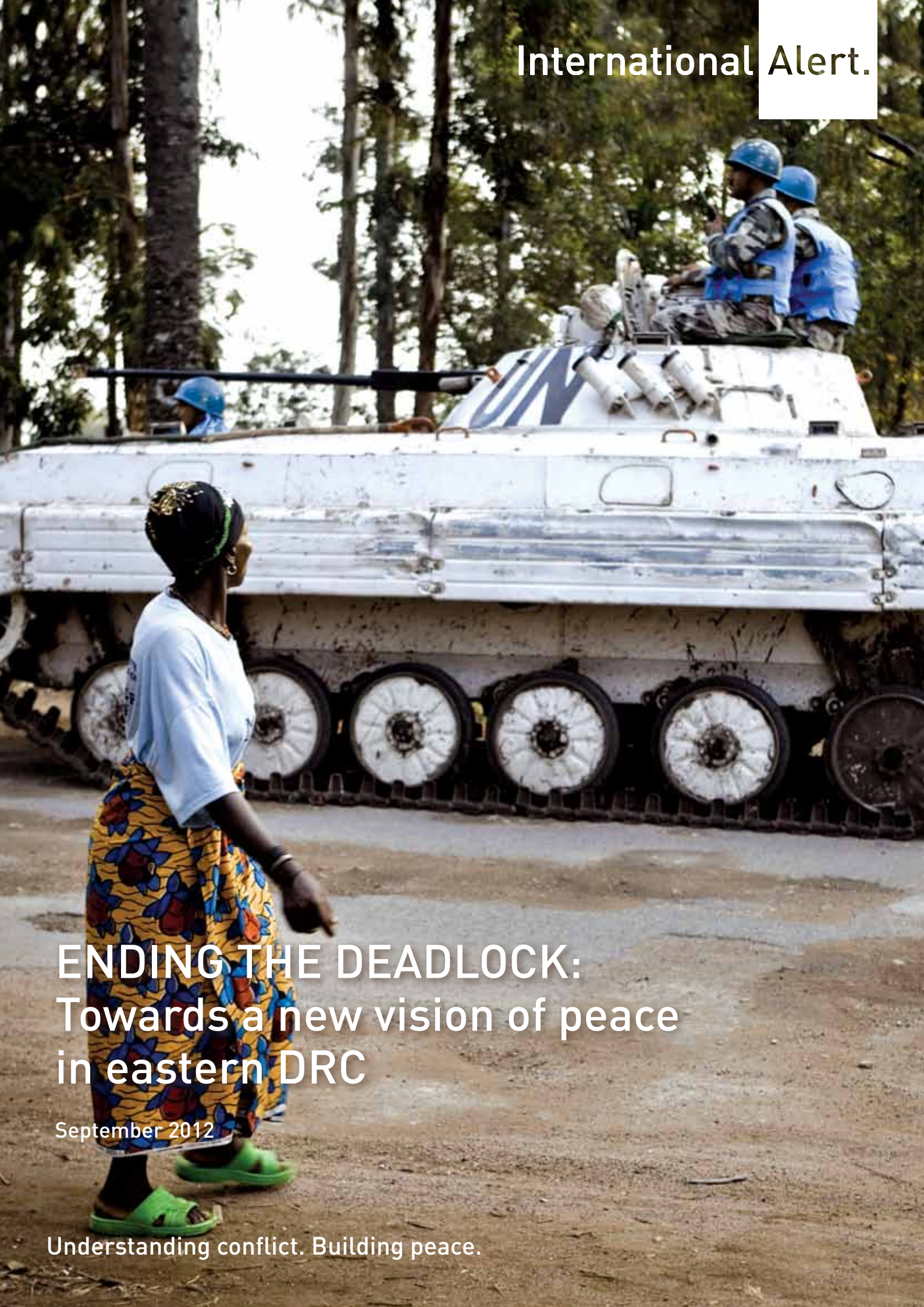

International Alert.

ENDING THE DEADLOCK: Towards a new vision of peace in eastern DRC

September 2012

Understanding conflict. Building peace.

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International Alert is a 26-year-old independent peacebuilding organisation. We work with people who are directly affected by violent conflict to improve their prospects of peace. And we seek to influence the policies and ways of working of governments, international organisations like the UN and multinational companies, to reduce conflict risk and increase the prospects of peace.

We work in Africa, several parts of Asia, the South Caucasus, the Middle East and Latin America, and have recently started work in the UK. Our policy work focuses on several key themes that influence prospects for peace and security – the economy, climate change, gender, the role of international institutions, the impact of development aid, and the effect of good and bad governance.

We are one of the world's leading peacebuilding NGOs with more than 159 staff based in London and 14 field offices. To learn more about how and where we work, visit www.international-alert.org.

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ENDING THE DEADLOCK: Towards a new vision of peace in eastern DRC

Foreword

Over the past decade of violence in eastern Democratic Republic of Congo (DRC), a series of peace agreements backed by international interventions has given hope to ordinary people that their suffering might be coming to an end. So far, their hopes have been dashed.

The international community has invested billions of dollars in trying to stabilise and build peace, but they know their efforts are not bearing enough fruit. The United Nations has deployed a major peacekeeping mission in the area for a decade. However, there has been no peace to keep. Armed groups continue to control large areas of the Kivu provinces and Ituri district in Orientale province, creating insecurity and preying on the population, with women and girls continuing to suffer disproportionately. The economy fails to develop and young people have no work. Roads and other infrastructure remain dilapidated, and millions of people lack access to the most basic public services. Some 1.8 million people are displaced in the Kivus and Orientale, and hundreds of thousands have fled to neighbouring countries. The inventory of suffering goes on.

It is clear that new ideas are needed to find a way out for the people of eastern DRC.

International Alert has been working with Congolese partners to build peace for over a decade. This report is based on our consultations and interactions with civil society, politicians, business people and international agencies. It is also based on our 25 years of experience in peacebuilding in other parts of Africa and elsewhere.

There is no quick or easy solution. We do not claim to know all the answers, and experience of peacebuilding the world over suggests that not all the answers are currently knowable. What is needed is not a new blueprint but a new *approach* – a way of thinking, working, monitoring, assessing and, as necessary, adjusting.

It is our contention that a major reason why Congolese and international efforts have so far failed to bring peace is that they have wrongly diagnosed the issues and accordingly are addressing the problems in the wrong way. Alert's approach means being willing to question some of the assumptions which have underpinned peacebuilding efforts so far, especially the approaches to stabilisation. It means taking a strategic, longer-term, more patient and incremental approach. It means addressing the political issues that divide people and put them into potentially warring camps. It means bringing people together – everybody who has a stake – in a broad dialogue aimed at figuring out local, provincial, national and regional strategies for peace. It means accepting that the Congolese state will take many years to build, and that support provided to Kinshasa needs to be matched by an equivalent level of support to local peace and reconstruction efforts.

Above all, it means two things: working with Congolese people to identify and strengthen their existing mechanisms for conflict resolution and development, and thus helping the Congolese to take part in shaping their future; and staying the course.

Peace in DRC is possible, but it will need a sustained effort and clear thinking. With this report, International Alert marks a new stage in our own contribution to this work.

Dan Smith
Secretary General
International Alert

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Alert's work in DRC over the past decade, on which this report draws, has been supported by a number of donors. They include the Swedish International Development Cooperation Agency (Sida), United States Agency for International Development (USAID), European Union (EU), UK Department for International Development (DFID), Norwegian Ministry of Foreign Affairs, UN Women and World Bank. We would like to thank all of our donors and in particular to acknowledge the support given to International Alert by DFID through our Programme Partnership Agreement, which we have used in part to finance the preparation of this report.

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Acronyms

ADEPAE	Action for Development and Internal Peace (*Action pour le développement et la paix endogènes*)
AFDL	Alliance of Democratic Forces for the Liberation of the Congo (*Alliance des forces démocratiques pour la libération du Congo*)
APC	Action for Peace and Harmony (*Action pour la paix et la concorde*)
CLPC	Permanent local conciliation committees (*Comités locaux permanents de conciliation*)
CNDP	National Congress for the Defence of the People (*Congrès national pour la défense du peuple*)
DDR	Disarmament, demobilisation and reintegration
DRC	Democratic Republic of Congo
EU	European Union
FARDC	Armed Forces of the Democratic Republic of Congo (*Forces armées de la République démocratique du Congo*)
FDLR	Democratic Forces for the Liberation of Rwanda (*Forces démocratiques pour la libération du Rwanda*)
IDPs	Internally displaced persons
ISSSS	International Security and Stabilization Support Strategy
M23	Movement of 23rd March (*Mouvement du 23 mars*)
MONUC	United Nations Organization Mission in DRC (*Mission d'observation des Nations Unies en RDC*)
MONUSCO	United Nations Organization Stabilization Mission in DRC (*Mission des Nations Unies pour la stabilisation en RDC*)
NGO	Non-governmental organisation
PARECO	Congolese Resistance Patriots (*Patriotes résistants congolais*)
PNDDR	National Programme for Disarmament, Demobilisation and Reintegration (*Programme national de désarmement, démobilisation et réinsertion*)
RCD	Congolese Rally for Democracy (*Rassemblement congolais pour la démocratie*)
RIO	Network of Organisational Innovation (*Réseau d'innovation organisationnelle*)
SGBV	Sexual and gender-based violence (*Violences sexuelles et basées sur le genre*)
SSR	Security sector reform
STAREC	Stabilization and Reconstruction Plan for Eastern DRC (*Programme gouvernemental pour la Stabilisation et la Reconstruction de l'est de la RDC*)
UN-Habitat	United Nations Human Settlements Programme
UNHCR	United Nations Refugee Agency

Executive summary

Background

Ten years after the signing of the Sun City peace accord, which sought to bring an end to seven years of armed conflict in the Democratic Republic of Congo (DRC), fighting continues in the east of the country. In the provinces of North and South Kivu, as well as in Ituri district in Orientale province, military operations struggle to dismantle armed groups. Since April 2012, a fresh rebellion has been declared by former members of the army, further aggravating the cycle of violence. Despite the presence of the United Nations Organization Stabilization Mission in DRC (*Mission des Nations Unies pour la stabilisation en RDC*, MONUSCO), security remains extremely poor. Democratic reforms have barely taken hold, with national institutions continuing to function in a way that shows scant regard for the needs of Congolese citizens and with the recent presidential and legislative elections being described by most observers as lacking credibility.

Throughout 2012, the political and security situation has been critical. This climate points to the failure of the various peacebuilding programmes so far put in place, including the government's Stabilization and Reconstruction Plan for Eastern DRC (*Programme gouvernemental pour la Stabilisation et la Reconstruction de l'est de la RDC*, STAREC) and the International Security and Stabilization Support Strategy (ISSSS). The country's international partners and donors are in a phase of reflection, closely examining how to redirect their work so as to have a more positive impact on the ground. At the same time, MONUSCO has initiated a revision of the political strand of ISSSS.

Overview of report's findings

The main objective of this report is to draw on International Alert's decade of peacebuilding experience in DRC, to propose a new approach towards laying the foundations of lasting peace. The report demonstrates how the conflicts devastating the east of the country are rooted in Congolese history and are political in nature. They mainly relate to the distribution of power and economic resources between various parties and are heavily influenced by the ethnic identity of the protagonists. Because of their historical origins, conflicts are inextricably linked to the way in which the country's social and political structures operate. They combine local dimensions with regional war dynamics related to the consequences of the Rwandan genocide and the two Congolese wars (1996–1997 and 1998–2002), creating a particularly complex climate of conflict. The report also analyses the various programmes designed to restore peace in the east, exploring why these have met with little success. It concludes that this lack of success is due to one overriding factor – their failure to take on board the underlying causes of the conflicts in any meaningful sense. Drawing on a superficial understanding of local realities, interventions have tended to focus heavily on technical aspects, while neglecting underlying political issues.

Given the disparity between the political and structural nature of the conflicts in eastern DRC, on the one hand, and the mainly technical response that has so far been provided on the other, the report argues that a new generation of peacebuilding strategy and intervention is needed.

Proposing a "new vision of peace"

The lack of a truly context-specific response to conflict and the challenges of building peace in eastern DRC risk pernicious effects. Agencies' standard post-conflict interventions are simply not working. Responsibility for these failures lies not only with agencies themselves, but also with the Congolese government, which has come to deliberately prefer a technical rather than a political conversation with its international partners. In an effort to assert its sovereignty since securing legitimacy at the polls, the government is increasingly reluctant to offer international partners any opportunity to influence the

country's policy agenda, least of all governance reforms. In other cases, programmes are implemented by a Congolese civil society that is divided and losing legitimacy. A technocratic ethos of intervention can never hope to effect real in-depth change, tending instead to address the consequences of the problems.

In light of the current deadlock, there is an urgent need to expand the horizon of possible interventions and develop new approaches to establishing peace in eastern DRC. This must be built on a realistic and empirical basis, be inventive, and build on the strength of the existing positive social and political dynamics led by Congolese actors. Stakeholders must be willing to carry out frank analysis of the real causes and dynamics behind the conflicts, in order to develop peacebuilding strategies that have some chance of success. These strategies must involve strengthening the capacity of those actors who have both real power and a real interest in promoting peace, providing them with the necessary incentives and support.

This report does not claim to have found a "magic solution" to the problems affecting DRC; its authors are acutely aware that such a solution does not exist. Nor does it attempt to offer detailed recommendations for each specific sector (security, justice, land, etc.) – although some priorities are highlighted below. Instead, its focus is on proposing an approach that will make it possible to re-orient interventions towards a new vision for peace in the east of the country. Hopefully, this will lead to a new generation of programmes and strategies more likely to provide positive results in the long term.

i. Correctly define the problem, based on sound analysis

Lack of peacebuilding impact in DRC so far is partly due to an analytical handicap in proper analysis of the context. Common analytical mistakes hindering effective peacebuilding in eastern DRC include: typecasting of DRC state as "weak", rather than understanding the complexities of its patrimonial character; not challenging the official view of the security situation in the east as "post-conflict"; and a tendency to overlook the importance of local conflict dynamics. If those engaged in peacebuilding efforts in the east of the country are unable or ill-disposed to correctly describe the problems and their causes, they cannot hope to identify solutions. Moreover, they are likely to continue with actions that have limited positive effects on the ground. Against this background, this report proposes the following recommendations:

- Agencies promoting peace in eastern DRC must engage with the realities shaping state formation in DRC, moving away from static assertions of weakness to a more politically nuanced understanding of the patrimonial system. This would allow a more accurate identification of entry points for constructive change.
- Robust efforts to improve evidence-based monitoring and analysis of the evolving security situation by international actors – and encouragement of the Congolese government to take up its responsibility to do the same – should be initiated and amplified. In turn, this would inform better definition of problems and solutions, moving away from the shared fictions and confusion of the recent period.
- Similarly, deliberate efforts are urgently required to build up empirical knowledge of a whole range of issues and perceptions relevant to conflict transformation and peacebuilding at the local level in eastern DRC.
- Agencies should strive to draw on evidence and analysis as a core component of agency-wide and inter-agency strategic planning. This would help to ensure grounding and proper linkages between local, national and regional interventions.

ii. Engage with the political aspects of peacebuilding

Peacebuilding seeks to effect political, economic and cultural change in society. Momentum towards lasting change will only emerge from a new willingness of international and local actors to engage with the political aspects of their peacebuilding efforts. The predatory, corrupt and clientelistic nature of power in DRC, together with the problem of intense, ethnically driven political competition, must be tackled. With decisive implications for the country's political economy and distribution of wealth, this

zero-sum political game heightens the frustration felt by "small" communities and regularly reignites inter-community tensions. Electoral contests, along with current administrative boundaries, continue to marginalise certain communities. This leads to frustrations that encourage the use of arms as a means of staking political and economic claims. As yet, there is no mechanism in place to deal with the communitarian dimension of politics. To tackle these shortcomings, this report proposes the following:

- Agencies should integrate an accountability lens into *all* interventions and programmes, across all sectors. This should, in turn, be informed by detailed stakeholder and political economy analysis.
- The Congolese system of political representation should be reformed in order to adapt it to the country's social, communitarian and historic realities.
- Issues relating to identity and politics should be included in land conflict resolution programmes – going beyond a purely legal approach.
- Competition over the management of natural resources between local communities and the provincial and national centres of power should be taken into account when developing interventions for a more transparent mining sector.

iii. Develop a collectively owned, clear and long-term vision towards peace in DRC

A further critical step towards a new generation of peacebuilding in eastern DRC, building on a more empirical appreciation of "the problems", must be the definition of a shared vision of what lasting peace looks like. Such a broad, long-term vision should incorporate the country's potential for the development of a stable and effective system of governance, a more open and inclusive society, and a buoyant and equitable economy that benefits Congolese citizens at all levels. It would assert the positive dividends in terms of national unity and regional cooperation that would also flow from peace in DRC.

One of the pillars of this new vision of peace is to build on that which already exists and is available – to draw on practices established by Congolese actors and which they feel are worth pursuing. It is important to include all those who have a concrete impact, whether positive or negative, on the conflicts and the dynamics of social, political and security-related change. As well as local political and administrative authorities, this includes customary leaders, community leaders, economic operators, civil society representatives and religious figures. Careful attention must also be paid to the role of women in these power dynamics beyond the key role they play socially and economically.

One way forward to help create a momentum towards peace could be a structured process of bottom-up dialogue that would involve the government, its international partners and all the main segments of the population, with the aim of creating a framework outlining a vision for lasting peace. Defined, approved and validated by all parties through a facilitated process, this would take place via structured dialogue beginning with the territories. It would then be revised and reworked at a provincial level (the two Kivu provinces and Ituri district) and completed by a national dialogue. It could even expand to bolster dialogue with neighbouring countries in order to ensure full region-wide collaboration for its implementation. Participation by all of DRC's international partners, including China, would be ideal, to avoid contradictory or divisive external influences from among the parties.

The process of arriving at a shared vision of peace would in a very practical sense allow for greater levels of convergence and conviction among stakeholders working towards common goals. The dialogue process and articulation of a clearer roadmap for the future could, furthermore, in itself generate greater social cohesion. At the same time, it could galvanise greater accountability on the part of Congolese authorities, whose lack of political commitment to stabilisation efforts has been a significant hindrance so far. The national government would make it the clear responsibility of provincial governments in the Kivus and Orientale to initiate and manage the dialogue at territorial and provincial levels.

This would be a complex and open-ended process, with both advances and setbacks. The aim would be to reach an agreement between key figures on the best path to follow to end the conflicts, and also to put pressure on those who resist a lasting solution.

Roadmaps focusing on the reform of specific sectors (justice, security, public administration and governance) could be produced on the basis of this national vision. These should also be based on detailed empirical research, as above. This process should adopt a bottom-up approach: each local roadmap should be accounted for at the highest level (provincial and national). Overall, this process would enable innovative solutions to be identified and promote greater understanding of and empathy for the views of others, i.e. those considered to be "enemies". In this respect, research and dialogue become active and process-rich peacebuilding tools as well as an integral part of a dynamic of rapprochement and reconciliation.

Efforts to engage in structured dialogue should be led by Congolese actors, actively involving themselves in the dynamics of positive change. By involving those who play a direct role in governance, this approach can address the fragmented and negotiable nature of power in DRC. It would bring together the many individuals who make up the various "governable spaces", both horizontally (those who work at the same hierarchical level and share the same realities of authority) and vertically (those with different levels of power). In so doing, it would contribute to the establishment of public spaces that are more inclusive and to a stronger "social contract". This process would also allow members of civil society to engage in constructive dialogue with those in power, thereby helping to strengthen the capacity of civil society to secure commitments from the authorities towards positive change. This would favour a dynamic of civic participation within the population and a dynamic of accountability among the country's leaders. To this end, the following recommendations should be considered:

- Agencies working towards peace must take the time to identify and support locals who are achieving a positive impact on peace at their own level/in their own sector – whether these be private organisations, politicians or members of civil society.
- Further discussion among key stakeholders should be undertaken to design and administer – with Congolese actors at the fore – a widespread, inclusive and facilitated process of national dialogue. The twin aims here should be to articulate a collectively owned, clear, long-term vision towards peace in DRC, and to improve governance and social cohesion.
- Emerging from the "vision", roadmaps for addressing core security and peace priorities should be designed. Future local, national and international interventions should be based around these roadmaps.
- All actors should recognise peacebuilding in eastern DRC as a historic process that necessitates a timeframe of one or more decades and which relates to: state operations at all levels; the relationship between the state and its people; a sense of national belonging; a genuine desire on the part of all Congolese citizens to live together; and the level of integration of the national and regional territories.

iv. Key points to be addressed through a "new vision of peace" dialogue process

Key issues to be addressed through such a dialogue process that this report considers likely focal priorities include the following:

a) ***Access to, and management of, land in rural areas:*** Land problems emerge both because of significant levels of land insecurity and because of inter- and intra-community tensions. Such tensions are caused by competition over access to power, the dysfunctional administrative institutions (land registries, etc.), and the duality between written land legislation and local customs. These issues must be actively addressed by the various parties as part of the vision of peace. Treatment through an inclusive dialogue process could serve as the basis for the revision of legislation, including the land code.
b) ***Division and management of political power:*** In a society in which tribal belonging is a key reference for identity, and in which the state's governance methods are patrimonial and clientelistic, the "democratic game" is largely a question of exclusive competition between the various communities, thus depriving the democratic process of any real substance. This makes the manipulation

of ethnic identity a highly effective strategy in the struggle for power. With a view to promoting closer relations between the state and its citizens, a key objective in establishing lasting peace in DRC, an agreement designed to establish new rules for a more inclusive and balanced division of power could serve as the basis for a smooth shift towards decentralisation. It is essential for this decentralisation process to be at the heart of any dialogue on peace.

c) ***Returning refugees and displaced persons:*** This is a particularly sensitive issue, which, if not managed with transparency, runs the risk of reigniting armed conflicts and heightening community tensions. The various local actors should seek to agree on the best way to facilitate the reintegration of those returning so as to manage tensions. These agreements would supplement the tripartite agreements already in place between the UN Refugee Agency (UNHCR) and the countries concerned. In particular, they should strengthen the authorities' active involvement in this issue at a local level.

d) ***Recognising the central role of security:*** Without improvements in security (including establishing the state's monopoly on the use of violence), progress in other areas will remain fragile. There are three core security problems to be addressed, where non-military solutions should be expanded:

- **The presence of local armed groups, their relations with civilians and their use of arms:** The limitations of a purely military strategy, both in terms of tangible results and in relation to the security risks facing civilians, are apparent. The military path also underestimates the political, economic, regional, land- and identity-related dimensions of this problem. Non-military strategies based on negotiations and dialogue should be expanded, with a view to addressing the deep-rooted causes behind the emergence, persistence and reinforcement of armed groups. These strategies should actively involve key community members as well as local authorities. At the same time, they should strive to create the necessary conditions for definitive and voluntary disarmament. Such an approach, which would necessarily take place over the long term, must be linked to a wider process of inter-community reconciliation that tackles the various problems (land, politics, etc.) that divide communities and partly explain why armed groups continue to operate. There is also a need to evaluate and strengthen the persuasive capacities of certain community representatives in relation to the armed groups, especially as most groups seek legitimacy on the basis that they are defending their communities.
- **The presence of foreign armed groups, mainly the Democratic Forces for the Liberation of Rwanda (*Forces démocratiques pour la libération du Rwanda*, FDLR):** Military operations have a limited effect on the operational capacity of the FDLR, since the inherent weaknesses of the Armed Forces of the Democratic Republic of Congo (*Forces armées de la République démocratique du Congo*, FARDC) prevent a definitive military victory, yet military operations contribute to a worsening of security for civilians. Other, more exhaustive, strategies that are not exclusively military should therefore be (re)developed. These might include putting political and military pressure on FDLR troops to undermine their loyalty towards officers, bolstering disarmament and repatriation strategies, or offering the option of settling in other provinces in DRC once disarmed. Here, too, the problem of the FDLR requires solutions that are adapted to the specific realities of each local context rather than a standard response.
- **Dysfunctionality and lack of internal cohesion in the national army:** A resolutely political approach to security sector reform (SSR) must be developed. As a priority, it should tackle internal cohesion and problems of governance – that is, soldiers' pay being stolen by senior officers, troop involvement in taxation, mining exploitation and land disputes, as well as relations between the FARDC and armed groups. Such an approach should include an evaluation of the political dynamics that have blocked reform of the security sector in the past.

e) ***Promoting a positive vision of regional cooperation:*** It is essential to recognise the strong economic ties that exist and will continue to exist between eastern DRC and neighbouring countries. At the same time, the Congolese government must be assisted to better manage the economic and political dynamics of this cooperation in order to benefit the Congolese people. This economic interdependence is all too often seen only in the negative light of the trade in "blood minerals", without due recognition of the importance of trade for the survival of thousands of poor households

(many of whom are represented by female small traders). These cross-border trade links provide visible evidence of the *positive* economic interdependence between countries in this region and are an important factor in economic growth and closer ties between the different populations. A positive approach to regional cooperation must also focus on nurturing positive relations between DRC and Rwanda. Following a period of courteous diplomacy between 2009 and 2012, relations between the two countries have become strained once again since the emergence of the rebel group M23 and allegations that Kigali is supporting it. As well as improving relations between the two capitals, the consolidation of ties between civil society groups in DRC and Rwanda should also be a priority, with a view to encouraging rapprochement – and even reconciliation – at a regional level. Exchanges and a process of collaborative reflection on the conflicts affecting eastern DRC, along with their ramifications for the wider region, should be organised by these groups more often and more systematically. Such an approach would favour the emergence of a shared perspective and help develop a regional advocacy strategy, with civil society groups leading the way. Economic targets act as a further incentive to develop positive collaborative ties across regional borders between institutions, entrepreneurs and citizens. The oil industry in eastern DRC and Uganda is an opportunity to achieve this, but it must be managed in a transparent and accountable manner. The absence of a truly regional approach to conflict transformation on the part of international partners, which is undermined by the bilateral relations between external actors and governments in the region, must be addressed.

Introduction: Why a "new vision of peace"?

Ten years after the signing of the Sun City peace accord, which sought to bring an end to seven years of armed conflict in DRC, fighting continues in the east of the country. In the provinces of North and South Kivu, as well as in Ituri district in Orientale province, military operations struggle to dismantle armed groups that have taken refuge in dense forest. Since April 2012, a fresh rebellion has been declared by former members of the army, further aggravating the cycle of violence. Despite the presence of MONUSCO, security remains a major problem for the civil population. Lives continue to be lost and people displaced, exiled, attacked, raped and massacred. The democratic reforms introduced with the country's new constitution and its first democratic elections in 2006 have barely taken hold, with national institutions continuing to function in a way that is predatory and patrimonial, showing scant regard for the rights of Congolese citizens. Presidential and legislative elections held during November 2011, described by most observers as lacking credibility, provided a very clear indication of this dysfunctionality. This context also undermines any hopes of implementing the decentralisation process which is outlined in the 2005 constitution.

Throughout 2012, the political and security situation has been critical. This climate points to the failure of the various peacebuilding programmes so far put in place, including the government's STAREC and the ISSSS. The country's international partners and donors are in a phase of reflection, closely examining how to redirect their work so as to have a more positive impact on the ground. At the same time, MONUSCO has initiated a revision of the political strand of ISSSS.

The current crisis in DRC highlights the need to revise the stabilisation approach, based on a better understanding of the causes and dynamics of conflict. The reflection process undertaken by donors represents an opportunity to develop new approaches to peacebuilding, based on lessons of what has worked to date and what has not.

The main objective of this report is therefore to draw on International Alert's decade of peacebuilding experience in DRC, to propose a new approach towards laying the foundations of lasting peace. The report is divided into three sections:

- The **first section** provides a summary analysis of the complex and various causes behind the conflicts affecting eastern DRC. It demonstrates how the conflicts devastating the east of the country are above all rooted in Congolese history and political in nature. They mainly relate to the distribution of power and economic resources (especially land) between various parties and are heavily influenced by the ethnic identity of the protagonists. Because of their historical origins, conflicts are inextricably linked to the way in which the country's social and political structures operate. They combine local dimensions with regional war dynamics related to the consequences of the Rwandan genocide and the two Congolese wars (1996–1997 and 1998–2002), thus creating a particularly complex climate of conflict. Understanding these complexities is a critical foundation on which to build more successful and strategic peacebuilding interventions moving forward.
- The **second section** analyses the various programmes designed to restore peace in the east, as well as initiatives to promote governance reforms at the national level. It explores why these have met with little success and concludes that this is due to one overriding factor – their failure to tackle the underlying causes of the conflicts in any meaningful sense. Drawing on a superficial understanding of local realities, interventions have tended to focus heavily on technical aspects, while neglecting underlying political issues. This section of the report focuses in particular on reviewing STAREC and ISSSS, in addition to other peace programmes such as the National Programme for Disarmament, Demobilisation and Reintegration (*Programme national de désarmement, démobilisation et réinsertion*, PNDDR) of former Congolese fighters. It also looks at efforts to reintegrate returnees in their original communities as well as land mediation. Here, too, the report identifies the main weaknesses of these programmes.

- The **third section** turns to the challenge of attempting to close the wide gap between the nature of the conflicts and the response provided to date. The report argues for the need to discover a new generation of initiatives for peace and stability in eastern DRC. One of the major flaws has been poor understanding of realities on the ground and the country's dynamics of social, political and security changes. International misconceptions are closely linked to political and diplomatic factors that are inherent to the way in which international institutions and other actors operate and the nature of their relationship with governments. If they are to have an impact that matches their rhetoric and goals, peace and stabilisation programmes must be built on appreciation of the realities of the conflicts in question and the dynamics for change that are driven by Congolese (and regional) actors at all levels. The report argues for a new vision of peace in eastern DRC that is rooted in empirical reality. Its aim is to be resolutely inclusive and participatory; it must be led by Congolese actors as part of a process of reflection and dialogue which allows participants to identify both palliative and structural, lasting solutions to violent conflict in the short and long term. This implies the gradual but fundamental construction of a more inclusive and balanced form of governance that is based on a dynamic of mutual accountability between those in power and those who are governed.

Methodology and background

This report is part of a process of internal reflection at International Alert on its own intervention strategy in DRC after a period of 10 years of programming there. A series of 84 extensive interviews were carried out with key actors from among the Congolese authorities, international partners and civil society in Uvira, Bukavu, Goma, Bunia and Kinshasa in March 2012. Three workshops were also organised during the month of March in Bukavu, Goma and Bunia, each lasting two days and bringing together more than 70 members from civil society organisations. These participants represented local non-governmental organisations (NGOs) working in peacebuilding and conflict resolution, as well as for the promotion and defence of human rights. Participants from among the media, the church and some university institutions also attended. The workshops encouraged the exchange of ideas and perspectives on the current conflict dynamics and on the success and/or failure of peace initiatives undertaken at all levels and concluded by putting forward strategies to establish peace in eastern DRC. The report also draws on the exchanges that took place during these workshops. Finally, the report research process also included a wider review of literature and Alert's own analysis to date, to further enrich its conclusions.

1. Current state of the crisis in eastern DRC

Between 1996 and 2003, Congo was caught up in a spiral of wars and rebellions. In just seven years, nine national armies clashed on its soil, several rebellions with support from neighbouring countries (mainly Rwanda and Uganda) fragmented the country, and millions of deaths resulted from the violence.[1] The great complexity of the crisis afflicting DRC since the middle of the 1990s has long been apparent. This complexity has not favoured a lasting resolution to the conflict, as it has prevented a shared understanding of the situation and agreement by all parties on the problems to be dealt with as a priority. In such a far-reaching crisis that affects security, politics, the economy and society, *everything* is problematic and *everything* is a priority. This makes it especially difficult to identify and implement an operational plan shared by all parties.

Without going into exhaustive detail of the long history of conflict in DRC, the first section of this report seeks to shed some light on this complexity. It attempts to identify the main factors that have combined to produce the conflicts and how they are interconnected. It draws a distinction between certain structural causes of instability, which are mainly to be identified at a local (in the east) and national level, and the regional dynamics that plunged the country into a climate of warfare and violence and reinitiated local tensions. These local and national structural factors, together with the regional dynamics and the complex links between them, are the focus of the first sub-section of this part of the report. The next sub-section goes on to look at factors that further exacerbated and prolonged the situation. It highlights in particular the illegal exploitation of natural and economic resources that provided the armed groups and rebellions with significant financial support to maintain their war efforts, and which became one of the main reasons for pursuing the conflict. Finally, it assesses the current state of affairs by reviewing the key events that took place between 2008 and 2012 and analysing how they had a positive or negative impact on the various factors of instability, whether local, national or regional.

1.1 Structural factors of instability

The Congolese conflicts have often been described as wars that were "imported" from neighbouring countries. This perspective emphasises the regional dynamics that dragged what was then Zaire into a spiral of violence, worsened by the 1994 genocide in Rwanda and the subsequent arrival of nearly two million Rwandan Hutu refugees in the Kivu provinces. While it is clear that regional dynamics (these are described later on in this section) played a role in the Congolese conflicts, these violent dynamics quickly found a terrain in Zaire that was particularly well suited to their propagation. The Mobutu regime was already in decline, as the ageing dictator, who was isolated internationally, held onto power by stoking the flames of the crisis. Corruption and mismanagement reached its peak; the army, which had not been paid, resorted to pillaging; and the democratic transition initiated in 1991 by the Sovereign National Conference appeared to offer no solution. At a national level, the situation was already particularly critical and conducive to a deterioration into violence.

As early as 1993, following the exacerbation of various communities' feelings of legal and land-related insecurity, ethnic militia began to form in the eastern territories of Walikale, Masisi and later Kalehe, and inter-ethnic clashes led to thousands of deaths.[2] Even before the Rwandan genocide, and before the Congo was sucked into the ensuing chaos of regional warfare, eastern Congo was already a powder keg.

1 International Rescue Committee (IRC) estimates that 5.4 million people died as a result of the armed conflict between 1998 and 2007 in DRC. Most of these deaths were not caused directly by the fighting, but rather by factors such as illness (malaria, diarrhoea and pneumonia) and malnutrition, which might easily have been treated in a climate of peace. For more information, see: IRC (2007). *Mortality in the Democratic Republic of Congo: an ongoing crisis.* Available at http://www.rescue.org/special-reports/congo-forgotten-crisis.

2 P. Mathieu and J.C. Willame (Eds.) (1999). 'Conflits et guerres au Kivu et dans la région des Grands Lacs. Entre tensions locales et escalade régionale', *Cahiers Africains*, No. 39-40. Brussels and Paris: Institut Africain-Centre for African Study and Documentation (*Centre d'études et de documentation africaine*s, CEDAF), L'Harmattan.

What follows is a review of the main structural and internal factors in Congo/Zaire which first gave rise to this long-term crisis.

The following factors are of particular note:

a) the patrimonial and predatory method of governance employed in the Congo since it was first created by King Leopold II and which was reinforced by Mobutu after the colonial period;
b) the geographical and political structure of the populations in the east imposed by colonial Belgium, which established a long-term and local dynamic of conflict between several ethnic communities;
c) the land-related problems which quickly became one of the key conflict issues due to several factors, including: a two-tier legal approach (customary practices versus written legislation), giving room for significant manipulation; the dysfunctional state of the land authorities; the increased competition for land at a local level; and, lastly, visceral notions of ethnic identity and politics linked to land.

The patrimonial and predatory Congolese state

The primary structural factor of instability in DRC is the prevailing method of governance employed by state institutions and Congolese politicians. It should be noted that this method of political governance is deeply rooted in the history of the country and is the product of a long and complex evolution that was also brutal and violent. Throughout its colonial and post-colonial history (some 130 years), Congo has never been governed in a way that promoted the country's public assets, the rule of law or the well-being of its citizens.[3] Having been subjected in colonial times to a vast enterprise of outrageous economic exploitation that was both racist and brutal,[4] the newly independent Congo developed a form of rule that was extremely personalised and centralised. Power under Mobutu was based on networks of patronage built up around the dictator's own persona and around the aim of appropriating the country's wealth and redistributing it within these networks.[5]

This patrimonial and predatory style of pork-barrel governance continues to be the norm in DRC, despite democratisation attempts with support from international partners and the holding of two presidential and legislative elections (2006 and 2011). This is a form of rule that literally cannibalises public funds, which are often siphoned off to the various clients of those in power. It empties state institutions of their substance, by favouring the creation of shadowy, private systems of governance, where main decisions are not taken in the relevant ministries but more often than not behind the scenes, by the "real" power holders and the influential representatives of their respective clients.[6]

Because each key figure in power must satisfy their own clientele (which might extend from Kinshasa, the central locus of power, to the most far-flung provincial villages) in order to hold onto their position of influence, there is constant competition between those in power. This dynamic ultimately leads to the establishment of a shadowy form of rule (in which it is difficult to identify the decision makers) that is fragmented, conflict-prone and constantly being renegotiated. It involves a multitude of non-state entities that participate to a greater or lesser extent in the actual management of the country's affairs and effectively perform the role of public service providers (education, health, security, etc.) traditionally granted to the state. The latter, in this case, has neither the political will nor the financial, human or technical resources to take on this role.

3 Vlassenroot and Romkema have noted in this regard the extent to which a democratic understanding of power is alien to the local population (and elite), which is no small obstacle to institutional reform and the promotion of inclusive and democratic power structures that work to improve the lives of the people. See: K. Vlassenroot and H. Romkema (2007). *Local governance and leadership in eastern DRC.* Research commissioned by Oxfam Novib.

4 See, for example: A. Hochschild (1999). *King Leopold's ghost. A story of greed, terror and heroism in colonial Africa*. New York: Mariner Books.

5 Georges Nzongolo-Ntalaja, for example, writes of the importance of money as an instrument of power for Zaire's elite under the Mobutu regime. See: G. Nzongolo-Ntalaja (2002). *The Congo from Leopold to Kabila: a people's history*. London/New York: Zed Books. pp.157-160.

6 The chaos and controversy that resulted from the death of the president's advisor, Katumba Mwanke, in February 2012 is a good illustration of this phenomenon: although he no longer held an official post within the state institutions, Mwanke was considered a key player in the corridors of power in Kinshasa, and no decision could be taken without him. He had huge influence over all of the country's major financial affairs, such as mining (especially involving China) and oil contracts.

As its power was eroded during the 1980s, the network of patronage that Mobutu had established began to break up. This gave rise to the "autonomous centres (of power and) of accumulation", a phenomenon that has been described as "decentralised patrimonialism".[7] These new centres of power weakened the state while feeding off of it: holding office as a civil servant is the best way to establish an informal network by which to prey on local resources, essentially by imposing various taxes (on markets, roads, mining sites, etc.). The peace process initiated in 2002 made no fundamental change to the nature of the governance system introduced by the Mobutu regime.

A "failed state"?

Following the wars and the ensuing breakdown of state structures, Congo was described as a "failed" or "fragile" state. This conceptual framework is problematic in that it defines the institutions and their style of governance not in terms of what they *are*, but rather in terms of the attributes they *lack* – namely, those associated with the ideal Western model of the state. The "failed state" paradigm is used as the point of departure that determines the actions and programmes of various agencies and donors in terms of good governance and restoring the authority of the state in DRC. Recent research has rightly emphasised the importance of shifting away from this theoretical model in favour of reform programmes based on the actual governance style adopted by those in power in a given sector.[8] The "real governance" paradigm emphasises the fact that power (as well as the provision of certain public services) is not the sole preserve of the state authorities, but rather the product of ongoing negotiations between the state and non-state entities (whether the Catholic Church, civil society organisations, international NGOs, UN bodies, private economic structures or armed groups). This leads us to the conclusion that the state operates at a fundamental level on the basis of negotiations.[9]

Because such negotiations take place between heterogeneous groups with varying levels of capital/resources (whether economic and political or cultural and symbolic), the outcome in terms of governance is not homogenous. Rather, it varies widely depending on those involved and on the place and time in which they occur.[10] The arrangements agreed at a given time in a given place can be quite different from those agreed in other circumstances. Yet, there are laws, decrees and institutions whose application is supposedly uniform throughout the country. This observation is significant because it has direct repercussions on the way in which to reform governance. Moreover, it emphasises the importance of local arrangements and therefore local forms of resistance to reforms initiated by the state.[11] It also shows that it is important for interventions to draw on the actual practices of those in power, rather than on theoretical considerations.

Governance and ethnic belonging: crisis of the Congolese notion of citizenship?

Ethnic belonging continues to be of great importance in the patrimonial games of patronage, as it is the first level at which relationships are formed. The country's patronage networks are very often structured around local attachments, especially where the objective (or hope) is that those in power will redistribute some of the wealth they secure at a local level. Competition between communities, which once again came to the surface as the 2011 legislative elections approached, is a clear illustration of the political importance of ethnic belonging. Congolese citizenship thus exists in profound tension and even conflict with notions

7 K. Vlassenroot and H. Romkema (2007). Op. cit.

8 An excellent example of the "real governance" paradigm in the educational sector is provided by: K. Titeca and T. De Herdt (2011). 'Real governance beyond the "failed state": negotiating education in the Democratic Republic of Congo', *African Affairs*, 110/439, pp.213-231. Other authors also make reference to it, notably: J.P. Olivier de Sardan (2008). *Researching the practical norms of real governance in Africa*. London: Overseas Development Institute.

9 K. Titeca and T. De Herdt (2011). Op. cit. p.219.

10 Ibid.

11 The failure by governance programmes set up by international donors to take into account "the informal governance structures that develop at a local level" has also been highlighted by K. Vlassenroot and H. Romkema (2007). Op. cit. p.8. This observation is somewhat similar to that made by Séverine Autesserre in the context of peacebuilding: the fact that local conflict dynamics are widely underestimated by peacebuilding programmes in DRC (and elsewhere). See: S. Autesserre (2010). *The trouble with the Congo: local violence and the failure of international peacebuilding*. New York: Cambridge University Press.

of "ethnic citizenship".[12] Defining who is, and who decides who is, legitimately Congolese remains at the heart of the violence, as exclusive and polarised notions of identity thrive and are encouraged.[13]

For the country's ethnic communities, the legislative elections are often seen as an opportunity to promote "their" leaders to the upper echelons of power in Kinshasa, i.e. the National Assembly. Their strategy is therefore to organise the community in such a way as to elect as many representatives as possible. The trick is to avoid at all costs a situation whereby the community's votes are excessively spread out, as this might compromise the possibility of sending any representatives to the capital. Community leaders (customary notables and certain influential members of the community such as nurses, school principals, prefects, civil society representatives, major economic actors, etc.) play a key role in this dynamic. They try to dissuade those who are thought to have no chance of being elected, often without much success, while at the same time trying to coordinate voter support (also often without much success) for one, two or three candidates, depending on the number of seats the community can hope to secure.[14] For their part, the candidates often play the ethnic card to mobilise their electorate by employing a discourse that is communitarian and even hateful.

Community attachments therefore play a critical role in structuring the country's political power and are an integral part of the Congolese style of governance, based on patrimonialism and patronage. Because of the way it operates, the current political system tends to pit communities directly against one another in the race for power at the risk of increasing tensions and causing violence. Analysis of the 2011 legislative election results in the east shows that the communities who enjoy a majority, i.e. those with the highest demographic weighting in a given constituency, have much more influence than those with a lower demographic weighting. For example, the three parliamentary seats attributed to Fizi territory were all secured by members of the Bembe community, while in Uvira territory all the seats went to members of the Fulero community. Such outcomes fuel the frustrations of those communities who feel excluded from power at a national level.

While such inter-community competition can to a certain extent be considered a healthy driving force in the political game of a truly democratic system, it is necessary to introduce safeguards to avoid violent excesses. Yet, there is a profound lack of such safeguards in DRC. Reducing the tensions that result from ethnically driven competition for power requires interventions that aim to protect the political rights of ethnic minorities.

Geographic, political and land structures in eastern DRC: The underlying structural causes of inter-community tensions

In order to understand the conflict dynamics currently at work in eastern DRC, the history of how the region was peopled and its political and land structures need to be taken into account.[15] During the colonial period, the combination of several key factors led to the development of lasting structural tensions between the various communities in the Kivus and Ituri. First are the political structures of the local communities as established by the colonising forces (administrative divisions, imposition of local authorities, *groupements*, etc.), as well as the organised migration of Rwandans to Kivu to meet the agricultural labour needs of the coloniser. The progressive introduction of the principle of land commercialisation, which was from the outset in opposition to customary land management, also

12 International Refugee Rights Initiative and Social Science Research Council (2010). *Who belongs where? Conflict, displacement, land and identity in North Kivu, Democratic Republic of Congo*. Working Paper No. 3.

13 International Alert (2007). *Peacebuilding in eastern DRC: improving EU support for economic recovery*. London. Available at http://www.international-alert.org/resources/publications/peacebuilding-eastern-drc.

14 An article posted on the website *Local Voices* illustrates the dilemmas faced by the Tembo group in Bunyakiri because of the large number of candidates in the community running for election in 2011. Available (in French) at http://localvoicescongo.com/2011/11/10/kalehe-5-communautes-4-sieges-et-120-candidats/.

15 The arguments contained in this section are primarily based on the following works: P. Mathieu and J.C. Willame (Eds.) (1999). Op. cit.; J.C. Willame (1997). 'Banyarwanda et Banyamulenge. Violences ethniques et gestion de l'identitaire au Kivu', *Cahiers Africains*, No. 25. Brussels and Paris: Institut Africain-CEDAF, L'Harmattan. See also: International Alert (2010a). *Land, power and identity: roots of violent conflict in eastern DRC*. Available at http://www.international-alert.org/resources/publications/land-power-and-identity.

contributed to land-related tensions. Lastly, the introduction of the democratic principle as a means of political representation at the time of independence further worsened inter-community tensions.

The combination of these factors had several repercussions:

- a misunderstanding between "Rwandan or Banyarwanda migrants"[16] and the "native" communities over the status of community land occupied by the migrants; this has been accompanied by a rise in tension between the two groups over the migrants' claims for autonomy in relation to land, customs and administration;
- since independence, challenges against the colonial administrative divisions by certain communities who feel marginalised from the political process;
- the emergence of structural land-related insecurity for the peasant communities in Kivu and Ituri; this was brought about by the introduction of land laws that largely favour the Zairean elite and despoliation of rural populations, who continue to refer to customary rules based on oral traditions that are annulled by the land law. This insecurity further heightened tensions between the "native" population and the "Banyarwanda" in Kivu and between the Hemas and Lendus in Ituri;
- the introduction of political competition along "democratic" lines in which community attachments and the demographic weighting of each community were key elements in determining power structures at all levels;
- challenges against the Zairean or Congolese nationality of those considered non-natives, a strategy designed to delegitimise their political and land rights.

As will be made clear in the second section, these factors and dynamics have never been targeted directly by the various peace agreements or peace and stabilisation programmes applied to eastern DRC. This partly explains the failure of these initiatives to have effective impact on the ground.

Colonial heritage

During the period that preceded Belgian colonisation, during the 18th and 19th centuries, the political organisation of eastern Congo was notable for the existence of a relatively large number of small kingdoms that were more or less well structured. Each of these kingdoms sought to extend the territory under its control and to this end waged war against one another. These kingdoms did not necessarily reflect current ethnic divisions: for example, there were no less than 11 kingdoms representing the Bafulero, Bashi and Bahavu communities, as the Shi community was itself divided into seven or eight principalities.[17] The neighbouring kingdoms of Burundi and especially Rwanda did not remain external to these quests for greater power, but played a part in wars between local kingdoms and even tried to annex certain sections of Bushi and Idjwi Island, as in the case of Rwanda.[18] In Ituri, land occupancy conflicts between Lendu farmers and Hema livestock breeders also pre-date colonisation.[19] Generally speaking, these conflicts relate to the region's longstanding migratory processes, involving populations with diverse origins arriving in Ituri and the Kivus at different periods.

16 Although they are often used by local actors, the terms "native", "Rwandophone" and "Banyarwanda" are all highly charged in terms of politics and identity. They form part of an ideological discourse designed to legitimise the rights of certain groups. They therefore lack neutrality and are to be treated with caution. Such terms can be nonetheless useful in that they directly indicate particularly significant local representations. Some analysts have also pointed out that these categories cover very diverse realities. The ethnonym "Banyarwanda", for example, is a very broad term that covers a wide range of meanings, both in terms of when they arrived in Kivu and in socio-economic and ethnic terms (both Hutu and Tutsi). For more on this, see: P. Mathieu and T.S. Mafikiri, 'Enjeux fonciers, déplacements de populations et escalades conflictuelles', in P. Mathieu and J.C. Willame (Eds.) (1999). Op. cit. This observation can also be applied to the term "native communities", which covers various communities whose relationships are in no way clear or to be assumed.

17 J.P. Chrétien (2000). *L'Afrique des Grands Lacs. Deux mille ans d'histoire*. Paris: Flammarion. p.252.

18 Ibid. pp.140-141.

19 K. Vlassenroot and C. Huggins (2005). 'Conflicts over access to land in Ituri district', in C. Huggins and J. Clover (Eds.). *From the ground up: land rights, conflict and peace in sub-Saharan Africa*. Nairobi/Pretoria: ACTS Press/Institute for Security Studies. p.164.

The colonial period more or less marked the end of these disputes, as the colonising forces prohibited so-called conquest wars. They introduced new administrative boundaries, both internally and externally, and became directly involved in local political dynamics by favouring certain communities and appointing customary leaders who accepted their authority. The new administrative divisions imposed by the coloniser led to an arbitrary reshuffle of local power in favour of certain communities and to the detriment of others, thereby reinforcing inter-community tensions. As noted by J.C. Willame, 'this colonial territorialisation planted the first seeds of future conflicts and crises'.[20] These tensions, although often no more than latent, have remained in place until the present day: some communities in South and North Kivu and Ituri continue to challenge the administrative divisions that do not favour them politically. They do this either by creating new territories, chiefdoms and *groupements*[21] or by simply challenging the power of certain customary leaders from certain communities over a given administrative entity. A study carried out in 2009 found that, in the Ituri district alone, there were 327 conflicts over the boundaries between administrative entities.[22]

Box 1: The case of the Barundi chiefdom

An example of inter-community tensions over customary power can be found in the Barundi chiefdom (also known as the Ruzizi Plain chiefdom) in Uvira territory in South Kivu. This chiefdom was granted by the colonial forces to the Barundi community, a group originally from neighbouring Burundi, much to the discontent of the Bafulero community who had previously enjoyed customary authority over this administrative entity. In 2004, the Mai-Mai leader then in charge of this area, Nakabaka (a Muvira close to another Mai-Mai, Zabuloni, who was himself a Fulero and is currently the second in command of the 10th Military Region in South Kivu), replaced the Barundi leader of the chiefdom (then a deputy at the national assembly in Kinshasa) with a Fulero leader.

Several attempts and official requests to reinstate the Murundi leader, Mwami Ndabagoye, went unanswered as none of the administrators in Uvira territory was willing to risk an uprising among the Bafulero population, who enjoy a majority in the chiefdom. The incumbent Fulero leader ultimately decided to hand customary authority over to the Murundi leader at the beginning of 2012. However, the latter was brutally assassinated at his home on 26th April 2012, the very week he was scheduled to take up his new position. This assassination further worsened tensions between the Barundi, Bafulero and Bavira communities within the Uvira territory. It is also an illustration of the importance of power struggles between the communities, even though such struggles may be latent for long periods.

The colonial forces did not stop at organising local populations to handle administrative and political matters, but also became involved in the region's migratory processes. They unilaterally initiated the movement of Rwandans (and Burundians to a lesser extent) towards Kivu – especially to the modern-day Masisi and Rutshuru territories as well as the high plateaux of Kalehe territory, with the aim of using these migrants as labourers on their plantations. More than 85,000 Rwandan peasants were transferred to the hills of Masisi between 1937 and 1955.[23] As well as the population movements organised by colonial Belgium, several waves of other migrants left Rwanda to settle in Kivu as a result of famine or political conflicts between 1905 and 1974, not to mention the refugees who arrived in 1994.

20 J.C. Willame (1997). Op. cit. p.40, translated from the French.

21 One usually goes hand-in-hand with the other, as the creation of new territories entails the creation of new chiefdoms and *groupements*. This was the case, for example, when the Minembwe and Bunyakiri territories were created by the Congolese Rally for Democracy (*Rassemblement congolais pour la démocratie*, RCD) rebels between 1999 and 2003. This move was designed to respond, respectively, to the longstanding preoccupations of the Banyamulenge people from Fizi and the Batembos from Kalehe; however, it met with fierce opposition from other local communities (mainly the Bembes and Havus). In the case of Bunyakiri, see: Action pour la Paix et la Concorde (April 2009). *Analyse de Contexte du Territoire de Kalehe*. Bukavu (unpublished). In particular pp.10-23. Available at http://www.apcasbl.org/publication.ws.

22 E. Mongo, A.D. Nkoy Elela and J. van Puijenbroek (2009). *Conflits fonciers en Ituri. Poids du passé et défis pour l'avenir*. Report by the Haki Na Amani network and IKV Pax Christi. pp.12-13. Of these conflicts, 108 relate to collectivity boundaries, 85 to *groupement* boundaries and 109 to locality boundaries; a further 15 relate to territorial boundaries.

23 A. Mafikiri Tsongo (1996). *Foncier, mouvements des populations, questions de nationalité, luttes ethniques dans les régions des grands lacs africains* (unpublished). Cited by J.C. Willame (1997). Op. cit. However, P.J. Laurent mentions the unofficial figure of 175,000 migrants during this period. See: P.J. Laurent, 'Déstabilisation des paysanneries du Nord-Kivu', in P. Mathieu and J.C. Willame (Eds.) (1999). Op. cit.

Local communities in Kivu have traditional mechanisms for the integration of migrants and foreigners. Links of kinship and one's relationship with the land play a key role in such mechanisms. They are based on a principle according to which migrants are included in the local system of kinship through the attribution of new names, the creation of marriage links and the attribution of land. According to local belief systems, land is the sacred place that links people to their ancestors, thus providing a material indication of kinship (whether real or imagined). As well as its importance as an economic resource in an agrarian society, the land is a powerful force in the "production of identity".[24] Such local mechanisms enable migrants to acquire a new identity and become an integral part of the host community. This process of integration is reinforced by the customary practice of offerings/counter-offerings that takes place annually between subjects who benefit from the land and the customary leader of the host community.

Land insecurity and challenging nationality: towards the creation of ethnic militia

The large-scale migration imposed by the coloniser, together with the commercialisation of land (especially after 1973, when the land law introduced the principle of state appropriation of land, depriving customary principles of their authority), dealt a fatal blow to these traditional mechanisms for the integration of migrants. It favoured the emergence of nativist ideology, used as a strategy to de-legitimise the presence of Rwandans on national soil. When customary leaders switched roles to become land traders and the migrants began to purchase their land, a change brought about by the commercialisation of land, 'it became legitimate to refer to natives and non-natives when describing the relationships that developed between the different peasant groups in Kivu'.[25] The emerging "land market" resulted in a new process of polarisation (sellers versus buyers) that was in stark contrast to the prevailing customary process of integrating migrants into local systems of kinship.

Above all, however, this duality in land management principles between local customs and modern legislation introduces a level of structural land insecurity for peasant populations, whether "natives" or migrants, which benefits the urban Zairean elite. The elite is free to manipulate the law, customary leaders, and dysfunctional and corrupt state land authorities as they see fit, acquiring vast swathes of land and chasing away their peasant tenants. The new land legislation accords these tenants no more than basic rights to exploit rural land.[26] This appropriation of land by the state, much like the nationalisation of European assets (the famous Zaireanisation of 1973–1974) for which the 1973 land code effectively paved the way,[27] further worsened relations between the "native" and Rwandophone communities.

Elite members of the latter community, who at that time had better access to the corridors of power than their counterparts, emerged better off from these politically motivated changes in land management. According to Mathieu and Mafikiri: 'In the Masisi and Rutshuru areas, immigrants acquired more than 90 percent of the colonial plantations. This allowed them to control more than 45 percent of the land available in Masisi. In 1989, more than 58 percent of the land in Masisi for which deeds existed belonged to 512 families (503 immigrant and 9 native families).'[28] Furthermore, the Banyarwanda and Banyamulenge populations, who were excluded from local customary power, had no choice but to resort to the new legislation in order to acquire land. In this regard, the legislation was used both as a means to acquire land and as a means of emancipation from the customary authority of other communities.

24 P.J. Laurent, 'Déstabilisation des paysanneries du Nord-Kivu: migrations, démocratisation et tenures', in P. Mathieu and J.C. Willame (Eds.) (1999). Op. cit.

25 Ibid. pp.69-70, translated from the French.

26 P.J. Laurent notes that the land code introduced in 1973, by remaining very vague on the status of peasant land but very precise on land registry procedures, is more a reflection of a particular type of power struggle between the interests of various groups than it is a reflection of any real desire to modernise the rural world through the introduction of private property. The legislation favoured the educated urban elite with significant financial resources to the detriment of rural dwellers who still depended heavily on oral traditions. From that point on, 'everything happened as if the 75 percent of the country's population who depended on subsistence farming were not concerned by the issues surrounding the creation of new land registry procedures, which were now implicitly reserved for elite members of society who saw land as a strategic investment'. See: P.J. Laurent (1999). Op. cit. p.76, translated from the French.

27 Interview with Professor Thomas Lwango, Bukavu, March 2012. A former Mobutu adviser, Lwango actively helped draft the 1973 land legislation.

28 P. Mathieu and T.S. Mafikiri (1999). Op. cit., translated from the French.

As well as a loss of power in managing and occupying the land, the native communities increasingly became a demographic minority, which in terms of local/provincial elections had a direct impact on their representation in public authorities. The Hunde felt particularly marginalised and increasingly dominated by those whom they continued to perceive as foreigners. At the same time, from 1981 onwards, when the laws on nationality were being revised, the Zairean nationality claimed by the vast majority of Rwandophones began to be questioned; this constituted a direct attack on their right to occupy plots of land and political posts. The controversy over their nationality was to last for the whole of the 1980s and prevented the 1987 elections from being held because of wholly unrealistic calls for the identification of all nationals.[29] However, it was above all the introduction of multi-party politics, the opening of the Sovereign National Conference (to which many Rwandophone representatives were not invited because of their "suspect nationality") and the prospect of democratic elections that caused the tensions between the "native" and Rwandophone communities to degenerate into armed clashes.

At the beginning of the 1990s, the new political parties were created along ethnic lines and politicians looking for popular support further exacerbated identity-based tensions. Moreover, in organising the elections it was decided to carry out a census of all nationals, a process that excluded Rwandophones. In 1993, the rising tensions led to the creation of ethnic militia within the Banyarwanda (mainly Hutus – Magrivi, *Mutuelle agricole des Virunga*) and "native" (Hunde, Nyanga and Tembo) groups. That year, violence broke out in Walikale territory and quickly spread to Masisi, Rutshuru and Kalehe territories. In 1993 alone, inter-ethnic clashes caused 20,000 deaths and led to the displacement of 200,000 people.[30] Towards the end of the year, a platform for dialogue between the groups brought a temporary end to the violence. Beginning in June 1994 – as nearly two million Hutu refugees arrived in South and North Kivu, having fled the Rwandan Patriotic Front (*Front patriotique rwandais*, FPR), including many Interahamwe and ex-members of the Rwandan Armed Forces (*Forces armées rwandaises*, FAR)[31] – these local conflicts joined the downward spiral of regional warfare.

No analysis of land insecurity in eastern DRC would be complete without addressing, even briefly, the gender dimension of land issues: it is necessary to point out that, across all ethnic groups, women are the first to fall victim to the duality in land management principles analysed above (local customs versus modern laws). Women are responsible for between 70 percent and 75 percent of food production in rural areas and play a central role in the subsistence economy. In principle, the 1973 land law recognises the right of all individuals, regardless of gender, to use the land in rural areas. However, traditional customs and practices that discriminate against women and are still very much alive exclude them from inheritance and succession. Those most affected by such practices are the many women and young girls whom the wars have left widowed and orphaned. In 2008, the Women's Media Association of South Kivu (*Association des femmes des médias du Sud-Kivu*, AFEM-SK) identified 600 widows living in the rural areas around Bukavu and 345 in the town's urban areas, accompanied by 924 orphans, all of whom were left without land or accommodation when the widows were expelled by the families of their deceased spouses.[32] The gender dimension – and how this in turn intersects with the ethnic dimension discussed above – has received very little attention in analyses of land conflicts in eastern DRC, and requires further analysis.

Structural tensions in South Kivu and Ituri

Inter-community tensions in South Kivu largely unfolded in the same way as those that developed in North Kivu. They related to the same problems – except between the Banyamulenge community, a Rwandan Tutsi group which had long occupied the high plateaux of Minembwe and Itombwe, and the "native" communities (mainly Babembe from Fizi and Mwenga territories and Bafulero from Uvira). Here too, the underlying tensions concerned land management and customary powers of the Banyamulenge, who

29 J.C. Willame (1997). Op. cit. pp.61-62.

30 Médecins Sans Frontières, *Populations en danger*, cited by P. Mathieu and T.S. Mafikiri (1999). Op. cit.

31 Rwandan Armed Forces, the national army under the Habyarimana regime. The Interahamwe were the youth militia set up by the party of President Habyarimana. The FAR and Interahamwe were the primary groups behind the 1994 genocide of Tutsis and moderate Hutus.

32 F. Triest (2010). *L'accès aux ressources naturelles et leur contrôle en Afrique centrale: le cas de l'accès des femmes à la terre au Sud-Kivu*. Brussels: Commission Justice et Paix – Belgique francophone.

were perceived as "subjects" by the leaders of the "native" communities because of their late arrival and because of their initial allegiances with local leaders. The Banyamulenge, who were spread out over three territorial entities (Mwenga, Uvira and Fizi), became a political minority because of the borders between administrative entities. This prevented them from uniting their votes in a single electoral constituency. Furthermore, because they lived in an area that was particularly inaccessible, they naturally developed a deep-rooted sense of marginalisation.

As time went by, their desire for emancipation from the customary authority of the Babembe and their efforts to secure representation in political institutions gave rise to claims for their own territory – Minembwe. This territory would cover parts of Fizi, Mwenga and Uvira territories, where the Banyamulenge were a majority. Such a move has always been fiercely opposed by the other communities, who feel that it would be a betrayal by people whom they welcomed onto their customary and ancestral lands. This climate was conducive to the development of a nativist ideology, which denied the legitimacy of Banyamulenge claims for political and land rights.

It should, nonetheless, be noted that, in the case of Fizi territory, violence had already broken out during the 1960s Mulelist rebellion between Babembe and Banyamulenge.[33] Armed militia in the Hewa Bora mountains, mainly from the Bembe community, continued to be active from independence until the rebellion by the Alliance of Democratic Forces for the Liberation of the Congo (*Alliance des forces démocratiques pour la libération du Congo*, AFDL) in 1996.[34] Furthermore, the demographic weighting of the Banyamulenge community is much lower than that of the Banyarwanda in North Kivu. This has a direct impact on the dynamics of political competition between the communities.

The situation was quite similar in Ituri, where various communities clashed over the years on local issues relating to land, politics and economics. The most notable difference is that the colonial forces did not initiate any migratory movements in Ituri, but did favour one community over others by providing greater access to education and jobs in the colonial administration. This profoundly reshaped the local socio-political landscape. Over time, communities were driven further apart as a result of tensions over access to land, economic resources, political posts and education. These divides led to violence at the end of the 19th century, but were kept under control via local mechanisms until the outbreak of war in 1999. Although the tensions did not degenerate into ethnic violence at the beginning of the 1990s, unlike in the Kivu provinces, they were nonetheless heightened during that period as a result of the introduction of multi-party politics and the use of ethnic discourse by politicians to secure popular support.[35] Land again played a key role in these tensions.[36] In July 1999, tensions between the Hema and Lendu communities flared following a land dispute between major Hema landowners and Lendu peasants.

Congolese wars: Local tensions and regional dynamics

The arrival in the Kivu provinces of Rwandan Hutu refugees, including many who had participated in the genocide, caused Zaire to slip into warfare. In 1996, the AFDL, a Congolese, Rwandan and Ugandan coalition led by Laurent-Désiré Kabila, brutally dismantled the refugee camps.[37] Buoyed by its success, the AFDL continued on to Kinshasa, where it ousted Mobutu from power in 1997. One year later, the coalition broke up

33 In 1964, Pierre Mulele, a former minister in Patrice Lumumba's 1960 government, sparked the country's first armed rebellion against central government in the Kwilu region (now Bandundu province). In 1968, he found refuge in Congo-Brazzaville, but was later arrested by Mobutu's men, sentenced by a court-martial, tortured and executed.

34 For more details on the history of the conflicts in the Fizi, Mwenga and Uvira territories, see: ADEPAE, RIO and Arche d'Alliance (2011). *Au-delà des 'groupes armés'. Conflits locaux et connexions sous régionales. L'exemple de Fizi et Uvira*. Bukavu. Available at http://www.life-peace.org/resources/publications/research-reports/serie-des-grands-lacs/.

35 K. Vlassenroot and T. Raeymaekers (2003). 'Le conflit en Ituri', in F. Reyntjens and S. Marysse (Eds.). *L'Afrique des Grands Lacs. Annuaire 2002–2003*. Paris: L'Harmattan.

36 E. Mongo, A.D. Nkoy Elela and J. van Puijenbroek (2009). *Conflits fonciers en Ituri. Poids du passé et défis pour l'avenir*. Report by the Haki Na Amani network and IKV Pax Christi.

37 The Rwandan Patriotic Front (*Front patriotique rwandais*, FPR), which in 1994 drove those behind the Rwandan genocide out of the country and brought an end to the mass killings, could not stand idly by as the genocidal forces were reorganised within the Congolese refugee camps. In order to face the security threat on its borders, as well as the inaction of the international community, Rwanda decided to intervene militarily and dismantle the camps.

and the country became a battlefield for the armies of nine neighbouring states. Congo was quickly divided into three sections: the west remained under the control of the government; the north fell into the rebel hands of the Movement for the Liberation of the Congo (*Mouvement de libération du Congo*, MLC), with support from Uganda; and the east came under the control of the Congolese Rally for Democracy (*Rassemblement congolais pour la démocratie*, RCD), another rebellion supported by Rwanda.

These developments led to a worsening of local tensions in the east and an increasingly complex climate of conflict in the Kivu provinces and Ituri. Although as a whole the Congolese Tutsi community (Banyarwanda, Banyamulenge and Barundi) supported the RCD rebellion, mainly in the hope of finding a definitive solution to its marginalisation from power and the problem of its "suspect nationality", several armed groups were formed to counter the influence of the RCD. These Mai-Mai armed groups received widespread support from the "native" communities and the government in Kinshasa. They formed an alliance with the Rwandan Hutus who had participated in the genocide and who now reorganised themselves as part of FDLR. The wars allowed the belligerents to exploit local disputes and agendas in an effort to extend their support. At the same time, locals sought to use the war dynamic and benefit from the presence of new regional actors in order to improve their bargaining position and promote their interests. The same observation applies to Ituri, where, as the war continued, Uganda and Rwanda supported various Hema, Lendu and mixed militia groups in an effort to secure control over the district and its economic resources. This approach led to particularly bloody clashes between the various militias, especially in the fight for control of Bunia, where a European Union (EU) military operation (mandated by the Security Council) known as Artemis intervened from July to September 2003 in order to bring an end to the ethnic violence.

The RCD/Mai-Mai split widened as the violence directly targeted civilians. A kind of globalisation effect meant that civilians were targeted on the basis of their ethnic links, with certain native communities associated with the Mai-Mai and others (Rwandophones) with the RCD rebels. It should be said that these divisions are not clear-cut, but the consequences are clear: they drastically heightened feelings of hatred and insecurity between communities, especially between the "natives" and "Rwandophones", as the presence of one group became perceived by another as a direct threat to their existence.[38] In this respect, the two Congolese wars resulted in an unprecedented rise in inter-ethnic hatred and divides in the east of the country. This was in accordance with perceived or real alliances between a given community and either the loyalist/government camp or the RCD rebellion.

Deep divisions also emerged within native communities between those who agreed to collaborate with the RCD and those who remained loyal to the Mai-Mai. Such splits were usually apparent at the level of customary leadership. They continue to be felt today within certain royal families, especially in areas where the RCD reinstated the administrative authority of certain entities, as for example in Minembwe and Bunyakiri.[39] These customary leadership conflicts have a significant impact on social cohesion within communities, which are divided by loyalties to the different leaders claiming legitimacy.

Lastly, it is important to emphasise the profoundly destructive nature of these conflicts in social terms. Because of its duration, the war and the intense and daily manifestations of violence resulted in an extensive shake up of traditional social structures – for example, by undermining the relationship between elders and younger members of society (a relationship that has always been at the heart of social structures in Congolese communities), and aggravating gender-based violence. The emergence of armed groups led to the development of a new type of social organisation: one that was violent and not bound by older customary traditions; one in which warlords, the possession of a weapon, the invention of

38 The relationship between community links and support for a particular belligerent are far from clear, as is often suggested. Certain "native" community leaders rallied in support of the RCD to protect clear interests, whereas some Rwandophone leaders opposed the RCD. An example of this is Pacifique Masunzu, from the Banyamulenge community, who organised military resistance against the RCD in the high plateaux of Minembwe. Masunzu collaborated with Mai-Mai groups as part of this initiative.

39 These customary leadership conflicts do not directly correlate to those caused by the RCD's administrative revisions: in several eastern areas, customary authority is challenged by various members of the royal family as a result of disputes over succession. These conflicts undermine local leadership and divide the people, who do not know which side to support.

new rituals associated with war, and youths and even children play a primordial role.[40] The old traditional leaders, i.e. customary leaders and community elders, have seen a general decline in their authority in favour of a new type of leadership that is more violent and militarised.

Persistent sexual violence

Widespread sexual and gender-based violence (SGBV) in eastern DRC has received much attention internationally and nationally (from civil society groups) in recent years. In 2009, the United Nations Population Fund (UNFPA) recorded 17,500 instances of sexual violence, although some observers have suggested that this figure could be even higher as many acts of sexual violence are committed in areas that are difficult to access and therefore go unrecorded.[41] Other observers have suggested that there is also a problem of rape being over-reported, as victims access medical, legal and psycho-social services from several local NGOs, each of which will report the case.[42] Because of the particularly high incidence of rape committed by armed men, rape is often seen as a weapon or tactic of war used by the various belligerents in an effort to destroy communities socially and psychologically, and to put down all forms of local resistance.

Without question, the scale of sexual violence committed against women and, increasingly, against men and children is a grave problem in eastern DRC. The violence, massacres and sexual abuse committed against civilians has had a particularly devastating effect on social cohesion, by directly attacking the most fundamental aspect of community life: kinship. Massacres and sexual abuse have broken up thousands of families, while the family unit is supposed to be the most stable social element, the very foundation of community social structures. The extent of the violence is particularly traumatising for civilians: parents have been killed, many children orphaned, child soldiers (more or less) forced to enlist, and sexual abuse has torn many homes apart. At the same time, the international focus on SGBV as almost the only prism through which DRC is depicted distorts and limits any deeper understanding of what causes and drives conflict. Headline-grabbing pronouncements – such as the recent comment by a UN Special Envoy that DRC is the 'rape capital of the world' – have fed this perspective.[43] Such monoprisms diminish the ability of international agencies and actors to better understand the complexities of the socio-political context, including conflict dynamics, so as to formulate better adapted and more effective interventions, whether in the peacebuilding sector or in other sectors. Another problem is that interventions are usually very focused on the individual rape survivor, and little effort is made to address the collective trauma related to SGBV.

Research carried out by International Alert in 2010 on perceptions of sexual violence within communities in eastern DRC showed that the vast majority of community members consider the persistence of sexual violence to be one of the main indications that the war is not yet over.[44] This research concluded that, although armed groups and national troops remain the primary culprits, violence and sexual abuse is also being committed by an increasing number of civilians. This analysis has been corroborated by other research papers on the issue which conclude that a view of rape as a weapon of war in eastern DRC is reductive in that rape is not only committed by armed men.[45] This emphasises the need to analyse sexual violence in the context of a society in which human rights violations are widespread.

40 On the social changes introduced by the dynamic of armed groups, see in particular: H. Morvan (2005). *Réinventer le quotidien. La cohabitation des populations civiles et des combattants maï-maï au Kivu*, Série des Grands Lacs, Life and Peace Institute. See also: K. Vlassenroot and T. Raeymaekers (2004). *Conflict and social transformation in eastern DR Congo*. Ghent: Academia Press.

41 M. Teff and C. Olson (2010). *République démocratique du Congo: La réponse d'urgence aux violences sexuelles reste essentielle*. Refugees International, Field Report.

42 For various sources of over- and under-reporting, see: International Alert (2010b). *War is not yet over: community perceptions of sexual violence and its underpinnings in eastern DRC*. p.52. Available at http://www.international-alert.org/resources/publications/war-not-yet-over. Women may also sometimes present themselves as rape survivors in order to access health services which they otherwise would not be able to afford. See: M. Erickson Baaz (2010). *The complexity of violence: a critical analysis of sexual violence in the Democratic Republic of Congo*. Nordic Africa Institute. p.53.

43 In April 2010, the UN special envoy on violence committed against women described DRC, and the Kivu provinces in particular, as the 'rape capital of the world'.

44 International Alert (2010b). Op. cit.

45 See: M. Erickson Baaz (2010). Op. cit. See also: D. Lwambo (2011). *Before the war I was a man: men and masculinities in eastern DR Congo*. Goma: Heal Africa.

The gender dimension of the conflicts

While the scale of sexual violence is indeed a grave problem in eastern DRC, it is not a phenomenon that should obscure the many and complex links between gender and conflict. The prevailing view tends to limit women to a role as passive victims, but they have also played an active role in the conflicts, whether directly or indirectly. Although they account for a minority in the armed groups, many women have actively participated in the war, especially on behalf of the Mai-Mai, either by taking up arms themselves (although this is rare) or by providing essential logistics support to the armed fighters.[46] The roles played by women in the dynamic of conflict continue to be obscured; in the past, this has prevented the specific needs of women from being taken into account in certain programmes. The disarmament and demobilisation programme is a particularly clear example of this. Because it was based on the premise that "one man (one woman) = one weapon", it prevented thousands of women who had been involved in armed groups (but not directly involved in the fighting) from receiving assistance as they tried to reintegrate into civilian life. Yet, the social stigmatisation from which they often suffered on returning to their communities meant that they were in fact particularly in need of assistance.[47]

The roles played by women in times of war are largely reflective of their activities in times of peace. They may continue to be marginalised from the corridors of power, but their contribution to the economic sphere and to the upkeep of households is of primary importance and very often far surpasses the contribution made by men. In this respect, one of the central questions raised in the literature on gender and conflict is whether or not conflict situations favour a transformation in inter-gender social relations. It is undeniable that the conflicts in DRC have had an impact on the gender division of labour and on the roles traditionally carried out by each sex. While women, particularly in the east of the country, have always played a key role in the subsistence economy and food production in rural areas, this role was made even more critical by war, resulting in changes in the gender division of labour within communities. Furthermore, the conflicts have produced many internally displaced and refugee widows. These women have had to become their family's main earner and assume the roles and responsibilities traditionally attributed to men. However, such changes, in DRC as elsewhere, do not necessarily bring about a shift in the institutional or ideological foundations of social relations between the sexes. While gender-specific roles and identities may change or be contested, they are not fundamentally modified.[48] This often provokes reactions against the increasingly prominent role played by women and can lead to an increase in violence against them.[49]

Analysis of the conflicts affecting the east of the country, and in turn local and international organisations working on the ground, have not paid sufficient attention to the particularly complex phenomenon of social transformations related to gender and brought about by armed conflict. Nor have they paid sufficient attention to the active roles played by women, whether directly or indirectly, in the dynamic of conflict. A more subtle and detailed understanding of these critical issues, based on empirical research, would help provide a truly gender-sensitive response to the conflicts affecting the region.

46 In 2007, the organisation Solidarity of Fizi Women for Family Well-Being (*Solidarité des femmes de Fizi pour le bien-être familial*, SOFIBEF), based in South Kivu, identified four categories of "women and girls associated with armed groups" (FFAGA) in the Fizi/Baraka region: 1) healers, often elderly, who were forced during the war to treat injured fighters, including troops from the Congolese army; 2) girl soldiers, who either took up arms of their own volition or were enlisted by force; 3) women and girls kidnapped by armed groups to clean and carry the ammunition, prepare meals and act as sexual slaves, most of whom were forced to marry combatants; 4) widows of militia men and national troops who in many cases continued to accompany the armed groups and carried out various tasks, cooking in particular. In 2007, SOFIBEF identified 1,737 FFAGAs around Mboko, Ubwari and Fizi Centre in South Kivu.

47 Some local NGOs developed aid and reinsertion programmes for the FFAGAs in their home communities. SOFIBEF opened four centres in Mboko, Baraka and Kazimia to house the FFAGAs and find material and psychological assistance for them. SOFIBEF also carried out mediation work between the FFAGAs and their respective communities and families.

48 J. El Bushra (2006). 'Power, agency and identity: turning vicious circles into virtuous ones', in H. Yanacopoulos and J. Hanlon (Eds.). *Civil war, civil peace*. Oxford: James Currey.

49 Ibid.

The economy of war

As the wars have dragged on, the various belligerents quickly established an economy of war that focused on the most profitable sectors, including mining in the Kivus. As the conflict became increasingly entrenched, economic motivations began to take precedence over security and political motivations. Control over mining (and other) resources quickly became a key reason behind clashes between warring factions or shifts in alliances.

The "pillaging" of natural resources in DRC has been widely documented by various reports commissioned by the UN Security Council, which have highlighted those responsible, including public authorities and private companies. Alongside the account of the conflict which focuses on rape, the narrative of "blood minerals" has become prevalent in international media reporting on DRC and strongly influences international policy discourse. While there have been a number of policy initiatives seeking to curtail what is seen as conflict-fuelling mining, enforcement and impact on the ground has been mixed. Today, several national and foreign armed groups, as well as the national army, continue to benefit from this exploitation or from the imposition of taxes on local resources. International attention has mainly focused on mining resources, but other sectors provide the armed groups with significant sources of revenue, such as the trade in charcoal extracted from Virunga National Park and control over taxation on local markets and the road network.[50] Some observers have critiqued the way in which the problem of conflict minerals has become one of the main narratives that dominate how eastern DRC is depicted by international media and institutions. According to this narrative, the fight for the control of mining sites is a primary cause of armed conflict in the region, and more specifically of sexual violence. Such an account is simplistic and exaggerated, overlooking a vast array of other causal and proximate factors shaping conflict in DRC.[51]

Beyond the mining sector and armed groups, the wider political economy of DRC is moreover a crucial aspect in the dynamic of violent conflict. This component has so far received little attention and remains largely overlooked by those working towards the consolidation of peace and development. The formal economy is mostly controlled by elites with close connections to corridors of power and who sometimes use or manipulate armed groups to firmly establish this control in the long term. The vast majority of those living in the east of the country (and elsewhere) depend, however, on the informal economy to survive. The unofficial activities they engage in just about allow them to survive but do not lead to any sustainable development.[52] In order to understand the factors and dynamics behind the violence in the Congo, it is essential to deepen collective understanding of the political economy.

1.2 War without end? Recent developments in the conflict in eastern DRC (2008–2012)

Security developments: The persistence of armed groups

The 2002 peace accords made it possible to restore some unity to DRC and establish institutions of national unity which brought together the warring factions in a highly complex alchemy. During the transition period, 120,000 combatants from the various rebellions were demobilised and reintegrated either into civilian life or the new FARDC. The transition led to the first presidential, legislative and provincial elections in 2006: as institutions voted for by the people were put in place, the efforts towards peace and democratisation appeared to be on the path to success. However, despite such significant steps, the peace accords and the transition left a whole series of key peacebuilding issues unresolved.

50 The main initiatives designed to combat the "minerals of war" phenomenon are explored in more detail in the second part of this report.
51 See: S. Autesserre (2010). Op. cit.
52 On the informal and political economy in DRC, see: K. Vlassenroot and T. Raeymaekers (2004). Op. cit.

The integration of former militia into the army remained particularly problematic.[53] Certain Mai-Mai groups continued to resist disarmament and integration into the national army. The issue of Rwandan Hutu combatants within the FDLR in the Kivu provinces had a negative impact on relations between Kinshasa and Kigali, and constituted a major security issue for civilians. The return of thousands of Congolese refugees who had fled to neighbouring countries was also problematic and threatened to reignite tensions between communities, especially in relation to land disputes.

These various underlying issues were not resolved during the transition or after that period, and continue to cause tensions and violence in the east. In 2006, the mutinous Congolese Tutsi General Laurent Nkunda rejected the way in which the peace process was developing and launched a fresh rebellion known as the National Congress for the Defence of the People (*Congrès national pour la défense du peuple*, CNDP) in Masisi territory in North Kivu. His stated objective was to defend the rights and interests of Congolese Tutsis, especially with regard to the threat posed by the FDLR and the various hostile Mai-Mai groups. From 2006 to 2011, several other armed groups were created or strengthened in the two Kivu provinces. The Ihusi accords signed in March 2009 resulted in many of them being integrated into the national army. Despite this, however, at the beginning of 2012 more than a dozen armed groups remained in these regions.

Several violent clashes took place between the FARDC and the CNDP between 2006 and 2009. The CNDP, with support from Kigali and superior troop morale compared with the national army, triumphed in almost every instance.[54] The government twice attempted to integrate the CNDP – in 2007 (a move referred to as "mixage") and in 2008 (resulting from the Goma Conference) – but both of these attempts failed. Each of these failures further aggravated the spiral of violence affecting those in the southern parts of North Kivu.

Shift of alliances in 2009 and the integration of the CNDP

The shift of alliances that took place in January 2009 came as a surprise to all observers. While the Goma Conference process had been almost completely derailed and the FARDC had suffered another military defeat at the hands of the CNDP, a secret agreement was reached at the highest level between the Congolese and Rwandese presidents, resulting in the arrest of Laurent Nkunda. Nkunda was replaced as the head of the CNDP by Bosco Ntaganda, and troops of the CNDP and the Congolese Resistance Patriots (*Patriotes résistants congolais*, PARECO)[55] were integrated into the FARDC. Joint military operations were launched by the FARDC and the Rwandan army against the FDLR for a duration of 35 days. These were followed by several other operations against the FDLR led by the FARDC, with logistical support from MONUSCO: in 2009 (operation Kimia 2) and in 2010 (operation Amani Leo).

The Ihusi peace accords, which on 23rd March 2009 sealed the integration of the CNDP, can be summarised by the following obligations: the CNDP was required to hand its troops over to the government for integration into the army, to facilitate the restoration of the state's authority and administration in parts of Masisi territory which was occupied by the CNDP, and lastly to transform into a political party. The Congolese government agreed to: integrate members of the CNDP into the army and offer them military ranks; recognise the CNDP as a political party; enable the return of refugees and displaced persons; integrate political cadres from the CNDP in its administration; and lastly introduce an amnesty law.[56] Between 2009 and 2012, many of these issues were not addressed, in particular the question of repatriating refugees. Moreover, the question of dismantling the CNDP's parallel administration in Masisi territory was only partially dealt with.

53 During the transition, internal tensions within the army led to a mutiny in May 2004 by Colonel Mutebusi and a particularly brutal assault on the town by Laurent Nkunda. Following this episode, hatred towards the Tutsi population further increased. This culminated in August 2004 in the massacre of refugees (Banyamulenges, Congolese Tutsis) at the Gatumba camp in Burundi. For further details, see: International Crisis Group (ICG) (2007). *Congo: bringing peace to North Kivu*. Africa Report No. 133. Nairobi/Brussels.

54 Kigali's direct military and financial support for the CNDP was extensively documented in a report by the Group of Experts in December 2008.

55 A local armed group consisting mainly of Hutus from Masisi territory.

56 Interview with a political figure from the CNDP, Kinshasa, March 2012.

Furthermore, the integration of the CNDP had several negative effects. Most of the command posts in the parallel Amani Leo army structure were given to former CNDP members. This allowed them to extend their influence in North and South Kivu and created grave tensions internally, which led to the desertion of several officers. Armed groups loyal to the Mai-Mai were reinforced, or new ones created, to combat the influence of the former CNDP. This phenomenon was particularly evident in Masisi, Walikale and Kalehe territories, and was directly linked to issues such as the occupation of land, the prospect of returning Congolese Tutsi refugees from Rwanda, control over local politics, and control over economic resources (mines, taxes, etc.).[57] This competition fuelled existing tensions between the "native" and "Rwandophone" communities in the two Kivu provinces.

At the beginning of April 2012, the peace agreement reached on 23rd March 2009 effectively collapsed, having long been put on the backburner as the national monitoring committee in charge of its application was no longer convened. Following moves to isolate Bosco Ntaganda, the rebel leader defected, taking with him hundreds of former members of the CNDP. The Congolese president decided to bring a temporary halt to operations against the FDLR and to break up the military structure Amani Leo, to which most ex-CNDP soldiers had been assigned.[58] Clashes quickly resumed between the FARDC and this new armed group, which took the name of M23 (Movement of 23rd March (*Mouvement du 23 mars*) – in reference to the 23rd March accords) under the command of the ex-CNDP Colonel Sultani Makenga. Once again, the underlying problems were left unresolved and continue to have negative security consequences for the civilian population. Most participants at the workshops which Alert held in Bukavu, Goma and Bunia with civil society representatives stressed that the security situation had deteriorated since the signing of the Ihusi peace accords. The situation has worsened, in particular, with the increase in numbers and strength of the armed groups and the dissatisfaction of many FARDC troops.

Assessment of military operations against the FDLR

In a report published in November 2010, International Crisis Group (ICG) provided a particularly negative assessment of the military operations led between 2009 and 2011 against the FDLR.[59] While the group's numbers have been reduced, it has not been entirely dismantled. It remains active, has spread out into inaccessible areas and is more aggressive towards civilians. In humanitarian terms, the situation has worsened considerably. The civilian population is once again caught up in the torment of war: it regularly suffers attacks by armed groups or by the FARDC in particular.[60] The result is a rise in the number of internally displaced persons (IDPs) in the two Kivu provinces, where a total of 1.7 million IDPs were identified at the beginning of 2012.

Despite an end to the military operations against the FDLR in 2011, security and humanitarian conditions continued to deteriorate following the withdrawal of various FARDC brigades for the purposes of training and reorganisation into regiments.[61] The FDLR naturally benefited from this by regaining lost positions.

57 For example, the latest report by the Group of Experts suggests that military operations led by the CNDP in 2009 caused more than 2,500 families (Hundes and Hutus) to flee certain areas in Masisi (Bibwe in particular). The group then helped 2,400 families of Tutsi refugees to settle; the Hunde and Hutu families who were displaced continue to live in camps.

58 Speech by DRC President Joseph Kabila in Goma on 11th April 2012 at the Hotel Ihusi.

59 ICG (2010). *Congo : Pas de stabilité au Kivu malgré le rapprochement avec le Rwanda*. Africa Report No. 165. Brussels/Nairobi.

60 Between January and September 2009, Human Rights Watch reported the direct massacre of 1,400 civilians by various parties involved in the conflict, a sharp increase in instances of sexual abuse compared with 2008 (7,500 reported cases in the first nine months of 2009), and the forced displacement of 900,000 people in the two Kivu provinces. See: Human Rights Watch (2009). *You will be punished: attacks on civilians in eastern Congo*. Available at http://www.hrw.org/reports/2009/12/14/you-will-be-punished.

61 Interview with an agent from the UN Office for the Coordination of Humanitarian Affairs (OCHA) at the South Kivu office, Bukavu, February 2012.

At the same time, other Congolese armed groups strengthened their military capacity in order to "protect" their communities from the FDLR threat.[62]

It is clear that the poor integration of CNDP members into the army and the decision to pursue the FDLR militarily did not help to resolve the underlying problems in the long term. The armed groups have developed their capacities. Meanwhile, internal cohesion within the army and the lack of a single command structure remains problematic, and several (although not all) ex-CNDP members and other troops are in a state of mutiny. Tensions between the "Rwandophone" and "native" communities have worsened even further. The current security crisis is also the result of a crisis between the two governments in Kigali and Kinshasa, as the rapprochement agreement they signed in 2009 has broken down for reasons as yet unknown. Allegations of Rwandan support for armed groups, including M23, have further aggravated the situation. As a result, military action has become the only option favoured by the Congolese government as well as parts of civil society, to the extent that civil society groups in North Kivu in July 2012 appealed to the population to mobilise funds to support the troops.

Political developments: Backsliding democratisation

In political terms, developments since 2011 have been largely negative and make it difficult to forecast a shift towards better governance. The election year 2011 got off to a particularly bad start with the revision of the 2006 Constitution, giving greater powers to the president. It limited presidential elections to a single round, almost guaranteeing the re-election of the incumbent, and gave the president the power to dissolve elected provincial assemblies and dismiss governors. The reaction of the international community to this constitutional revision was, however, weak, if not negligible.

The second major political event in 2011 was the presidential and legislative elections held on 28th November, which were hastily and chaotically organised. The elections were tarnished by instances of fraud and a total lack of transparency in compiling the results. This led several international (e.g. the EU and the Carter Center) and national observers (in particular the Catholic Church) to describe the elections as lacking credibility. A few attempts to protest, in particular a series of marches organised by the Catholic Church, were quickly abandoned. Despite the prevailing view and various public criticisms, nothing could be done to revise the results: given the impossibility of re-holding the elections (for financial, logistical and political reasons), the EU observers could do no more than offer recommendations for the upcoming provincial and local elections.[63]

The lack of credibility of these elections weakens the internal and external political legitimacy of the government and does not bring DRC any closer to the construction of a positive relationship between the people and the national institutions that are supposed to represent them. Faced with such an erosion of legitimacy, civilians, civil society and the opposition parties are exposed to an even greater risk of abuse of power.[64] If anything positive can be taken from the episode, it is that the 2011 elections provided a second illustration of the political maturity of the Congolese electorate, who tried to use their vote to sanction those politicians who failed to keep their promises during the first term.

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62 This phenomenon was particularly evident in the Shabunda and Kalehe territories, where the militia group *Raïa Mutomboki* (mainly made up of Regas from Shabunda) was reinforced and itself intended to attack the FDLR. Several clashes took place between the two groups, but also between *Raïa* and the FARDC. In March, *Raïa* massacred some 30 Rwandan refugees (civilians dependent on the FDLR). The FDLR responded by massacring around 40 civilians. For more on this, see: 'Walikale : les affrontements entre FDLR et « Guides » font des milliers de déplacés' (in French), *Radio Okapi*, 21st December 2011. Available at http://radiookapi.net/actualite/2011/12/21/walikale-les-affrontements-entre-fdlr-groupe-dautodefense-font-des-milliers-de-deplaces/; also see 'Sud-Kivu : les FDLR tuent près d'une quarantaine de personnes à Shabunda' (in French), *Radio Okapi*, 4th January 2012. Available at http://radiookapi.net/actualite/2012/01/04/shabunda-les-fdlr-tuent-pres-dune-quarantaine-de-personnes/.

63 For more on this, see: 'RDC : la mission d'observation de l'UE plaide pour plus de transparence lors des prochaines élections' (in French), *Radio Okapi*, 29th March 2012. Available at http://radiookapi.net/actualite/2012/03/29/rdc-la-mission-dobservation-electorale-de-lue-plaide-pour-plus-de-transparence-lors-des-prochaines-elections/.

64 Human Rights Watch documented the assassination of 24 people by security forces between the announcement of the presidential election results (9th December) and 22nd December 2011; this was in the context of targeted attacks against opposition protesters in an effort to clamp down on any large-scale protests by the opposition parties. See: 'DR Congo: 24 killed since election results announced', *Human Rights Watch*, 22nd December 2011. Available at http://www.hrw.org/news/2011/12/21/dr-congo-24-killed-election-results-announced.

Two observations can be made concerning the new government, which was established at the end of April 2012. First, the number of ministers has been reduced (36 instead of 48) and now includes relatively little-known technocrats such as the Prime Minister, Matata Ponyo.[65] Only six former ministers have been included in the new government, with several political heavyweights removed from power. This is an illustration of the political will to manage state affairs with greater rigour, a positive sign. However, no conclusion can be reached until the new government has proved itself. Second, the government seems to lack the political will to share power: the opposition was not given ministerial posts, and the presidential party, the People's Party for the Reconstruction of Democracy (*Parti du peuple pour la reconstruction et la démocratie*, PPRD), alone has eight ministerial portfolios.[66] Yet, relations between the opposition and the government will be a key factor in the success of this government and the establishment of a democratic and inclusive style of governance. However, considering the internal tensions of the opposition (including in the Union for Democracy and Social Progress (UDPS)), its ability to play an effective role in keeping the government in check is questionable.

The new government's poor level of female representation is further proof that there is a lack of political will to allow women access to the corridors of power. Like the outgoing government, the cabinet of Matata Ponyo continues to exclude women, who hold just six of 36 ministries (around 16 percent). This proportion is well below the 50 percent representation enshrined in the 2006 constitution.[67] Similarly, only 8 percent of the new National Assembly is made up of women. The parity principle is neither reflected in the electoral code nor adopted by the political parties, especially with regard to the composition of their electoral lists.[68] Women made up just 12 percent of candidates in the national legislative elections, and zero percent in the presidential elections, yet as much as 49.68 percent of the 2011–2013 electoral register comprised women. These figures reveal a clear regression on the general elections held in 2006, when women constituted a majority (63 percent) of the electorate. The number of female candidates has also dropped, representing just 9.5 percent of candidates in the national caucus in the two Kivu provinces.[69] Women's rights organisations in the east of the country are worried that the percentage of female candidates in the provincial and local elections in 2013 and in 2014 will be even lower.

The main political challenge remains the holding of provincial and local elections. The revised calendar is for Senate elections to be held in June 2013 and for municipal and local elections to be held in March 2014. These deadlines could prove difficult to respect, given the logistical and financial challenges involved. The key question is the extent to which lessons will be learned from earlier elections with regard to successful planning and transparency. One of the challenges in this respect is to restructure the National Independent Electoral Commission to ensure greater neutrality, although the government has yet to show support for such a move. Beyond the provincial and local elections, particular attention must be paid to the establishment of decentralised institutions and the availability of the necessary resources to ensure they run smoothly. Finally, relations between those in power and the opposition, as well as the opposition's capacity to play its role in a unified and constructive manner, are key issues for the future political climate and the smooth running of the country's institutions.

65 Matata Ponyo headed the Central Bureau of Coordination (*Bureau central de coordination*, BCECO) from 2003 to 2010, prior to his role as Finance Minister. For a profile of the new government, see: 'Gouvernement Matata Ponyo I : Qui est qui ?' (in French), *Congo Indépendant*, 30th April 2012. Available at http://www.congoindependant.com/article.php?articleid=7260.

66 For more on the new government, see: 'The new Congolese government', *Congo Siasa*, 29th April 2012. Available at http://congosiasa.blogspot.com/2012/04/new-congolese-government.html.

67 In Article 14 of the constitution, the state guarantees the application of the parity principle in national, provincial and local institutions. The parity bill was adopted by the National Assembly, but then mechanisms to put it in place were never carried out.

68 International Alert and Eastern African Sub-Regional Support Initiative for the Advancement of Women (EASSI) (2012). *La participation des femmes dans les processus de paix et la prise de décision politique en République démocratique du Congo*. London. Available at http://www.international-alert.org/fr/resources/publications/la-participation-des-femmes.

69 This low figure can be largely explained by the refusal of many political parties to place women in advantageous positions on their electoral lists.

2. Stabilising eastern DRC: A limited response

This section of the report addresses the main elements of the response provided in recent years by international and national organisations to the conflicts affecting eastern DRC. Reflecting the complexity of the issues involved, this response comes in many forms and is provided by many different entities. Such entities range from the world's largest UN peacekeeping mission (MONUSCO) to government agencies, UN agencies, international NGOs and private consultancy firms, right down to small local NGOs. It cannot therefore be presented as a homogenous and coherent whole, despite all coordination efforts; neither can this report be deemed comprehensive. As a result, this section does not aim to cover all of the operations to restore peace and stability in eastern DRC, but focuses instead on providing a critical analysis of the most salient elements of the response.

This section begins by describing relations between the Congolese government and its international partners.[70] It goes on to address the stabilisation strategies which together they have put in place, in particular STAREC and ISSSS. The report focuses in particular on specific programmes such as the minerals' traceability initiatives, the reinsertion of demobilised combatants and refugees, and land mediation efforts. These are among the major programmes financed by international donors. They reflect some of the assumptions that must be challenged if a response that properly addresses the underlying causes of conflict is to emerge.

One general observation is that the main solutions put forward do not directly address the structural causes outlined in the first section of this report. They are based on a relatively misguided understanding of on-the-ground realities and as a result place greater emphasis on tackling the consequences rather than the causes of the problems they seek to resolve. They involve short-term, technical approaches that are initiated and executed top-down and are largely led by external actors. On the contrary, the conflicts that are ravaging the eastern provinces are fundamentally political and structural in nature. This means that they require a long-term political approach designed to transform social and political structures and which is led directly by the Congolese themselves.

Lastly, by way of comparison, this section looks at a series of initiatives put in place by local NGOs with the support of international NGOs. These initiatives, which are smaller in scale, are of particular interest in that they are based on principles and paradigms (participatory, locally rooted, conflict-sensitive, etc.) that are fundamentally different from those that form the basis of most of the major peace and stabilisation programmes. They offer an approach that should be more widely used to inspire other parties.

2.1 International partners losing momentum

The international aid system in DRC – which promotes, designs and massively finances a huge range of institutional reforms, with a view to facilitating development, good governance and, in the case of the east, "stabilisation" – is currently in deep crisis. Previously, in spite of major difficulties due to the political and security context of the transition period, the involvement of the international community enjoyed some success (the elections in 2006 and the creation of institutions under the third Republic). Progressively, however, DRC's international partners have seen a reduction in their room for manoeuvre in influencing the policy agenda of the Congolese government.

70 The term "international community" must be treated with caution, as it does not relate to a homogenous whole. It is comprised of a few major international players (the US, the UK, France, Belgium, the UN, the World Bank, the EU, etc.), who do not necessarily share the same interests or vision with regard to the priorities in DRC. For this reason, it is preferable to speak of the Congolese government's "international partners".

In part, the changing relationship can be attributed to the thrust of "statebuilding" reforms promoted by the international partners themselves. Since the creation of new institutions with increased levels of perceived democratic legitimacy, those in power have become increasingly keen to emphasise the sovereignty of their institutions in a country long described as a "state under guardianship" because of the level of international interventionism.[71] This is a general impulse but was clearly seen in how the newly elected DRC government dealt with the UN Organization Mission in DRC (*Mission d'observation des Nations Unies en RDC*, MONUC). Although it was first set up at the request of the Congolese authorities, MONUC was on several occasions asked by the newly elected authorities to begin its withdrawal from the country, in an effort to assert national sovereignty. A compromise ultimately led to MONUC's mandate being redefined as one of "stabilisation" rather than peacekeeping. To reflect this, it was renamed MONUSCO on 1st July 2010 and UN troops were further concentrated in the east of the country.

Furthermore, new "international partners", namely China, have come to the fore. As elsewhere in Africa, Congolese political authorities have to some extent distanced themselves from their historic European and American partners in favour of new partnerships with China, a relationship typified by "minerals for infrastructure" contracts.[72] This has again contributed to uncertainty and flux in the government's relationships with other development partners.

Finally, international partners were not informed prior to the 2009 rapprochement between Kinshasa and Kigali which included the decision to arrest Laurent Nkunda and launch joint military operations against the FDLR. Although international mediators had played a major role in the process which led to the Goma Conference in January 2008, and international donors had funded both the Goma Conference and the Amani programme that followed, they were not informed of negotiations that took place between Kinshasa and Kigali. The international community failed to find a space to express an opinion on the joint military operations and had to limit its action to supporting the rapprochement between the two states. As a result, the role of MONUSCO became limited to providing logistical support for the military operations of the FARDC against the FDLR. The Mission paid a high price for this support in terms of its legitimacy, as it was accused of supporting troops guilty of serious abuses against the civilian population. Furthermore, questions were raised as to its ability to protect civilians following massacres that took place close to its military bases without any intervention from UN troops. Although, by its presence alone, MONUSCO provides a broad guarantee of relative stability, such incidents serve to further discredit the Mission in the eyes of the Congolese population, many of whom view it in a largely negative light.[73]

International partners are finding it increasingly difficult to mobilise the commitment of the Congolese authorities to implement the various reforms that have been previously agreed. The authorities have proved particularly reluctant to implement SSR and reform of the judiciary. These reforms are politically sensitive, which explains why the government is resisting their implementation (see next sub-section). In terms of SSR, which is essential for stability and therefore sustainable development, the government has consistently rejected all coordination efforts made by international donors, has delayed the implementation of much-needed legislation and has failed to develop a coherent strategic framework to steer such reforms. Furthermore, the reduction in the international partners' room for manoeuvre, due

71 For more on this, see: J.C. Willame (2007). *Les 'faiseurs de paix' au Congo. Gestion d'une crise internationale dans un état sous tutelle*. Paris: Editions du GRIP/Complexe. The guardianship of Congolese institutions during the transition period was essentially linked to the International Committee in Support of the Transition (*Comité International d'Accompagnement de la Transition*, CIAT), which brought together representatives from the main Western and African countries operating in DRC, as well as certain international institutions. The CIAT was an integral part of the Congolese institutions at the time. It was responsible for keeping Congolese politicians "in check" during crises that very nearly derailed the peace process. It also played a particularly important role in the success of the transition, although it was not always favoured by the country's leaders.

72 For more on the strategic reorientation of the Congo's partners, see: C. Breackman (2009). *Vers la deuxième indépendance du Congo*. Brussels: Editions Le Cri.

73 On 14th May 2012, following an alleged massacre by the FDLR of several dozen people (local sources suggest around 40 victims) just a few kilometres away from a MONUSCO base, angry civilians gathered in front of the UN base and threw stones at UN troops. *Radio Okapi* has reported that armed militia from *Raïa Mutomboki* became involved and opened fire on the Pakistani unit, injuring 11 troops. See: 'RDC : 11 casques bleus de la Monusco blessés à Kamananga' (in French), *Radio Okapi*, 14th May 2012. Available at http://radiookapi.net/actualite/2012/05/14/rdc-11-casques-bleus-de-la-monusco-blesses-a-kamananga/.

to pressure exerted at government level, partly explains why their programmes are increasingly confined to technical interventions. The quality and functionality of the relationship between the Congolese government and its international partners remain highly significant for the effectiveness of peace and stabilisation programmes in the country. However, it is clear that an impasse of sorts has been reached and a new chapter in these relationships needs to be somehow opened.

2.2 International and national stabilisation strategies: STAREC and ISSSS

Given the extent of the problems that need to be tackled, the reconstruction "strategy" in DRC supported by the international community necessarily involves many and diverse sectors and a large number of people. In fact, it has been compared to a kind of 'vast laboratory where international partners are experimenting different state-building alchemies'.[74] Against the political backdrop outlined above, this strategy covers a range of initiatives lacking in coherence and which are often not based on on-the-ground analysis; they do not constitute a strategic direction shared by international actors, and even less so by national organisations. These initiatives cover the following priorities:

- administrative reform, good governance and democratisation;
- judicial reforms and the fight against impunity;
- military and police reforms;
- the disarmament and demobilisation of former combatants;
- the construction and rehabilitation of infrastructure (roads, public buildings, hospitals, markets, etc.);
- the return of refugees and displaced persons and community rehabilitation;
- the breakup of armed groups and the restoration of state authority;
- the resolution of land disputes;
- the effort to reduce sexual violence;
- efforts to improve transparency and traceability in the mineral sector.

Since 2009, the concept of stabilisation, which remains ill-defined, has been used both by the Congolese government and its international partners to produce a strategy that addresses the various priorities that must be tackled in order to bring an end to the crisis. The stabilisation paradigm was used to implement a national stabilisation and reconstruction plan, STAREC, for the areas affected by conflict (the provinces in the east of the country). This plan partly drew on an international plan known as ISSSS.[75] STAREC is the successor to the Amani Programme that was established following the Goma Conference in January 2008. The Amani Programme was designed primarily to demobilise and integrate the various Congolese armed groups into the national army.

The vision put forward by the "stabilisation strategy" in the initial phase (2009–2012) is chronological and can be broken down into three phases:

1. Clean up the areas where armed groups operate and maintain a military and/or police presence;
2. Restore the state's authority by renovating state buildings and deploying civil servants to those areas taken back from the armed groups;
3. Initiate socio-economic recovery and community rehabilitation projects.

There is some crossover between the areas of intervention of STAREC and ISSSS. These can be summarised as follows in the table overleaf.[76]

74 T. Trefon (2011). *Congo masquerade. The political culture of aid inefficiency and reform failure*. London and New York: Zed Books. p.1.

75 It should be noted that ISSSS is largely based on the United Nations Security and Stabilization Support Strategy (UNSSSS).

76 Table reproduced from: G. Lacaille and E. Paddon (2011). 'Stabilizing the Congo', *Forced Migration Policy Briefing 8*, Refugee Studies Centre, Oxford Department of International Development, University of Oxford; reprinted in Oxfam International (2012). *'For me, but without me, is against me': why efforts to stabilise the Democratic Republic of Congo are not working*.

Aims of ISSSS and STAREC

International Security and Stabilization Support Strategy (ISSSS)	Stabilization and Reconstruction Plan for Eastern DRC (STAREC)
1. Improve security Reduce threats to life, property and freedom of movement by: • Strengthening security forces; • Supporting the disengagement and disbanding of armed groups; • Improving operational and internal control systems for FARDC units to reduce rates of abuse of civilians, including sexual violence.	**1. Security** Consolidate gains in zones cleared by military operations by: • Restoring state authority (deployment of police, penal chain officials and civil administration); • Reinforcing the capacity of the FARDC; • Preventing the resurgence of armed groups; • Preventing exactions against the civilian population; • Providing for the regular payment and temporary housing of the FARDC and the Congolese National Police (*Police nationale congolaise*, PNC). Establish a control mechanism for mineral and forestry resources to prevent illegal exploitation.
2. Support political processes Support national and provincial governments to advance peace processes by: • Helping to improve diplomatic relations between DRC and its neighbours; • Identifying and sanctioning spoilers, serious human rights abusers, etc.; • Supporting political leaders to follow through on commitments made under key agreements.	**2. Humanitarian and social** Support for the voluntary return of Congolese refugees and IDPs. Socio-economic reintegration. Protection of civilians.
3. Strengthen state authority Restore and strengthen the state in areas where it has been weak or non-existent by: • Ensuring reliable road access; • Deploying police, courts and prisons; • Re-establishing decentralised administrative services.	**3. Economic recovery** Re-establish economic activities (rehabilitate roads, kick-start key sectors including agriculture, fishing, small industry). Establish regional projects to harmonise formal economic relations, in particular through reinvigorating the Economic Community of the Great Lakes Region (*Communauté économique des Pays des Grands Lacs*, CEPGL).
4. Strengthen return, reintegration and recovery Ensure the voluntary and safe return of refugees and IDPs, and sustainable socio-economic reintegration in their areas of origin, by: • Addressing priority social needs, restoring basic social services and infrastructure; • Promoting employment generation and agricultural productivity; • Facilitating local reconciliation and conflict resolution linked to housing, land and property issues.	**4. Fight against sexual violence (added in 2010)**
5. Combat sexual violence Strengthen prevention, protection and responses to sexual violence by: • Combating impunity and improving access to justice; • Preventing and mitigating threats and reducing vulnerability to sexual violence; • Addressing sexual violence in security sector reform processes; • Improving access of survivors to multi-sector services; • Improving data collection and mapping of cases of sexual violence.	

An important aspect of the stabilisation plan is its geographic dimension. Designed as a plan to consolidate the dynamics of peace in zones that have already seen an end to the violence, the stabilisation plan prioritised six geographic areas in the two Kivu provinces and Ituri. The intended corollary of this strategy is the trickle effect: it is hoped that the material benefits of peace in terms of security, administration (restoring state authority) and socio-economic factors (roads, markets, etc.) in the areas targeted by the stabilisation plan will have a wider and indirect impact on neighbouring areas.[77]

During the first phase of the plan (2009–2012), efforts under STAREC and ISSSS initiatives were mainly oriented towards the restoration of state authority (US$86.6 million in financed projects as at 31st December 2011, which marked the end of the first ISSSS phase). This involved investments to improve state infrastructure and other facilities, such as local administration offices, police stations, military barracks and peace tribunals, as well as roads and other socio-economic infrastructure. The remainder of the financing was allocated to the Return and Recovery project (US$91.14 million), security projects (US$51.26 million) and the fight against sexual abuse (US$45.12 million). The least developed dimension is support for the political process, which was intended to provide support for political dialogue in the context of the implementation of the 2009 Ihusi accord, with just US$1.6 million allocated.[78] This was not included in STAREC, as the Congolese government did not consider it to be a priority, for several reasons. First, the government hoped that closer ties with Rwanda would provide stability. Moreover, it did not see the value of maintaining an international peace process facilitation. Second, the Congolese government associated "political dialogue" squarely with the integration of armed groups into the army, which was considered at that moment to have reached its end.

In relation to STAREC, permanent local conciliation committees (*comités locaux permanents de conciliation*, CLPCs) were set up in reference to the Ihusi accords and a tripartite agreement between Rwanda, DRC and UNHCR (2011) on the return of refugees. These committees are described as being 'responsible for monitoring the security situation in the towns and *groupements* that fall under their administrative jurisdiction', so as to enable the provincial government to assess security and reach a decision about the possible return of refugees to these areas. The committees, which include community representatives and local authorities from the areas targeted, are intended to act as:

1. organisations for the prevention and resolution of conflicts between the different ethnic communities;
2. committees for the reception, social reinsertion and reintegration of displaced persons and refugees;
3. community-level decision-making bodies in terms of stabilisation and development; and
4. participants in local governance.[79]

The CLPCs are meant to be set up at the level of each *groupement* in North Kivu. In March 2012, they were still in the pilot phase, with just seven committees established.

The establishment of such bodies raises several questions. First, it is unclear how best to coordinate the CLPCs as well as the various existing development and conflict resolution committees that were set up at local level either spontaneously by the inhabitants or by NGOs. The links between these various committees and the way in which they could complement one another have yet to be clarified. Second, the fact that the CLPCs are presided over by the head of the *groupement* presents both an advantage (directly involving local authorities makes their decisions more official) and a risk. The local customary authorities are not necessarily neutral in relation to local conflict dynamics, in particular in relation to land issues and the return of refugees, and may be vulnerable to political pressure. The question of the CLPCs' impartiality is one that must be closely watched.

77 Interview with stabilisation official from the United States Agency for International Development (USAID), Kinshasa, March 2012; and ISSSS, *Integrated Programme Framework (2009–2012), DRC.*

78 ISSSS quarterly report, October to December 2011.

79 Terms of reference for CLPCs in North Kivu, March 2011.

Weaknesses of the stabilisation plan

Most now agree that the intended impacts of the first phase of the stabilisation plan were not achieved. Some gains were made in the socio-economic infrastructure sector, where investments in roads and markets resulted in a significant fall in the price of food and other basic products, leading to some improvements in economic growth at a local level.[80] Beyond this significant but limited positive impact, the stabilisation plan failed to achieve its initial objectives. This has prompted a revision of the stabilisation plan which was initiated in March 2012. MONUSCO's new mandate, which was published at the end of June 2012, backs up the revised strategy, requesting MONUSCO 'to undertake a strategic review on the implementation of ISSSS, providing a clear definition of stabilisation in the context of eastern DRC and a strategy and timeframe for achieving these stabilisation goals'.[81]

Failure can be explained by several factors – both theoretical and operational. The plan was built on two core hypotheses. The first is that the areas of intervention are no longer made unsafe by the presence of armed groups, in other words that eastern DRC is a "post-conflict" zone. Yet, the situation there is one of open armed conflict and not of a conflict that has ended.[82] The identification of priority geographic zones is intended to resolve this contradiction, but here, too, the strategy suffered from excessive levels of optimism: the current situation is so volatile that armed clashes regularly take place in the areas targeted by STAREC and ISSSS. A lasting return to security requires the presence of an army capable of containing the threats posed by armed groups – which the national army is not.

The second, perhaps even more problematic, hypothesis underpinning the stabilisation plan is that the restoration of state authority will necessarily have a positive impact on the well-being of the local population. This assumption fails to take into account the patrimonial and predatory nature of the state institutions. To view them as naturally legitimate, regardless of their actions, runs contrary to the abundant evidence of the character of the state, and first-hand experiences and perceptions of the local population. Under the plan, the types of projects carried out in order to restore state authority were limited to the construction or renovation of public buildings and training for civil servants. The interventions did not seek to generate more far-reaching reforms of the way in which the institutions are governed. Some observers go even further, arguing that 'ISSSS/STAREC aims to expand the authority of a central state resistant to governance reform and to the decentralisation of power necessary for peace'.[83] It is therefore the very foundation of the strategy itself that is problematic, and not only its implementation.

Part of the problem therefore is that ISSSS and STAREC proposed purely technical solutions to problems that are profoundly political in nature. The low levels of investment in political dialogue during the first phase are due to a lack of political will on the part of the government. However, it also illustrates the lack of willingness of the various parties involved to deal with the underlying problems. In this sense, the international community has to some extent *chosen* to avoid engaging on politically sensitive questions with the national authorities.[84] For their part, the national authorities are seeking to reduce as much as possible the involvement of their international partners in internal political affairs.

In more operational terms, other weaknesses and difficulties can be identified. The Congolese authorities in particular were perceived by individuals interviewed for this research as having no real desire to bring stability to the east of the country, either because it is not in their interests or because they do not feel it really concerns them. A few examples taken from interviews clearly illustrate these obstacles: the 490 magistrates who were supposed to run the peace tribunals built as part of STAREC were never deployed;

80 Interview with an agent from the MONUSCO Stabilisation Unit, March 2012. However, we were unable to verify this assertion on the ground.

81 Resolution 2053, 27th June 2012.

82 Since the end of the Amani Programme, the Congolese government has tried to argue that the Kivu provinces are no longer a conflict zone and that the remaining armed groups are not political in nature and represent no more than residual groups of criminals. The various disarmament and demobilisation programmes have therefore been shut down. The government's international partners support this position, even though it is flagrantly at odds with the situation on the ground.

83 Lacaille and Paddon (2011). Op. cit.

84 Ibid.

the same is true of the officers who were supposed to occupy the new police stations, for instance. Four mineral trading centres were built in order to improve the traceability of minerals, but they have been unable to operate for several months because the government dragged its feet in identifying the mining sites considered to be "clean". With regard to SSR, FARDC training and all other projects related to military reforms are being discussed on a bilateral basis with the government. The latter, out of principle, rejects multilateral initiatives that might improve the coordination of activities and lead to greater effectiveness. The absence of a clear government strategy on SSR and the integration of Congolese armed groups (and even the closure of the disarmament and demobilisation programme) is also having a negative effect.

The government has, at times, explained this inefficiency and lack of political will as a result of inadequate consultation by international partners with the Congolese authorities when developing the stabilisation plan. This shortcoming, it is argued, has led to a perception by many that the plan represented either an international agenda (led from Kinshasa) or an initiative designed in the capital without any real knowledge of the problems facing the eastern provinces. There is some merit in this argument. While MONUSCO did in fact consult some Congolese authorities, discussions with the provincial authorities were less common, and almost no consultation took place with civil society representatives. The plan therefore suffers from a lack of ownership on the part of Congolese actors – although some might see the claim of inadequate consultation as more of an excuse not to commit to reforms that run counter to certain interests.

The problem of ownership of the plan – and efficiency in implementation – also concerns several international actors. It is a problem that is more widely linked to the particularly vague and overarching definition given to the concept of stabilisation. Most of those involved have their own understanding of stabilisation, generally understood as "interventions that are neither emergency humanitarian aid, nor development". Lack of a shared understanding among international organisations of what constitutes "stabilisation", together with disagreement over the detail of implementation, also contributed to the plan's failure. These factors prevented efficient coordination of the various entities involved in the stabilisation process (state institutions, UN agencies, international and local NGOs, and various sections of MONUSCO, etc.), each with their different institutional approaches. The problem of coordination also affects MONUSCO, between the mission's various sections and the Stabilisation Support Unit (SSU). ISSSS caused a certain amount of confusion in relation to the roles and mandates of the various MONUSCO sections. Coordination between the SSU, which is responsible for coordinating ISSSS, and the other sections (rule of law, human rights, SSR, SGBV, etc.) did not run smoothly. Another factor that undermines the coherence and effectiveness of the stabilisation plan is the gap between MONUSCO and ISSSS: the former has a long-term stabilisation mandate that covers the whole of the country; the latter, on the other hand, is a strategic stabilisation plan focused on the east of the country and with a shorter mandate of just three years. Yet, several elements of ISSSS require a long-term approach, such as military and judicial reforms for example, which exceed its mandate.[85]

The bureaucracy of certain agencies responsible for carrying out the projects has, at times, reduced the efficiency of the strategy. During the initial phase, ISSSS financing was available only to UN agencies, for instance, excluding other agencies with specialist capacity to contribute (although this has now been modified).

Furthermore, there was significant political pressure when STAREC and ISSSS were being drafted for the projects to have "quick impact" on the ground. This meant that there was a lack of adequate reflection and assessment prior to the implementation of the various projects. This hasty process resulted in errors, such as the construction of housing for the national police on the same site as a camp for displaced persons, who then had to be relocated, or the construction of a prison in the middle of a road. Generally speaking, the projects lacked in conflict sensitivity and were implemented in a way that failed

85 Interview with SSU officials, March 2012.

to take into account the political and security dynamics operating at a local and provincial level. As a result, they ran the risk of aggravating rather than improving certain situations.

The same remarks can be made in relation to operations against SGBV. While the development of an integrated strategy to combat this problem is a significant step forward, doubts have again been raised about impact on the ground. The plan has been criticised for its inability to provide medical assistance to victims of sexual violence in isolated areas. Access to medical care is much more readily available in the provincial capitals; however, most victims must still cover long distances, often for several days or even weeks, before they can reach a health centre.[86]

2.3 Understanding and breaking the link between the mining sector and conflict

The issue of conflict minerals has long been at the heart of the international debate about the priority steps to be taken for peace in eastern DRC. The links between mineral exploitation and the financing of armed groups were officially established by the UN panel in 2001. However, mining traceability and due diligence initiatives started gaining momentum[87] in the run-up to the July 2010 adoption of the US Dodd-Frank Act/Section 1502 on "Conflict Minerals".[88] This law aims at stopping the exploitation and trade of minerals fuelling conflict and human rights abuses. Section 1502 requires companies reporting to the US Securities and Exchange Commission to disclose their use of minerals originating from DRC or neighbouring countries. This means that companies have to spend huge sums on audits to ensure minerals in their supply chain are not sourced from DRC;[89] if they do source there, the companies have to provide evidence that they have done everything possible to avoid these minerals funding armed groups.

It should be noted that six months prior to the coming into effect of the Dodd-Frank Act, DRC's President Joseph Kabila imposed a ban on mining in the provinces of North and South Kivu and Maniema in September 2010 for a period of six months. The stated objective of this move was to cut off the resources of the armed groups.[90] Both the presidential ban and the subsequent passing of the Dodd-Frank Act have led to a drastic reduction in the official mineral trade in eastern DRC. Although a recent Global Witness report gives examples of reduced funding to armed groups, the US legislation cannot fully address the financing of armed groups (including the national army), as these have many funding sources other than the mineral sector.[91]

Indeed, armed groups have proved resilient to the sanctions imposed by the Dodd-Frank Act (as illustrated by the upsurge in activity of armed groups in 2012, despite the Act), instead diversifying their funding sources. For example, the FDLR draws revenue not only from the minerals trade but also from a wide range of other economic activities, ranging from large livestock trade to the sale of charcoal and the hire of motorcycle-taxis. In fact, it has been shown that only 8 percent of all conflicts in DRC are

86 Teff and Olson (2010). Op. cit.

87 These initiatives include: in 2010, the UN and the Organisation for Economic Co-operation and Development (OECD) developed due diligence standards as a "guidance" to identifying and assessing supply chain risks, specifically risks of financing rebels or army units; the Electronic Industry Citizenship Coalition and Global e-Sustainability Initiative Extractives Workgroup – Conflict-Free Smelter Audit Programme 2009; the 2011 Solutions for Hope Project, a pilot initiative launched by Motorola; the International Tin Research Institute (ITRI) Tin Supply Chain Initiative (iTSCi); the Regional Certification Initiative of the International Conference on the Great Lakes Region (ICGLR); and the Certified Trading Chains Initiative (CTC) of the German Federal Institute for Geosciences and Natural Resources (BGR).

88 "Conflict mineral" is defined in the US Dodd-Frank law to mean either: 'a) columbite-tantalite (coltan), cassiterite, gold, wolframite or their derivatives; or b) any other mineral or its derivatives determined by the Secretary of State to be financing conflict in the Democratic Republic of the Congo or an adjoining country.' The label "conflict mineral" is applied as a blanket term to all minerals named within the law, regardless of their origin or whether trade in any specific unit of them has financed conflict. For instance, anything containing tin is considered to contain a conflict mineral, regardless of where or how the tin was obtained.

89 Green Research (2012). *The costs and benefits of Dodd-Frank Section 1502 – A company-level perspective*. Sponsored by Global Witness.

90 On the 22nd August 2012, the Securities and Exchange Commission published rules on implementing the clauses on conflict minerals in the Dodd-Frank Act.

91 It is not only armed groups that profit from mining, but also troops from the national army. For more on the militarisation of the mining sector in eastern DRC, see the Global Witness report from July 2009: *Faced with a Gun, What Can you Do?*, available at http://www.globalwitness.org/library/faced-gun-what-can-you-do.

related to mineral resources,[92] and that much of the violence is driven by local tensions exacerbated by having to cope with high levels of poverty.

A major unintended consequence of Section 1502 has been to reduce the income of those generating a livelihood from the mineral trade (artisanal miners, transporters and traders), along with those working in other economic sectors that rely on the cashflow generated by the mining sector. The mining sector is a crucial part of the economy of North and South Kivu provinces, both in terms of provincial taxes[93] and populations' livelihoods. However meagre the income is, most people making a living in this sector do not have alternative sources of income or livelihood. This is in a context where insecurity continues to prevent the development of the agricultural sector which in the past – at least in North Kivu – was a more significant economic sector than the mining sector. Rather than addressing the funding of armed groups, the unintended result of the Act could be to reinforce smuggling networks and illegal economic activity, which undermines the implementation of traceability and certification initiatives.

So far, the impact of traceability and certification initiatives on breaking the connection between minerals and conflict is not yet clear and remains the subject of debate among experts.[94] There are four main initiatives currently being implemented in DRC. The first is the International Conference of the Great Lakes Region (*Conférence internationale sur la région des Grands Lacs*, CIRGL) certification initiative, which promotes implementation of the due diligence guidelines of the Organisation for Economic Co-operation and Development (OECD). The second is the German Federal Institute for Geosciences and Natural Resources (*Institut fédéral allemand pour les géosciences et les ressources naturelles*, BGR), which in 2009 began working with the governments of DRC and Rwanda to develop a chain of custody for buyers. The third is the initiative established in 2004 by the Global e-Sustainability Initiative (GeSI) and the Electronic Industry Citizenship Coalition (EICC), with the aim of improving social, economic and environmental conditions by developing a standardised code of conduct. Finally, there is the International Tin Supply Chain Initiative (iTSCi), which started in 2009 and focuses on traceability of tin based on its "geological constitution"; this initiative works with the Ministry of Mines and the Artisanal and Small-scale Mining Support and Monitoring Service (*Service d'Assistance et d'Encadrement d'Artisanal et Small-Scale Mining*, SAESSCAM) to build the capacity of government.

At present, most of these projects are still in their initial phases and there are concerns that they do not sufficiently involve key actors from the mining industry, such as artisanal miners and traders. Moreover, the capacity of state institutions at a local level, and that of civil society actors responsible for implementing these projects, is insufficient and requires further resources.[95] Many argue that the challenges faced in the mining sector need to be viewed as part of the wider governance context and urgent need for reform, notably in public administration and in the army.[96]

The key challenge is to ensure that the mining sector becomes a source for development and profits Congolese citizens. This requires better understanding of how the minerals sector contributes to conflict (as a proximate but not an underlying cause), and avoiding over-simplifying this link. As this report shows, violent conflict in DRC has many and complex causes, many of which are not linked to the mining sector. Whereas mining does fuel violence, addressing conflict requires attention to the broader political

92 UN Integrated Bureau, 'Termes de référence: analyse des conflits' (Internal document, Kinshasa, 2011), p.3.

93 North Kivu depends on mining for two thirds of its revenue, equivalent to over US$30 million a year. Pole Institute: 'Rules for sale: Formal and informal cross border trade in eastern DRC' (2007) and 'The impact of the suspension of artisanal mining in eastern DRC' (2010).

94 An example of these debates can be found in a July 2010 article on the blog of Jason Stearns, *Congo Siasa*, available at http://congosiasa.blogspot.com/2010/07/more-thoughts-about-due-diligence-in.html#comment-form.

95 R. Perks and K. Vlassenroot (2010). 'From discourse to practice: a sharper perspective on the relationship between minerals and violence in DR Congo', in International Alert. *The complexity of resource governance in a context of state fragility: the case of eastern DRC*. London. pp.64-69. Available at http://www.international-alert.org/resources/publications/complexity-resource-governance-context-state-fragility-case-eastern-drc.

96 For more on this, see: 'Derrière le problème des minerais des conflits, la gouvernance du Congo', ICG, 13th April 2011. Available (in French) at http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/derriere-le-probleme-des-minerais-des-conflits.aspx.

economy of conflict, going beyond the mining sector and highlighting governance aspects.[97] The impact of these different initiatives in terms of demilitarising the mining sector is not yet clear.

2.4 Disarmament, demobilisation and reintegration, return of refugees and land mediation

Some of the programmes financed by the international community prior to the implementation of STAREC and ISSSS, as well as other specific programmes put in place by STAREC, constitute an important part of the overall peacebuilding effort to date. Therefore, they provide interesting case studies to help us better understand the challenges related to the current situation in the east. This section offers a critical reading of three significant programmes: the PNDDR, which returns former combatants to civilian life and successfully disarmed some 120,000 fighters between 2003 and 2011; programmes to reintegrate returning Congolese who fled the country during the war; and, lastly, a land mediation programme.

Without going into the details of each of these programmes, the aim of this section is to highlight a fundamental weakness in the approaches adopted by international agencies in developing and carrying out this type of programme. In most cases, they base their work on a standard method of intervention that is exclusively technical and relies on a purely individualistic understanding of the problems. They fail to take into account – or do so insufficiently or too late – the political and collective dimensions of the problems they propose to address. In doing so, they offer a response that is incomplete, relatively ineffective and often criticised by beneficiaries and local groups. This leads to the observation that such operations are based on a misguided understanding of the realities of conflict in DRC and the dynamics of change that are likely to lead to lasting transformation. The various actors need to initiate a wider process of reflection on approaches that focus on the structural and political causes behind the conflicts, a process that is more inclusive of community actors and better adapted to the different local contexts.

Reintegrating former combatants

Following the 2003 peace accords, one of the main problems to be addressed was how to dismantle the various armed groups and reintegrate them as part of a unified national army. Those who had become members of an armed group because of the war but did not want to undertake a military career had the option of being reintegrated into society, either in their home community or elsewhere. Between 2004 and 2011, the National Commission for Disarmament, Demobilisation and Reintegration (*Commission nationale de désarmement, démobilisation et réinsertion*, CONADER) (and later the PNDDR) was responsible for the disarmament, demobilisation and reintegration of some 120,000 former fighters (men, women and children) back into society across the country. The basic principle in identifying candidates for demobilisation was "one man (or woman) = one weapon". Accordingly, those relinquishing their weapon received individual reintegration kits comprising a sum of money, tools and professional training corresponding to the candidate's chosen career. The programme enjoyed a certain amount of success in disarming and demobilising former fighters. However, its success in reintegrating them was much more mitigated, as is often the case for such programmes also in other contexts. In particular it faced significant challenges in relation to the management of its funds.

The main problem encountered in the reintegration process, as has also been the case with efforts to reintegrate refugees, relates to the particularly negative and morose socio-economic climate that prevails in the country as a whole. Although the reintegration kits provided essential assistance, they were not usually sufficient to allow lasting reintegration. A PNDDR official in Bunia summed it up well by saying that the prevailing economic conditions, as well as a clear lack of management skills on the part of those targeted, meant that 'many of those who demobilised did not successfully reintegrate'.[98] An

97 R. Perks and K. Vlassenroot (2010). Op. cit. In an article published in *Africa Monitor* in April 2011, Laura Seay also puts the importance of conflict minerals into perspective. See: 'Is Congo's mineral trade really the key to the country's conflict?', *Africa Monitor*, 29th April 2011. Available at http://www.csmonitor.com/World/Africa/Africa-Monitor/2011/0429/Is-Congo-s-mineral-trade-really-the-key-to-the-country-s-conflict.

98 Interview with a representative of the PNDDR, Bunia, March 2012, translated from the French.

evaluation report produced by the PNDDR concluded that 'the ex-combatants need further assistance if they are to improve what is a highly precarious situation. Their employment status is still worse than that of the rest of the community [...] Their reintegration into civilian life must be further facilitated by actions that benefit both them and vulnerable civilians who continue to mistrust them'.[99] Given the precariousness of their economic and social status, those who have demobilised continue to represent a pool of men and women who could easily be mobilised by warlords.

The notion of individual reintegration ("one man = one kit") that informs many of the aid programmes (for displaced persons, refugees, vulnerable and demobilised members of society, etc.) needs to be seriously challenged and more creative and locally relevant approaches explored. The current strategy suffers from a number of problems that act as obstacles to lasting success. These problems stem from the fact that local communities are not involved in defining the approach to reintegration, even though they are primarily affected by the process of receiving demobilised persons. The return of fighters to the community is a key moment in the peace process, but also a sensitive one as it raises questions of justice and reconciliation.

Many civilians consider that the guilty parties are now being rewarded with reintegration kits.[100] Their perceptions and readiness to accept returnees will be critical to the success of reintegration efforts. Yet, most programmes have a tendency to undermine the ability of communities and their leaders to play a constructive role in the social and economic reintegration process involving demobilised fighters or returning refugees.

Some pilot community-based reintegration programmes that involve demobilised fighters and other vulnerable civilians in socio-economic projects are a positive step towards a less individualistic approach to reintegration. Nonetheless, they fail to fully address the aforementioned concerns. These projects continue to exclude local actors from the design stage of initiatives, and they are often carried out without direct involvement from influential members of the community. Alternative, truly community-focused strategies would make it possible to ensure that those who demobilise are better reintegrated and would also create better links with programmes aimed at community recovery and local governance (by increasing the responsibilities of locals), as well as long-term conflict resolution.

Return and reintegration of refugees

A similar observation can be made in relation to programmes designed to reintegrate returning refugees. Such programmes also tend to be based on purely individualistic and technical approaches. The return of Congolese refugees to South and North Kivu is a cornerstone to finding a lasting resolution to the conflict in eastern DRC. The return of more than 50,000 Congolese Tutsi refugees still living in camps in Rwanda was one of the key points in the peace agreement between the CNDP and the Congolese government.[101] The problem continues to be one of acute sensitivity in terms of identity politics; the return of these refugees is fiercely opposed by several armed groups (the Alliance of Patriots for a Free and Sovereign Congo (*Alliance des patriotes pour un Congo libre et souverain*, APCLS), Mai-Mai Nyatura and Yakutumba) and many "native" communities. This is both a social and a political problem, which shows every sign of being likely to further worsen inter-community tensions and armed conflict in the east of the country.[102] A recent study on the dynamics of repatriation in Fizi and Uvira territories in South Kivu concluded by saying that local tensions and conflicts must be better taken into account by programmes designed to reintegrate refugees in their home communities.[103] This once again implies the need for greater involvement by community representatives and local authorities in defining reintegration strategies.

99 PNDDR (2011). *Rapport d'évaluation des bénéficiaires du PNDDR: Synthèse* (unpublished, translated from French).

100 This concern was also raised during consultation workshops conducted as part of research for this report with civil society representatives.

101 Many Congolese refugees live outside the camps in Rwanda, although it is difficult to assess how many.

102 International Alert (2010c). *Refugees in eastern DRC. A discussion document*. London. Available at http://www.international-alert.org/resources/publications/refugees-eastern-drc.

103 Action pour le Développement et la Paix Endogènes (ADEPAE) and Solidarity of Volunteers for Humanity (*Solidarité des Volontaires pour l'Humanité*, SVH) (June 2011). *Réfugiés Congolais du Sud-Kivu: Enjeux du retour dans les territoires de Fizi et Uvira*, Study carried out in partnership with the Danish Refugee Council, Bukavu/Nairobi. Available at http://www.drc.dk/relief-work/the-great-lakes-civil-society-project/.

Land mediation

Given the importance of land conflicts in eastern DRC – and the direct link between these conflicts and the return of refugees/displaced persons – several major land mediation projects have been put in place by various NGOs and latterly the United Nations Human Settlements Programme (UN-Habitat) in the two Kivu provinces and Ituri.[104] The main appeal of these projects is that they provide a direct, albeit as yet inadequate, solution to the hundreds (if not thousands) of land disputes that have emerged in the east of the country, where both the judicial and customary authorities are often inefficient, costly or perceived as illegitimate by one party or another. The added value of these projects is therefore significant, especially where they have successfully engaged local and customary authorities in the mediation process. They help to establish local structures that carry out land conflict mediation as well as raising awareness and informing the local population about land legislation, etc. However, these structures remain heavily dependent on external financing and are very likely to break up once their international partners have left.[105] These projects have formalised practices that nonetheless already existed at a local level, where mediation is a well-honed tool to resolve conflicts between individuals, even if the scale and methods of informal mediation practices remain poorly documented.

The mediation efforts mainly target disputes between two individuals over a plot of land. Less often, they handle land disputes with a collective dimension, such as between two communities or between small farmers and landowners. The difficulties encountered in collective mediation are more complex than in individual mediation, meaning that a successful outcome is less assured.[106] In order to ensure that the practice of land mediation becomes a lasting feature of the legal landscape and in order to address some of the structural causes underlying land disputes, these programmes have had new dimensions added to them over time. Some, for example, provide technical assistance to public institutions so as to reconcile customary laws and public legislation in accordance with the new agricultural and land codes. Another strategy involves the administrative authorities facilitating the acquisition of land deeds or the recognition of deeds issued by local customary leaders.

Despite the appeal of these programmes, they share one shortcoming: they fail to take into account the structural causes that underpin the most destabilising land disputes – i.e. power struggles between groups (intra- or inter-community), or the dysfunctional land institutions (registries, etc.). Furthermore, they demonstrate relatively little focus on the legal duality that affects the land sector: the major contradictions between land legislation and local customs pave the way for multiple abuses. As suggested by a local UN-Habitat official, the resolution by these land mediation programmes of hundreds of disputes is no more than 'a temporary sticking plaster'.

If they are to have a lasting impact, land conflict mediation processes must involve more far-reaching dialogue between the parties involved and the relevant authorities who have influence over the local political dynamics underlying the land disputes in question. It is imperative to reach agreement at an intra-community level about the division and management of land vis-à-vis local power structures, especially in relation to the return of refugees and displaced persons. Engaging in land mediation – even while, in parts of North and South Kivu, new land disputes are created by armed groups driving families out of certain areas – can only perpetuate the cycle of land disputes and mediation. Moreover, these mediation programmes run the risk of being exploited by local agendas.[107] In the case of most collective

104 These projects were mainly put in place by UNHCR, the Norwegian Refugee Council (NRC), the Citizens' Network (*Réseau de Citoyens*, RCN) Justice and Democracy (in Ituri) and later by UN-Habitat.

105 The case of the Ituri land commission is striking in this respect. This state institution initially received support from RCN at a time when it was carrying out positive mediation work on the ground. When RCN pulled out for lack of financing, the commission was left without an international partner (and therefore financing) for several months until UN-Habitat took over the project with UNHCR funds. During the transition period, the commission was no longer operational. Interview with UN-Habitat section manager, Bunia, March 2012.

106 For further details on the use of mediation in conflict resolution, see: International Alert (2010d). *Small steps towards peace: inventory and analysis of local peace practices in North and South Kivu*. London. In particular pp.27-31. Available at http://www.international-alert.org/resources/publications/small-steps-towards-peace.

107 For example, in Fataki, Ituri, the Lendu leaders assert that UN-Habitat did not 'keep its promises'. As they see it (although they based their arguments on certain international principles relating to the right of displaced persons to recover their land), the mediation led by the UN body should necessarily have led to the restitution of land to displaced Lendus and should therefore have 'removed the Hemas from their native Fataki', allowing the Lendus to regain control of the locality. Interview with a representative of UN-Habitat, Bunia, March 2012.

land disputes, the distribution of power between various communities and powerful individuals is at the centre of the problem and prevents lasting resolution via small mediation processes involving only the immediate individual conflict parties.

The key to resolving local tensions lies in the implementation of a genuine process of reconciliation between the various people affected at different levels: local, provincial, national and regional. As long as this reconciliation has not been achieved, as long as the judiciary remains dysfunctional, and as long as the national and provincial governments have no clear land policy, land mediation or reconciliation efforts are unlikely to have a lasting impact.

2.5 Civil society: A vector for change?

Weaknesses of civil society

Civil society in eastern DRC represents a significant dimension of the peacebuilding sector. For instance, it has played a key role in political discussions and peace accords at the "Track 2" level (e.g. its contribution to the Sovereign National Conference (*Conférence nationale souveraine*, CNS) in 1991–1992, the Sun City Accords in 2002, and the Goma Conference in 2008). It continues to engage in peace initiatives right across society to the grassroots.[108] There are some 171 civil society organisations active in the peace sector in North and South Kivu alone, often local organisations working with support from international NGOs.[109] Activities include increasing awareness, peace education, skills development (training), advocacy and mediation, reconciliation and arbitration. The disputes dealt with are mostly local land disputes and/or intra-family disputes, with economic or armed conflicts rarely addressed.[110] No less than 30 peace initiatives were analysed during the workshops conducted for this report with civil society members, who are involved in several such initiatives in eastern DRC. Examples include the inter-community "Barzas", which promote dialogue between the various communities and are rooted in local traditions. Other examples include the creation of several local mediation, reconciliation and alert hubs, along with efforts to monitor and improve reporting on and response to acts of violence.

Despite such a strong level of involvement in peacebuilding, Congolese civil society strives to assume a strategic, relevant and constructive role that would have a greater impact on long-term conflict transformation and peace. In particular, its capacity for constructive dialogue with the political authorities and its ability to secure their commitment towards peace initiatives, reforms and increased accountability remain weak. This was clear from exchanges that took place during workshops with civil society members in Bukavu, Goma and Bunia conducted as part of research for this report.[111] This core weakness of civil society is due to the difficulty it has in positioning itself in a coherent, clear and constructive manner in relation to three groups: its "base", i.e. the local populations from which civil society secures (or claims to secure) its legitimacy; the country's political authorities; and international bodies. Its relations with these three groups are problematic and have prevented many Congolese organisations from taking on a truly relevant role and acting as a vector for change. This shortcoming can be traced back to three main characteristics that mark large parts of Congolese civil society: it is highly politicised and riven by power struggles; it is often organised along ethnic lines, as various local organisations are in many cases associated with a given community whose interests they defend; and, lastly, donors tend to steer civil society organisations towards their own pre-determined priorities in a particular sector, rather than basing programmes on rigorous analysis of the specific context.

108 Participants at the Bukavu and Goma workshops highlighted the importance of the Goma Conference in illustrating the need to establish dialogue for a lasting resolution of the conflicts in the east of the country, although they also recognised that the conference had been highly politicised.

109 International Alert (2010d). Op. cit.

110 Ibid.

111 The same remark is made by: A. Bilak (2009). 'La société civile face à l'État: vers une transformation positive des conflits', in T. Trefon (Ed.). *Réformes au Congo (RDC). Attentes et désillusions*. Tervuren: L'Harmattan. pp.155-170.

The fact that civil society is politicised is an indication of the problematic relationship that its members have with those in power. One observer correctly points out that 'civil society is a locus of political competition that is synonymous with opportunity and power and difficult to distinguish from the political sphere'.[112] It has an "incestuous" relationship with those in power and often acts as a springboard to a political career. Indeed, it is not unusual for some of its members to be used for political purposes. Civil society is very much affected by the power struggles that mark the political sphere. This prevents it from implementing real strategies for advocacy or constructive dialogue with the authorities; it also severely undermines its neutrality and legitimacy.

Civil society draws part of its legitimacy from its "base" (the local population in a given area), whom it is supposed to represent and defend. Many organisations create local offices that allow them to maintain a link with their base and stay informed about what happens there. However, this "base" is not neutral. Rather, it corresponds to a specific area that in many cases is akin to an "ethnic territory". It has therefore been very common to see the creation of specific associations in favour of development in, for example, Bushi; or associations supporting peace and development in Minembwe, Bunyakiri, Fizi, etc. Civil society associations often act therefore as representatives of a specific "ethnic base" whose particular interests they defend. This feature heightens the competition and power struggles that characterise parts of civil society, as each association tends to work primarily for its own area or community.

Lastly, civil society actors continue to maintain ambiguous relations with international organisations and partners, upon whom they are financially dependent. The role of local associations, who are at the bottom of the ladder in terms of relations between national and international actors, are often limited to the execution of programmes that are defined and developed by international agencies. Such dependency hinders Congolese organisations in the development of innovative strategies for peace. Worse still, it prevents the emergence of organisations with a strategic position that is strong, coherent and specialised, as there is a tendency to intervene in several different sectors in response to the many calls for proposals issued by donors. Finally, it prevents the preservation of expertise and key skill sets within civil society, as the most competent personnel are almost systematically absorbed by international organisations. This hierarchical relationship of dependency is a factor in civil society remaining in a position of structural weakness. This raises a real problem in terms of the long-term impact of the international community's presence. It is time for international agencies to start reflecting on their methods and the relationships of power that they maintain with civil society members at a local level.

Alternative solutions put forward by civil society

With the above overall context affecting civil society in mind, this section highlights a few civil society initiatives that stand out precisely because they have avoided some of the identified common pitfalls. Although not an exhaustive list, these projects offer an alternative and grounded approach to peacebuilding. Such an approach represents a promising counterpoint to the technical interventions taking place under the STAREC and ISSSS frameworks.[113]

The first such initiative is advocacy work led by the Forum of Friends of the Earth (*Forum des Amis de la Terre*, FAT), the Union for the Defence of Farmers' Interests (*Syndicat de défense des intérêts paysans*, SYDIP) and the Federation of Congolese Agricultural Producer Organisations (*Fédération des organisations de production agricole du Congo*, FOPAC) as part of the negotiations that led to the new agricultural code. The second is the participatory and dialogue-based action-research project put in place by partners of the Life and Peace Institute (*Institut Vie et Paix*, IVP): Action for Peace and Harmony (*Action pour la paix et la concorde*, APC), the Network of Organisational Innovation (*Réseau d'innovation*

112 Ibid. p.157, translated from the French.

113 Other initiatives could have been mentioned, such as the programmes put in place by Pole Institute in North Kivu, the Observatory of Governance and Peace (*Observatoire de gouvernance et paix*, OGP) in South Kivu, or the Haki Na Amani network in Ituri. Our objective here is not to provide an exhaustive list, but instead to draw the reader's attention to the existence of alternative approaches that are particularly relevant but, sadly, which remain marginalised.

organisationnelle, RIO) and the Action for Development and Internal Peace (*Action pour le développement et la paix endogènes*, ADEPAE).[114] Lastly, the programme to address trauma and rehabilitate conflict victims using artistic activities developed by *École de la Paix* in Bunia is also of great interest.

The first initiative represented advocacy work in relation to the new agricultural code. It was carried out by a coalition of peasant unions and civil society organisations. Their demands and recommendations were outlined in various consultation documents in North Kivu. These documents were then submitted to the decision makers by representatives of the three organisations. Some of their key concerns were integrated into the agricultural code following intense negotiations. The second initiative – led by APC, RIO and ADEPAE, and supported by IVP – involved participatory action-research that led to the implementation of a bottom-up dialogue process, bringing together local actors and the authorities. The aim of this dialogue is to allow those primarily concerned by the problems being addressed to use data and objective analysis as a basis to agree on a solution to the conflict. This implies that the authorities and other actors are given responsibility for monitoring the way in which the solution is put in place.

Although quite different from one another, these two approaches share certain characteristics that are all too rare in other peace initiatives in eastern DRC, in the following ways:

- They both provided for significant involvement by local actors in defining the content and implementation of the solutions required to resolve their problems in the long term. These actors were chosen on the basis of their legitimacy, influence and expertise in the area concerned;
- With a greater or lesser degree of success, these initiatives endeavour to communicate the concerns of locals to the relevant authorities, whether at a provincial or national level. They are thus directly contributing to establishing "social contracts" and government accountability in DRC;
- They strive to implement solutions that are adapted to the local circumstances, taking into account the first-hand experience of locals and tackling the structural elements of the conflicts;
- Although the final outcome of these initiatives is crucial, the way in which they reach that outcome is equally important. It is this process that makes it possible to 'reunite governable spaces'[115] at different levels, to bring together the people and those who govern them, and to promote dynamics of accountability. In doing so, they help to create a more inclusive style of governance that is transparent and democratic. There is nothing straightforward about such a process: it involves a series of steps forward and setbacks and is never certain to fully succeed. This reflects the fact that the steps to be implemented are the result of lengthy negotiations; only those solutions that have been negotiated in an inclusive manner by all parties concerned are likely to be viable in the long term.

It is also worth noting that the approach adopted by IVP has a strong emphasis on research and analysis, which illustrates the importance of a subtle and detailed understanding of disputes before they can be resolved.[116] The main problem this approach encounters is encouraging the actors and authorities involved to embrace the dialogue and follow up on the commitments reached.

The initiative led by *École de la Paix* in Bunia is distinct from the other two, but shares certain characteristics. It involves rehabilitating and addressing the trauma of former child soldiers from opposing armed groups through creative activities such as singing, drawing and drama. By writing and acting out stories based on what they went through, the children can share their experiences, overcome their trauma and develop closer relations with one another despite once being enemies. They are then asked to present their story to their parents, directly involving them in a dynamic of rapprochement. The initiative, which is entirely based on the children's first-hand experience, adopts a playful and creative approach to transforming their trauma into a positive force for social change. This is an aspect that is often lacking in more traditional initiatives designed to provide assistance to victims.

114 These two initiatives are described and analysed in International Alert (2010d). Op. cit. For more on the work carried out by Life and Peace Institute in DRC, see: A. Bouvy (2010). 'Construire la paix par le bas: l'expérience du Life & Peace aux Kivu', in T. Vircoulon (Ed.). *Les coulisses de l'aide internationale en République démocratique du Congo*. Paris: L'Harmattan.

115 International Alert (2010d). Op. cit. p.48.

116 By way of example, see the reports by APC on the Kalehe territory and by RIO, Arche d'Alliance and ADEPAE on the conflicts in southern South Kivu.

These initiatives led by civil society actors offer particularly relevant and interesting alternatives to the more traditional large-scale programmes. Nevertheless, they remain very much on the fringes of the response seeking to bring an end to conflict in eastern DRC. The principles that form the basis of these initiatives should inspire the entire peacebuilding sector, whether government, international or local actors.

3. Ending the deadlock: Towards a new vision of peace

It is clear that the various programmes led by government and international partners designed to restore peace in eastern DRC have failed. Following elections that, according to several observers, were badly organised and lacked credibility, as well as the spike in armed conflict in the east, many organisations are now re-evaluating their actions in the country and examining how best to redirect their efforts in order to have an impact on the ground in terms of stabilisation, peacebuilding and good governance.

Given the disparity between the political and structural nature of the conflicts in eastern DRC, on the one hand, and the mainly technical response that has so far been provided, on the other, a new generation of peacebuilding strategy and intervention is needed by those actors concerned in order to bring peace and stability to the region. The conflicts that continue to ravage eastern DRC are fundamentally political and rooted in the region's long history. They are multifaceted and have involved various actors, many with volatile and contradictory motivations and inter-relations. The conflicts are mainly driven by the ways in which power, land and all other resources are managed and distributed between various groups, sometimes claiming rights on the basis of different normative factors that pit customary practice against DRC's formal legislation. This dynamic of competition over access to power and resources is present at both provincial and national levels. It explains ongoing tensions between centralised and decentralised systems of governance. These local and national dynamics of conflict play out, moreover, in the context of regional dynamics, having been seriously heightened by two particularly bloody regional wars involving local, national and regional groups looking to serve their own respective interests. The complexity of the Congolese conflicts partly stems from this link between local, national and regional dynamics. This means that the response provided must be multifaceted, take place at several different levels and involve a long-term approach.

Because of these features, the conflicts in eastern DRC cannot be resolved in the short term, even by the most ambitious multi-sector programmes. A definitive solution can only be found by transforming the social and political structures of Congolese society itself: this is a historic process that necessitates a timeframe of one or more decades; it is a process which relates to state operations at all levels, the relationship between the state and its people, a sense of national belonging, a genuine desire on the part of all Congolese citizens to live together, and the level of integration of the national and regional territories.

One constraint on effective peacebuilding in eastern DRC is the inability of interventions to take such a long-term view. This has resulted from various factors, including the pragmatic and political need in Western countries to demonstrate results that justify international development spending. However, the lack of peacebuilding impact in DRC so far is above all due to an analytical handicap in proper analysis of the context. If those engaged in peacebuilding efforts in the east of the country are unable or ill-disposed to correctly describe the problems and their causes, they cannot hope to identify solutions; they are instead more likely to continue with actions that have limited positive effects on the ground. Future strategies must take better account of the true nature of the conflicts affecting the east of the country by focusing on their fundamentally political and structural dimensions, and by drawing on detailed and empirical contextual analysis rather than loose hypotheses. However, as this report has demonstrated, most of the operations undertaken since the 2002 peace accords have been mainly technical, short-term operations with a duration of two to three years, which have adopted a top-down approach, usually led by external organisations.

Box 2: Analytical mistakes hindering effective peacebuilding in eastern DRC

Three common analytical mistakes can be identified, frequently recycled among those engaged in peacebuilding efforts in eastern DRC – mainly within international organisations, but with a knock-on effect on the local NGOs which they fund. These views relate to: the way in which the state operates; the security situation in the east of the country; and the priority levels at which the conflicts in eastern DRC are analysed (local, national and regional).

Weak state or patrimonial state?

One cornerstone of the international community's stabilisation and peacebuilding strategy is "statebuilding". This approach is based on the assumption that the Congolese state is weak and must be strengthened with technical and financial support. Such an analysis underestimates the structural character of a state which, since its creation, has been patrimonial, clientelistic and considered by many of its citizens as predatory, serving the political and economic interests of the elite, who consume resources that should be used for the country's development. This applies not just to those currently in power; it is a fundamental feature of the system and the country's political culture that has been handed down to the current regime. Against this backdrop, elections, which are usually considered as a milestone in the statebuilding process, are held primarily with a view to securing sufficient legitimacy in the eyes of the outside world, rather than in an effort to provide truly democratic governance at home.[117] The same is largely true of the many institutional reforms promoted by the country's international partners, which the Congolese authorities have been very slow to apply. Democratic demands are also lacking on the part of the country's citizens, who do not participate in the management of public affairs and develop strategies to "get by" in order to make up for the state's shortcomings.[118] Continued efforts to strengthen the state, without grasping its own tactical motivations in engaging with this discourse, risk misfiring.

Security in the east

Since the March 2009 peace accords – designed to bring an end to the armed conflict, which resumed in April 2012 – the government has argued that Ituri and the two Kivu provinces are in a "post-conflict" phase. The peace accords did allow a large number of former rebels (from the CNDP, PARECO and others) to be integrated into the national army, and also led to the return of thousands of displaced persons to their villages. However, the integration process within the armed forces was fraught, to say the least, as the political concerns of the largest groups were not taken into account and conditions in the Kivus continued to allow around a dozen armed groups to profit from the violence. The predominance of emergency interventions in eastern DRC throughout the period from 2009 to 2012 is a clear illustration of the contrast between this discourse and the reality on the ground, with several new armed groups forming and existing groups continuing to operate. The violent, "slow-burning" conflict did not let up during this period, especially in remote areas away from the main towns and cities, despite the relative stability seen in certain areas following the rapprochement between the Congolese and Rwandan presidents in January 2009. The government's refusal to acknowledge not only the causes of the armed conflict, but also the many ways in which its consequences (displacement of the population, mistrust between communities, recurring violence, etc.) continue to affect Ituri and the Kivus, has discouraged many international actors from officially challenging this view (and hence designing appropriate interventions), even though some of them do not share it. The distance between the east of the country and the agencies' decision-making centres/head offices in Kinshasa is doubtless a factor. This situation may have led to missed opportunities – for example, following the rapprochement between the Congolese and Rwandan presidents, which appeared to present an opportunity to address the deep-rooted causes of the recurring conflicts in the east of the country, an opportunity that was never taken up.

117 Despite elections being held, the desire of the regimes in place to maintain their grip on power at all costs was demonstrated clearly in a recent report on democratisation in the Great Lakes region: K. Berwouts (June 2012). L'ombre des urnes et des armes sur les Grands Lacs. Brussels: European Network for Central Africa (Réseau européen pour l'Afrique Centrale, EurAC).

118 Examples include parents paying teachers' salaries and civil society being mobilised to contribute to the wages of FARDC troops. In June 2012, during the security crisis that emerged in North Kivu, the provincial president of civil society appealed to the people to each donate one dollar to the troops' salaries.

Overlooking the "local" and linkages between levels of analysis
International actors and institutions often emphasise regional and national issues in their analysis of violent conflicts in eastern DRC, ignoring or providing only cursory analysis of local issues.[119] Most international actors exclusively focus on regional and national dynamics, which they find easier to pin down. However, understanding local (and less visible) dynamics demands detailed empirical research, which in most cases they do not have the capacity to undertake. Another reason for the common emphasis on national and regional issues quite simply relates to the way in which international institutions operate: their mandate primarily brings them into dealing with central government rather than local representatives (and even less so with communities themselves). Yet, as this report has demonstrated, the conflicts in eastern DRC are deeply rooted in local (provincial and sub-provincial) conflict dynamics that stem from the connections between power (governance), land (and other resources) and community-based identity. Even when agencies intervene at a local level, programmes are often based on other contexts with minimal adaptation, and little attempt to coordinate with national or provincial stakeholders. The complexity and duration of the violence affecting the east of the country can be largely explained by the way in which the interests and actors at a national and regional level are superimposed onto pre-existing local dynamics of conflict, underscoring the need to take all three levels into account when analysing conflicts and developing appropriate solutions.[120] Operations that focus on one particular level must account for any links with the other two levels so that they may "act locally" while "thinking globally".[121]

The lack of a truly context-specific response to conflict and the challenges of building peace in eastern DRC risks pernicious effects. Agencies' standard post-conflict interventions are simply not working. Responsibility for these failures lies not only with agencies themselves, but also the Congolese government that has come to deliberately prefer a technical rather than a political conversation with its partners in peacebuilding. In an effort to assert its sovereignty since securing legitimacy at the polls, the government is increasingly reluctant to offer these agencies any opportunity to influence the country's political issues, least of all governance reforms. In other cases, programmes are implemented by a Congolese civil society that is divided and losing legitimacy. A technocratic ethos of intervention can never hope to effect real in-depth change, tending to address the consequences of the problems, often in a relatively superficial manner.

3.1 Recommendations

In light of the current deadlock, there is an urgent need to expand the horizon of possible interventions and develop new approaches to establishing peace in eastern DRC. This must be built on a realistic and empirical basis, in a way that is both inventive and builds on the strength of the positive social and political dynamics currently in place, which are led by Congolese actors. Stakeholders must be willing to carry out frank analysis of the real causes and dynamics behind the conflicts; they must be ready to overturn the misguided hypotheses described above in order to develop peacebuilding strategies that have some chance of success. These strategies must involve strengthening the capacity of those actors who have both real power and a real interest in promoting peace, providing them with the necessary incentives and support.

This report does not claim to have found a "magic solution" to the problems affecting DRC; its authors are acutely aware that such a solution does not exist. Nor does it attempt to offer detailed recommendations

119 See: S. Autesserre (2010). Op. cit.

120 For more on the relative importance of the local, regional and national dynamics, see the debate between Séverine Autesserre and Jason Stearns: 'Guest blog: So how do we help the Congo?', *Congo Siasa*, 15th July 2012. Available at http://congosiasa.blogspot.co.uk/2012/07/guest-post-so-how-do-we-help-congo-part.html.

121 See the *Congo Siasa* blog by the director of the Life and Peace Institute for DRC, Pieter Vanholder, and the coordinator of the NGO APC, Deo Bumma: 'So how do we help *the Congo?', Congo Siasa,* 9th July 2012. Available at http://congosiasa.blogspot.co.uk/2012/07/guest-blog-so-how-do-we-help-congo.html.

for each specific sector (security, justice, land, etc. – although some priorities emerging from the report are highlighted below). Instead, its focus is on proposing an approach that will make it possible to re-orient interventions towards a new vision for peace in the east of the country. It is hoped that this will lead to a new generation of programmes and strategies more likely to provide positive results in the long term. This section will now point to some proposals to help develop approaches that could lead to a new vision for peace in eastern DRC.

i. Correctly define the problem, based on sound analysis

As above, one important factor explaining the lack of impact achieved by existing programmes is that the main elements of the response provided so far are based on a largely erroneous understanding of Congolese realities and of the dynamics of social and political change at work in DRC. Against this background, this report proposes the following recommendations:

- Agencies promoting peace in eastern DRC must engage with the realities shaping state formation in DRC. They need to move away from static assertions of weakness to a more politically nuanced understanding of the patrimonial system. This would allow a more accurate identification of entry-points for constructive change.
- Robust efforts to improve evidence-based monitoring and analysis of the evolving security situation by international actors – and encouragement of the Congolese government to take up its responsibility to do the same – should be initiated and amplified. In turn, this would inform better definition of problems and solutions, moving away from the shared fictions and confusion of the recent period.
- Deliberate efforts are similarly urgently required to build up empirical knowledge of a whole range of issues and perceptions relevant to conflict transformation and peacebuilding at the local level in eastern DRC.
- Agencies should strive to draw on evidence and analysis as a core component of agency-wide and inter-agency strategic planning. This would help to ensure grounding and proper linkages between local, national and regional interventions.

ii. Engage with the political aspects of peacebuilding

Peacebuilding seeks to effect political, economic and cultural change in society. Momentum towards lasting change will only emerge from a new willingness of international and local actors to engage with the political aspects of their peacebuilding efforts. The predatory, corrupt and clientelistic nature of power in DRC, together with the problem of intense, ethnically driven political competition, must be tackled. With decisive implications for the country's political economy and distribution of wealth, this zero-sum political game heightens the frustration felt by "small" communities and regularly reignites inter-community tensions. Electoral contests, along with current administrative boundaries, continue to marginalise certain communities. This leads to frustrations that encourage the use of arms as a means of staking political and economic claims. As yet, there is no mechanism in place to deal with the communitarian dimension of politics. To tackle these shortcomings, this report proposes the following:

- Agencies should integrate an accountability lens into *all* interventions and programmes, across all sectors, in turn informed by detailed stakeholder and political economy analysis.
- The Congolese system of political representation should be reformed in order to adapt it to the country's social, communitarian and historic realities.
- Issues relating to identity and politics should be included in land conflict resolution programmes – going beyond a purely legal approach.
- Competition over the management of natural resources between local communities and the provincial and national centres of power should be taken into account when developing interventions for a more transparent mining sector.

iii. Develop a collectively owned, clear and long-term vision towards peace in DRC

A further critical step towards a new generation of peacebuilding in eastern DRC, building on a more empirical appreciation of "the problems", must be the definition of a shared vision of what lasting peace looks like. Such a broad, long-term vision should incorporate: the country's potential for the development of a stable and effective system of governance; a more open and inclusive society; and a buoyant and equitable economy that benefits Congolese citizens at all levels. It would assert the positive dividends in terms of national unity and regional cooperation that would also flow from peace in DRC.

One of the pillars of this new vision of peace is to build on that which already exists and is available – to draw on practices established by Congolese actors and which they feel are worth pursuing.[122] It is important to include all those who have a concrete impact, whether positive or negative, on the conflicts and the dynamics of social, political and security-related change. As well as local political and administrative authorities, this includes customary leaders, community leaders, economic operators, civil society representatives and religious figures. Careful attention must also be paid to the role of women in these power dynamics – beyond the key role they play socially and economically.

One way forward to help create a momentum towards peace could be a structured process of bottom-up dialogue that would involve the government, its international partners and all the main segments of the population, with the aim of creating a framework outlining a vision for lasting peace. Defined, approved and validated by all parties through a facilitated process, this would take place via structured dialogue beginning with the territories. This dialogue would then be revised and reworked at a provincial level (the two Kivu provinces and the Ituri district) and completed by a national dialogue. It could even expand to bolster dialogue with neighbouring countries in order to ensure full region-wide collaboration for its implementation. Participation by all of DRC's international partners, including China, would be ideal, to avoid contradictory or divisive external influences from among the parties.

The process of arriving at a shared vision of peace would, in a very practical sense, allow for greater levels of convergence and conviction among stakeholders working towards common goals. The dialogue process and articulation of a clearer roadmap for the future could, furthermore, in itself generate greater social cohesion. At the same time, it could galvanise greater accountability on the part of Congolese authorities, whose lack of political commitment to stabilisation efforts has been a significant hindrance so far. The national government would make it the clear responsibility of provincial governments in the Kivus and Orientale to initiate and manage the dialogue at territorial and provincial levels.

This would be a complex and open-ended process, with both advances and setbacks, seeking to reach an agreement between key figures on the best path to follow to end the conflicts. It would also seek to put pressure on those who resist a lasting solution.

Roadmaps focusing on the reform of specific sectors (justice, security, public administration and governance) could be produced on the basis of this national vision. These roadmaps should also be based on detailed empirical research, as above. This process should adopt a bottom-up approach: each local roadmap should be accounted for at the highest level (provincial and national). Overall, this process would enable innovative solutions to be identified and promote greater understanding of and empathy for the views of others, i.e. those considered to be "enemies". In this respect, research and dialogue become active and process-rich peacebuilding tools as well as an integral part of a dynamic of rapprochement and reconciliation.

Efforts to engage in structured dialogue should be led by Congolese actors, actively involving themselves in the dynamics of positive change. By involving those who play a direct role in governance, this approach

122 The paradigm of real governance, mentioned in the first section of this report, offers a particularly relevant point of departure from which to develop peace initiatives that are based on realities on the ground rather than theory. It emphasises the importance of understanding better the real – and often informal – dynamics of power at different levels, and of identifying the key figures (whether official state representatives or not) and the relationships that develop between them.

can address the fragmented and negotiable nature of power in DRC. It would bring together the many individuals who make up the various "governable spaces" – both horizontally (those who work at the same hierarchical level and share the same realities of authority) and vertically (those with different levels of power). In so doing, it would contribute to the establishment of public spaces that are more inclusive, and a stronger "social contract". This process would also allow members of civil society to engage in constructive dialogue with those in power, thereby helping to strengthen the capacity of civil society to secure commitments from the authorities towards positive change.[123] This would favour a dynamic of civic participation within the population and a dynamic of accountability among the country's leaders. To this end, the following recommendations should be considered:

- Agencies working towards peace must take the time to identify and support locals who are achieving a positive impact on peace at their own level/in their own sector. These locals could be private organisations, politicians or members of civil society.
- Further discussion among key stakeholders should be undertaken to design and administer – with Congolese actors at the fore – a widespread, inclusive and facilitated process of national dialogue. The twin aims of such dialogue would be articulating a collectively owned, clear, long-term vision towards peace in DRC, and improving governance and social cohesion.
- Emerging from the "vision", roadmaps for addressing core security and peace priorities should be designed. Future local, national and international interventions should, at the same time, be based around these.
- All actors should recognise peacebuilding in eastern DRC as a historic process that necessitates a timeframe of one or more decades and which relates to: state operations at all levels; the relationship between the state and its people; a sense of national belonging; a genuine desire on the part of all Congolese citizens to live together; and the level of integration of the national and regional territories.

iv. Key points to be addressed through a "new vision of peace" dialogue process

Key issues to be addressed through such a dialogue process that this report considers likely focal priorities include the following:

a) ***Access to, and management of, land in rural areas:*** Land problems emerge both because of significant levels of land insecurity and because of inter- and intra-community tensions. Such tensions are caused by competition over access to power, the dysfunctional administrative institutions (land registries, etc.) and the duality between written land legislation and local customs. These issues must be actively addressed by the various parties as part of the vision of peace. Treatment through an inclusive dialogue process could serve as the basis for the revision of legislation, including the land code.

b) ***Division and management of political power:*** In a society in which tribal belonging is a key reference for identity, and in which the state's governance methods are patrimonial and clientelistic, the "democratic game" is largely a question of exclusive competition between the various communities, thus depriving the democratic process of any real substance. This makes the manipulation of ethnic identity a highly effective strategy in the struggle for power. With a view to promoting closer relations between the state and its citizens, a key objective in establishing lasting peace in DRC, an agreement designed to establish new rules for a more inclusive and balanced division of power could serve as the basis for a smooth shift towards decentralisation. It is essential for this decentralisation process to be at the heart of any dialogue on peace.

c) ***Returning refugees and displaced persons:*** This is a particularly sensitive issue, which, if not managed with transparency, runs the risk of reigniting armed conflicts and heightening community tensions. The various local actors should seek to agree on the best way to facilitate the reintegration of those returning so as to manage tensions. These agreements would supplement the tripartite agreements already in place between UNHCR and the countries concerned. In particular, they should strengthen the authorities' active involvement in this issue at a local level.

123 For more on this, see: A. Bilak (2010). Op. cit.

d) ***Recognising the central role of security:*** Without improvements in security (including establishing the state's monopoly on the use of violence), progress in other areas will remain fragile. There are three core security problems to be addressed, where non-military solutions should be expanded:

- **The presence of local armed groups, their relations with civilians and their use of arms:** The limitations of a purely military strategy, both in terms of tangible results and in relation to the security risks facing civilians, are apparent. The military path also underestimates the political, economic, regional, land- and identity-related dimensions of this problem. Non-military strategies based on negotiations and dialogue should be expanded, with a view to addressing the deep-rooted causes behind the emergence, persistence and reinforcement of armed groups. These strategies should actively involve key community members as well as local authorities. At the same time, they should strive to create the necessary conditions for definitive and voluntary disarmament. Such an approach, which would necessarily take place over the long term, must be linked to a wider process of inter-community reconciliation that tackles the various problems (land, politics, etc.) that divide communities and partly explain why armed groups continue to operate. There is also a need to evaluate and strengthen the persuasive capacities of certain community representatives in relation to the armed groups, especially as most groups seek legitimacy on the basis that they are defending their communities.
- **The presence of foreign armed groups, mainly the FDLR:** Military operations have a limited effect on the operational capacity of the FDLR, since the inherent weaknesses of the FARDC prevent a definitive military victory, yet military operations contribute to a worsening of security for civilians. Other, more exhaustive strategies that are not exclusively military should therefore be (re)developed. These might include putting political and military pressure on FDLR troops to undermine their loyalty towards officers, bolstering disarmament and repatriation strategies, or offering the option of settling in other provinces in DRC once disarmed, etc. Here, too, the problem of the FDLR requires solutions that are adapted to the specific realities of each local context rather than a standard response.
- **Dysfunctionality and lack of internal cohesion in the national army:** A resolutely political approach to SSR must be developed. As a priority, it should tackle internal cohesion and problems of governance – that is, soldiers' pay being stolen by senior officers, troop involvement in taxation, mining exploitation and land disputes, as well as relations between the FARDC and armed groups.[124] Such an approach should include an evaluation of the political dynamics that have blocked reform of the security sector in the past.

e) ***Promoting a positive vision of regional cooperation:*** It is essential to recognise the strong economic ties that exist and will continue to exist between eastern DRC and neighbouring countries. At the same time, the Congolese government must be assisted to better manage the economic and political dynamics of this cooperation in order to benefit the Congolese people. This economic interdependence is all too often seen only in the negative light of the trade in "blood minerals", without due recognition of the importance of trade for the survival of thousands of poor households (many of whom are represented by female small traders). These cross-border trade links provide visible evidence of the *positive* economic interdependence between countries in this region and are an important factor in economic growth and closer ties between the different populations.[125] A positive approach to regional cooperation must also focus on nurturing positive relations between DRC and Rwanda. Following a period of courteous diplomacy between 2009 and 2012, relations between the two countries have become strained once again since the emergence of the rebel

124 This view of military reform largely reflects the more detailed conclusions to be found in the April 2012 report published by 13 Congolese and international NGOs: FIDH et al (2012). *République Démocratique du Congo: Prendre position sur la réforme du secteur de la sécurité*. Available at http://www.fidh.org/IMG/pdf/rdc_rapport_fr.pdf.

125 The "Trading for Peace" programme financed by the UK's Department for International Development (DFID), USAID and the Common Market for Eastern and Southern Africa (COMESA) is an example of a programme that has recognised this interdependence, highlighting the role that trade can play in peacebuilding, stabilisation and poverty reduction. See: DFID (2009). *An agenda of reform: trading for peace*. Available at http://webarchive.nationalarchives.gov.uk/+/http://www.dfid.gov.uk/Documents/publications/trading-for-peace-reform-agenda-en.pdf. See also: International Alert (2012). *Walking in the dark: informal cross-border trade in the Great Lakes region*. London. Available at http://www.international-alert.org/resources/publications/walking-dark.

group M23 and allegations that Kigali is supporting it. As well as improving relations between the two capitals, the consolidation of ties between civil society groups in DRC and Rwanda should also be a priority, with a view to encouraging rapprochement – and even reconciliation – at a regional level. Exchanges and a process of collaborative reflection on the conflicts affecting eastern DRC, along with their ramifications for the wider region, should be organised by these groups more often and more systematically. Such an approach would favour the emergence of a shared perspective and help to develop a regional advocacy strategy, with civil society groups leading the way. Economic targets act as a further incentive to develop positive collaborative ties across regional borders between institutions, entrepreneurs and citizens. The oil industry in eastern DRC and Uganda is an opportunity to achieve this, but it must be managed in a transparent and accountable manner. The absence of a truly regional approach to conflict transformation on the part of international partners, which is undermined by the bilateral relations between external actors and governments in the region, must be addressed.

International Alert.
346 Clapham Road, London SW9 9AP, United Kingdom
Tel +44 (0)20 7627 6800, **Fax** +44 (0)20 7627 6900
general@international-alert.org
www.international-alert.org

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