

# The Congolese national dialogue: will a critical opportunity be missed?

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Since the controversial 2011 elections, opposition parties in the Democratic Republic of Congo (DRC) have been calling for a national dialogue. However, shortly after the 2011 elections, international attention turned to the M23 rebellion in the eastern DRC, making it necessary and perhaps more convenient for President Joseph Kabila to invest his time in dealing with the rebellion rather than addressing the political situation in Kinshasa.

The adoption of United Nations (UN) Security Council Resolution 2098 on 28 March 2013 called on the UN's

Special Representative for the DRC to, among others, promote inclusive and transparent dialogue in order to further reconciliation and democratisation and contribute to the organisation of credible elections at provincial and local level. While the initiative of convening national political talks is key to reaching a new political consensus and gives effect to long-awaited governance reforms, one cannot help but ask whether this important platform will be yet another missed opportunity.

The recently appointed Special Representative, Martin Kobler, certainly has a daunting task ahead of him in ensuring even some measure of success in the national dialogue. At a time when the DRC is facing political and security crises, the national dialogue provides an opportunity to adjust the governance trajectory, identify contentious issues, and work consensually on strategies to take the country forward. Among the issues are the reform of the electoral system, respect for the constitutional term limit for the incumbent, respect for fundamental human rights, accountability and the consolidation of state institutions. Though these issues are not new, they remain the main obstacles to the emergence of an effective, stable and peaceful DRC.

Yet, the initiative is already marred by controversy around three key challenges, in addition to terminology

issues. Firstly, the long awaited national talks or *concertations nationales*, as President Kabila prefers to refer to them, are meant to conclude within 15 days, with a possible extension of a maximum of five days. The maximum total of 20 days is a very ambitious timeframe, which is an issue for concern, given that the previous Congolese talks of 2001 took several months to conclude.

Secondly, the opposition and civil society organisations have felt excluded from the preparations for the talks. As usual, the opposition is very divided and has not had much success in contributing to the dialogue's agenda. The opposition parties held a conclave at which their own agenda was to be decided, but the two biggest parties, Etienne Tshisekedi's *L' Union pour la Démocratie et le Progrès Social* (UDPS) and Jean-Pierre Bemba's *Mouvement pour la Liberation du Congo* (MLC), were not officially represented. In addition, opposition parties feel an external facilitator – UN Special Envoy Mary Robinson or Congo-Brazzaville President Denis Sassou Nguesso – is required to enhance the credibility of the process and guarantee a meaningful consideration of the resolutions.

Thirdly, even if, against all odds, an accord is reached, there is no provision for implementation. Many believe that the government has already decided on the agenda and the outcomes, and that the national talks will not tackle the deep-rooted causes of instability in

the DRC. If past experience is anything to go by, the problem lies more with the chances of effective implementation than the exercise itself.

This bleak forecast for the outcome of the talks is of particular concern at this point in the DRC's history, because now more than ever the DRC cannot afford to miss an opportunity to implement long-term political reforms that will help lead to long-term peace.

In the meantime, the International Conference on the Great Lakes Region's (ICGLR) mediated discussions between M23 and Kinshasa in Kampala have once again come to a halt. This happened at about the same time that the eastern DRC saw the worst fighting since the fall of Goma in November 2012. Clearly, M23 feels threatened by the deployment of the UN Intervention Brigade (IB), mandated to carry out targeted operations to disarm and neutralise the group. This explains why M23 has become increasingly aggressive toward the *Forces Armées de la République Démocratique du Congo* (FARDC) after a period of relative calm after November 2012. At the same time, a number of pro-government militias have been attacking M23. However, in Kampala, the same old problems persist, as M23's grievances based upon the March 23 agreement of 2009 continue to form some of the seemingly insurmountable obstacles to reaching an accord.

Currently the suggestion from the ICGLR is that Kinshasa offers M23 amnesty (except for crimes violating international law), reintegrates M23 officers into the FARDC and declares a state of emergency in the eastern DRC. At this point, M23 is unable to agree to any offer made to it, since accepting would inevitably require the group to disband. Another problem is that no matter how much possible reintegration into the FARDC is discussed, M23 will find it difficult to agree to be deployed outside of the Kivus, while Kinshasa is unwilling to let it stay in the Kivus.

If M23 were to leave the negotiations and so demonstrate its unwillingness to reach a peaceful agreement, this would legitimise the IB's targeting it. Since both parties are unwilling to make concessions, it seems as though conflict between M23 and the FARDC will continue for the foreseeable future. However, M23 has weakened quite a bit lately, and it is faced with persistent internal problems despite its attempts to swell its ranks with new recruits in 2013. The deadlock in Kampala aside, the deployment of the IB does tip the balance slightly in favour of Kinshasa. While it remains to be seen how successful the IB will be in disarming and neutralising M23, there is now a force besides the FARDC with a mandate to fight M23. If the IB is successful, it will mean that Kinshasa's immediate problem will be solved and the Kampala negotiations will fall away all together.

However, even if this is the outcome, it still leaves many other problems unsolved, particularly the political reforms that Kinshasa is committed to implementing under the Peace, Security and Cooperation framework agreement (PSC Framework) signed in Addis Ababa on 24 February 2013. In fact, the PSC Framework was meant to follow up on the ICGLR's current offer, making success in Kampala dependent on success in implementing the PSC Framework.

The national talks, the PSC Framework and the Kampala negotiations depend on national cohesion, clear political vision and effective leadership, which is why Kinshasa should not miss this critical opportunity to achieve at least some level of meaningful political consensus during the national dialogue. It is now also the time for Kinshasa to take the Kampala negotiations seriously, and attempt to break its pattern of failing to come to an agreement; a pattern that has characterised the negotiations for months on end.

The IB may be a game changer, but the people who form groups like M23 will still be a part of the population of the eastern DRC, and without a meaningful dialogue in Kinshasa to address the larger problem of the cycles of violence in the east, the DRC is not likely to see any change at all. Unfortunately, this means that civilians will continue to be the ones who suffer the most.

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