

Rapport de mission en RDC
UN SEMBLANT D'ETAT EN ETAT DE RUINE
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At the end of September 2009 I went to eastern Congo for the first time since the beginning of the Umoja Wetu operation in January 2009, which I had witnessed at first hand. In November 2009 I was in Kinshasa. In both cases I met with several national and international NGOs, the main organs of civil society, grass roots organisations and also representatives of the international community such as diplomats, army personnel and people in charge of development cooperation. As always I also spoke to leading figures in local politics.

The purpose of this document is to bring together the elements of the two visits in one single analysis. I am convinced of the fact that it is part of EurAc's added value to consider the discussion in eastern Congo in the light of the Democratic Republic's inability to establish and apply all its institutions and its instruments to impose the rule of law. The country has been unable to make any progress towards the restructuring of the state on the basis of the support provided by the 2006 electoral procedure.

I have just completed, with a bit of delay, a resume of my findings, my impressions and the insights and information shared with me by the various people I talked to, and brought together into one political analysis, which I in turn can share with you. It is not a document on the official position of EurAc; it is the result of one person's considered experience and is his alone.

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Introduction: a growing democratic deficit

The Third Republic's democratic deficit deteriorated and is a cause of great concern: democratic institutions are in hock to the government, which leads to decisions being taken through parallel channels; parliamentary debate is compromised by the increasing weakness of the opposition. Discussion on the revision of the constitution gives reason to fear that the current regime which came out of the electoral process of 2006 will simply perpetuate existing power balances.

We observe that the judiciary has difficulty in fulfilling its mission and note with consternation that its failures occasionally lead to "mob justice". We are also aware that the people are disappointed with governance: the lack of real progress in the battle against corrupt practices in the administration goes together with a total refusal of any form of budget.

1. The obsession with 2011: nearing the end of the first legislature

On 25 March, 2009, following two months of pressure from his party and President Kabila, Vital Kamerhe, the president of the Congo National Assembly, resigned his office. His political associates wanted him to leave because he had forcefully objected to Rwandese troops entering the country at the end of January.

The event mirrors several tendencies in Congolese political life:

- a) It was foreseeable that after the Congo elections in 2006 there would be tensions between the semi-presidential regime as defined by the Constitution and the Head of State, who felt that the elections legitimised his wish to set up a fully presidential regime. While Vital Kamerhe was in the chair, the National Assembly had faith in its role: it had claimed and obtained freedom to act as a legislative power and as a body of which the executive had to take account. Kamerhe's departure diminished the autonomy of the Parliament.
- b) With the departure of Kamerhe the democratic deficit considerably increased. From that moment we can observe an increase in the number of cases of intimidation, arbitrary arrest and other violations of human rights affecting journalists, civil society leaders and politicians.
- c) Vital Kamerhe's resignation also sparked off the election fever almost half way through the first legislative session of the Third Republic, the start of jockeying for position for 2011 and even for 2016. Insiders of Congolese politics told me that there was a deal between the Head of State and his stablemate who headed the National Assembly: Kamerhe would support the re-election of the current President in 2011 who would support, after his second and final term, the election of Kamerhe as his successor in 2016. But Kamerhe's visibility and popularity President of the Parliament has worrying the President (Kamerhe was becoming an independent political force too fast) as well as worrying his closest allies (especially Katumba Mwanke and Evariste Boshab would prefer not to leave the leadership of the country to Kamerhe in 2016).

- d) Finally, the offensive against Kamerhe is part of a process of closing the ranks around Kabila. The President is known as someone who finds difficulty in taking decisions and communicating but who is easily influenced by those close around him. Through the years observers have been able to follow the tensions between opposing groups within the presidential entourage. In recent years and especially following Kamerhe's resignation, the President's entourage has become narrower and more Katangan, with Katumba Mwanke and John Numbi in leading roles), and people from Maniema around the President's mother.

Now, in January 2010, we are approaching the end of the legislature following the 2006 elections. Constitutionally, 2011 will be an electoral year. The regime is in a rather ambiguous position: on one side the population is very frustrated that they have received no peace dividend. The regime is aware of its unpopularity, even in the provinces where it won its majority. On the other hand it does not have much to fear from the coming elections due to the lack of any organised opposition worthy of the name.

The MLC has never been able to get over the departure from the scene of Jean-Pierre Bemba after the violent outbreaks in March 2007. Its Secretary General François Mwamba was never able to incarnate the leadership of the opposition. MLC will most probably not be a strong contestant in the absence of its president. The UDPS, the party of Etienne Tshisekedi, the historic leader of the opposition in the days of Zaire, did not take part in the 2006 elections. The party has indicated that it wants to take part in local elections but since then it has not shown much signs of unity, clear leadership or the ability to mobilise support now that its chairman is absent from the political scene due to his age and poor health. PALU, a member of the ruling coalition, has also lost its unity after the sidelining of Mayobo as a minister, the resignation of Prime Minister Gizenga (who as a pioneer of independence won impressively in 2006) and the fact that the current Prime Minister has not given the impression that he can make a difference. N'Zanga Mobutu has a long-term political capital but his political movement does not seem to have much potential for mobilisation outside Equateur Province.

Within the presidential majority we cannot see much political will to face the elections separately from the PPRD. Olivier Kamitatu is respected by many and he is considered one of the most effective ministers but in 2006 he was not a political heavyweight. Today he is not showing great ambitions to offer the electorate any independent political option. By introducing the debate on changing the constitution (including a longer mandate and unlimited re-election), he confirms that he has set his sights on being Prime Minister by remaining in the presidential camp.

Pierre Lumbi's Movement for Social Reform (MSR) does not seem very ambitious to act as an autonomous party either, and is happy to share power in the margin of the PPRD. The party, from the time of its inception, was intended to consolidate loyalty to Kabila in civil society: it was created with funds and staffed by Samba Kaputo in order to monopolise its active elements.

The Government's absolute priority is to be re-elected in 2011. It is clear that the contest for the leadership will be carried out entirely within the presidential entourage between very few people. The cement holding the members of this little group together is fundamentally economic and based on common interests. Divisions and possible conflicts exist within the group and can be activated by anyone who sees an advantage in doing so, but they will remain below the surface if no one finds a reason to exploit them. The tension in the heart of the President's entourage between North and South Katanga is a case in point. In the south of Katanga for instance, there is great unease about the road linking Kolwezi with Solwezi in Zambia, which will cut off a large part of South Katanga from economic development. If Kolwezi becomes the capital of (the

future) province of Lualaba, South Katanga will probably cease to be the centre of economic gravity in the province and several politicians will lose a great part of their income. The rift between Numbi (North Katanga) and Katumba Mwanke (South) could potentially cause the presidential circle to split apart and contribute to the possible implosion of the whole state.

In this situation the Head of State remains an enigmatic, almost pharaoh-like figure. He is inaccessible except to his immediate entourage, he gives the impression of being uncertain and indecisive. He knows he need not fear any serious political grouping, but he knows that as the leader of a team which is driven by distrust and often incompatible interests his position is very vulnerable, if not actually dangerous.

The consequence is a more and more authoritarian attitude of the regime. Decisions are often made through parallel channels and the government, which was already not very effective, is paralysed since the announcement of a ministerial reshuffle: the majority of ministers do not now dare to take any initiative for fear it will not meet with approval and “His Excellency” will lose his ministerial portfolio. The fact that ministers are no longer secure in their posts leads many of them to take as much as they can while they can...

It is clear that the regime does not want to quit lose power. It is probably impossible to refuse to organise elections, as it would lose credibility and support. One option is to play for time, in the hope that there will be some speedy implementation of contracts with the Chinese and others so that work can proceed on the five “chantiers” the President announced in his 2006 electoral campaign, adjusting his current unpopularity. “Ultra-light” elections might also be an option for the government: elections held in as tightly controlled conditions as possible. That possibility is indicated by the fact that civil society has been excluded from the Independent National Electoral Commission. In any case it is difficult to imagine elections in 2011 that will be a real battle of ideas giving Congolese society a choice between different visions.

Many of the people I spoke to were waiting for some clear indication that Vital Kamerhe had some short term plans. He is in a remarkable position. On the one hand the government is aware that there is no credible opposition and that the regime has no other opponent of his stature, should he wish to stand. On the other hand, the government is conscious of its own unpopularity, even in the east where it was elected. It may hope for an easy re-election, but it will need Kamerhe.

Kamerhe created a political current in the heart of the PPRD, but many observers expect that he will have to choose between setting up his own political party or rejoining the President’s entourage on terms very favourable to himself but unpopular with at least one section of the entourage. In either scenario Kamerhe will play a leading role. His position is simultaneously comfortable and dangerous.

2. Local Elections, important but not for everybody

Three years after the inauguration of the Third Republic, we note that the local elections which were necessary to complete the first electoral cycle have still not been held. EurAc has always stressed the importance of citizen participation in the process of national reconstruction. Local elections should have an essential role in the rehabilitation of governance in the DRC. They are not only essential to legitimise a state which was dismembered less than a week after its independence; they are also an essential element in the development from an embryonic democracy to an operational one. We consider that the procedure of elections is a kind of

apprenticeship for democracy and will contribute to the renewal of the political landscape and the emergence of new leadership from the grass roots. We have always kept up our partnership with the Electoral Commission as well as with those structures of Congolese civil society who work for local elections through their advocacy and their public awareness campaigns.

However, the elections are not giving rise to the same enthusiasm as the national and provincial elections in 2006, either among the Congolese political elite, or in the international community, or in the general population. The government reproaches the international community of being slow to pledge financial support; the international community reproaches the Congo government of lacking the political will to organise elections; and the general population is frustrated by the failure of the 2006 elections to establish a credible Third Republic with strong and active institutions, led responsibly by elected representatives who are conscious of their accountability to the electorate. The population is, as it was in the past, confronted with the guilty absence of the state.

When visiting the embassies, it becomes obvious that there are countries and international institutions that do not accord any kind of priority to local elections. But others are genuinely involved and have already allocated \$139 million of the \$163 million that the elections will cost.

The countries supporting the local elections in the Congo expect a clear indication from the Congo government that it is also committed, including in financial terms. For 2009 they asked for a financial contribution of \$32 million. During the year, due to the financial crisis, they agreed on a reduction to \$10 million. At the time of my meetings in the second week of November the government had paid out about \$6 million, of which 1.4 million had arrived at its destination. The rest had left the Treasury but had not yet arrived at the right place...

It seemed a gigantic step forward had been taken at the inter-institutional meeting held in Kisangani on 25 November with the presidents of the Parliament, the Senate, the CEI, the Military High Command, the Supreme Court of Justice, and the Prime Minister, the State Prosecutor of the Republic and the Auditor General of the Military High Command. They settled the basic options for municipal, urban and local elections, and the dates for the 2011 elections. Unfortunately there has been no real follow-up on the results and the positive conclusions reached at the meeting.

The legal framework is still not in place. The law on CENI (Independent National Electoral Commission, which is intended to replace the Independent Electoral Commission which exists today) has been approved by the National Assembly but so far not by the Senate. Three draft laws have been passed by the National Assembly. The draft laws concern the constitution, the organisation and management of territorial units and their relationship with the state on the one hand and, on the other, the regulation, organisation and management of the provinces, as well as the proposed law concerning the management of the governors' conference. Last July the Minister of the Interior proposed a single draft law on decentralisation. The National Assembly's political and administrative commission split it up into three drafts which were then passed in plenary session by the lower chamber.

Everybody is wondering whether it is still possible to organise local elections in a reasonably short time. But the key question is: is there, behind all the discussion of practicalities and logistics, both institutional and operational, enough political will to organise the elections? In the absence of a strong opposition the current regime feels that its victory in the 2011 presidential and legislative elections will be easily won. We should count the local elections as one of the rare

factors that may disrupt that outcome. They could provide the space for new or existing political groups to find a new spring in their step, a new discourse, a new electorate.

3.Umoja Wetu and Kimia II: the superficial optimism of 2009

In the late January 2009 report of my field visit, “*Playing poker with life and death*” , I questioned the durability and sincerity of the marriages of convenience between Congo and Rwanda and between the FARDC and the CNDP. I expressed my concerns about the impact of military action against the FDLR on the civilian population. I also feared that there would be serious political consequences for the Third Republic. In our press release of 19 February 2009, “*EurAc fears that the joint operation is not bringing a lasting solution to the conflicts in eastern Congo*” our network of European NGOs pressed, *inter alia*, for the creation of a space for dialogue with the FDLR to speed up the non-violent disarmament process and voluntary repatriation; and we appealed to the EU and its member states to put pressure on Rwanda to guarantee democratic freedom and to enter into a constructive dialogue with its diaspora. In our press release of 16 June, “*Do no harm. Kimia II will only have a counterproductive effect*” EurAc pressed for reform of the security sector (SSR) and unification of the army in particular, as key elements in the rehabilitation of the Congolese state and its institutions which are necessary for the restoration of a constitutional state.

At the beginning of the year, the international community seemed optimistic now that Umoja Wetu as a joint Rwanda-Congolese operation broke the military deadlock which had become untenable at the end of 2008. The rapprochement between the Congo and Rwanda, considered by many as a necessary condition for the lasting resolution of conflicts in the region, was materialised because the two countries had few other options. Joseph Kabila, powerless with his phantom army facing the CNDP backed by Rwanda, had requested military help. The African Union, the Southern African Development Community (SADC), the European Union and individual countries such as Angola had, among others, considered sending troops but at the end of the day nobody came to his aid. Rwanda for its part has had a difficult few months. In addition to the difficulties created by the arrest warrants by the judges, Bruguière and Andreu, Rwanda was engaged in a painful argument with the EU over the publication of the observation report on the September 2008 legislative elections. In December of the same year the UN experts’ report was published, with plenty of detail on the Rwandan support for Laurent Nkunda. Sweden and the Netherlands immediately suspended part of their budgetary aid and in the British press there were some very clear demands that this unconditional support should stop. Kabila had no other options because he had been left alone in the face of a humiliating political and military situation. Kagame had no other options because he was confronted with a changed attitude on the part of partners who had formerly supported him. Resolving the situation through Umoja Wetu, and later Kimia II, was supposed to start with the integration of the CNDP into the FARDC and the neutralisation of the FDLR.

A year after the launch of the military operations, it is clear that they have not attained their objectives. The CNDP was certainly decapitated by the arrest of Laurent Nkunda but proper integration into the Congolese state has not happened. Part of the CNDP never got integrated into the army and for the part that did the question was: “Who finally integrated whom?” What happened was superficial *ultra light* integration. Military integration of forces which were formerly enemies is a long and difficult process even if it is well accompanied and in optimum conditions. The “integration” of the CNDP into the FARDC at the start of Umoja Wetu, however, was undertaken very quickly with very little outside help and in the middle of a military operation. The result of the integration of the CNDP is that is larger than before and that it

controls more troops and a considerably greater geographical area. CNDP's chain of command has remained intact and since the movement is now part of the "regular" army this has become a parallel chain of command. In many parts of Kivu CNDP's parallel administration, including road blocks, remains in place. Most of all, as a result of Umoja Wetu and Kimia II, CNDP units have gained access to economically interesting places. At the end of 2008 CNDP was not present in Walikale (North Kivu) or Mwenga (South Kivu). Financially it was dependent on what it was given from various Rwandan sources, from the business community in Goma and by controlling imports and exports at the Bunagana frontier post. Deployment as part of the military operations has given it a grip on one of the most lucrative mineral areas in the DRC, including Bisie mine at Walikale.

The year 2009 has been a glorious one for the CNDP. But this is only part of the reality. The CNDP has had a radical change of leadership. Laurent Nkunda was replaced on the initiative of Rwanda by Bosco Ntaganda who came from a different geographical background (Masisi not Rutshuru) and a different clan (Gogwe not Jomba). Bosco is neither an intellectual, nor is he charismatic. He joined CNDP relatively late and is wanted by the International Penal Court. This change of leadership has revealed major divisions in the CNDP. It split into factions which were on several occasions about to fight each other. Similarly in its civil structure new men have come and gone. Thus the CNDP has been weakened by disunity. At first sight the CNDP appears the winner, consolidating its hold on the east and preparing its reign. This is not true. The CNDP has become a virtual reality which does not really exist as an organisation and this contributes to increasing chaos, disorder and total impunity.

As far as the FDLR is concerned the military operations have solved nothing. The FDLR has avoided confrontation, retreating from its positions and then regaining most of them, taking revenge on the local Congolese civilians even more violently than we have seen in recent years. When I was there I was shown a letter of the FDLR command to the different brigades ordering violent action to be carried out against the Congolese civilian population in order to create chaos and bring about negotiations with the FDLR. Not everyone obeyed the orders. In North Kivu, the FDLR always carried out a rotation of its forces which meant that it had no links with the local population. In South Kivu there are deeper links with the community. They kept their chain of command and their operational forces. The Commander in Chief of Kimia II's euphoric communiqué at the closing ceremony listed the FDLR fighters who had been neutralised but does not mention in the same detail the price paid by the Congolese population. It also forgets to say that the FDLR is like a vase that is emptied and refilled at the same time: some people leave and others join. Not only FARDC deserters coming from former Mai Mai and Pareco, but also demobilised FNL fighters. New people have been recruited in Cyangugu and Gikongoro. The final assessment of Kimia II, given by its Commander, is that it has reduced the nuisance value of the FDLR but we reserve the right to doubt that.

Throughout this period MONUC has remained loyal to itself: not at all proactive, with a rather vague role, often absent at the time and place of the action, with too little coordination between its civil and military structures, too distant from the Congolese people and heartily loathed by them....Despite this, the Monuc presence is strong enough to prevent Congo of becoming another Somalia, and that is a real and very important merit.

MONUC did not participate in the military operations. It was not at all involved in Umoja Wetu, and for Kimia II its support was mainly logistical without giving it the status of a participant or any impact on the operation. The Congo authorities kept Monuc at a distance enough to exclude it from the planning and carrying out of the operation but at times close enough to give it responsibility in case of failure or loss of control. The ambiguity of this position has provoked

discussion about the different aspects of MONUC's mandate – on one side protection of the civilian population and on the other partnership with the FARDC at a time when it has become a danger to the civilian population. This has been the case in the east of the Congo in 2009 even more than before.

4. The virtual reality of the FARDC

In the last two years a big improvement has been observed in the relationship between the Congolese political and military authorities and EUSEC, the EU mission the process of unification of the Congo armed forces. This mission focuses on good governance and transparent administration by separating the chain of command from the “chain of payment” and by a biometric census of the troops. Relations improved after the replacement of Chikez Diemu as Minister of Defence by Charles Mwando Nsimba, a statesman with a long career in politics. Mwando's multilateral approach is very important in an area where the Congo government has to lead and where the contributions of the various international partners must be guaranteed to be coherent.

Mwando has presented three draft laws to Parliament proposing army reforms. The Parliament wanted to make a distinction made between defence and the army and in the end imposed another law on light weapons and those of small calibre. Finally the deputies thus passed five bills, after a process of genuine parliamentary debate. This indicates that democracy functions up to a point. Nonetheless we must take account of the fact that the Ministry of Defence does not have the final responsibility. The Presidency is responsible for defence and the Ministry runs the day to day affairs. Charles Mwando's impact is also affected by his health.

EUSEC is limited by the fact that it is just one actor among many and that it is extremely difficult to find any coordination between them. For example, the European and UN approaches have very different starting points. The EU works with a long term vision while MONUC seeks a much more immediate impact. The connection between the collective initiative of the EU and the supplementary bilateral initiatives of some member states can also guarantee effectiveness and credibility. The chances of EUSEC playing a greater coordination role seem to be limited as some of the partners in the process are not European (e.g. Angola, South Africa, Morocco).

On several occasions in the previous years, EUSEC has seen much of its effort annihilated due to events on the ground. Each time there is a major military concentration during an offensive (December 2007, late 2008 and the operations of 2009) units are de- and recomposed making it impossible to know who is where, based on the information collected by EUSEC. Disintegration and fragmentation seem to happen each time there is a military campaign in the Congo.

There were two remarkable phenomena at the start of Umoja Wetu. One was the important role played by John Numbi, the Inspector General of the Congo police. The FARDC High Command directed by Gen. Didier Etumba remained completely outside the planning process. The second was the large part the CNDP played within the FARDC. It was mostly the CNDP brigades, wearing FARDC uniform, who were deployed in Umoja Wetu. Again it was these same brigades, as part of the 10th military region who were deployed in South Kivu during Kimya II, leaving the 8th military region aside.

A year ago, CNDP troops were estimated to number about 4,500 – 5,000 men. EUSEC's latest statistics show that 9,000 new CNDP soldiers have been integrated. There is no doubt that some Rwandans have been integrated into the Congolese army, though it is difficult to prove exact

numbers. While we should avoid reducing the problems of the Congo to Rwanda's role and analyses which take as their point of departure "*the great conspiracy*" it is understandable that those on the ground say with some bitterness that, thanks to Umoja Wetu and Kimya II, FARDC's acronym seems to have come to stand for "*Forces Armées du Rwanda Déployées au Congo*".

The centrifugal forces within the Congolese army today are stronger than the dynamics of reunification. Local militias refuse to leave their region to be deployed elsewhere under the FARDC, since they know they will be living in conditions of poverty, without the least idea when they will be able to rejoin their families, left behind in conditions of uncertain security. There are many desertions, which in the context of the disastrous DDR mean that the deserters are picked up by military groups such as the FDLR and others.

There are many reasons why the process of unifying the Congolese army is so slow. Logistics, for example. Regrouping the militias, registering each soldier individually, training them, re-shuffling them and deploying them into new units, all require the use of barracks. But there are none, or at least very few. There is the matter of natural resources. A large number of armed groups (whether or not they have been integrated into the national army) only survive economically because they have taken possession of a mine, or some commercial concern, etc. and they are reluctant to abandon their possession. Then there is the question of transparency and good management, or rather the absence thereof. In fact the less clear the army's organisation chart the greater opportunities there are for those at the head of the army to embezzle large sums of money. Such cases do not concern only the monthly pay of the soldiers; important military operations are also affected. It is absolutely evident that Rwanda has no interest in the Congo having a credible republican army. But Kabila is not interested neither in a strong army which, he fears, could one day turn against him.

Three comments to end the section on the army:

- 1) Two years ago, the idea of the existence of a putsch scenario in the DRC seemed quite ridiculous, simply because there was not enough coherence in the army to contemplate such a thing. No group was well enough organised to seize power and there were no outstanding personalities around whom such a scenario would crystallise. Now, although the army is scarcely better structured the same scenario seems less fanciful. Many national and international observers of the current political and military situation in the Congo are concerned about John Numbi's position. He belongs to the inner circle of power; he controls the police and *de facto* a large part of the army. Many of those I spoke to thought he was an ambitious man, who at present can afford to do as he wished, but who might decide to overthrow the institutions the moment he felt his economic interests were threatened. Economic interests are central to the tensions between North and South Katanga in the President's entourage...
- 2) The Congolese army remains a heterogeneous, undisciplined, badly trained amalgam of different militias, and whenever there is a problem of armed bandits on the loose, efforts are made to resolve it by "integrating" them into the "regular" army, and giving the command to the one who has done most to violate human rights. Is it any surprise that it does not work well?
- 3) The absence of a responsible national army poses a big problem for the Congo, but it is not in the first instance a military problem. I was told that there were young officers of the FARDC who had been killed by their own men because they were preventing looting.

But they had no means of provisioning their soldiers... There is no political will to unify the Congolese army and it is not fair to blame only senior military commanders and place on them the entire responsibility for the crimes committed by the troops. There is a heavy responsibility within the political circles.

5. The war economy is still intact

Since 1998, the east of the Congo has developed from an informal economy in a violent context into an entirely militarised economy based on total impunity. Illegal exploitation and the trade in natural resources have played an increasingly crucial role in funding armed groups, not only militias but also regular armies. Natural resources sustain the conflict and hinder the process that should lead to the creation of a unified and effective army.

The illegal traffic in raw materials which results from the disintegration of the Congolese state has been reoriented towards Kigali and Kampala. Rwanda has become dependent on the export of minerals which are not to be found within its own territory. It is not only its national budget but also the lifestyle of its political and military leaders which make it necessary for the trade in the wealth of the Congo to pass through Rwanda.

An analysis of military movements and armed confrontations between the FDLR and Umoja Wetu (the Rwanda-Congo joint operation until February) and Kimya II, the FARDC operation supported by MONUC from May onwards, reveals that control of areas rich in natural resources was at stake rather than militarily useful positions from which to attack Rwanda. According to those involved in Congolese civil society initiatives aiming to speed up voluntary demobilization of FDLR combatants and their return to Rwanda, the FDLR, even if it remains military in structure, is well aware that it cannot defeat the Kigali regime by force of arms and has therefore abandoned this objective.

Over the years the FDLR have evolved from being a politico-military organisation with the aim of winning power in Kigali, into an economic structure integrated into the militarised economic life of the eastern Congo. The real objective of Umoja Wetu and Kimya II was not the political and military neutralisation of the FDLR but the conquest or reconquest of mining areas. The result of these operations is that a large proportion of such zones has fallen under the control of the FARDC, especially the units under CNDP command.

The military operations have not changed the militarised nature of Kivu's economy. The availability of natural resources which can be exploited by manual labour, the existence of well established commercial circuits and the international market's demand for the minerals all continue to encourage political and military fragmentation in eastern Congo. With relatively few men and arms, anyone can gain and hold a position in the « chain of exploitation », take part in politics, be involved in the peace process and gain influence in government or the army.

There are two other simultaneous developments:

- 1) Various sources report a big influx of cattle into North Kivu from Rwanda. For many years the CNDP has funded itself by raising what has become known as «*vaches sans frontières*». Herds are smuggled in from neighbouring Rwanda and graze on Kivu's

green pastures, before being sent back across the border to be sold at a very good price. According to several people I spoke to this activity has increased in recent months.

- 2) Kinyarwanda speaking refugees are returning to the DRC. At the end of 2009, numbers were estimated at 12.000 families in Masisi and Rutshuru territories. They come from Rwanda and claim to be refugees from the Congo but this is difficult to verify. Neither the Congolese local authorities nor those responsible are able to identify with certainty whether such people are really refugees from the Congo. 80% of them claim to have come from refugee camps in Byumba and Kibuye in Rwanda, but are not able to provide any documentation proving that they have been registered there as refugees.

These factors add greatly to existing tensions concerning ethnic and land issues.

6. The regional context and the role of Rwanda

In January we were happy, as everyone was, about the rapprochement between the Congo and Rwanda. Without the normalisation of the climate between these two countries there will never be sustainable peace in Central Africa. The return of normal diplomatic contacts between the two states was important and the exchange of ambassadors a real step forward.. However, at ground level there was no noticeable change.

The rapprochement between the Congo and Rwanda gives an opportunity to strengthen regional frameworks and initiatives in the belief that the complementary nature of the countries of the region can be enhanced and shared interests can be developed and contribute to a common identity – all necessary elements for peace and sustainable development in the region.

At the present time we can see considerable enthusiasm for the regional economic networks, such as CEEAC, CEA and CEPGL. Their role is important. Unfortunately such enthusiasm runs in parallel with political disengagement from the International Conference for the Great Lakes Region (ICGLR, which has problems in mobilising its international partners, partly due to the fact that the countries of the region do not themselves seem to be seriously involved. Nonetheless we remain convinced that the ICGLR's mission is important: it is still the only political body in the region with the mandate to deal with urgent issues such as sexual violations, the illegal exploitation of and trade in natural resources, frontier insecurity and the violence perpetrated by armed groups in general. It has a Secretariat and important political back-up from, for example, the Nairobi Pact and its various protocols. Yet while we strongly advocate a greater role for the CIRGL and the economic networks such as the Communauté Economique des Pays des Grands Lacs (CEPGL), we must take care that these structures do not legitimize the domination by stronger states over weaker ones, for example by appropriating their natural resources.

I am convinced that part of Rwanda's strategy is to take advantage of the unequal balance in the regional structures between on the one hand Rwanda, a strong state and on the other the Congo, a state which is in ruins, and to consolidate its strategic interests in the Congo in the short and medium term. The exploitation of the mineral riches of the eastern Congo is crucial for Rwanda's national budget as well as for the personal wealth of its political and military élite. Aware of the weakness of the Congolese administration, the feeble steps taken against corruption and the porous nature of the frontiers Rwanda will try to make maximum profit from the exploitation of the Congo's natural resources. The decentralisation process will consolidate Rwanda's

dominance in the strategic zones in which its ally CNDP has deployed in support of Umoja Wetu and Kimia II.

Moreover the report of the United Nations Panel of Experts on the illegal exploitation of natural resources in the DRC has thrown light on the implication in this exploitation of other countries in the region.

Another regional matter which was troubling a good number of those I met in November was the deterioration of the DRC's relations with Angola. This country is still the main ally of the Kabila dynasty. It supported Laurent-Désiré Kabila in the war of 1996-97, it responded positively, a long with Zimbabwe and Namibia when invited to defend the Congo against the aggression of Rwanda and Uganda in 1998. Angola played a decisive role in the days following the assassination of Kabila senior as well as in his succession. During the transition, Angola remained a major partner of the Congo in reforming the security sector, contributing to training programmes and to the integration of the Congolese army.

The present tensions between the two countries are related to discussions about Angolan oil exploitation in territorial waters. The sending back of Congolese refugees from Angola and vice versa aggravated the conflict. Nervousness about the conflict increased greatly as a result of direct contacts which have existed for some time between Rwanda and Angola (and confirmed by everybody). News circulating on the grapevine in some Congolese, Angolan and international circles hints that Angola may soon be preparing for a change of régime in Kinshasa. I heard this from so many different sources that the suspicion cannot be excluded that it had been spread by the Congo government which was trying to strengthen its position by creating a feeling of panic ...

Conclusions and suggestions for EurAc's advocacy

The Congo and Rwanda began the year with a surprise - their rapprochement and the joint operation. For Kabila as for Kagame, this rapprochement was a marriage of reason rather than of love: neither of them had other options. Twelve months later the Congo is weaker: neither the political institutions of the Third Republic nor the administration function any better than they did a year ago, and the army has more problems that it is unable to resolve. Insecurity continues to reign in the east of the country: even if the relationship of the forces on the ground has changed, impunity and the militarisation of the economy remain as they were. The suffering of the population remains the only constant in the situation.

Rwanda, for its part, has quickly recovered from its moment of weakness and relative isolation. Its participation in a joint military operation with the Congolese army and its withdrawal within the due time were seen as a serious indication of good intentions. Rwanda's access to minerals and grazing land in Kivu is greater than a year ago and its ally in the Congo's politico-military context, the CNDP, is today in a position it could only dream of a year ago. Rwanda is once again considered to be a stabilising factor in the region and this has been confirmed by its acceptance into the Commonwealth (in spite of a very critical independent report) and by the visit of the French President to Kigali. The fact that the United States is prioritising a regional approach to the problems of central Africa (the nomination of Ambassador Howard Wolpe, the visit of Secretary of State Hillary Clinton,...) does not appear to reduce their loyalty to Rwanda.

The economic interests of some élite groups in the two countries are such that they will continue to wage a low intensity war in the region. Moreover, the events at Dongo in Equateur Province which began in mid-November 2009 have demonstrated the fragility of the Congo, even in the west of the country. We witnessed how a local dispute over lagoons between a community of fishermen and one of hunters, (of whom some were ex-combatants, who have hung on to their arsenals like all demobilized fighters) has had nationwide significance.

This document is not a of lobby instrument. It is the report of a field visit which aims to sustain and clarify the analyses and the discussions within the network, which will then formulate and publish its recommendations. The following paragraphs are not recommendations but suggestions to EurAc's Board of Administrators, offering a few possible directions which a lobby on the DRC might take. It is up to EurAc's Board to reformulate them or adopt them if they consider them to be relevant.

- 1) International NGOs including EurAc are involved in a major lobby concerning eastern Congo. This is of great importance given the dramatic situation in which the people of the area are living. It is also important to keep the Congo in the media spotlight. However, we must beware of focusing on the east of the country alone, which sometimes appears to be a self-contained problem area. What goes on in the east is directly linked to what happens (or does not happen) in Kinshasa and in the other provinces. The Congo will always remain fragile unless the state is strengthened so that it has the power to enforce constitutionalism and good governance. EurAc, which works from a perspective of development and sustainable peace, is perhaps more aware of the national dimension than the INGOs which concentrate on humanitarian relief and human rights.
- 2) At present there is hardly any dialogue between the international community and the Congo government. Diplomats have difficulty in gaining access to those who hold real power and take decisions. EurAc must continue to lobby for an explicitly political dialogue between the international community and the government, based on a genuine will to contribute loyally to the country's development (with funding and expertise), as well as serious pressure in priority areas (human rights, good governance, democratic participation etc). What is needed is a *road map* with bench marks reached by common agreement. Such criteria will allow progress in different sectors to be monitored. Of course this dialogue must be one of mutual respect and partnership, recognising the legitimacy and sovereignty of the Third Republic.
- 3) For EurAc, the creation of a truly unified, effective and disciplined army is the backbone of lasting security in the eastern Congo. In addition to our previous recommendations, related in particular to a better coordinated and complementary approach by the different partners, we must lobby for the introduction of a screening mechanism for recruits to the FARDC as a means of excluding from the army and the police any individuals guilty of human rights violations, including sexual abuse. Another priority is a working military tribunal with the courage to judge officers who have committed abuses, including sexual violence.
- 4) There is a clear link between the illegal exploitation of natural resources and the conflict. EurAc does not have the mandate or the necessary means to become expert in this area but we must try to ensure that our work is better articulated with the work of those members which are highly specialised in these issues. Perhaps we should also ask ourselves how we should target the actors, businesses and commercial networks in industrialized countries profiting from the looting of resources

- 5) We have advocated a negotiated solution of the problem of the FDLR. Since the problem is political, the solution has to be political as well. We must be aware that a political solution will not be effective unless it is accompanied by real pressure from the military. I can see two ways of refining our advocacy on this issue: (a) what sort of interaction should there be between the military and diplomatic ? How should military strategy be integrated into an overall political approach? And what precisely can the international community contribute? (b) What in practice do we mean by «a diplomatic approach»? Negotiations with whom and to obtain what? How could we integrate into our work the steps already taken on the ground towards the voluntary demobilization of FDLR combatants?
- 6) Rwanda is a grey area in which much is left unsaid. When the international community signals to Rwanda that it cannot do just as it pleases it is referring to its role in the Congo, for example when part of the budgetary aid from Sweden and Holland was cut in December 2008. The internal situation in Rwanda is very rarely or never criticized. Yet if the FDLR combatants are to return home, they need to be sure that they can live in future in peace and dignity. In Rwanda, as it is governed today, the outlook is gloomy as far as democratic participation, guaranteed human rights and socio-economic opportunities are concerned. As in the case of other countries in the region, EurAc must continue to demand the same explicit dialogue with the Rwandan authorities and a *road map* based on precise benchmarks.
- 7) A stumbling block in the peace process between Rwanda and the Congo, with the question of the FDLR in the background, comes from the fact that a whole community is to blame for the genocide. The *génocidaire* label is applied to a whole group and not to individuals. The only way to make satisfactory progress on this question is to be more explicit as to which persons are to blame and of what they are accused.
- 8) We must continue a regional political structure as we are convinced that economic networks will not resolve such problems as sexual abuse, illegal exploitation and other cross-border issues.
- 9) It is vital to advocate a greater degree of multilateralism and coordination of the international community's actions. In fact, in spite of the huge budget spent on the Congo peace process (elections, Monuc, army integration etc.), the results are still well below expectation. If the international community wants to make a difference, it must show that its members are working together in coherence. Yet it is divided at the present time by strong bilateral interests. There is no unity and no single voice. To succeed, China will have to be included in the search for this unified position.