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## EXECUTIVE SUMMARY

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### **Conflicts in Africa**

With the end of the Cold War, demise of apartheid in South Africa, and the advent of the new millennium, there were high expectations that Africa's conflicts would be rapidly resolved and the continent would enjoy an unprecedented era of peace and stability. Despite significant progress in the past few years, however, stable peace is still elusive in many parts of the continent. It is difficult to provide a generalized view of African conflicts as they do not resemble the conventional wars and conflicts familiar to the world, but instead they are highly irregular involving a combustible mix of ethnic conflicts, malfeasance and competition for plunder of natural resources. To further exacerbate the situation, there is a growing tendency of countries to intervene in the internal conflicts of their neighbours.

Violent conflicts have continued to be one of the major sources of hunger and malnutrition, which have become perennial features of life in the region. Today, an estimated 23 million people face starvation and death if not provided with emergency assistance. Hunger and despair stalks the regions' fast growing urban slums and refugee camps where millions live in squalor. In the countryside, peasants and nomad pastoralists struggle against the ravages of war, natural calamities and the inefficient and inequitable economies of their shattered countries. In addition, Africa is home to 70% of the adults and 80% of the children who are living with HIV/AIDS in the world.

### **The NEPAD/UNHCR/JICA initiative**

As a program of the African Union, the New Partnership for Africa's Development (NEPAD) was established in 2001, with an objective to eliminate poverty; improve the socio-economic status of African countries, to facilitate the participation of women in all sectors, and to empower African countries to fully participate in the global economy and create the conditions that would ensure peace and stability.

For the purpose of effective formulation of assistance programs foreseen under the NEPAD Sub-Cluster "Humanitarian Response and Post-Conflict Recovery", JICA and UNHCR have launched a study on the development and causes of conflict in DR Congo. The post-conflict situation covers: political governance and transition; security; humanitarian assistance, reconstruction and socio-economic development; human rights, justice and reconciliation; and gender. The report also attempts to make a preliminary set of recommendations based on studies conducted by an independent consulting firm.

### **Causes of the conflict in Democratic Republic of the Congo (DRC)**

The causes of conflict in present day DR Congo are rooted in many historical, regional, social, economic and geo-political factors, of which the following require scrutiny:

- The colonial experience and ethnic identities;
- The end of the Cold War;
- Corruption, decay, and collapse of the Zairian State;
- Social and regional tension and;
- International competition over resources.

## EXECUTIVE SUMMARY

**Colonial experience and ethnic identities:** From the violent 1885 Belgian imposition of colonial rule to the advent of independence, people of the region have suffered brutal oppression and large-scale exploitation of resources. The Belgians created artificial territories with geometrical boundaries that were determined by imperial ambition and might, rather than considering ethnic, linguistic, historic and local political dynamics in DRC. Millions have been killed resisting the occupation and exploitation of the country. Despite the resistance, the imposition of the colonial overrule had no impact in merging the diverse political movements into a common political system for the colony, or later the state. The Belgian colonial possession in Central Africa, which later became Democratic Republic of the Congo in 1960, was comprised of ethnic groups, nations, and even kingdoms with diverse political system and cultures. Some of these groups had been bitter enemies for centuries and had only been compelled to tolerate each other under the oppressive umbrella of the colonial power. Lacking a coherent and functional unity and besieged by ethnic hostility and competition, the state of Congo has experienced ongoing violence almost since its inception as an independent state, almost 50 years ago. After 75 years of brutal colonial rule, the Belgians left very abruptly, relinquishing the political rights to a small exclusive and unrepresentative group of elites.

**The end of the Cold War:** Just as Mobutu owed his rise to power to the incidence of East-West rivalries in the continent, so did the collapse of East-West rivalries lead to Mobutu's inevitable end and the collapse of Zaïre. For a quarter of a century, the Mobutu state was able to compensate for its lack of internal legitimacy by drawing huge dividends from its international status as the strongest ally of the United States in Africa.

**Corruption, decay and collapse of the Zaïrian state:** A sustained period of institutionalized corruption and incidences of cronyism and misappropriation of state resources began during the reign of president Mobutu. Mobutu's kleptocratic rule left a legacy of devastated economy, a society driven by ethno-regional enmities, plagued by deep poverty, economic instability, high inflation, violent crimes and extreme social inequalities. The welfare of ordinary citizens in terms of healthcare, education and social services was so neglected that Zaïre became one of the lowest ranking countries on the UN's Human Development Index (HDI).

**Social and regional tensions:** Ethnic tensions originating in the colonial days have been exacerbated by the manipulation of elites who incite and distort ethnic identity and consciousness into an instrument to pursue their own personal ambitions. In Eastern DRC for instance, the Banyarwanda people, who had emigrated from Rwanda and had been living in DRC for hundreds of years could not obtain Congolese citizenship. In fact, relations between Rwandans and Congolese people of the Eastern Kivus had been strained and the country has always been in a constant friction. In North Kivu, relations between Banyarwanda of Hutu or Tutsi ancestry were often strained because of longstanding citizenship issues of Banyarwanda immigrants.

The influx of Hutu refugees fleeing the Rwandan genocide also exacerbated the ethnic and territorial struggle that had existed in the region previously. There was an ethnic element in the "war of liberation" which started on 2 August 1998, shortly after President Laurent Kabila had ordered the withdrawal of the foreign officials and forces of Rwandese/Tutsi origin that had been instrumental in bringing his regime to power. Government forces in Kinshasa and in Eastern Congo exercised many attacks on Tutsis, as Banyarwanda and others of Tutsi origin were accused of supporting the rebels. Many went into hiding or were detained until they were evacuated from the region.

**International competition over resources:** The UN Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2003/1027) released in October 2003, listed approximately 125 companies and individuals having contributed directly or indirectly to the conflict in DRC by allying with the warring factions and developing "elite networks" of key political, military and business representatives to plunder DRC's natural resources. These companies benefited from the chaotic

## EXECUTIVE SUMMARY

environment in DRC and obtained concessions or contracts on terms that were more favourable than they might receive in countries where there was peace and stability.

### **The conflict and aftermath**

The current conflict of DRC began in October 1996, when an armed coalition led by Laurent-Desire Kabila, known as the Alliance des Forces Démocratiques pour la Liberation du Congo-Zaïre (AFDL) entered the country accompanied by the Rwandan Patriotic Front (RPF). Following inconclusive peace talks between Mobutu and Kabila, and facing little opposition from the Armed Forces of Zaïre (FAZ), the AFDL forces marched to Kinshasa in May 1997.

Following a year of Kabila's rule in August 1998, a "war of liberation" was initiated by the same force that had installed Kabila in May 1997, against President Kabila and a war broke out between factions of the AFDL. Rwandan troops who helped Kabila oust Mobutu in 1997 joined the rebellion with the intention of ousting Kabila, and replacing him with the newly formed Rwandan-backed rebel group called the Rassemblement Congolais pour la Démocratie (RCD). The Rwandan campaign was diverted at the last minute when Angolan, Zimbabwean, and Namibian troops intervened on behalf of DRC's government. In response to Kabila's call for the Rwandan and Ugandan forces and corresponding Congolese militias to leave, both countries retaliated by forming new alliance and the splintering of old alliances contributed to even more confusion and escalated conflicts throughout DRC.

### **The peace process**

The Lusaka Accord signed in July 1999 called for a cease-fire, as well as the deployment of a UN peacekeeping operation (Mission Organisation Nations Unies du Congo (MONUC)), the withdrawal of foreign troops and the launching of an Inter-Congolese Dialogue to form a transitional government that would foster elections. Though the first MONUC observers were deployed in 1999, the parties to the Lusaka Accord failed to implement fully its provisions in 1999 and 2000.

The Inter-Congolese Dialogue that was reconvened in South Africa on 25 February 2002 included representatives from the government, rebel groups, political opposition, civil society and Mai-Mai (Congolese local defence militia). The talks ended without results in April 2002, when the government and the Mouvement pour la Libération du Congo (MLC) brokered an agreement that was signed by the majority of delegates at the dialogue, but left out the Rwandan-backed RCD-Goma, Congolese opposition party and Union for Democracy and Social Progress (UDPS), among others. This partial agreement was never implemented, and negotiations resumed in South Africa in October 2002 leading to an all-inclusive power sharing agreement ratified by all parties on April 2003.

The transitional government that resulted from the Global and Inclusive Agreement and established by President Joseph Kabila is a state to remain in place until local, legislative and presidential elections—the first since 1960—are to be held in 2006. Thus, DRC launched a referendum on December 2005 to establish a new constitution that should allow for general elections in 2006 and establish democracy after years of war and dictatorship.

Despite the recent events in the Eastern part of the country, the Government of National Unity has led efforts to reunify DRC, consolidate the peace process, and create political and administrative institutions in the provinces, the security services, police force and an integrated army. With the aim of consolidating peace, the government has developed the Disarmament, Demobilization, and Reintegration (DDR) programme. Civic institutions are in place and are beginning to provide support for the democratic system and the defence of individual liberties to

## EXECUTIVE SUMMARY

smooth the functioning of the Republic. The World Bank, International Monetary Fund (IMF) and other bi-lateral and multi-lateral aid institutions have praised the Transitional Government for its effort in attempting to restore a working capacity for its administrative and governance institutions.

### **Impact of the conflict**

The conflict in DRC has had vast and devastating ramifications for the interior of the country as well as for the entire Great Lakes region. It has led to frightening levels of hunger, disease, displacement and death, along with rampant human rights abuses, poor infrastructure and destruction of arable land, food security problems and recruitment of children as soldiers. Civilians endured the worst of the war and are still subjected to violence and human rights abuses daily. As such, rape victims are particularly vulnerable to contracting HIV, in addition to psychological effects, physical injury and the risk of pregnancy. In government and rebel-controlled areas, the population has suffered greater exposure to infection of HIV/AIDS because of the conflict. The humanitarian situation in DRC today is one of the worst in the world. Some 300,000 Congolese have become refugees in neighbouring countries, while an estimated 2.5 million are internally displaced within DRC as of 2006.

The combination of civil unrest and violent conflict, coupled with economic mismanagement, has taken a disastrous toll on the development of DRC. Both the public and private sectors have been destroyed, with the government operating at a limited capacity and nonexistent political institutions. As a result, the standard of living for many Congolese and the per capita income has significantly deteriorated.

The conflict and instability in DRC involving as many as nine neighbouring states, in addition to the Congolese government and rebel factions has allowed for neighbouring states to try to exert influence over the country in order to maintain political, economic, and security interests. Ultimately, the situation in DRC is one of endemic violence that has spiralled out of control due to the constantly evolving nature and agenda of the parties involved. Because of the ever-changing political agendas, parties may form fragile alliances that are also susceptible to fragmentation. Peace building is very difficult to ascertain in an environment where this type of constant fragmentation enhances the longstanding violence.

### **Preliminary recommendations**

The recommendations of this study are offered to further consolidate peace and security, establish a participatory political system, respect for international human rights, and improve humanitarian assistance, reconstruction, development efforts and gender related initiatives. Most of the activities are recommended here to highlight the importance and urgency of fostering good governance, improving the living conditions of the people and promote sustainable development of DRC.

#### **1. Political governance and transition**

Rapidly building local capacity to enable consolidation of the peace is key, which means that resources are needed to spearhead development efforts and improve public sector performances.

- **Free and fair elections, freedom of speech, assembly, and association:** Ensuring free and fair elections; building the capacity of the electoral commission; providing capacity building training to political parties on elections; establishing the election polling stations and undertaking massive voter education. Throughout this process, opposition groups must have legitimacy and a level playing field should be assured by an

## EXECUTIVE SUMMARY

independent electoral board; Fully respect constitutional provisions for the freedom of speech, assembly and association and for political parties to exist legally.

- **Higher popular participation:** Encourage popular participation, engagement of civil society, and increase capacities for civic education. There will never be long-term stability in DRC until there is a more inclusive government and a political process firmly based on broad-based participation of all of citizens. Non-governmental, grassroots, professional, religious and special interest groups, organizations and other elements of civil society must be promoted and encouraged to participate in various types of activities. Such activities must include increased civic education, curricular development and execution, and targeting various segments of the society.
- **Promotion of Civil Society Organizations and democracy:** Create mechanisms for Civil Society Organizations (CSOs) to exist legally and function as counterweight to the other powers. CSOs should be encouraged to develop the capacity to act as representatives and intermediaries for their members. Professional associations and independent think tanks should be allowed to take professional and academic initiatives that could promote better policy formulation by public institutions.
- **Respect for ethnic pluralism:** Guarantee and respect ethnic pluralism, the rights and autonomy of minority groups. Their equal participation in the society and political processes must not be violated.
- **Decentralization:** Decentralization of authority and devolution of power to local governments is the only viable option for DRC. Decentralization brings efficiency to solving local problems, better promotes transparency and accountability, allows for equitable resource allocations and is an effective check against the concentration of power in the centre. It will also reduce competition and conflict between ethnic elites, the major cause of conflict, as power issues are not decided solely in the national arena and are counterbalanced at regional and local levels.
- **Vigorous and assertive legislature:** With full respect of the constitution, strengthen the legislative body and law enforcement. The judicial system also needs to be strengthened as an independent body by including through appointment of qualified personnel and improving working conditions.
- **Rule of law:** To establish rule of law and reverse the effects of four decades of sustained institutionalized corruption, DRC must undergo a regeneration of social and ethical values and norms that govern professional and personal behaviours, social interaction and economic activities. Every effort must be made to change the mind-set of the population and begin to restore confidence in and respect for traditional institutions and agencies of governance. There is a general feeling of animosity towards economic, governance and social institutions, especially among the youth, due to a perceived sense of neglect and abandonment. Restoring the rule of law must be an integral element of DRC's strategy of facilitating social cohesion and enabling democratic political life;
- **Better administrative and economic governance:** An effective, transparent and corruption-free administrative service delivery system is indispensable to build a democratic society. DRC should, therefore, build the capacity of these institutions and ensure that they are accountable and efficient. Improving working conditions and employment of capable individuals are some measures that should be implemented.
- **International and regional cooperation for peacebuilding:** Many of the causes and consequences of DRC's conflict, ranging from illegal arms trade to a large-scale refugee flow, outbreaks of ethnic violence and the illicit trade of natural resources, have strong

## EXECUTIVE SUMMARY

trans-boundary dimensions and must be addressed through regional cooperation. In recognition of this fact, DRC must seek to further develop its cooperation with neighbouring countries in the fields of security and peace building. Specific areas of cooperation may include efforts at harmonizing national laws and regulations on import and sales of arms and ammunition; cooperation and information exchange amongst customs authorities; coordination of law enforcement to counter banditry and smuggling; and cooperation in regard to border control.

### 2. Security sector

The government of DRC, supported by the UN, the AU and other partners and donors, must continue to work in the areas of ensuring peace and security throughout the country. In this area, the priority activities should include:

- **DDR:** Further develop and coordinate the Disarmament, Demobilization and Reintegration process (DDR). The DDR plan should include clear timetables, the consent and consensus of military heads from all sides, and a plan for encampment, registration, disarmament and reintegration;
- **Security sector reform:** Pursue transformation of the defence forces, state security, intelligence services, civilian police, border control, and customs authorities. Security sector reform should be guided by principles of human security and incorporate the security of the civilian population as well as the state.
- **Arms control:** Develop a consultative planning process to establish an arms control program through peace building, security sector reform, establishment of the rule of law, the development of legal framework for firearms ownership and use, weapons registration and licensing, weapons containment and stockpile management systems.
- **Natural resource management and its separation from conflict factors:** Establish a specialized unit to monitor links between natural resources exploitation and conflict in key resource-rich districts in the country, such as Ituri. It must be ensured that such a unit is provided with adequate resources and that it reports regularly to the highest possible level in the executive organ as well as legislative bodies.
- Enforce international laws regarding the exploitation of natural resources. This will necessarily include assisting the DRC government in providing financial and technical resources to the Ministry of Mines and Energy and other relevant ministries to improve compliance with the country's Mining Code as well as applicable international laws.
- **Return and reintegration of refugees and IDPs:** Re-establishment of systematic access to administrative and social services, livelihood systems, ensuring protection, and provision of assistance to refugees, IDPs, and other displaced persons to facilitate return, and reintegration and enable the population to actively participate in reconstruction of their country.
- **Mine action:** Systematize landmine detection and demining processes to provide secure conditions for revitalization of socio-economic activities. Providing rehabilitation services to mine victims is also critical.

### 3. Humanitarian assistance, reconstruction and socio-economic development

- **Access to emergency humanitarian assistance:** Identify and quantify the nature of humanitarian problems (health, shelter and education) facing vulnerable groups and ensure them humanitarian assistance, including ensuring food security, providing basic health, sanitation, and education, rehabilitate key physical infrastructure and provide targeted assistance to groups with special needs including those affected by HIV/AIDS.
- **More developed business environment:** Major reforms related to general business environment, arbitration, legal settlements and tax regimes that will have a significant impact on the population's socio-economic situation must be pursued relentlessly. Legal and administrative provisions should also be made for the creation of an atmosphere conducive for private investment. Laws and administrative procedures against corruption, in all its manifestations, need to be developed and made operational. The public needs to be informed of the budgets and public expenditures through multi-track communications. Creating an independent auditor general's office staffed with trained professionals is one practical step.
- **Micro and Small Enterprises as vehicles for development:** Micro and Small Enterprises (MSEs) have been identified as the main engine for poverty alleviation and employment creation especially for youth. Impediments to their development in policy, administration, institutional frameworks, and financing should be identified and eliminated. There is also need for re-launching the activities in the agricultural sector, which were severely disrupted by the conflict. Immediate actions in this area could include distribution of tools and improved seeds, access to credit, vaccination of livestock and modernizing fisheries.
- **Encouraging entrepreneurship:** Specific measures to stimulate, develop and promote entrepreneurship must be based on a firm foundation of sound economic management, efficient public services, positive attitudes towards business and reliable infrastructure. Expensive investment promotions like sending missions abroad or advertising internationally, might best be undertaken when the ingredients for a satisfactory business climate at home are in place. Moreover, an investment promotion agency and other public service agencies must first establish a 'service function' (rather than regulatory function) to assist entrepreneurs who are already in business.
- **Infrastructure rehabilitation:** Rehabilitate wide array of infrastructure, particularly in the transportation, communication, energy, education, health, and water supply sectors. Securing assistance from the international community, exploiting the rich natural resource base, and prioritized resource allocation must be undertaken to realize such rehabilitation.
- **Institutional capacity:** Build institutional capacity for policy development and co-ordination. Policy objectives must be clearly defined and specific measures made consistent with overall priorities and objectives of national economic management. Experience has further shown that the provision of incentives and other forms of assistance to entrepreneurs operating at different levels must be subject to periodic review and continuation of such incentives made conditional upon compliance with clear and transparent performance criteria established in advance.

### 4. Human rights, justice and reconciliation

- **Respect for human rights and ensuring justice:** All combatants must observe standards of international humanitarian law and, in particular, the right to life of civilians

## EXECUTIVE SUMMARY

and non-combatants. Those responsible for violations of international humanitarian law in Northeastern DRC, including commanders and combatants of groups including government forces responsible for such violations should be brought to justice. Reform of the security sector must ensure that violators of human rights are prevented from holding leadership positions.

- Stop human rights abuses and develop a national plan of action, which covers protection of all human rights including in civil, political, economic, cultural and social spheres. Capacity building of national institutions dealing with human rights issues should focus on the integration of gender and provide assistance to the judiciary. Regular public awareness campaigns on the human rights and humanitarian law could be useful tools to achieve these goals.
- **Protection and assistance to ex-child soldiers:** Provide support to ex-child soldiers. Expedite their full demobilization from warring parties, prevent re-recruitment, and provide them with all necessary care, including humanitarian assistance, physical protection, education, health and livelihood support to enable them return to normal life.
- **Peace education and reconciliation:** Peace education initiatives must be implemented and mass information campaigns carried out to reduce inter-ethnic antagonism within the society and for the respect for human rights. NGOs, civic groups and the government of DRC also need to take expedited measures to reform the judicial system and promote reconciliation.

### 5. Gender

- **Gender mainstreaming:** Integrate a gender perspective into sector policies that have most impact on the wider public. It is recommended—in line with relevant political strategies such as the Interim Poverty Reduction Strategy Paper and the Millennium Development Goals—a systematic gender mainstreaming approach be adopted in all programs and projects.
- Methods, tools and techniques, including disaggregated gender analyses, need to be developed, made publicly available, and regularly reviewed, monitored and updated to reflect experience and new thinking.
- **Empowerment of women:** Protection strategies that are set up by the state, international agencies, NGOs and the private sector must ensure systematic empowerment of women. Empowerment of women is particularly important in DRC where the plight of women encompasses abuses and crimes such as rape and gender based violence are used as the main instruments of torture, human degradation and deprivation.
- **Women's better access to social services:** Provide school facilities for young girls, increase public awareness about family planning and advocacy activities, and provide better medical care and social support to victims of HIV/AIDS.
- **Better political and social participation:** Improve capacity and role of women in decision-making processes at the political and community levels by fully implementing existing laws and legal provisions and addressing gaps in governance, policy, legislation and institutional setups.