

SOUTH AFRICA'S STATE-BUILDING ROLE IN THE DRC: KICKING THE CAN DOWN THE ROAD

TJIURIMO HENGARI

EXECUTIVE SUMMARY

As the mooted presidential election in the Democratic Republic of Congo (DRC) is postponed to December 2018, South Africa's most significant engagement in post-conflict reconstruction and development (PCRD) since its return to African affairs in 1994 hangs in the balance. While South Africa has done a fairly decent job of supporting the DRC at various difficult intervals since the 1990s, the model it has pursued in that country appears to be falling short of the demands of strategic state and institution building. It is a model at the end of its resources. This policy insights paper argues that these shortcomings are a result not only of South Africa's inability to master the challenging political terrain in the DRC but also of Pretoria's pushback from value-driven doctrines in its diplomacy. This severely impacts South Africa's ideological and normative posture, particularly the manner in which it is inconsistently articulated in the political institution-building process in the DRC – a complex country with multi-layered issues and competing external and domestic stakeholders.

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INTRODUCTION

Since its own political settlement in 1994, South Africa has invested significant resources in rehabilitating its image as a pariah state during the apartheid era, which lasted for close to half a century. As a consequence, rehabilitation and pro-active international citizenship became a crucial pillar of its foreign policy, particularly in Southern Africa, where the apartheid government's foreign policy was the most devastating. The resources invested from different funding envelopes – so vast that they are 'unquantifiable', according to one senior Department of International Relations and Cooperation (DIRCO) official¹ – have been human, financial, military and technical in nature.

Moreover, South Africa's initiatives have without doubt been very consequential in the cases of Burundi and the DRC. While the DRC has seen the most penetrating engagement, with South Africa viewed as being 'respectable and indispensable to the stability of the Congo'² through its PCRD and peace diplomacy, South Africa has had varied interventions through official government channels or the ruling ANC in different parts of Africa. Burundi, Lesotho, Madagascar, South Sudan and Zimbabwe are only a few examples of where South Africa's role was punctual or sustained, and viewed in many instances as constructive. The only widely noted exception remains South Africa's interventions in Côte d'Ivoire in the aftermath of the elections of November 2010, where its role was seen as counterproductive to peace.³ Still, as a consequence of South Africa's varied bilateral and multilateral diplomacies in Africa there is consensus that the country has been a force for good in many theatres of operation.

The DRC stands out as an example of South Africa's emerging bandwidth in peace diplomacy, including PCRD. This policy insights paper affirms that South Africa's initiatives in the DRC have in some instances gone beyond what it had intended to do, encompassing a wide-ranging role, even beyond its demonstrable capacities. The militarisation of PCRD policy since 2013 and alleged South African military fatigue in the Intervention Brigade in the eastern DRC illustrate capacity stresses, but not the absence of intent to engage meaningfully.⁴ South Africa had set out to develop a tactical and strategic role in institution building in the DRC through enhancing that country's democratic institutions. However, its initiatives remain far more modest in as far as proactive normative and value-driven political institution building is concerned. While South Africa's interventions and its own capacity in political institution building in the DRC have been stunted by the complexities in the DRC's domestic context, these shortcomings are also a reflection of South Africa's own positioning in Africa, its limits, opportunities and challenges. The stoic nature of a formalistic and anti-colonialist approach has led to vacillation, limiting South Africa's impact in the democratic evolution of domestic institutions in the countries where it has become involved.

This paper will briefly discuss the ideological, policy and doctrinal parameters that define South Africa's role in Africa. This framing through the 'African Agenda' implies interrogating the country's foreign policy, including the motivations that inform its penchant for a preponderant African role. Second, the paper will seek to illustrate, through South Africa's interventions in the DRC, the degree to which Pretoria has shaped and impacted the political institution-building process in that country. The final section, drawing on South Africa's involvement in the DRC, will

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attempt to draw conclusions about the PCR model and its limits in that vast country.

MIRRORING THE DOMESTIC IN THE EXTERNAL

South Africa's former ambassador to the US, Barbara Masekela, said: 'We have confronted and successfully dealt with some of the toughest, most intractable challenges of our time – challenges that have left other societies in ashes. We are problem solvers, we are pragmatists. We work by consensus. And we prefer long-term solutions to quick, expedient fixes. But we are still revolutionaries: we want to hand succeeding generations a truly better world.'⁵ This self-perception of and testament to what South Africa is, is based on its experience – framed by its leaders as 'exceptional' – and provides an important entry point to view the processes through which the country's diplomacy is conducted. Similarly, South Africa's White Paper on Foreign Policy, *Building a Better World: the Diplomacy of Ubuntu*,⁶ is an impasto of the values, ideals, intentions and normative aspirations Pretoria seeks to project, specifically through the 'African Agenda'. These values include democracy, human rights and an equitable international order. Successive South African presidents, from Nelson Mandela to Jacob Zuma, have focused on the promotion of these norms, albeit with different emphases depending on circumstances. These multiple emphases do not necessarily mark doctrinal and policy ruptures, but they are to a certain extent a consequence of the push for a crucial dimension in South Africa's diplomatic arsenal: tactical pragmatism in pursuit of strategic goals (peace, democracy and human rights) in Africa and elsewhere.

Mirroring its own domestic successes with a widely acclaimed transition and constitution, South Africa's ethic of intervention in the DRC is, on the one hand, informed by the impulse of its own exemplary political transition, whose guiding normative anchors were constitutionalism, democracy and human rights. On the other hand, while sufficiently anchored around these, as a successful African country with an economy to support the externalisation of its values and experience, South Africa feels obliged to engage in problem-solving in Africa.

As an observer in the Intergovernmental Conference on the Great Lakes, a member of the Tripartite Mechanism on Dialogue and Cooperation (the other parties being Angola and the DRC) and a contributor to the UN multilateral framework in the DRC through the UN Organization Stabilization Mission in the Democratic Republic of the Congo, South Africa is the leading African country involved in the state-building process in the DRC.

REVOLUTIONARY IDEALISM VERSUS REVOLUTIONARY PRAGMATISM IN THE DRC

In a manner consistent with its own self-perception and role-appropriation, South Africa accepted a request to lead the DRC mediation process in the late 1990s. This request came from SADC's appointed mediator, former president Quett Masire of Botswana, who had run into a few challenges with the parties to the conflict. If South Africa's role in the DRC could be described as a success, that is only part

of the explanation. The DRC was able to make significant strides in the 2000s compared with the late 1990s, when it was teetering on the brink of total collapse. Presidents Mandela and, to a greater degree, Thabo Mbeki both played a decisive role in canvassing for peace in the DRC. It was under Mbeki's leadership that the Sun City Agreement (April 2002) and Pretoria Accord (July 2002) were signed, leading to peace with Rwanda and a transitional government of national unity. This set the stage in 2006 for the first democratic elections since independence from Belgium in 1960. South Africa's role here is not questioned; and described by a senior official in DIRCO: 'The resources that South Africa availed to the peace process in the DRC cannot be quantified. Imagine, over a period of three months, we hosted many delegates at Sun City in order to ensure a positive outcome for the Inter-Congolese Dialogue. Our financial and logistical contributions to the elections of 2006 and 2010 run into millions of US dollars. It is not about money, but we have always been ready to assist our African brothers and sisters.'⁷

Similarly, there is recognition in the DRC of the role South Africa played in getting the country to a challenging yet respectable level of state building. Affirming the constructive role played by South Africa, the view of a politician from L'Alliance pour la majorité présidentielle (AMP)⁸ is instructive: 'South Africa is a friendly country – we value the role it played in the peace process and the support for our economic development. Whenever there are problems, President Kabila consults with President Jacob Zuma. There are no problems between our two countries.'⁹

As a consequence of this dominant role it has crafted for itself, perhaps despite itself, South Africa has contributed significantly to institution building in the DRC. This has been through an exhaustive list of interventions, including financial and technical electoral support, military stabilisation through the SADC Intervention Brigade in the eastern DRC, revenue collection reforms, private sector investments and the training of the foreign service. For a state of its size, and with the scale of its own domestic challenges, South Africa's idealism and pragmatism combined has provided the DRC with an opportunity for state building and consolidation. Yet, without major adjustments in South Africa's model, the potential for regression in the DRC has never been so apparent.

KICKING THE CAN DOWN THE ROAD

While the positive role South Africa played in the DRC is widely noted, the inability of the DRC to move beyond a political transition into a phase of institutional and political stability is a reflection of the limits of South Africa's model of conflict resolution and state building. Due to its own experience, South Africa does not have difficulties in getting warring parties to the table to negotiate peace and transitional political arrangements. However, beyond this, South Africa struggles with the promotion of a wider canvas of 'on the immediate horizon' values, including human rights, rule of law, and plural and inclusive political processes.

Nothing illustrates the limits of the model more than the DRC, where presidential elections were supposed to take place in November 2016. Tensions have simmered for the past three years around a possible third term for President Joseph Kabila and the revision of Article 220 of the constitution, which limits the president's terms of office to two. Lives have been lost and political divisions have emerged in the

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AMP, with key leaders having abandoned Kabila. The ‘national dialogue’, which was initiated by Kabila to avert a crisis, has not yielded the results necessary to succeed in this aim. Without a clear agenda, the participation of key opposition groups and the unequivocal support of civil society, agreement on a road map to elections is unlikely.

Instead, on 4 May 2015 Moise Katumbi, the former governor of Katanga, announced his intention to run for president. This mobilised the security organs of the state and saw the banning of political protests and muzzling of opposition leaders. The failed criminal charges brought against Katumbi for having allegedly hired mercenaries – seen as an attempt to thwart his presidential ambitions – are a lucid reminder of the botched institution building in the DRC. Katumbi’s most recent conviction and sentencing to three years’ imprisonment by a court in Lubumbashi for real estate fraud reinforces the limits of the rule of law in the DRC.

In September 2016 the deputy head of the electoral commission announced that elections would have to be postponed to December 2018, as the voters roll was not ready. The commission’s unpreparedness was due to insufficient funding from the state over the past few years. The International Crisis Group estimates that the commission received only about 15% of its budget, and the government had tried to introduce legislation to postpone the poll. The election postponement places the constitutional framework – to which South Africa made a significant contribution – in grave jeopardy.

South Africa’s deafening silence on the ‘national dialogue’, the postponement of the elections and the harassment of opposition leaders, under the guise of quiet diplomacy, is proving unhelpful for the immediate stability of the country and its longer-term institution building. For instance, on 22 September 2016, in a DIRCO press release, Zuma ‘expressed concern over [recent] violent incidences’ in the DRC, resulting in death, injury and destruction of property. He called on all parties in the DRC to participate in the AU-facilitated Inclusive National Dialogue, which would lead to the adoption of a road map to national elections. Yet no mention was made of the reasons for the violence, or of Kabila’s machinations to extend his tenure.¹⁰ What South Africa has been unable to get right in the model it has promoted is the demand for firm commitments from the executive, consistent with the processes and initiatives in the DRC, to respect democratic values as a sine qua non condition for successful state building. It is on this score where South Africa’s role is contested and framed, albeit simplistically, by a critic with extensive knowledge of the DRC: ‘The South Africans don’t know what they are doing in that country – they are messing up.’¹¹

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CONCLUSION

South Africa has demonstrated its ability to export and share its experiences in internal political institution building. The DRC has to date been its most significant intervention, spanning over two decades, in peace mediation, peace enforcement, institution building and economic development. While its successes are notable, the limits of the model South Africa has pursued in the DRC stunt comprehensive state building in that country. The formalistic, hegemonic and anti-colonialist perspective of its state-building model tends to delay the hard, immediate choices

the DRC has to make, which are crucial for sustainability. These include potential South African demands for respect for the rule of law, democracy and human rights. What is needed in the DRC is a far more robust engagement with the Congolese authorities to respect the constitution as an essential anchor in the state-building and consolidation process. The cautious balance between revolutionary idealism and revolutionary pragmatism – while effective in some instances – may undo the gains South Africa has made in the DRC.

As a key interlocutor in the country, South Africa should reach out to the opposition and broader civil society to ensure sustainable institutions and the rule of law. South Africa's voice should be seen as protecting the integrity of the political process and political institutions. Furthermore, its credibility as a political institution-builder also depends on its ability to be seen as an honest broker by the UN multilateral system and leading bilateral partners of the DRC such as Belgium, the US and France. This requires that South Africa engage more directly and frankly with all stakeholders. 'Non-interference' may be a laudable principle when compared to the vicious exploitation the DRC has had to endure over the last century or more, but the peace and relative stability that the country has achieved in the past decade cannot be squandered through trampling the constitutional framework that allowed the war to end.

ENDNOTES

- 1 Interview with DIRCO (Department of International Relations and Cooperation) official, Pretoria, November 2015. SAIIA has quantified South Africa's support in a recent paper: see Besharati N & C Rawhani, *South Africa and the DRC: Evaluating a South-South Partnership for Peace, Governance and Development*, SAIIA Occasional Paper, 235, July 2016.
- 2 Interview with UN official, New York, September 2015.
- 3 South Africa went against the international position (including that of ECOWAS) that the elections had been won by Alassane Ouattara in November 2010. Earlier, in 2005, president Jacques Chirac of France had said about South Africa's attempt to mediate in the country that 'West Africa is West Africa. It has its own characteristics. You have to know it well ... And I would really like President Mbeki – whose process, I repeat, we do support – to immerse himself in West Africa so as to understand the mentality and the soul of West Africa, because in times of crisis, you have to really know people's mentalities and what is in people's souls'. See BBC, 'Mbeki told to understand W Africa', 2005, <http://news.bbc.co.uk/2/hi/africa/4232551.stm>, accessed 3 November 2016.
- 4 Interviews with diplomats from two SADC countries with embassies in the DRC, Kinshasa, October 2015.
- 5 South Africa, Constitution of South Africa 1996, <http://www.southafrica.info/about/democracy/constitution.htm#.V0buf6MaLDc>, accessed 13 April 2016.
- 6 South Africa, DIRCO, *Building A Better World: The Diplomacy of Ubuntu*, White Paper on Foreign Policy. Pretoria: Government Printer, February 2012.
- 7 Interview with senior DIRCO official, Pretoria, November 2015.
- 8 L'Alliance pour la majorité présidentielle (AMP) is a coalition of parties that supported the candidacy of Joseph Kabila for the presidency in 2006.
- 9 Interview with a politician from the AMP, Kinshasa, October 2015. The interview was translated by the author from French to English.
- 10 DIRCO, 'South Africa expresses concern over the current situation in the Democratic Republic of the Congo', Press Statement, 22 September 2016.
- 11 Interview with former senior UN official, New York, September 2015.

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