

# THE UNITED NATIONS POLICE ROLE IN THE RESTORATION OF PUBLIC ORDER AND THE RULE OF LAW (MONUSCO: A CASE STUDY)



BY

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## ABBREVIATIONS AND ACRONYMS

ABBREVIATIONS AND ACRONYMS	SIGNIFICATIONS
<b>ADF</b>	The Alliance of Democratic Forces
<b>ADF-NALU</b>	The Alliance of Democratic Forces-National Army for the Liberation of Uganda
<b>AFDL</b>	Alliance des Forces Démocratiques de Libération du Congo
<b>AND</b>	Agence Nationale de Documentation
<b>APR</b>	Armée Patriotique Rwandaise
<b>CANS</b>	Community Alert Networks
<b>CCPSE</b>	Provincial Coordination Committee
<b>CIVPOL</b>	Civilian Police
<b>CLO</b>	Local Operations Center
<b>CMO</b>	Civil-Military Operations
<b>CND</b>	Centre Nationale de Documentation
<b>CNDP</b>	Congrès National pour la Défense du Peuple
<b>CNO</b>	National Operations Center
<b>CSRP</b>	Comité de Suivi de la Réforme de la Police
<b>CPO</b>	Provincial Operations Center
<b>CPR</b>	Close Protection Corps
<b>CPSE</b>	Steering Committee for Election Security
<b>DDR</b>	Desarmement Demobilisation and Reinsertion
<b>DDRRR</b>	Disarmament, Demobilization, Repatriation, Resettlement and Reintegration
<b>DPKO</b>	Department of Peacekeeping Operations
<b>DRC</b>	Democratic Republic of the Congo

<b>ECOWAS</b>	Economic Community of West African States
<b>EISA</b>	Electoral Institute for Sustainable Democracy in Africa
<b>ENOPU</b>	Uruguayan Peacekeeping Operations School
<b>EU</b>	European Union
<b>EUPOL</b>	European Police
<b>EUFOR</b>	European Union Force
<b>FARDC</b>	Forces Armées de la République Démocratique du Congo
<b>FAZ</b>	Forces Armées Zaïroise
<b>FDLR</b>	Forces Démocratiques de Libération du Rwanda
<b>FM</b>	Modulated Frequency
<b>FNL</b>	National Liberation Forces
<b>FPUS</b>	Formed Police Units
<b>FRPI</b>	Front for Patriotic Resistance of Ituri
<b>GC</b>	Garde Civile
<b>GDN</b>	Gendarmerie Nationale
<b>GLR</b>	Great Lake Region
<b>GMI</b>	Goupe Mobile d'Intervention
<b>GMRRR</b>	Groupe Mixte de Réflexion sur la Réforme et la Réorganisation de la PNC
<b>GTPI</b>	Technical Gestures Police Intervention
<b>GTSE</b>	Technical Group to organize Safe Elections
<b>HF</b>	High frequency
<b>HOPC</b>	Head of Police Component
<b>HQ</b>	Headquarters
<b>HR</b>	Human Rights
<b>HRDDP</b>	human rights due diligence policy on United Nations-support to non-United Nations forces



<b>ICD</b>	Inter-Congolese Dialogue
<b>IEC</b>	Independent Electoral Commission
<b>IFIS</b>	International Financial Institutions
<b>INTERPOL</b>	International Criminal Police Organization
<b>IOM</b>	International Organization for Migration
<b>IPU</b>	Integrated Police Unit
<b>IPOS</b>	Individual Police Officers
<b>IPUS</b>	Integrated Police Units
<b>ISSSS</b>	International Security and Stabilization Support Strategy
<b>JHRO</b>	Joint Human Rights Office
<b>JMC</b>	Joint Military Commission
<b>LNI</b>	Légion Nationale Intervention
<b>LRA</b>	Lord's Resistance Army
<b>M23</b>	Mouvement du 23 Mars
<b>MINUSCA</b>	Mission intégrée multidimensionnelle de stabilisation des Nations Unies en République centrafricaine
<b>MINUSMA</b>	Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation au Mali
<b>MINUSTAH</b>	Mission des Nations Unies pour la Stabilisation en Haïti
<b>MLC</b>	Mouvement de Libération du Congo
<b>MONUC</b>	Mission des Nations Unies en RD Congo
<b>MONUSCO</b>	Mission de l'ONU pour la stabilisation en République Démocratique du Congo
<b>MPR</b>	Mouvement Populaire de la Révolution
<b>MROP</b>	Maintenance and Restoration of Public Order
<b>MSUS</b>	Multinational Specialized Units
<b>NATO</b>	North Atlantic Treaty Organisation
<b>OAU</b>	Organisation of African Unity

<b>ONUC</b>	Opération des Nations Unies au Congo
<b>ONUCI</b>	Opération des Nations unies en Côte d'Ivoire
<b>PCCs</b>	Police-Contributing Countries
<b>SAAT</b>	Selection Assistance and Assessment Team
<b>SAPS</b>	South African Police Service
<b>SOLI</b>	Integrated Operational Strategies for the Fight against Insecurity
<b>UNPKOs</b>	United Nations Peacekeeping Operations
<b>UNPOL</b>	United Nations Police
<b>PAQ</b>	Plan d'Action Quinquenal
<b>PIR</b>	Police d'Intervention Rapide
<b>PKOs</b>	Peacekeeping Operations
<b>PNC</b>	Police Nationale Congolaise
<b>POTI</b>	Peace Operation Training Institute
<b>PSPEF</b>	Special Police tasked for Protecting Children and Women
<b>QIPS</b>	Quick Impacts Projects
<b>QRF</b>	Quick Reaction Force
<b>RCD-GOMA</b>	Rassemblement Congolais pour la Démocratie - Goma
<b>RCD-ML</b>	Rassemblement Congolais pour la Démocratie – Mouvement de Libération
<b>RCD-N</b>	Rassemblement Congolais pour la Démocratie – National
<b>SADC</b>	Southern African Development Community
<b>SE-PRSP</b>	Executive Secretariat
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SGLR</b>	Smaller Great Lake Region
<b>SNIP</b>	Service National d'Intelligence et de Protection
<b>SOLIB</b>	Stratégie opérationnelle de lutte contre l'insécurité à Beni

<b>SPTS</b>	specialized police teams
<b>SSR</b>	Security Sector Reform
<b>STAREC</b>	Reconstruction and Stabilization Program for Areas emerging from Armed Conflicts
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Program
<b>UNIDIR</b>	United Nations Institute for Disarmament Research
<b>UNO</b>	United Nations Operation
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNPKOS</b>	UN Peacekeeping Operations
<b>UNPOL</b>	United Nations Police
<b>UNSC</b>	UN Security Council
<b>UNSC RES</b>	UN Security Council Resolution
<b>UNSG</b>	United Nations Secretary General
<b>UUAVS</b>	Unmanned Aerial Vehicles
<b>VIP</b>	Very Important Personality

## **ABSTRACT**

The origin of the United Nations Peacekeeping Operations (UNPKOs) in Africa started in the Congolese State in 1960. Despite the long years of deployment and being the world's largest Peacekeeping Operations (PKOs) as well as the first to use the Bomber Air fight and the Quick Reaction Force (QRF); Congolese state has remained conflict-stricken nation in Africa. For the first time, the UNPKOs received one of the first Chapter VII mandates and Quick Reaction Brigade that pushed the boundaries of accepted peacekeeping doctrine from peacekeeping mission to peace enforcement operations in the Congolese state. The study uncovered that Congolese conflict is strongly linked into state politics and Regional security dynamics of the Great Lake Region (GLR). The regional politics, the complex security and the competitive regional states' power struggle aiming to gain geopolitical power are seriously impeding the success of the UNPKOs and challenging efforts to resolve Congolese conflicts. The Congolese state failure to do a catch by consolidating gains has remained the greatest challenge for the UNPKOs.

## **STUDY TARGET.**

This case study sets out to examine the Democratic Republic of Congo (DRC) National Police's role and responsibilities in dealing with peace and public order and the key role played by the "Mission de l'ONU pour la Stabilisation en République Démocratique du Congo" (MONUSCO) United Nations Police (UNPOL) component, hence to let it known to the world that UNPOL next to "Police Nationale Congolaise" (PNC) achieved a tremendous role that contributed to sustainable peace and security of the first democratic elections in DRC. Finally, it is pertinent to note the role played by the international community as a whole in their assistance for peace restoration in the DRC.

The case study will be discussing about the successful role that the United Nations (UN) peace operations, specially the Police component, have played next to the host country corresponding institutions in a long conflict period aftermath, to bring back sustainable peace which have enabled the organization of the first and successful democratic elections in DR Congo.

## **STUDY SIGNIFICATION.**

This study therefore, is expected to benefit researchers, analysts, and policy makers in formulating a framework to overcome MONUSCO Police Component challenges for successful future peacekeeping. Furthermore, it is hoped that this finding could stimulate further research in the field of UNPKOs. The study would also mainstream the existing knowledge body in peacekeeping field.

“Every day, more than 9,000 police officers from 92 countries train local police services, respond to civil disorder, protect local communities, and prevent criminal activities. Therefore, it is important to understand the requirements of an UNPOL officer, as well as the complex mission environments in which UNPOL serve”.<sup>1</sup>

## **Comparative advantages**

"Understanding the added value of United Nations police in peacekeeping operations, the special political missions and their critical role is essential to gauging which tasks should be assigned to United Nations police. This is also critical in order to prioritize and sequence activities when time or resources are limited."<sup>2</sup>

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<sup>1</sup> Peter Heepen, (2009), United Nations Police: Restoring Civil Order Following Hostilities, POTI-NY

<sup>2</sup> DPKO/DFS Policy on United Nations Police in Peacekeeping Operations and Special Political Missions, Review date: 1 February 2017

Through their independence, impartiality, commitment to United Nations values and compliance with international human rights, United Nations police help create strong positive expectations of host State police, foster popular confidence in the police, gear National Police performances and engender legitimacy in the eyes of local populace. United Nations police, compared to other rules of law components and other agencies, funds and programs, can coercively deploy in significant numbers.

### **DATA COLLECTION INSTRUMENTS.**

The instruments used for data collection were books, magazines, newspapers and web readings. Other instruments used were, the electronic media, published and unpublished materials from libraries and classified reports. Talks and discussion with resource persons were also used and in service experience to name the few.

### **INSTRUMENTS VALIDITY/RELIABILITY.**

In order to ensure validity of the instruments used for data collection, they were subjected to scrutiny. This was to eliminate any trace of bias or prejudice. Furthermore, various information obtained were crosschecked with independent sources for fair assessment and authenticity. Where traces of bias or prejudice were found such data were discarded. In the case of oral interviews, conscious efforts were made to distinguish facts from personal opinions. This necessitated in-depth analysis.

## **DATA ANALYSIS METHODS.**

Information's obtained were analyzed qualitatively to arrive at the synthesis here presented. However, in some instances, historical, descriptive and comparative approaches were adopted. Data obtained from interviews and discussions with resource persons were analyzed in a descriptive form.

## INTRODUCTION

Conflict has continued in the eastern part of Congo which has been the epicenter of all phases of Congolese wars. "It is there that the most formidable challenges to Congolese stability persist today. The ongoing Congolese conflict that has generated a multitude of armed groups is among the most complicated in Africa. The causes of the conflicts are as complex as the challenges of resolving them are difficult. The Smaller Great Lake Region (SGLR) is the epicenter of the conflict earthquake in the larger Great Lake Region (GLR) and in Africa".<sup>3</sup>

This region's security complex has significant contribution in sustaining the cycles of conflict in the DRC and regional insecurity. It is a regional factor that impedes MONUSCO's success in restoring stability. The DRC's neighboring states in the other hand have engaged in pervasive backing of rebel groups and involved in the war economy directly or through proxies.

Another key challenge to break the recurring cycles of conflicts is a regional security dynamics and a competitive regional states 'power struggle to gain geopolitical power in ways that are threatening to the security of other states. Nearly 14 years after deployment, MONUSCO is still struggling to break the cycles of conflicts.

The MONUSCO support in the military battle field has relatively advanced as demonstrated by military defeat over "Mouvement du 23 Mars" (M23) rebel group. However, the Congolese government is lagging behind and has failed to do a catch up to consolidate the gains.

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<sup>3</sup> Temesgen Thomas Halabo, *The conflict in The Democratic Republic of Congo and Challenges for United Nations Peacekeeping Operation*. International Researchers Volume No.4 Issue No.4 December 2015



The non-military solutions through peacemaking and state building to address the underlying causes are still very fragile in the DRC.

"The rebel groups in DRC remain a threat to stability in the region and to civilians who are frequently targeted in their attacks. The conflict in the DRC is extremely entrenched and may not be addressed by step change in the PKOs. The underlying causes of the conflict are war economy, regional security complex and Congolese state failure"<sup>4</sup>.

Therefore, these deep-rooted causes of conflicts could not be addressed by military means alone obviously it can be tackled by changing steps in the PKOs in the DRC. It is better to pursue holistic approach by the Congolese state, the UN, Southern African Development Community (SADC), and the regional powers to bring lasting peace in the SGLR.

To win peace with conviction and persistence and to consolidate the gains achieved, transforming Congolese state failure is a priority. Efforts should be geared towards building strong state institutions to end the state failure.

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<sup>4</sup> Temesgen Thomas Halabo, *The conflict in The Democratic Republic of Congo and Challenges for United Nations Peacekeeping Operation*. International Researchers Volume No.4 Issue No.4 December 2015

# CHAPTER I. ROLE AND RESPONSIBILITIES OF THE DRC POLICE IN DEALING WITH PEACE AND PUBLIC ORDER

## 1.1. CYCLE OF WARS AND VIOLENCE

At the early stage of its independence, the today DRC (formerly Congo Leopoldville and then Zaire) has undergone major crises. Like other countries in Africa, the DRC got its independence on June 30, 1960; it was a proudest period among the population, as they were expecting within, the new era, to get good job positions, good salary/wages and in brief, a prosperous life like white people. Thus were the campaign promises of the political leaders.

Obviously, the freedom was soured by a long struggle with Belgian colonialists who ruled the Congo in a rough and inhumane manner. Therefore Congolese leaders had regrouped in newly formed political parties and had requested immediate independence contrary to the interim period of 3 to 4 years as proposed by the Belgium Kingdom.

"Calls for Congolese independence had been building for several years and a slew of new political parties competed for popular support by public demonstrations and riots.

In the immediate aftermath, Belgian authorities laid blame on unemployed Africans, but claimed the majority of the city's 250,000 African residents were not involved. However, within days, Belgian authorities began to move quickly to put into place reforms that would offer Congolese more say in their own government, including the announcement of elections in December 1959."<sup>5</sup>

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<sup>5</sup> Nzongola-Ntalaja, Georges (2002). *From Leopold to Kabila: A People's History*. Zed Books. ISBN 1842770535. Retrieved 19 August 2014

The riots marked the radicalization of the independence movement and are often considered to be the "death knell" for Belgian control of the Congo. These events pushed the Belgium government to call for a round table meeting in Brussels organized in two phases in 1960 (January 20 - February 20 and April 26-May 16).

The round table meetings led to the adoption of sixteen resolutions on the future of Congo Belge and its institutional reforms. With a broad consensus, the date for independence was definitely set for June 30, 1960.

An article in the New York Times of January 1959 read "In the months leading up to independence, the Congolese elected as president, Joseph Kasavubu, and as Prime Minister, Patrice Lumumba. They establish a senate and assembly, and similar bodies in the Congo's numerous provinces".<sup>6</sup> "The Eisenhower administration had high hopes that the Republic of the Congo would form a stable, pro-Western, central government. Nevertheless, those hopes vanished in a matter of days as the newly independent nation descended into chaos".<sup>7</sup>

The quotation above reveal that the chaotic context of Congo has created insecurity. So insecurity in the Democratic Republic of Congo is a major constraint to economic and social development in the country and in the region as a whole. When the Secretary General of the United Nations issued his first report on "The causes of conflict and the promotion of durable peace and sustainable development in Africa in 1998"<sup>8</sup>, he noted that "Africa has begun to make significant economic and political progress in recent years, but in many parts of the continent progress remains threatened or impeded by conflict"<sup>9</sup>.

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<sup>6</sup> "Order Restored In Congo Capital after Riots Fatal to 34 Africans". *New York Times*. Associated Press. 6 January 1959. Retrieved 16 August 2014

<sup>7</sup> <https://history.state.gov/milestones/1961-1968/congo-decolonization>

<sup>8</sup> The United Nations Secretary General's report had been requested by the Security Council at its 25 September 1997 meeting of Foreign Ministers on the promotion of peace and security in Africa.

<sup>9</sup> Report of the UN Secretary-General, April 1998, p. 3

The report observed that in 1996 alone, 14 out of the 53 countries in the continent were afflicted by armed conflicts. The list of conflict-afflicted countries included the Democratic Republic of Congo, which was experiencing the Kabila-led rebellion that eventually brought to an end the 32-year regime of Mobutu in May 1997.

### **1.1.1. TERRITORY INTEGRITY STRUGGLE.**

On July 5, 1960 just five days after independence, Congolese soldiers in the Force Public mutinied against their white Belgian commanders at the Thysville military base, seeking higher wages as well as greater opportunity and authority. The mutiny quickly spread to other bases and violence soon broke out across the nation. Thousands of Europeans (primarily Belgians) fled, and stories of atrocities against whites surfaced in newspapers around the globe.

Unable to control the indigenous army (renamed the Congolese National Army), the Belgians brought in troops to restore order without seeking permission for that from the host country. In response, the Congolese government appealed directly to the United Nations to provide troops and demanded the removal of Belgian troops.

The UN Secretary-General Dag Hammarskjöld justified intervention in the Congo on the ground of a serious threat to international peace and security to be averted. On July 14, 1960 the United Nations approved the Security Council Resolutions 143 which authorized the creation of an intervention force, the “Organization des Nations-Unies au Congo” (ONUC) its French acronym, to help the Congolese Government to gain control of its mutinous army and to establish order in the newly independent country. It had also called for the withdrawal of all Belgian troops.

"In 1961 the ONUC mandate was expanded to stop the Katanga province's secession then the mission invoked in Chapter 7 of the charter and the mission became "Operation des Nations-Unies au Congo" keeping the same French acronym (ONUC).

Two days earlier, to worsen the situation, the wealthy Katanga province had declared its independence or more accurate its cessation from the Republic of the Congo. In August South Kasai province followed however, after a long period of heavy operations, by Security Council resolution 199 (1964) the UN mission was withdrawn entirely after the stabilization of the political situation".<sup>10</sup>

## **1.2. ROLE AND RESPONSIBILITIES OF THE DRC POLICE IN DEALING WITH PEACE AND PUBLIC ORDER**

In order to understand the DRC Police role and responsibility for dealing with public security and the challenges that it has faced, we must undertake an analysis of the historical and political context in which governmental institutions have evolved since the colonial period, which have raised the need for security sector reform.

### **1.2.1. THE COLONIZATION PERIOD**

During the colonization period, the Force Publique essentially ensured the colony's stability and the protection of its interests by force. In the aftermath of a turbulent political independence acquired from Brussels, the Congo entered a first chaotic period (1960-1965) marked by regular Mulelistes armed rebellions against the Congolese national army until the military coup of 24 November, 1965 when General Mobutu seized power.

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<sup>10</sup> "The UN's First "Air Force": Peacekeepers in Combat, Congo 1960–64" in *Journal of Military History*, vol. 77, no. 4 (October 2013), pp. 1399–1425

### **1.2.2. THE FORMAL "GENDARMERIE" AND THE NATIONAL POLICE**

When the Independent State of the Congo was first formed by Leopold II, the "Force Publique" acted as both the state's military force and as a policing organization for the country. The Force Publique was split into garrison and territorial troops after World War I, with the territorial troops primarily responsible for internal security. In 1959, the territorial troops effectively became the gendarmerie, and by independence in 1960 there were three police forces: the gendarmerie, the local police, and the Chief's Police (collectivity police).<sup>11</sup>

In 1972 – Decrees 72-031 dated 31 July and 72-041 dated 30 August – Mobutu merged the primarily urban Zairian (formerly Congolese) National Police and the gendarmes (largely rural) into a unified organization, the GDN. The gendarmerie was thus enlarged substantially and became a component of the "Forces Armées Zaïroise" (FAZ), alongside the Army, Navy, and the Air Force.<sup>12</sup> Only the collectivity police remained outside the FAZ.

### **1.2.3. ROLE PLAYED BY ZAIRIAN "GENDARMERIE NATIONALE" AND "GARDE CIVILE"**

Reunited after a long period of tribal wars, the country became the Republic of Zaïre and integrated all its forces into one single force capable of squashing any hostility against the regime.

Both "Gendarmerie Nationale" (GDN) and "Garde Civile" (GC), became inefficient due to their constant rivalry. The GDN was an integral part of the army and therefore a militarized force.

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<sup>11</sup> International Crisis Group, *Security Sector Reform in the Congo*, Africa Report No. 104, 13 February 2006, p.4

<sup>12</sup> Michael G. Schatzberg, *The Dialectics of Oppression in Zaire*, 1991, p.55 via Google Books

Due to the economic difficulties experienced under the second republic, the impoverished Gendarmerie Nationale rapidly became an instrument of oppression.

It was replaced by the GC created by decree-law N°84-036 on 28 August 1984, modified and completed by decree-law 002 on 14 March 1992,<sup>13</sup> with the same mission as the “Gendarmerie Nationale”, but better equipped and trained militarily as well, it was a kind of anti-riot police force modeled on the German federal police<sup>14</sup>.

#### **1.2.4. THE LEGAL ESTABLISHMENT OF THE PNC**

- In 1984 – Decree 84-036 dated 28 August – as mentioned earlier a new force called “la Garde Civile”, was created and confined to protocol/honorary duties. This unit became very quickly a strong political police dedicated to the safeguard of Mobutu’s regime.
- On 22 April 1997, with the advent of the “Alliance des Forces Démocratiques de Libération” (AFDL), its President, Laurent Désiré Kabila restored the Congolese National Police by merging personnel from both the “Gendarmerie” and the “Garde Civile”. AFDL military personnel also joined up the force as well as civilians.

For a long time, the former decrees creating the “Gendarmerie” and the “Garde Civile” remained in use, particularly in areas under rebel control. Nevertheless, the Government of Kinshasa has issued a Decree-Law-002/2002 dated 26 January 2002 – creating the Congolese National Police for the whole country, even though it couldn’t be yet implemented in certain areas.

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<sup>13</sup> This body was well equipped with specialist equipment such as truck-mounted water cannons, tear gas, and lethal weapons. It was formed of anti-terrorist, canine and marine units.

<sup>14</sup> Thierry Mayamba Nlandu, “Mapping Police Services in the Democratic Republic of Congo: Institutional Interactions at Central, Provincial and Local Levels”, IDS Research Report 71.

The legal decrees N°002/2002 (establishing the organization and operations of the PNC) and N°042/2002 (instigating the visibility of ranks and other distinct badges on uniforms) enshrine the PNC in law. The former aimed to create an effective public service capable of protecting the entire country. This is reflected as follows in the Congolese Constitution:<sup>15</sup>

Article 182: ‘The Congolese National Police is tasked with ensuring public safety, the safety of people and their property, maintaining and restoring public order, and the protection of very important Persons’.

Article 183: ‘The Congolese National Police is apolitical. It serves the Congolese nation. No individual can divert it for his/her personal gain. The national police operate across the country in line with the current Constitution’.

Article 184: ‘The Congolese National Police is answerable to the local civilian authorities and it is under the responsibility of the Minister of Interior’.

Article 185: ‘Police personnel at all levels, including senior officers, must meet a number of objective criteria relating to their physical aptitude, education and moral standing, and must equitably represent all of the country’s provinces’.

Article 186: ‘The organization and operations of the National Congolese Police are enshrined in law’.

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<sup>15</sup> DRC’s Constitution of 2005 with amendments through 2011



For the PNC 2006 was a pivotal year: the securing of the first democratic elections since the country's independence from Belgium more than 40 years ago. This was a success that Congo-watchers called miraculous, particularly since the DRC had been driven by years of conflict which in the past six years has cost some four million lives, and many observers couldn't trust the professionalism of the PNC until when the electoral security process was handled successfully.

The Congolese National Police was responsible for maintaining civil order during this time and required simple, cost-effective, yet reliable communications.

Between 2005 and 2007, MONUC CIVPOL trained PNC personnel who successfully ensured the security of the presidential and parliamentary elections in the DRC under UN monitoring.<sup>16</sup> A total of 73,000 Congolese police officers were dedicated and mobilized for securing elections, more than half of them trained by MONUC CIVPOL.

#### **1.2.5. THE POLICE REFORM PROCESS ADVANTAGES**

Since 2007, the Government of DRC, by implementing the Monitoring Commission on police reform (CSRP), undertook the police reform with the aim to stabilize the country affected by the conflict. CSRP elaborated and launched the PNC reform "Plan d'Action Quinquenal" (PAQ) 2012-2016 with the donors' support.

This reform was to improve services of Congolese police to more efficient ones and to train police officers to be more respectful of the human rights.

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<sup>16</sup> see [http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=3072](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=3072)

Therefore, the community policing doctrine is an adequate response to the reform challenges, the prevention of Sexual and Gender-Based Violence (SGBV), as well as the protection of woman rights. This approach helped to build confidence and to establish a solid partnership with community stakeholders to resolve security issues including SGBV and the protection of woman rights.

At the end of the day both the populace and the police have learned that a police officer is a civil servant and his role is the protection of the population and their properties, not the old dictatorship stereotype style of the police officer seeing himself like a person above the population.

In the North and South Kivu, PNC created a special unit, the Special Police tasked for Protecting Children and Women (PSPEF), which receives and investigates all cases of SGBV which are eventually sent to judicial system. PSPEF benefited from several partners' support, including UNDP. Yet, despite all efforts, PNC does not have sufficient resources to expand and intensify training programs for the police officers on prevention of SGBV.<sup>17</sup>

In the city of Bunia, the capital of Ituri District, there are 1050 police officers in function but only 77 officers received the training on SGBV. PSPEF has been implemented in Bunia but due to lack of financial and human resources, it does not hold enough capacities to receive SGBV cases regularly as the one in the city of Goma. PNC is therefore looking for the support to train more officers in the area and more participating officers for the fight against SGBV.

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<sup>17</sup> Concept note for "Japan-UNDP partnership Funds" in UNDP in the DRC - PNUD

The issue of police reform is crucial to the process of re-founding the Democratic Republic of Congo or, more accurately, to the passage from authoritarian regime to democratic one. To be effective, police reform will have to include the nationwide security systems aimed at protecting citizens and promoting the rule of law, namely, the intelligence service, migration agencies and justice.

#### **1.2.6. PNC SECURITY RESTORATION CHALLENGES**

The DRC size and huge number of population, strongly need a well-trained police, professional, well equipped, well paid and respectful of human rights, thus the expectations of the population as a better way their police must be as to be able to protect them, within the respect of democratic rules.

These expectations are far from being met by the PNC as it's still facing the post conflicts period tensions, therefore, the police do experience the major lack of equipment, the lack of financials means, the lack of appropriated training at the international standards, the lack of its own Academy and other training facilities some areas, the personnel is getting old and there is a need for recruiting young ladies and young men for refurbishment and also the lack of personnel social welfare as the consequence of the country economic collapse caused by the long conflict period.

Obviously, the assistance received from its partners have enabled to alleviate the situation. However these assistances have been mostly rendered without proper coordination, as the consequences of the deficiency between the different bilateral donors.

For example, several countries supplied the PNC with technical assistance in line with their own domestic experiences, which highlighted the lack of uniformity in the training offered.

Despite of the organization of democratic elections in 2006, the security forces especially the police remain major stakeholders in the country's political equation.

With regards to multilateral stakeholders, principally the United Nations and the European Union, both provide the DRC's security forces with multidimensional assistance (technical, logistic, organizational...).

However, this assistance is most of the time a mere transplantation of experiences implemented in other countries without properly taking into account the local specificities.

The main strategic challenge for PNC consists of restoring security needs of the populations affected by the conflict in the East. This includes not only civilians who receive the largest brunt of the war's suffering, but also the different rival armed actors involved in the conflict.

## **CHAPTER II. THE HISTORIC OVERVIEW OF THE UN PEACEKEEPING OPERATION IN THE DEMOCRATIC REPUBLIC OF CONGO**

### **2.1. HISTORIC OVERVIEW**

The origin of the UNPKOs in Africa started in the Congolese State about 50 years ago.

ONUC was created by the UN Security Council Resolution 143 (1960) of 14 July 1960, the mandate first intended to oblige the Belgium forces, who invaded Congo ten days after independence, to leave the Congo and so help the Congolese government to restore public order and to give technical assistant.

### **2.1. ESTABLISHMENT OF ONUC**

As started in the previous chapter, five days after Congo got its independence, the former Belgian Colonist invaded the country by deploying its Paratroopers with the motto to restore law and order and to protect Belgian nationals from attacks, but without seeking from the newly independent Congolese government agreement to deploy.

Hence, on 12 July 1960, the Congolese Government appealed to the United Nations for military assistance to protect the national territory of the Congo against external aggression.

In less than 48 hours, contingents of a United Nations Force, provided by a number of countries including Asian and African States began to arrive in Congo.

At the same time, United Nations civilian experts were rushed to the Congo to help ensure the continued operations of essential public administration services which were missing when the Belgians technicians fled the country.

### **2.1.1. ONUC MANDATE**

The initial mandate of ONUC was to ensure the withdrawal of Belgian forces from the Republic of the Congo, to assist the Government in maintaining law and order and to provide technical assistance. The mandate was later modified to include:

- the protection of territory integrity,
- the independence of Congo;
- the prevention of civil war;
- the withdrawal of foreign military forces and mercenaries.

### **2.1.2. ONUC COMPOSITION**

ONUC was made of nearly 20,000 personnel among them a detachment of 500 civilian police from Ghana and later replaced by 500 civilian police (CIVPOL) from Nigeria.

### **2.1.3. ROLE OF ONUC CIVPOL**

The ONUC CIVPOL role was essentially:

- to manage and maintain public order;
- to deal with daily police duties;
- to train the local police.

#### **2.1.4. DEPLOYMENT OF ONUC CIVPOL**

The ONUC CIVPOL was deployed in main towns throughout the country where they were needed. They were under military chain of command.

#### **2.1.5. ONUC BUDGET**

The total budget of the ONUC multidimensional operation was about 400.130.793 US dollars.

#### **2.1.6. ONUC ENDING**

In February 1963, after Katanga had been reintegrated into the national territory of Congo, a phasing out of the UN force, was begun, aimed at its termination by the end of that year. At the request of the Congolese Government, however, the General Assembly authorized the stay of a reduced number of troops for a further six months. The Force was completely withdrawn by 30 June 1964.

Although the military phase of the United Nations Operation in Congo had ended, civilian aid continued in the largest single program of assistance, undertaken by the world organization and its agencies, with some 2,000 experts at work in the nation at the peak of the program in 1963-1964.<sup>18</sup>

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<sup>18</sup> See termination of ONUC at <http://www.un.org/Depts/DPKO/Missions/onucB.htm#Termination>

## **2.2. FROM ONUC TO MONUC**

### **2.2.1. MONUC ESTABLISHMENT**

The MONUC was created on 30 November 1999 to promote peace and stability in the DRC after the Lusaka ceasefire Agreement<sup>19</sup> in July 1999 between DRC and five states in the region. The UN established MONUC, as United Nations Peacekeeping force in the Democratic Republic of Congo (DRC) to implement the United Nations Security Council Resolutions 1279 (1999) and 1291 (2000)<sup>20</sup>.

Due to the strong need to monitor, to train and to assist the local police, the MONUC Civilian Police (CIVPOL) was established following the UN Security Council Resolution 1355 of 15/06/2001. A benchmark was set up for 391 Police personnel and six Formed Police Units (FPU) of 125 officers each, amounting to a total of 1,141 Police personnel for the mandate implementation. Up to October 14, 2005, the MONUC CIVPOL manpower was made up of 284 IPOs from 20 different countries.

### **2.2.2. MONUC MANDATE**

MONUC mandate was established by UN Security Council Resolutions 1355 (2001), 1376 (2001), 1417 (2002), 1445 (2002), 1493 (2003), 1565 (2004) and 1621 (2005).

It was guided under the Security Council resolution 1291 (2000) of 24 February 2000. At its first stage, MONUC had an authorized strength of up to 5,537 military personnel, including up to 500 observers, or more provided.

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<sup>19</sup> The broad provisions of the Lusaka accords were to end hostilities; encourage national dialogue and reconciliation; establish a Joint Military Commission; and to deploy a UN peacekeeping force. See [http://www.usip.org/library/pa/drc/drc\\_07101999\\_toc.html](http://www.usip.org/library/pa/drc/drc_07101999_toc.html)

<sup>20</sup> See <http://www.un.org/press/en/2000/20000224.sc6809.doc.html>



This mandate was strengthened under Chapter VII and aimed the following tasks:

The UN SCR decided that MONUC in cooperation with the JMC, shall have the following mandate<sup>21</sup>:

- (a) to monitor the implementation of the Ceasefire Agreement and investigate violations of the ceasefire;
- (b) to establish and maintain continuous liaison with the field Headquarters (HQ) of all the parties' military forces;
- (c) to develop, within 45 days of adoption of this resolution, an action plan for the overall implementation of the Ceasefire Agreement by all concerned with particular emphasis on the following key objectives: the collection and verification of military information on the parties' forces, the maintenance of the cessation of hostilities and the disengagement and redeployment of the parties' forces, the comprehensive disarmament, demobilization, resettlement and reintegration of all members of all armed groups referred to in Annex A, Chapter 9.1 of the Ceasefire Agreement, and the orderly withdrawal of all foreign forces;
- (d) to work with the parties to obtain the release of all prisoners of war, military captives and remains in cooperation with international humanitarian agencies;
- (e) to supervise and verify the disengagement and redeployment of the parties' forces;
- (f) within its capabilities and areas of deployment, to monitor compliance with the provisions of the Ceasefire Agreement on the supply of ammunition, weaponry and other war-related material to the field, including to all armed groups referred to in Annex A, Chapter 9.1;
- (g) to facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers, as MONUC deems within its capabilities and under acceptable security conditions, in close cooperation with other United

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<sup>21</sup> S/RES/1291 (2000), 24 February 2000, Para 7

Nations agencies, related organizations and non-governmental organizations;

- (h) to cooperate closely with the Facilitator of the National Dialogue, provide support and technical assistance to him, and coordinate other United Nations agencies' activities to this effect;
- (i) to deploy mine action experts to assess the scope of the mine and unexploded ordnance problems, coordinate the initiation of mine action activities, develop a mine action plan, and carry out emergency mine action activities as required in support of its mandate.

The mandate was later extended to protect civilians from violence like gender violence, sexual exploitation, different kind of abuses against children like the use of child soldiers, the use of children in forced labor.

“The protection aspect of the mandate was strengthened in resolution 1592 of 30 March 2005, which authorized MONUC to use “all necessary means” to ensure the protection of civilians”<sup>22</sup>.

Later in 2007, by the Resolution 1756 of 15 May 2007 the mandate was split into four main branches:

- the protection of civilians, humanitarian personnel and UN personnel and facilities;
- the territorial security of the DRC;
- the disarmament and demobilization of foreign and Congolese armed groups (DDRRR and DDR); and
- the Security Sector Reform (SSR).

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<sup>22</sup> “Seeking a new Compact Resolution 1906 and the Future of MONUC”. available at [www.securitycouncilreport.org](http://www.securitycouncilreport.org)

### **2.2.3. MONUC MISSION'S STRUCTURE**

With a HQ established in Kinshasa, in December 2009, MONUC operates in six sectors HQ (Kisangani, Kalemie, Kananga, Mbandaka, Kindu and Bunia), as well as in four coordination centres (Basankusu, Boende, Ilebo and Manono) and two team sites (Bunia and Gbadolite) supported by logistic bases in Kinshasa, Goma and Bangui, and one forward force centre HQ in Kindu. In addition there were six liaison offices in six capital cities: Bujumbura, Kigali, Harare, Kampala, Lusaka and Windhoek.

### **2.2.4. MONUC CIVPOL COMPONENT'S DEPLOYMENT**

MONUC CIVPOL Component's HQ was based in Kinshasa the capital city with the first and small contingent of 15 officers that were deployed on 09 November 2001. Later, following the UNSC Resolution 1417 of 14 June 2002, an additional deployment of 85 police officers was operated in Kisangani and then, from November 2004, several sectors, sub-sectors and liaison offices were established all over the mission area.

### **2.2.5. MONUC CIVPOL MANPOWER**

On 14 October 2005, the MONUC CIVPOL Force ranked 284 Officers from 20 different countries and 6 FPU units from 3 countries: 2 from India deployed in Kinshasa and Goma, 2 from Senegal deployed in Mbuji Mayi and Kananga and 2 from Bangladesh also in Kinshasa.

The UNSC Resolution 1843 of 20 November 2008 authorized the deployment of 2 more FPUs (1 Egyptian and 1 Bangladeshi) of 150 men each. Their deployment sites was planned in Bunia and Bukavu following threat to civilians.<sup>23</sup>

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<sup>23</sup> <https://monuc.unmissions.org/en/police>

In 2010, MONUC has an authorized strength of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units.<sup>24</sup>

### **2.2.6. MONUC BUDGET**

The MONUC operational budget for the period from 1 July 2001 to 30 June 2002 amounted \$537,051,200 gross (\$528,531,800 net) and it was based on an authorized strength of 5,537 military personnel, including 810 observers as authorized by the Security Council in its resolution 1355 (2001). Though its annual budget was approximately \$ 1.5 billion.<sup>25</sup>

### **2.3. FROM MONUC TO MONUSCO**

After ten years of deployment, although MONUC largely contributed to peace restoration in the DRC, the mission was accused rightly or wrongly of several abuses like complicity in the exploitation of mineral resources, sexual abuses and the rebels armed groups kept growing like mushrooms in the eastern of the DRC provoking the huge mass suffering and instability among civil population and mostly the vulnerable ones.

The Congolese government requested the withdrawal of MONUC, therefor a deep mission analysis by the UNSC decided to revisit the mission and to rename it "Missions of the United Nations Organization for Stabilization in the Democratic Republic of Congo" or "MONUSCO" under United Nations Security Council Resolution 1925 (2010) of 28 May 2010.

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<sup>24</sup> Security Council Report, 2010 N°2, 12 April 2010, available at [www.securitycouncilreport.org](http://www.securitycouncilreport.org)

<sup>25</sup> Report of the Advisory Committee on Administrative and Budgetary Questions , (see A/56/845, paras. 4-5)

### **2.3.1. MONUSCO UNPOL MANDATE**

According to the UNSCR 1925 (2010) adopted by the Security Council at its 6324th meeting, on 28 May 2010, to alleviate the suffering and stabilize the country, under Chapter VII of the Charter of the United Nations, MONUSCO had received as priority to protect the civilians and to stabilize and consolidate peace.

In this framework, MONUSCO has worked tremendously to implement its mandate along several lines of effort and was engaged in a range of vital responsibilities including:

- Targeted Operations against Armed Groups;
- Early Warning;
- Monitoring and Reporting on Human Rights Violations;
- Local Conflict Prevention and Stabilization;
- Strengthening the Rule of Law.<sup>26</sup>

Recently, the Resolution 2348 (2017) Adopted by the Security Council at its 7910<sup>th</sup> meeting, on 31 March 2017, extended the MONUSCO mandate to include the protection of civilians from different kind of violence like gender violence, violence against children and the stabilization, of the country by supporting the creation of an environment conducive to peaceful, credible and timely elections.

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<sup>26</sup> Report by the Stimson Center and Better World Campaign, June 2016

In view of the recent critical political, security and humanitarian situation that the country is facing, the UNSC has set up two strategic priorities for MONUSCO aimed to contribute to the peace assistance objectives as following:

- the protection of civilians;
- the support to the implementation of the 31 December 2016 agreement and the electoral process, in order to contribute to the stabilization of the DRC.<sup>27</sup>

### **2.3.2. MONUSCO MANPOWER**

MONUSCO being a multidimensional peacekeeping operation with a robust mandate has seven formed police units and its IPOs currently deployed in Beni, Bukavu, Bunia, Goma and Kinshasa, which continue to conduct frequent patrolling to prevent and deter human rights violations, facilitate deployment and monitoring by human rights and police teams, intervene rapidly when necessary<sup>28</sup>, it offers training and logistic support coupled with some quick impact projects, and to assist PNC in daily operations as well.

After a deep mission situation field analysis, the mandate and its needs, the UNSC has decided to reduce of 7% the MONUSCO total Manpower from 19.815 personnels to 18.316. Thus the MONUSCO authorized manpower ceiling is as follow:

- 16.215 military personnels
- 660 military observers and staff officers
- 391 Individual police officers
- 1.050 personnels of formed police units<sup>29</sup>

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<sup>27</sup> Ibid, paras. 28

<sup>28</sup> S/2017/206 report of 10 March 2017

<sup>29</sup> United Nations Security Council Resolution 2348 (2017), S/RES/2348, 31 March 2017, para. 27

### **2.3.3. MONUSCO BUDGET**

The MONUSCO approved budget estimates for the period from 1 July 2016 to 30 June 2017 is 1,310,269,800 US dollars, inclusive of 1,235,723,100 US dollars for the maintenance of the Mission, 53,665,000 US dollars for the support account for peacekeeping operations, 13,031,100 US dollars for the United Nations Logistics Base at Brindisi, Italy, and 7,850,600 US dollars for the Regional Service Centre.<sup>30</sup>

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<sup>30</sup> United Nations General Assembly, A/70/931, 14 June 2016

## **CHAPTER III. MONUC CIVPOL ROLE IN THE RESTORATION OF PUBLIC ORDER, THE RULE OF LAW AND SECURING ELECTIONS**

### **3.1. GENERAL CONSIDERATIONS**

Nowadays in most countries electoral conflicts remain an obstruction to the consolidation of democratic institutions. It becomes even shameful that in a stable political country, elections can cause conflicts and generate victims among the population. On 30 July 2006 the Democratic Republic of Congo had organized its first free and democratic elections more than forty years after independence. The elections that were held were essentially presidential and legislative.

Since 1965, the first democratic electoral campaign took place in the DR Congo, from 29 June to 28 July 2006. The campaign itself took place without major clash. It was rather the unofficial results announcement that caused the tension to rise. Indeed, on July 30, fighting broke out near the HQ of the Independent Electoral Commission (IEC). Then, on August 20, in Kinshasa, clashes between the close protection forces of the two main candidates Kabila and Bemba, involving as well the armed forces, lasted a few days.

Today it is commonly accepted that elections are not in themselves a source of fueling insecurity and conflict. On the contrary, when properly managed, elections are supposed to help prevent conflicts, arbitrate between different approaches to the management of the country, may even serve as a safety valve in any worthy representative democracy.

Since the end of the cold war, multipartite elections have become an almost indispensable component of all peace agreements, because they can contribute to peacebuilding in post-conflict countries.



## **3.2. THE ROLE PLAYED BY PNC IN THE ELECTORAL PROCESS**

The PNC played a key role in establishing a peaceful environment that enable DRC to organize elections without major incident.

### **3.2.1. THE SCOPE OF ELECTORAL SECURITY ISSUES IN DRC**

In general, the National Presidential and Legislative elections of July 30, 2006 being the first experience of democratic elections, had faced some turbulences throughout the territory of the Democratic Republic of Congo, as mentioned by national and international observers reports and Press Releases.

The Congolese National Police (PNC), was entrusted with the huge task to secure the electoral process by Decree N°05/076 of 6 May 2005, had remained the frontline force engaged in the electoral security mechanism and had paid a heavy price and suffering to accomplish the goal.

As mentioned earlier in the previous development, security during elections appears to be a major and far-reaching issue. For sure the threat to the election may occur at any stage of the process.

### **3.2.2. ELECTORAL SECURITY STRUCTURES**

The following national and international structures have worked in synergy and full cooperation with the IEC, MONUC Electoral Division and PNC in order to ensure the security of the 2006 electoral process. These include:

- the Steering Committee for Election Security (CPSE);
- the Technical Group to organize Safe Elections (GTSE);
- the National Operations Center (CNO);
- the Provincial Coordination Committee (CCPSE);
- the Provincial Operations Centre (CPO) and
- the Local Operations Center (CLO).

### **3.2.3. SECURING THE ELECTORAL PROCESS**

In order to cope with the threats and all risks that might infringe the conduct of the elections in the DRC before, during and after the process, and to allow the voters to participate in elections without fear or intimidation, the Government issued a decree establishing an operational plan to ensure the security of the entire electoral process in the best conditions. This operational plan relied essentially on the PNC and its allied shoulders, which for the success of its mission, benefited the support from other local security agencies.

To guarantee neutrality and non-political character in the implementation phases, the operation plan ensures respect for human rights, the laws and regulations of the Republic, and the legal principles relating to elections organization particularly, in the pre-election phase, on polling day and in the post-electoral phase.

### **3.2.4. THE PURPOSE OF THE PNC OPERATIONAL PLAN**

Despite their multiple and varied character, the tasks entrusted to the PNC in securing the electoral process are grouped into three (03) categories, essentially:

- (1) static duty (building protection);
- (2) dynamic duties (Protection of electoral materials transportation) and;
- (3) reserve duty (waiting or standby forces that can be engaged at any time if necessary).

The operational plan has the following objectives:

- a. The Protection of public institutions;
- b. The Protection of persons and their property;
- c. The protection of election candidates, their witnesses and accredited observers;

- d. The Protection of electoral personnel, equipment and infrastructures;
- e. The guarantee of free Speech in elections;
- f. The Police Operational Intelligence gathering;
- g. The Operational coordination of all DRC security agencies in a single framework;
- h. Permanent communication with the public in order to inform them about security taken measures.

Finally, it appears that the security problems during the elections are multiple and multifaceted, and it needs the involvement of all the key players in the electoral process. Consequently, the security issues resolution is the guarantee of safety during elections, so it cannot be left in the hands of the PNC personnel alone, here there is a strong need for involvement of all the role players.

#### **3.2.4.1. PNC MANPOWER ENGAGED**

In order to fulfill its mission, the Congolese National Police deployed a maximum of 73,715 police officers and also benefited from the support of other security services, police officers of parastatal companies, FARDC, MONUC CIVPOL, European Police (EUPOL) and SAPS.

In terms of involvement, the PNC alone contributed at about 92% of the committed staff, so other law enforcement services and intelligence communities mobilized 4% and the FARDC 4%. The Manpower was tactically set up, and no major malfunctioning was reported.

This arrangement concerned:

- The Securing of electoral campaign;
- The escort of electoral material;

- The protection of voting center's responsible and different electoral administrative documents;
- The protection of liaison offices;
- The protection of polling centers and offices;
- The protection of ballots;
- The protection of the compilation Centers;
- The protection of media center and the EIC HQ in Kinshasa;
- The patrols and mobile intervention units deployment;
- The composition of reserve forces ready to react posted in sensitive sectors.

The FARDC, whose involvement in the process were also necessary deployed, particularly in Ituri, in both North and South Kivu, in Katanga and Kasai -Oriental. It should be noted that the majority of military personnel engaged have been prepared for their new responsibilities by PNC and MONUC CIVPOL.

The intelligence community were deployed in the field to gather information. Many of them had been prepared for their mission, which explained the quality of the intelligence provided.

In general, the personnel deployed on the ground performed with professionalism, especially when they were confronted with unpredictable and violent actions in the field.

#### **3.2.4.2. LOGISTICS**

Individual and collective equipment acquired mainly through international community assistance were distributed to different units according to a plan fixed by the supply chain management.

The supply chain planned and received a total fleet of 140 motor vehicles, among which 105 got deployed, while 35 others were stuck in Kinshasa due to the lack of transportation means. Because of bad road conditions every single equipment had to be flown in the respective provinces. This delay was certainly harmful to the smooth conduct of the operation however it couldn't stop the PNC implementation machinery which was running already. The National Police thus benefited for the first time of an important increase in its fleet.

The installation of two radio telecommunication networks High frequency (HF) and Modulated Frequency (FM) both in Kinshasa, in the capital cities of the Provinces, in some Districts, Cities and Territories allowed good coverage of the operations and considerably improved the flow of operational information and the unity of the chain of command.

Some prepaid airtime was made available for mobile phones to the key role players at CNO, CPO and CLO level, it did reinforce operational links even further by solving certain shortcomings of the Radio network due to atmospheric conditions.

### **3.2.5. ROLE PLAYED BY MONUC CIVPOL IN THE 2006 ELECTORAL PROCESS**

MONUC played a central role in supporting the Congolese interim Government, mainly in the elections preparation and security issues management. MONUC supported the Government of National Unity in all important fields and contributed to the successful organization and conduct of the general elections.

Through the MONUC CIVPOL component, MONUC made a major contribution to the safety of DRC first democratic elections by its involvement in the development of the election legal framework, to support SSR process, to

offer logistic support, etc. Its mission was covered under the mandate and various UN SCR.

### **3.2.5.1. MONUC CIVPOL MANDATE**

The UN Security Council Resolution 1493 (2003) of 28 July 2003, taken after the publication of the interim Government, constituted the legal basis for MONUC mandate in the electoral process.

The UN Security Council had given the MONUC Civilian police the following mandate:

- (a) To provide Technical assistance and expertise for the conception of a five-year plan action, leading the Security Sector Reform (SSR).
- (b) To contribute to the preparation and implementation of the Decree creating the election security plan, and to assist to its implementation through advises, training and mentoring of police officers throughout the country
- (c) To contribute to the maintenance of Public Order at strategic areas, through active monitoring and mentoring of local police units<sup>31</sup>.

In anticipation of forthcoming elections, MONUC CIVPOL assisted PNC professionally in performing the following tasks:

- To develop election legal framework;
- To train police officers;
- To secure elections creating safe environment (joint patrols PNC/MONUC CIVPOL);
- To supply logistical assistance;
- To deploy PNC personnel.

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<sup>31</sup> Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, (S/2004/650), 16 August 2004, Para 103

In particular, through the SPEC project, the PNC benefited the supply of equipment like vehicles, crowd Management equipment, computer and other administration tools.

### **3.2.5.2. DEVELOPMENT OF THE ELECTION LEGAL FRAMEWORK**

MONUC CIVPOL experts participated in the “Groupe Mixte de Réflexion sur la Réforme et la Réorganisation de la PNC” (GMRRR) which was created as a result of discussions in the Joint Commission on SSR and was established by the Minister of Interior for planning the PNC reform.

The MONUC CIVPOL expertise, helped to lay out the elections’ legal framework through the following documents:

- The Decree N°05/026 of 6 May 2005 concerned the operational plan for securing the electoral process;
- Organic Law N° 11/013 specified the organization and functioning of the PNC in the Democratic environment;
- DRC Electoral law.

### **3.2.5.3. SUPPORT TO THE PNC REFORM AND ELECTORAL SECURITY PROCESSES**

Although there is no single globally accepted definition, the term “Security Sector Reform” is a broad term often used to describe the structures, institutions and personnel responsible for the management, provision and oversight of security in a country”<sup>32</sup>.

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<sup>32</sup> See report of the Secretary-General, *Securing peace and development: the role of the United Nations in supporting security sector reform*, A/62/659-S/2008/39, 23 January 2008, Para, 14.

The security sector reform in the Congo must be seen in the broader spectrum of the development of state institutions and peacebuilding, after a long chaotic period of DRC two wars between 1996-1997 and 1998-2003 that conducted to the collapse of institutions.

The establishment of the Congolese National Police force was a key objective of the transition. The memorandum on the army and the security forces, signed on 29 June 2003 by the signatories of the Global and Inclusive Agreement, recommended the creation of two special units within the Police: a Close Protection Corps (CPR) for the protection of political leaders and an Integrated Police Unit (IPU) in charge of security of the Interim Institutions As part of its reform, the main focus was on capacity building for better ensuring policing during the election period.

MONUC support strategy for this reform was defined by the United Nations Secretary-General in his third special report on MONUC of 16 August 2004, in which the Secretary General<sup>33</sup> requested the MONUC accomplished its task in following 3 phases:

#### **(a) THE PRE-ELECTION PHASE**

In the pre-election phase MONUC provided:

- The preparation and implementation of the five-year national police reform plan;
- The training of some 6,000 local police in dealing with elections security.

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<sup>33</sup> Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, (S/2004/650), 16 August 2004, Para



The missions assigned to MONUC CIVPOL also included:

- To support the building process of the rule of law through preparation and organization of general elections for providing stable and legitimate institutions;
- To assist in setting up the security sector reform, through the training of an integrated national army and police, taking into account the intermixture of troops from the former rebellions into former government forces;
- To support the DDR planning and implementation program;
- To collaborate with the Congolese armed forces in the implementation of the DDR program for foreign armed groups whose presence in the Eastern DRC constitutes one of the sources of instability in the region;
- To assist the threatened civilians in accordance with Chapter VII of the UN Charter;
- To support FARDC in the operations against Congolese and foreign armed groups that spread terror and violence to civilians in South, North Kivu and Ituri, on the other hand, MONUC intervened in the training and the integration of the national army and police, so that they could ensure the security of the elections and the sustainability of the state which would result from the elections;
- MONUC provided logistics of the entire electoral process given the dilapidated state of the road infrastructure, MONUC was the only actor that had the logistical means to support the IEC in terms of transport of equipment and electoral agents. It carried out this mission successfully during the identification and enlistment of voters and during constitutional referendum of 18-19 December 2005 as well;
- Finally, MONUC had several bodies that supported the Congolese institutions involved in the reconstruction of the rule of law, namely; the human rights activists, the media and the DDR program.

However, MONUC work suffered from the limitations of its mandate and the inadequacy of human resources in relation to the huge scale of its tasks. Indeed, the United Nations Secretary General (UNSG) had usually requested in his various reports the increase of peacekeepers number to enable the mission to fulfill its tasks, but the Security Council had often refused.

## **(b) THE ELECTORAL PHASE**

In the electoral phase which lasted approximately four months, MONUC provided additional in-service training for police officers as well as the monitoring and the supervision of activities.

### **(1) Training of Police officers**

MONUC CIVPOL trained a large number of police officers and provided them with significant advisory assistance. The training included activities to be carried out with the support of MONUC CIVPOL component and with the support of other bilateral partners, including Angola, South Africa, France and the European Union until March 2006.

The training program report indicates that by the end of 2006, nearly 53,000 PNC officers were trained and / or refreshed by the MONUC CIVPOL in partnership with the international Community.

MONUC also conducted an intensive advisory assistance activity toward the PNC. This assistance consisted mainly in raising the awareness of senior officers about the importance of setting a democratic police, through seminars, workshops and other initiatives. It did support the mobilization initiative, training, and the deployment of advisers at the national police HQ, and the provincial level as well.

## **(2) Technical assistance.**

MONUC CIVPOL gave the technical advises on the role of the police during elections and some strategies on how to deal with the coordination of different assistances provided by the international community, especially in the capacity building and the logistic support, because each and every partner was bringing his own training program or logistic assistance and wanted it to be implemented without consideration of PNC ground realities. It was in that context that in 2005 MONUC CIVPOL officers were deployed alongside the Inspector General of Police HQ and provincial inspectors' HQ, to provide technical advises on various aspects of policing activities.

### **(c) THE POST-ELECTION PHASE**

In the post-election phase, a six-month period, MONUC CIVPOL continued to assist local law enforcement units; MONUC also trained the mobile Units named "Police d'Intervention Rapide (PIR)" and other task forces, an emphasis was put on the training and the deployment of the border control Unit for the best implementation of the police reform program.

#### **3.2.6. ELECTORAL INCIDENTS**

The presidential and legislative voting took place normally on July 30, 2006, in spite of some major incidents which took place in Mbuji-Mayi and Mweka in eastern and western Kasai Provinces, and it was mastered and managed happily.

All over the rest of the country the situation was normal. During all phases it was calm and dreaded incidents did not happen, like public order disturbances to be caused by armed militias and opponents committed to the electoral process.

The major incidents observed were, in fact, essentially linked to anger movements of voters who were deprived from voting where they wished. Following the enthusiasm arisen by elections, the actors involved in the organization of the elections, namely the government, the EIC and the International Community, had to play their respective role in due course.

The publication of the provisional first round results scheduled for August 01, 2006 at 20 Hours, could not take place until around 11 pm following serious incidents caused by MLC soldiers who were deployed around the town in combat position shooting in the air and creating panic.

To stop all action that had to be taken, MLC soldiers encircled the EIC HQ and the Supreme Court. Following the incidences, the EIC president could not easily reach the radio television broadcast to announce the provisional results. He was then transported on a MONUC troop carrier armed vehicle, under a heavily equipped joint escort composed of MONUC and PNC.

At the Supreme Court some police officers deployed for protection were killed and some others abducted and dropped in Bemba soldiers' private custody. Moreover, on 21 and 22 August 2006 the situation was dominated by several demonstrations on streets causing disturbances to the public order throughout Kinshasa city, much more accentuated in the sector EAST, and characterized by barricades, tires burns and throwing stones and other projectiles on the public road and some looting took place as well.

In the evening of August 21, 2006, violent clashes took place in downtown, although the PNC was able to restore law and order in the distressed communes, some looting was recorded. During that period MONUC CIVPOL worked together with the PNC. The three-day clashes resulted in 23 deaths and 43 injuries, according to the Ministry of Interior.<sup>34</sup>

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<sup>34</sup> "RDC : les élections du 29/10/2006", par Maitre Dieu-donné Wedi Djamba, page 1-2

### **3.3. STRENGTHENING THE RULE OF LAW FOR PNC DEVELOPMENT**

MONUC CIVPOL, the UN bodies and international donors undertook various activities, including providing support for justice mechanisms. Progress was slow, however, with the lack of a clear coordinated strategy to ensure the effective engagement of the Transitional Government in the rule of law.

Actually, MONUC CIVPOL regularly trained police officers and members of the judiciary to strengthen the rule of law and counter impunity. The mission supports mobile courts to increase access to justice in remote areas, and provides technical support to the military and civilian justice systems.

Nowadays, MONUSCO police component continue to work alongside the PNC to complete the implementation of the reform process, the applicability of the rule of law, technical assistance, logistics support, humanitarian actions, dealing with gender issues, conducting joint patrols and rendering different Quick-Impact Projects that will be underline below.

#### **3.3.1 OPERATION “STRATEGIE OPERATIONNELLE DE LUTTE CONTRE L'INSECURITE A BENI (SOLIB)” AND THE LAUNCH OF QUICK IMPACT PROJECTS (QIP).<sup>35</sup>**

This operation for which the leader team has committed personally to achieve, has been, a success despite isolated cases which continue to affect security in this strategic City, of Oïcha, therefore, the need for the mission extension to the towns of Goma, Bunia and Uvira is necessary once more to focus efforts.

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<sup>35</sup> MONUC HQ in Kinshasa make the QIP process and results more transparent to requestors and the NGO community, and continue to expedite the processing of QIP initiatives.

Thus, all projects submitted by the Police component for PNC totaled \$ 3,694,932 against \$ 1,639,543 that is already invested in terms of support in fuel and food rations, the electrification of the city of Beni, the installation of road signs, hotlines to different populations to enable them denounce all kind of peace violations, construction of police sub-stations, construction and rehabilitation of detaining cells for women, men and minors.

The sincere collaboration between the PNC Commissioner and the MONUSCO Police Commissioner, through their commitment to combat crime in the Eastern area of DRC together, has been a success as shown by SOLIB positive results, and it is a model, without any doubt.

What they have achieved will give fruitful results for a sustainable peace in the region and better protection of the population. Definitely, the DRC Police Officers have learned a lot from their MONUSCO colleagues in the field of the population protection and the security of the election process.

**(1) Statistics results of decrease observed since the operation SOLIB focused on fight against Crime was launched.**

<b>Committed offences</b>	<b>JAN - MAY 2014</b>	<b>JAN – MAY 2016</b>	<b>STA. Decrease</b>
MURDERS	17	08	68%
ARMED ATTACKS	14	09	61%
SHELL EXPLOSIONS	02	00	
WOUNDED CIVILIANS	28	07	80%

### 3.3.2. SPREAD SHEET OF QIPs AND NON QIPs ON PNC PROFIT.

#### a) MONUSCO POLICE QIPs RENDERED TO PNC.

N°	QIP N°	Sector	Sector Office	Project Title	Project Site	Major Activity	Aproved Amount USD
1.	NUA 16-31	North Kivu	Beni	Rehabilitation of detaining cells at PNC Head office in Beni	Beni	Constr uction of Buildin g	33,402,00
2.	NUA 16-91	North Kivu	Beni	Improvement of road security by the implementation of road signs and sensitization of local population	Beni	Installa tion of Road sign Panels	35,726,00
3.	NUA 16-96	North Kivu	Beni	QIP improvement of the security situation in the village of Eringeti by the installation of public lighting poles	Eringeti	Public illumina tion System	47,164,00

4.	NUA 16-09	Ituri	Bunia	Construction of PNC sub-office of Kagaba	Kagaba	Constr uction of Office	94,920,00
5.	NUA 16-10	Ituri	Bunia	Construction of PNC sub-office of Aveba		Constr uction of Office	94,920,00
6.	NUA 16-12	Ituri	Bunia	Construction of PNC sub-office of Bavi	Bavi	Constr uction of Office	94,920,00
7.	NUA 16-14	Ituri	Bunia	Construction of detaining cells separating Women, men and minor at PNC in Bunia	Bunia	Constr uction of detaini ng cells	24,868,00
8.	NUA 16-48	Haut Uele	Dungu	Construction of a sub-office for PNC at GANGALA NABODIO	Gangala	Constr uction of buildin g	29,774,00
9.	NUA 16-01	North Kivu	Goma	Thematic Reinforcement for 150 Officers of the PNC in Nyanzale, Nyamilima and Tongo	Nyamilia/ Nyanzale Tongo.	training	37,218,00



10.	NUA 16-02	North Kivu	Goma	Provision of Motorbikes to PNC Rutshuru, Walikale, Masisi and Nyinrangongo territories.	Territoire s de NK	Provisi on Motorbi kes	97,170,00
11.	NUA 16-43	North Kivu	Goma	Construction of PNC Commissariat in Walikale	Walikale Centre	Constr uction buildin g	97,875,15
12.	NUA 16-84	Tangayik a	Kalemie	Provision of keeping order equipments to PNC	Manono & Kalemie	Provisi on equepe ment	49,000,00
13.	NUA 16-68	Katanga	L'shi	Construction of women Toilet in Lubumbashi PNC CAMP	L'shi	Rehabil itation of office	6,500,00
14.	NUA 16-62	South Kivu	Uvira	Contraction of PNC commissariat in Lusenda/ Fizi Territory	Lusenda	Constr uction of office	65,875,00
15.	NUA 16-61	South Kivu	Uvira	Construction du Commissariat de la PNC à Baraka/Fizi	Baraka	Constr uction of office	66, 491,00
16.	NUA 16-62	South Kivu	Uvira	Construction du Commissariat	Mboko	Constr uction	66, 491,00

				de la PNC à Baraka/Fizi		of office	
17.	NUA 16-62	South Kivu	Uvira	Provision of Motorbikes to PNC	Fizi	Provisi on Equipm ent	99,940,00

**3.3.3. OTHER DEVELOPMENT PROJECTS  
MADE ON THE BEHALF OF PNC**

N/O	N°	Project name	Amount	Start Date	Planned end Date
PNC	01.	Rations support for 45 PNC in Miriki	565.79	11/1/2016	15/01/2016
	02.	Ration support for PNC operations in Goma and Bukavu	44,587,60	15/01/2016	26/01/2016
	03.	Airlift 350Kg of Biometric materials from Kinshasa – Uvira Menbwe (election) with 06 PNC	NA	24/02/2016	24/02/2016
	04.	Transportation of 4,000 Kgs of boots	8,066	27/02/2016	27/02/2016

		from Kinshasa to Bukavu			
	05.	Support for UNMAS training of PNC IN Goma/Mangunga center and Kinshasa for weapons	1,713,83	21/03/2016	22/03/2016
	06.	Donation of 10 x tents and 09 containers in several locations	Depending of residual values	24/02/2016	24/02/2016
	07.	Compensatory fuel support for PNC Goma and Masisi for the operations related to VIP visit 23 fed	2,000	11/04/2016	When delivery of 2,000 \$ worth fuel completes
	08.	Continuation of SOLIB- FY 15/16	48,384,32	01/07/2016	31/06/2016
	09.	Replication of SOLIB to Bunia, Goma, Uviru	166,687,20	11/04/2016	implementation ongoing

PNC	10.	Consolidation of SOBIL in Beni and extensions to OICHA	63,762,60	07/05/2016	implementation ongoing
	11.	donation of 18 container to PNC in several location within the replication of SOLIB	21,600	11/04/2016	implementation ongoing
	12.	FUEL AND Rations Support for joint patrols PNC-UNPOLs (&FPU) in 18 locations (15 Apr-30Jun 16)	327,456,34	30/04/2016	implementation ongoing
	13.	Mapping PNC locations across DRC	NA	Apr-16	30/06/2016
	14.	Transportation of 04 x Containers from Kavumu to Bukavu and of 04 PNC Jeep from Mutarule to Bukavu	10,200	20/05/2016	implementation ongoing

	15.	Donation of 06 x container to support IOM PROJET-PNC Riverine in Goma, Uvira and Bukavu	6,000	18/05/2016	implementation ongoing
	16.	Training of LNI AND GMI troops regarding security of electoral process:	461,684,12	16-may	implementation and procurement ongoing
		<ol style="list-style-type: none"> <li>1. Furniture and basic training equipment</li> <li>2. Rehabilitation of 15 x PNC training locations</li> <li>3. Rations for training sessions</li> </ol>	109,711	NA	Rehabilitation to be done with PNC manpower, MONUSCO materials
	17.		149,181	NA	NA
	18.	Addition SD requirement for PNC support	705,416	23/05/2016	implementation /procurement ongoing

	19.	New request for MONUSCO support to PNC for 05 projects: IOM-ODMS-IM-01925	534,464.78	NA	Awaiting approval from DMS
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(Source: UNPOL/OPC/KIN/003/07/2016 Report of 12 July 2016)

### 3.3.4. UNPOL ASSISTANCE TO PNC FROM JANUARY TO MARCH 2017

At the end of the first quarter of 2017, PNC received multifaceted support from the Police MONUSCO component<sup>36</sup>.

According to its mandate, MONUSCO police component is involved and committed to engage all necessary efforts to position PNC the noble institution that's providing protection and security for people and their property for long lasting peace, security and stability in DRC.

In this optimistic context and encouragement, MONUSCO Police continues to support PNC by providing training, food, fuel assistance and infrastructures building in the framework of its Integrated Operational Strategies for the Fight against Insecurity (SOLI).

The MONUSCO Police Component is currently contributing to the conduct of 02 training sessions in Lubumbashi, after two (02) other sessions successfully conducted in Goma and Bunia and thirty-five (35) thematic refurbishing sessions in fourteen (14) sectors, subsectors and antennas.

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<sup>36</sup> Source: UNPOL/OPC/KIN/010/04/2017 Report of 10 April 2017

For the period under review, the various activities carried out by the MONUSCO police component include:

- Initial training;
- Specialized training;
- The continuation of the refurbishment project trainings on the Maintenance and Restoration of Public Order (MROP) and Technical Gestures Police Intervention (GTPI) and Human Rights (HR) for the Intervention Mobile Units;
- Thematic recycling;
- Information seminars for the benefit of the Police General Inspectorate;
- Preparation of PNC officers at UN Selection Assistance and Assessment Team (SAAT).

## CONCLUSION

To conclude this paper we dare say that the protection of civilians, is the first responsibility of host government and has been a big issue from the independence, therefore Forces deployed in the Peacekeeping operations next to the local Forces (POLICE and MILITARY) had tried their best to assist in bringing back sustainable peace.

Since the early 1990s and for more than 40 decades, the DRC has been embroiled in devastating conflicts, and widespread life destruction of its population, especially women and children have paid the price. It was enshrined in a historical dual transition from war to peace and from dictatorship regime to the long way transition period up to democracy; as written in Electoral Institute for Sustainable Democracy in Africa (EISA) report.

The United Nations have undergone two huge and multidimensional Peacekeeping Operations in DRC in order to protect the country's integrity, to bring back sustainable peace for the development of the population that has been for long living in underdevelopment and starvation, orchestrated by instability and unrest situations.

ONUC did its best to protect the newly independent country from collapse, and MONUC up to MONUSCO tried their best to maintain the country standing up. Let's recognize here the role played by UN and all the international community for their involvement from the Lusaka ceasefire peace agreements up to the setting of the Inter Congolese Dialogue (ICD) that has allowed the installation of the Interim Government in 2002, as a landmark leading to the successful organization of first democratic election in the DRC.



The PNC with the support of MONUC CIVPOL component and EUFOR have played a very important security role that has led to the successful organization of first democratic elections.

Thanks to MONUC and MONUSCO, the DRC has become a Police contributing country in the world, providing IPOS and FPUs into UN and AU peacekeeping operations in the world, up to today its officers and troops have served in “Mission des Nations Unies pour la Stabilisation en Haiti” (MINUSTAH), “Opération des Nations unies en Côte d'Ivoire” (ONUCI), “Mission Multidimensionnelle Intégrée des Nations Unies pour la Stabilisation au Mali” (MINUSMA), and in “Mission Intégrée Multidimensionnelle de Stabilisation des Nations Unies en République Centrafricaine” (MINUSCA) where one FPU had served, and as we are writing this paperwork IPOS are serving. Obviously the UN are getting back profits from what they have invested in the DRC Police, a post conflicts country which is hosting UN missions.

As EISA has noted in its report namely: “The DRC national police provided security at polling stations on election day. There were no significant security incidents during the polling, and when these occurred they were handled professionally by the national police.

The EISA mission observed that there were reasonable numbers of police officers to control access to polling stations. Their presence was discreet and contributed to the peaceful and orderly environment that prevailed during the voting. The security measures established did not give the impression of intimidating or instilling fears in voters.

On the contrary the neutral and friendly role played by the police seemed to contribute to the generally peaceful atmosphere in which the poll took place. To ensure that elections were conducted peacefully and effectively, MONUC was tasked with dispatching polling materials throughout the country.

MONUC's Forces in the DRC was tasked with ensuring security during the country's transition through support to the DRC's National Police. The EU'S military Forces (EUFOR) also contributed in security sector with the deployment of a small force of approximately 800 troops based in Kinshasa, which included, command, support, protection and intervention Units..."

The joint Cooperation in between PNC, MONUC CIVPOL Police Component and EUFOR, contributed to the maintenance of peace and public order during all the electoral process (Before, during and after).

The success of PNC and its partners in providing security and peaceful climate all over the country has marked a milestone in the society progress toward democracy and human rights respect.

We hereby do have the opportunity to commend the United Nations through MONUC, MONUSCO and specially the police component. The international community for the strong support rendered to the PNC in particular and to the country in General for the success toward a peaceful organization of genuine election in DRC in 2006 within the respect of human rights laws.

The PNC is now in the implementation phase of its reform process, and it keeps working hand in hand with the MONUSCO police component, from which it has benefited a lot in terms of: Professionalism, trainings, logistical support and the respect of human rights, specially the zero tolerance recommendations, namely the respect of Gender based violence, the protection of elderly people, women and children in all situations...

A lot has been done through the partnership but still there are needs that must be focused on for the real development of PNC.

Obviously the Eastern part of the country is still shined with conflicts while we are writing down this conclusion. We once more appeal to the international community to assist the country and all the great lakes region to end up conflicts and alleviate the suffering of the population. The issue of the terrorist movement of ADF-NALU needs to be tackled early as to stop mass killing.

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