research Paper, Executive National Security Programme 02|2000, South African National Defence College, 17 October 2000.
- <sup>46</sup> Serrie McDougal, "African Foreign Policy: A Question of Methodology", op. cit.
- <sup>47</sup> Ibid.
- <sup>48</sup> Ibid.
- <sup>49</sup> Simphiwe Sesanti, "The African Renaissance as a reversal of conquest expressed in naming: An Afro-centric engagement", *South African Journal of Philosophy*, Vol. 37 (4), 2018, p. 502.
- <sup>50</sup> Francis Kornegay and Chris Landsberg, Mayivuke iAfrica!: Can South Africa lead an African Renaissance? Centre for Policy Studies, Policy: Issues and Actors, Vol. 11, No. 1, January 1998, p. 4.
- <sup>51</sup> Chris Landsberg and Francis Kornegay, The African Renaissance: A Quest for Pax-Africana and Pan-Africanism, Institute for Global Dialogue, Occasional Paper 17, October 1998.
- <sup>52</sup> Ibid.
- <sup>53</sup> Ibid.
- <sup>54</sup> Francis Kornegay and Chris Landsberg, Mayivuke iAfrica!., op. cit., p. 4.
- <sup>55</sup> Chris Landsberg and Dumisani Hlophe, The African Renaissance as a Modern South African Foreign Policy Strategy", paper delivered at the Bordeaux, Sciences-Po Conference, 2007; <http://www.ceri-sciences-po.org>
- <sup>56</sup> Francis Kornegay and Chris Landsberg, Mayivuke iAfrica!: Can South Africa lead an African Renaissance?, op. cit., p. 4.
- <sup>57</sup> Hilary Beckles, End of Pan-Africanism: Reparations and Global Africa, The University of Chicago Press Journals.
- <sup>58</sup> See for example Jose Corsa, African Renaissance and Globalisation: A Conceptual Analysis and a way Forward, Warden University,
- <sup>59</sup> Chris Landsberg and Francis Kornegay, The African Renaissance: A Quest for Pax-Africana and Pan-Africanism, Institute for Global Dialogue, Occasional paper 17, October 1998.
- <sup>60</sup> Devon Curtis, "The Contested Politics of Peacebuilding in Africa", in Devon Curtis and Gwinyayi A. Dzinesa (eds.), *Peacebuilding, Power and Politics in Africa*, Wits University Press, 2013, p. 1.
- <sup>61</sup> Boutros Boutros-Ghali, An Agenda for Peace: Preventive Diplomacy, Peace-making and Peacekeeping, 1992, (available at <http://www.un.org/docs/SG/agpeace.mtml>).
- <sup>62</sup> Charles T. Call and Vanessa Wyeth, *Building States to Building Peace*, Lynne Rienner, 2008.
- <sup>63</sup> Francis Fukuyama, *State-building, Governance and World Order in the 21<sup>st</sup> Century*, Profile Books Limited, 2004.
- <sup>64</sup> Organisation of Economic Co-operation and Development (OECD), *Concepts and Dilemmas of State-building in Fragile Situations: From Fragility to Resilience*, Paris, 2008 (available at <http://www.oecd.org>).
- <sup>65</sup> Ashraf Ghani, Clare Lockhart and Michael Carnahan, "An Agenda for Statebuilding in the 21<sup>st</sup> Century", *The Fletcher Forum of World Affairs*, January 2006, p. 116.
- <sup>66</sup> Ibid., p. 116.
- <sup>67</sup> Lakhdar Brahimi, *Statebuilding in Crisis and Post-conflict Countries*, Global Forum in Reinventing Government, Vienna, Austria, 26-29 June 2007.
- <sup>68</sup> Francis Fukuyama, *State-building, Governance and World Order in the 21<sup>st</sup> Century*, op. cit.
- <sup>69</sup> Ibid.
- <sup>70</sup> Ibid.
- <sup>71</sup> Devon Curtis, "The Contested Politics of Peacebuilding in Africa", in Devon Curtis and Gwinyayi A. Dzinesa (eds.), *Peacebuilding, Power and Politics in Africa*, op. cit., p. 17.
- <sup>72</sup> Ibid., p. 19.
- <sup>73</sup> Ibid., p. 19
- <sup>74</sup> Ibid., p. 19
- <sup>75</sup> Leo Zeilig, Patrice Lumumba, HSRC Press: Pretoria, 2014.
- <sup>76</sup> Isidore Ndaywel: *Brieve Histoire du Congo, Des Origines E la RDC*, Redian Paul, Kinshasa, 2015.

- 
- <sup>77</sup> Johnny Selemani, A Comparative Evaluation of the 2006 and 2011 Elections in the D.R.C., MA Dissertation in Public Management and Governance, University of Johannesburg, 2015.
- <sup>78</sup> Ibid., p. 54.
- <sup>79</sup> Ian Colvin, The Rise and Fall of Moïse Tshombe, London, Leslie Frewin, 1968.
- <sup>80</sup> Adekeye Adebajo, The Curse of Berlin: Africa After the Cold War, Oxford University Press, 2013.
- <sup>81</sup> EISA, DRC: May 1960 Elections and the difficult birth of a new state, available, <https://www.eisa.org/wep/drc1960election.htm>.
- <sup>82</sup> Ibid.
- <sup>83</sup> Ibid.
- <sup>84</sup> Ibid.
- <sup>85</sup> Ibid.
- <sup>86</sup> Ibid.
- <sup>87</sup> Ibid.
- <sup>88</sup> Ibid.
- <sup>89</sup> Ibid.
- <sup>90</sup> Le Nomiteur Congolais, 5 e Annee, 1 August 1964, Resplarille.
- <sup>91</sup> Journal Officiel de la RDC, Cabinetu Poltd la Republique, 38 e Qunee, Nomeno Special Nai 1997.
- <sup>92</sup> Deceit – alion Constitutionbal N: 003, du 27 Mai 1997 Relatif a e'onga misa e et a l'exencice do provion en RDC.
- <sup>93</sup> Francois Soudea, RDC: l'histoire societe de la charte de Mobutu, Journal Afrique, No 1910-1911, Aout 1997.
- <sup>94</sup> RDC: Annonce officielle du deces de Kabila, The New Humanitarian, Nairobi, 19 January 2001.
- <sup>95</sup> BBC, Democratic Republic of Congo – Timeline, available, <https://www.bbc.com/news/world-africa-13286306>.
- <sup>96</sup> Samuel Malonga, les elections en RDC de 1957 a nesguens, Mbekamarsika, in D. Van Reynbrook, Congo, Une Histoire, Actes Sud, 2012.
- <sup>97</sup> Adresse a le Nation de Son Excellence J.K. Kabila, Pat de le Refu. Et Commandant Supreme des Forces Armules Congolaises, in Journal Officiel de la RDC, Recveil de Textes fem le Dialogue InterCongoleis, 42: Annee, No. Special, Nai 2001, pp. 9-18.
- <sup>98</sup> See Accord de Lusaka, du 10 Juillet 1999, Journal Officiel de la RDC, Recveil de Textes pour le Dialogue InterCongoleis, 42: Annee, No Special, Mai 2001, pp. 103-128
- <sup>99</sup> United Nations Security Council, Resolution 1234, New York, 9 April 1999.
- <sup>100</sup> SADC Organ for Politics, Defence and Security Co-operation (OPDSC), Harare, Zimbabwe, 19 August 1998.
- <sup>101</sup> Democratic Republic of Congo (DRC), Emergency Response Fund (ERF), Final Report 2000-2013, Office for the Co-ordination of Humanitarian Affairs (OCHA), Kinshasa.
- <sup>102</sup> Yolanda Sadie, "Women and Peace-building in the Democratic Republic of Congo", in Strategic Review for Southern Africa, Vol. XXXII, No. 1, 2010, p. 31.
- <sup>103</sup> Ibid., p. 31.
- <sup>104</sup> Ibid., p. 32.
- <sup>105</sup> Ibid., p. 32.
- <sup>106</sup> United Nations Security Council, Lusaka Ceasefire Agreement, 1999, available, [https://peacemaker.un.org/sites/peacemaker.un.org/files/CD\\_990710\\_LusakaAgreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_990710_LusakaAgreement.pdf).
- <sup>107</sup> Ibid.
- <sup>108</sup> Len No 001-2001portant organisationet fonctionalment des parties et et femlents polititiques, Presidence de la Republique, Kinshasa, 17 Mai 2001. r
- <sup>109</sup> Accord Global et Inclusif sun le Transition en RDC, Journal Oficial, 5 Avril 2003.
- <sup>110</sup> Le Pat la RDC tlade pur une muse en avice nafride des Accords de Lusaka at pour le reliance des Dialogue Inter Congolais, ONU, 4271: Séance du Conseil de Securites, New York, 2 february 2001.
- <sup>111</sup> Accord de cesses-le-feu de Lusaka, Lusaka, July 10 1999, in Journal Officiel de la Republique Democratique du Congo, op. cit.
- <sup>112</sup> Ibid.
- <sup>113</sup> Deon Geldenhuys, "Rebuilding the DRC", in South African Journal of International Affairs, Volume 7, No. 1, Summer 2000, p. 43.
- <sup>114</sup> Ibid.
- <sup>115</sup> Ibid.

- 
- <sup>116</sup> Ibid.
- <sup>117</sup> Yolanda Sadie, “Women and Peace-building in the Democratic Republic of Congo”, in *Strategic Review for Southern Africa*, op. cit., p. 32.
- <sup>118</sup> Ibid.
- <sup>119</sup> Ibid.
- <sup>120</sup> [www.allafrica.com](http://www.allafrica.com). Joseph Kabila salve “accord de l’hotel cascades de Sun City, Avril 24, 2002.
- <sup>121</sup> United Nations Peacemaker, Inter-Congolese Political Negotiations: The Final Act, available, [https://peacemaker.un.org/sites/peacemaker.un.org/files/CD\\_030402\\_SunCityAgreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_030402_SunCityAgreement.pdf).
- <sup>122</sup> United Nations Peacemaker, peacemaker.un.org, accessed 25 June 2019.
- <sup>123</sup> Accord de Pretoria, avec le Rwanda, July 2002.
- <sup>124</sup> Accord de Luanda, avec e’Uganda, 06 Septembre 2002.
- <sup>125</sup> Deciet-Lon n: 001 – 2002 du 26 Janvier 2002 partent organization generale de la defense eet des fences armes congolaise.
- <sup>126</sup> Decret Loi No 001-2—2 du 26 Janvier 2002 portant organization generale de la defense et des forces armees Congolaises.
- <sup>127</sup> Ibid.
- <sup>128</sup> Ibid.
- <sup>129</sup> Devon Curtis, “The Contested Politics of Peacebuilding in Africa”, in Devon Curtis and Gwinyayi A. Dzinesa (eds.), op. cit., 20.
- <sup>130</sup> Ibid., p. 21.
- <sup>131</sup> CEEC, Activities, available, <https://ceec.cd/>.
- <sup>132</sup> Decret No 068/2003 du 3 Avril 2003 portant status, organization et fonctionnement du Cadastre Minier in Journal >Officiel de la Republique Democratique du Congo.
- <sup>133</sup> Ibid.
- <sup>134</sup> Loi No 011/2002 du 29 Aout 2002 portant Code Forestier in Journal Officiel, Numero Special, 6 Novembre 2002.
- <sup>135</sup> Deciet no: 068/2003 du 3 April 2003 parteit statets, organization et fonctionnement de Odastie Minier, CAMI Journal Official.
- <sup>136</sup> Len no: 011/2002 du 29Aomut 2002, portant le de forestier, Journal Official, Memeio special, 6 Mve 2002.
- <sup>137</sup> Loi No 011/2002 du 29 Aout 2002 portant Code Forestier in Journal Officiel, Numero Special, 6 Novembre 2002.
- <sup>138</sup> Framework Law No. 013-2002 of 16 October 2002on telecommunications in DRC, available, <http://www.leganet.cd/Legislation/Droit%20economique/telecommunication/LC.013.2002.16.10.2002.htm>.
- <sup>139</sup> Democratic Republic of Congo Ministry of Planning, National Investment Promotion Agency, ANAPI, available, <https://www.investindrc.cd/en/>
- <sup>140</sup> Discociions suem ‘l’Etat de la Nation, Sept 2002 – voir Journal Official.
- <sup>141</sup> World Bank, Democratic Republic of Congo Public Expenditure Review, Poverty Reduction and Economic Management 3 African Region, Report No 42167-ZR, 2008, available, <https://documents1.worldbank.org/curated/en/341751468026109447/pdf/421670ER0P10151osed0June025020080ZR.pdf>.
- <sup>142</sup> Xavier Desmoulin, Mapping the Financial Sector in the DRC and identifying opportunities for the access to finance sub component, 2014, available, <https://static1.squarespace.com/static/5bc4882465019f632b2f8653/t/5c0aa09a562fa712d48c8989/1544200351421/A2F+Sector+mapping%2C+February+2014.pdf>.
- <sup>143</sup> World Bank, Democratic Republic of Congo Public Expenditure Review, Poverty Reduction and Economic Management 3 African Region, Report No 42167-ZR, 2008, available, <https://documents1.worldbank.org/curated/en/341751468026109447/pdf/421670ER0P10151osed0June025020080ZR.pdf>.
- <sup>144</sup> Ibid.
- <sup>145</sup> World Bank, Democratic Republic of Congo: Economic Recovery Credit, 2003, available, <https://documents1.worldbank.org/curated/pt/663281468744058126/text/26184.txt>.
- <sup>146</sup> Ibid.
- <sup>147</sup> Ibid.
- <sup>148</sup> Le de L’ Agent Public de l’ Etat von Journal Official, 3 October 2002.
- <sup>149</sup> Muzong Kodi, Chapter 4: Combating corruption during the transition period: An analysis of the legal framework, 2008, available, <https://issafrica.org/chapter-4-combating-corruption->

---

[during-the-transition-period-an-analysis-of-the-legal-framework.](#)

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Sir H. G. Nicolson, *Diplomacy*, Oxford University Press, 1963.

<sup>154</sup> Devex, Social Fund of Democratic Republic of Congo, available, <https://www.devex.com/organizations/fonds-social-de-la-republique-democratique-du-congo-fsrdc-social-fund-of-the-democratic-republic-of-congo-142420>.

<sup>155</sup> Ibid.

<sup>156</sup> United Nations, DRC, available, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhiviOGVE6ruy7aU3yhs71jJlJmqr0P051mmebxfnMQRhEbit86yMtw1U1fX6DATz5jq%2F9asXDMTuJ%2BpY%2BDzLHPik3>.

<sup>157</sup> International Labour Organisation, DRC, 2014, available, [https://www.ilo.org/dyn/legosh/en/f?p=14100:1100:0::NO::P1100\\_ISO\\_CODE3,P1100\\_SUBCODE\\_CODE,P1100\\_YEAR:COD,,2014](https://www.ilo.org/dyn/legosh/en/f?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:COD,,2014).

<sup>158</sup> Derek Inman and Pacifique Muhindo Magadju, Prosecuting international crimes in the Democratic Republic of the Congo: Using victim participation as a tool to enhance the rule of law and to tackle impunity, *African Human Rights Law Journal* Vol. 18, No. 1, 2018; oi No 024/2002 of DRC on the Military Penal Code (Loi portant Code pénal militaire), November 18, 2002 (entered into force March 18, 2003), [www.leganet.cd/Legislation/Droit%20Judiciaire/Loi.023.2002.18.11.2002.pdf](http://www.leganet.cd/Legislation/Droit%20Judiciaire/Loi.023.2002.18.11.2002.pdf).

<sup>159</sup> Devex, COPRIEP, available, <https://www.devex.com/organizations/comite-de-pilotage-de-la-reforme-des-entreprises-du-portefeuille-de-l-etat-copirep-45240>.

<sup>160</sup> Ibid.

<sup>161</sup> DFID, Democratic Republic of Congo: Country Plan, 2008, available, <https://www.oecd.org/countries/democraticrepublicofthecongo/40692153.pdf>.

<sup>162</sup> Ibid.

<sup>163</sup> Medal Book, History, available, <https://www.medalbook.com/africa-south/democratic-republic-of-the-congo/orders/national-order-of-the-national-heroes-kabila-lumumba/military-division/national-order-of-the-national-heroes-kabila-lumumba-military-division-knight-6/national-order-of-the-national-heroes-kabila-lumumba-military-division-knight-0>.

<sup>164</sup> Embassy of the Democratic Republic of Congo, Congolese Nationals, available, <https://www.ambardcusa.org/consular-affairs/for-congolese-nationals/>.

<sup>165</sup> DFID, Democratic Republic of Congo: Country Plan, 2008, available, <https://www.oecd.org/countries/democraticrepublicofthecongo/40692153.pdf>.

<sup>166</sup> Adresse a la Nation de Son Excellence Joseph Kabila Kabange, President de la Republiqueet Commandant, Supreme des Forces Armees Congolaises, *Journal Officiel de la Republique Democratique du Congo, Recueil des Textes pour le pour le Dialogue Intercongolaise*, 42 eme Anne, No Special, Mai 2001, pages 9-18. t

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Accord de Lusaka du 10 Juliet 1999 pour Cessez le fieuen Republique Democratique du Congoet Mosalities de sa mise en oeuvre, *Journal Officiel de la RDC*, op. cit, pp. 103-128.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> *Entraide Missionnaire, The end of Mobutu's dictatorship*, 1997, available, <https://reliefweb.int/report/democratic-republic-congo/end-mobutus-dictatorship>.

<sup>173</sup> BBC, Democratic Republic of Congo – Timeline, available, <https://www.bbc.com/news/world-africa-13286306>.

<sup>174</sup> BBC, Democratic Republic of Congo – Timeline, available, <https://www.bbc.com/news/world-africa-13286306>.

<sup>175</sup> United Nations Peacemaker, Global and Inclusive Agreement on Transition in the Democratic Republic of Congo (Pretoria Agreement), available, <https://peacemaker.un.org/drc-agreementontransition2002>.

<sup>176</sup> Ibid.

<sup>177</sup> United Nations Peacemaker, Inter-Congolese Political Negotiations: The Final Act, available, [https://peacemaker.un.org/sites/peacemaker.un.org/files/CD\\_030402\\_SunCityAgreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_030402_SunCityAgreement.pdf).

---

<sup>178</sup> United Nations, Annan, UN Mission welcome pact forming new government in DR of Congo, 2003, available, <https://news.un.org/en/story/2003/07/73112-annan-un-mission-welcome-pact-forming-new-government-dr-congo>.

<sup>179</sup> Constitution de la Transition, in Journal Officiel de la RD Congo, nO special du 5 avril 2003, pp. 3-47.

<sup>180</sup> Constitution de la Transition, in Journal Officiel de la RD Congo, nO special du 5 avril 2003, pp. 3-47.

<sup>181</sup> Constitution de la Transition, in Journal Officiel de la RD Congo, nO special du 5 avril 2003, pp. 3-47.

<sup>182</sup> Constitution de la Transition, in <https://www.oecd.org/countries/democraticrepublicofthecongo/40692153.pdf> . nsition, in Journal Officiel de la RD Congo, nO special du 5 avril 2003, pp. 3-47.

<sup>183</sup> African Development Bank, Democratic Republic of Congo: Economic and Sector Work: Regional Economic Development in Bas Congo in the context of Decentralisation in the Democratic Republic of Congo (DRC), 2009, available, [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/DRC\\_Etude%20decentralisation\\_english\\_01.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/DRC_Etude%20decentralisation_english_01.pdf).

<sup>184</sup> News24, Bemba arrested for war crimes, 2008, available, <https://www.news24.com/News24/Bemba-arrested-for-war-crimes-20080525>.

<sup>185</sup> The Constitution of the Democratic Republic of Congo, 2005, available, <https://constitutionnet.org/sites/default/files/DRC%20-%20Congo%20Constitution.pdf>.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> World Bank, Democratic Republic of Congo Public Expenditure Review, Poverty Reduction and Economic Management 3 African Region, Report No 42167-ZR, 2008, available, <https://documents1.worldbank.org/curated/en/341751468026109447/pdf/421670ER0P10151osed0June025020080ZR.pdf>.

<sup>191</sup> OURAGAN, DRC: The National Equalisation Fund soon to be endowed with financial resources, 2020, available, <https://ouragan.cd/2020/08/rdc-la-caisse-nationale-de-perequation-bientot-dotee-des-moyens-financiers/>.

<sup>192</sup> Justine Limpitlaw, “Democratic Republic of Congo,” in *Media Law Handbook for Southern Africa*, Konrad-Adenauer-Stiftung Regional Media Programme: Johannesburg, 2013, pp. 410 – 411.

<sup>193</sup> Ibid, pp. 411 – 412.

<sup>194</sup> Ibid., p. 41.

<sup>195</sup> Ibid., pp. 407 – 408.

<sup>196</sup> Kris Berwouts, Democratic Republic of Congo (DRC) – Expert Briefing, available, <https://www.africaresearchinstitute.org/newsite/democratic-republic-congo-drc-expert-briefing/>.

<sup>197</sup> The New Humanitarian, DRC: Parliament Launched, 2003, available, <https://reliefweb.int/report/democratic-republic-congo/drc-parliament-launched>.

<sup>198</sup> EISA, DRC: Independent Electoral Commission, 2013, available, <https://www.eisa.org/wep/drcec.htm>.

<sup>199</sup> Limpitlaw, “Democratic Republic of Congo.”

<sup>200</sup> Balingene Kahombo, BK DRC's National Human Rights Commission Commentary, 2019, available, [https://www.researchgate.net/publication/336651628\\_BK\\_DRC's\\_National\\_Human\\_Rights\\_Commission\\_Commentary/citation/download](https://www.researchgate.net/publication/336651628_BK_DRC's_National_Human_Rights_Commission_Commentary/citation/download).

<sup>201</sup> The Constitution of the Democratic Republic of Congo, 2005.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

- 
- 210 Ibid.
- 211 Ibid.
- 212 Ibid.
- 213 Ibid.
- 214 Ibid.
- 215 Ibid.
- 216 Ibid.
- 217 Ibid.
- 218 Ibid.
- 219 Ibid.
- 220 Ibid.
- 221 Ibid.
- 222 Ibid.
- 223 Ibid.
- 224 Mpariseni Budeli and Andre Mbata B. Mangu, Towards democratic consolidation in Africa? A look at the 28 November 2011 elections in the Democratic Republic of Congo, *International Journal of Liability and Scientific Enquiry* Vol. 6., No. 1/2/3, 2013, pp. 132 – 155.
- 225 Ibid.
- 226 Ibid.
- 227 Eoin Young, New DRC government announced, 2007, available, <https://reliefweb.int/report/democratic-republic-congo/new-drc-government-announced>.
- 228 Ibid.
- 229 Tatiana Carayannis, Elections in the DRC: The Bemba Surprise, 2008, available, <https://www.usip.org/sites/default/files/resources/sr200.pdf>.
- 230 Ibid.
- 231 The Carter Center, Presidential and Legislative Elections in the Democratic Republic of Congo, Final Report, 2011, available, [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/drc-112811-elections-final-rpt.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/drc-112811-elections-final-rpt.pdf).
- 232 Philippe Tunamsifu Shirambere, The Democratic Republic of Congo-China's Deals on Construction of Roads in Exchange of Mines, *Afrika Focus* Vol. 33, No. 2, 2020, pp. 79 – 94.
- 233 The African Forum and Network on Debt, Africa's External Debt: An Analysis of African Countries External Debt Crisis, 2003, available, <https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/1688/AFRODAD-248538.pdf?sequence=1>.
- 234 Jean A. P. Clement, The Democratic Republic of the Congo: Lessons and Challenges for a Country Emerging From War, in *Postconflict economics in Sub-Saharan Africa: lessons from the Democratic Republic of the Congo*, International Monetary Fund: Washington DC, 2005.
- 235 The Constitution of the Democratic Republic of Congo, 2005.
- 236 Democratic Republic of Congo, Congo (Democratic Republic of the)'s Constitution of 2005 with Amendments through 2011, available, <file:///C:/Users/User/Downloads/Democratic-Republic-of-the-Congo-2011.pdf>.
- 237 Ibid.
- 238 Ibid; EISA, DRC: Independent Electoral Commission, 2013, available, <https://www.eisa.org/wep/drcec.htm>.
- 239 MONUSCO, Report of the United Nations Joint Human Rights Office on Human Rights and Fundamental Freedoms during the Pre-Electoral Period in the Democratic Republic of Congo Between 1 January and 30 September 2015, available, [https://www.ohchr.org/Documents/Countries/CD/UNJHRODecember2015\\_en.pdf](https://www.ohchr.org/Documents/Countries/CD/UNJHRODecember2015_en.pdf).
- 240 Ibid.
- 241 Ibid.
- 242 Limpitlaw, "Democratic Republic of Congo."
- 243 Ibid.
- 244 Kahombo, BK DRC's National Human Rights Commission Commentary.
- 245 News24, DRC creates 2 top courts, completing judicial reform, available, <https://www.news24.com/news24/africa/news/drc-creates-2-top-courts-completing-judicial-reform-20180612>.
- 246 Ibid.
- 247 Ibid.

- 
- <sup>248</sup> United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Democratic Republic of the Congo, 2017, available, <https://undocs.org/pdf?symbol=en/CAT/C/COD/2>.
- <sup>249</sup> The Constitution of the Democratic Republic of Congo, 2005.
- <sup>250</sup> BBC News, Q&ADR Congo's M23 rebels, available, <https://www.bbc.com/news/world-africa-20438531>.
- <sup>251</sup> Ibid.
- <sup>252</sup> United Nations Security Council, Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 2013, available, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_757.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_757.pdf).
- <sup>253</sup> Ibid.
- <sup>254</sup> Ibid.
- <sup>255</sup> Centre for Conflict Resolution (CCR), Region-building and Peacebuilding in Southern Africa, CCR and Fredrich Ebert Stiftung (FES), Policy Advisory Group Seminar Report, Gabarone, Botswana, February 2016, p. 9.
- <sup>256</sup> Ibid.
- <sup>257</sup> Ibid.
- <sup>258</sup> Christoph Vogel, Big Victory as M23 Surrenders, But Not an End to Congo's Travails, 2013, available, <https://theglobalobservatory.org/2013/11/in-drc-one-militia-m23-down-49-more-to-go/>.
- <sup>259</sup> News24, DRC army saviour victory in former M23 stronghold, available, <https://www.news24.com/News24/DRC-army-savour-victory-in-former-M23-stronghold-20131107>.
- <sup>260</sup> Naomi Kok and David Zounmenou, On 24 February yet another peace agreement was signed in an attempt to stabilise the turbulent eastern DRC. Will the implementation process be more successful this time?, 2013, available, <https://issafrica.org/iss-today/peace-security-and-cooperation-framework-for-the-drc-hopes-and-challenges>.
- <sup>261</sup> Ibid.
- <sup>262</sup> Ibid.
- <sup>263</sup> Chronicle (Zimbabwe), DRC gets new electoral commission chiefs, 2015, available, <https://www.pressreader.com/zimbabwe/chronicle-zimbabwe/20151119/281840052568464/>.
- <sup>264</sup> Bruce Russett, Harvey Starr and David Kinsella, World Politics: The Menu for Change, Wadsworth, Ninth Edition, 2010, p. 135.
- <sup>265</sup> Ibid.
- <sup>266</sup> K. J. Holsti, International Politics: A Framework for Analysis, Seventh Edition, Prentice Hall, 1995, pp. 84-97.
- <sup>267</sup> Ibid., p. 96.
- <sup>268</sup> Ibid., p. 107.
- <sup>269</sup> Ibid., p. 107.
- <sup>270</sup> Ibid., p. 107.
- <sup>271</sup> Ibid., p. 108.
- <sup>272</sup> Ibid., p. 109.
- <sup>273</sup> Ibid. pp. 109-110.
- <sup>274</sup> Ibid., p. 111.
- <sup>275</sup> See Chris Landsberg, "Does South Africa have a national Interest Doctrine?". Unpublished paper, University of Johannesburg, 2020.
- <sup>276</sup> Ibid.
- <sup>277</sup> Ibid.
- <sup>278</sup> L. Ziring, J. Plano and R. Olton, International Relations – A Political Dictionary, Fifth Edition, Michigan, ABC-CLIO, 1995, p. 11. a
- <sup>279</sup> Joseph Nye, "Redefining the National Interest", Foreign Affairs, Vol. 78, No. 4, 1999, pp. 22-35.
- <sup>280</sup> Hans J. Morgenthau, "The Primacy of the National Interest," *The American Scholar*, vol. 18, no. 2, 1949, pp. 207–212. *JSTOR*, [www.jstor.org/stable/41205156](http://www.jstor.org/stable/41205156).
- <sup>281</sup> Bruce Russett, Harvey Starr and David Kinsella, World Politics: The Menu for Change, op. cit., pp. 136-137.
- <sup>282</sup> Joseph Nye, "Redefining the National Interest", Foreign Affairs, op. cit., p. 22.
- <sup>283</sup> D. E. Nuechterlein, "National Interest and Foreign Policy: A Conceptual Framework for Analysis and Decision-Making", *British Journal of International Studies*, Vol. 2, No. 3, 1976, pp.

---

246-266.

<sup>284</sup> Joseph Frankel, *International Relations*, Oxford University Press, 1964, 47.

<sup>285</sup> *Ibid.*

<sup>286</sup> Joseph Nye, "Redefining the National Interest", *Foreign Affairs*, *op. cit.*, p. 23.

<sup>287</sup> *Ibid.*

<sup>288</sup> Bruce Russett, Harvey Starr and David Kinsella, *World Politics: The Menu for Change*, *op. cit.*, pp 136-137.

<sup>289</sup> Mwesiga Baregu, "The clones of 'Mr. Kurtz': Violence, war and Plunder in the DRC", *African Journal of political science*, Vol. 7, No. 2, 2002.

<sup>290</sup> *Ibid.*

<sup>291</sup> Government of the Democratic Republic of Congo, *Government Programme of Action, 2012-2016*, Kinshasa, 2011.

<sup>292</sup> Ntsiki Mashimbye, South African Ambassador to the DRC, Paper delivered at the Great Lakes Heads of Mission Conference, OR Tambo Building, Pretoria, 23 August 2014.

<sup>293</sup> *Ibid.*

<sup>294</sup> *Ibid.*

<sup>295</sup> *Ibid.*

<sup>296</sup> *Ibid.*

<sup>297</sup> Rory Carroll, Court orders Uganda to pay Congo damages, 2005, available, <https://www.theguardian.com/world/2005/dec/20/congo.uganda>.

<sup>298</sup> World Bank, Great Lakes Initiative on HIV/AIDS (GLIA) support, 2005, available, <https://reliefweb.int/report/burundi/great-lakes-initiative-hiv-aids-glia-support>.

<sup>299</sup> Frank Okuthe-Oyugi, *ICGLR as a vehicle for combating impunity and promoting justice and Human Rights: Achievements and challenges*, 2019, available, [https://ungreatlakes.unmissions.org/sites/default/files/icglr\\_framework.pdf](https://ungreatlakes.unmissions.org/sites/default/files/icglr_framework.pdf).

<sup>300</sup> OHADA, Amended treaty on the harmonization of business law in Africa Treaty of 17 October 1993 signed at Port - Louis, available, <https://www.droit-afrique.com/uploads/OHADA-Treaty-2008-harmonization-business-law.pdf>.

<sup>301</sup> UNAIDS, 14<sup>th</sup> Francophonie Summit: Shared Responsibility and Global Solidarity on the Agenda of UNAIDS and Heads of State, 2021, available, <https://www.unaids.org/en/resources/presscentre/featurestories/2012/october/20121013francophonie>.

<sup>302</sup> Shirambere Philippe Tunamsifu, Twelve years of judicial cooperation between the Democratic Republic of the Congo and the International Criminal Court: Have expectations been met? *African Human Rights Law Journal* Vol. 19, no. 1, 2019.

<sup>303</sup> Brian Roberts, *Biographical Research*, open University Press, Buckingham, 2002, p. 1.

<sup>304</sup> United Nations Peacemaker, [peacemaker.un.org](http://peacemaker.un.org), accessed 25 June 2019.