



# CONFLICT AND SOCIAL TRANSFORMATION IN EASTERN DR CONGO

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## EXECUTIVE SUMMARY

### INTRODUCTION

The Democratic Republic of Congo (DRC) is currently emerging from a decade of calamitous war. This volume wants to make a strong case that efforts to end war and promote sustainable development in the eastern parts of the DRC should be grounded in attention to phenomena that lie beneath the more often discussed international and regional dimensions of the conflict. The contributors suggest that the chronic violence cannot be understood purely with reference to the 'greed' of powerful local and international actors. Nor can it be explained solely by political interstate or intrastate rivalry. Finally, reference to ethnic belonging – even though a strong variable in many contemporary civil wars – cannot be upheld as the sole cause for enduring violence.

By contrast with these traditional perspectives, which explain the Congolese conflict primarily in terms of dynamics 'from above,' the work collected here stresses the local, 'micro-level' dilemmas of conflict and development that face the communities of eastern Congo today. Attention is paid to the nature of interests, institutions, and patterns of action that drive social transformation 'from below.' It is argued that efforts to induce transition and peace must take into account these transformations, which have involved new ways of structuring opportunity and meaning at the level of 'grassroots' interaction.

The authors of this volume base their analyses on recent fieldwork in Beni, Kamituga, Goma, Bunia and Masisi. These subregions in eastern Congo were chosen as case studies because of their relevance in terms of the opportunities war has created for actors in the political periphery. Making use of a 'sustainable livelihoods approach', the different case studies seek to give an insight in both the political and economic aspects of the Congolese conflict, and how these combine to affect patterns of power and vulnerability. Crucial attention in this analysis is being paid to the entitlement and access to different assets, and to the ways in which war has affected patterns of social and material redistribution. In the different case-studies, these micro-level findings (the livelihood) are mirrored against the macro context (the political economy) to explain the social, economic and political factors producing poverty and vulnerability in the eastern parts of the DRC.

### RESEARCH FINDINGS

When focusing on the political economy of the Congolese conflict, a number of significant evolutions could be observed. One of the main findings of this volume is that apart from destruction and despair, the armed conflict in eastern DRC has also invoked considerable degree of 'elite accommodation'. In other words, even as the war has strongly reduced the survival options of most people, it has also created a number of opportunities for certain actors. These actors include external facilitators of the Congolese war economy, such as traders and opportunistic businessmen, but also local political and economic elites. Very often, the emerging relationship between armed actors and these local elites has involved a situation of mutual benefit: while the former remained highly dependent on existing economic networks to finance their private and military operations, the latter have benefited from this armed presence to acquire additional wealth, and reposition themselves in the regional military-commercial landscape. This mutually beneficial relationship consequently led to the establishment of parallel governance structures that are essentially non-liberal (or informal, stateless) and socially exclusive (because based on ethnic kinship) in nature. In turn, these 'complexes of power profit and protection' have included new forms of political authority and distribution of wealth that have offered an often discriminatory response to the double challenge of withering state competence and globalising economic markets.

At a grassroots level, the result of this new power division is that livelihoods have been consistently stripped from their vital assets. While businessmen and economic elites continue to profit from trade extortions and the private allocation of economic resources (such as land and minerals), grassroots livelihoods have often had no other option than to mobilise their labour to generate individual income. The result of this tendency has been a tremendous growth of informal modes of economic production. On the one hand, this has involved a rise in artisan mining. Due to enduring insecurity on eastern Congo's countryside (amongst others caused by unequal land access), more and more people are taking up the role of diggers, sifters, crushers and carriers of coltan, cassiterite and gold in Kivu's and Ituri's abandoned mining areas. This hard work is not only providing rural dwellers with an uncertain income, but it also gives them a sense of a new identity, which is essentially based on the illusion of access to the symbols of modernity. On the other hand, there has been a growing migration to the region's city centres, where informal activities such as petty trade, the driving of 'moto's taxis' or the selling of petrol have gradually evolved into the main centres of economic production. Within this urban context, a growing importance can also be noticed of activities that under normal circumstances would be socially condemned, such as child

labour and prostitution.

A more general consequence of this continuing informalization process is that traditional mechanisms of solidarity (based on trust between community members) have gradually been replaced by 'despair solidarity'. Said otherwise, the collective social values and practices that formerly characterised rural life have given way to an individualistic search for survival, in which solidarity has been limited to a pragmatic system of exchange. Nevertheless, it should also be noticed that this 'débrouillardise', or principle to fend for oneself, has gradually lost its character of social pact. With the war, the monopoly on violence has definitively shifted from the state to individuals. In this context of general despair, opportunism nonetheless forms an easy excuse for generalised violence. The sad end result of this process is a criminalised society in which everyone risks becoming one's enemy, and the factional behaviour of rebels and bandits is affecting entire communities, clans and subclans that are all pitched against each other in a fierce battle over their exhausted resources. In essence, the message of war and transition in eastern Congo has been that violence works. Without a firm response, the destructive effects of this lesson are very likely to be felt for a long time to come.

### **PRACTICAL CONSEQUENCES**

The main practical consequence of these observations is that the transition will prove a hollow process as long as it does not address the fundamental issue underlying the Congolese conflict, namely the access and entitlement to economic assets. The different case studies outlined in the volume clearly demonstrate the relevance of this access problem not only in terms of people's vulnerability to survive, but also as a function of local power politics. Access to local resources (both land and natural resources) forms a central element in the continuing struggles between ethnic militias in many parts of eastern DRC. It also lays the basis for the continuing extortion, by Congolese and foreign 'elite networks', of productive economic activity in this Congolese subregion. Finally, the access and entitlement to economic assets has constituted a crucial element in the formulation of local power projects: in delimiting the access to local resources to their own ethnic community, local political and economic entrepreneurs (often in collaboration with external patrons) have consistently laid the basis for the social engineering and 'ethnicization of politics' that continues to rule Congolese livelihoods until this day.

The second practical conclusion of this volume is that the war in eastern Congo has precipitated a deepening process of state implosion. This process does not only include the many informal governance structures that have emerged at a local level – this volume refers to these governance structures as 'complexes of power, profit and protection' – but increasingly also affects other states in the Great Lakes region (particular reference in this respect is given to Uganda). In general, it can be stated that the war has brought about a shift from the part of local and regional elites towards more informal and stateless patterns of socio-economic integration. Today, the survival of these transborder power projects does not depend so much on the willingness of their participants to integrate in some form of national state formation process – the fallacy of this process was indeed demonstrated long before the outbreak of war – but instead on their success in amplifying and extending their local assets directly to regional and global patterns of (informal) interaction. Unless they are characterized by a fundamental shift, therefore, the formal 'transition' and informal transformation of Congolese society are very likely to grow into two completely opposing dynamics.

### **RECOMMENDATIONS**

Based on their research findings, the authors offer a number of recommendations and suggestions to the international donor community, the Congolese state, local and international development organisations and private economic actors. These recommendations are primarily directed at improving the living conditions of grassroots livelihoods in eastern Congo. In the line of this study, these recommendations are not limited to the most vulnerable parts of the population, but instead try to tackle the structural dilemma of what has gradually become Congo's intractable development problem, namely: the consistent exploitation, by a small but powerful elite, of Congo's economic resources. Given the scope of this study, the recommendations that are presented here mainly address economic issues.

The research has demonstrated that the Congolese transition process will prove unsuccessful as long as it does not address the fundamental issue underlying the Congolese conflict, namely the access and entitlement to economic assets. With the aim of improving the livelihood situation in eastern Congo, the donor community and local and international development organisations should start, therefore, by making a systematic assessment of livelihoods requirements in terms of their access to these resources. This assessment should not only include infrastructural requirements, such as health care and road systems. Rather, a systematic needs assessment has to be effectuated that is translated into giving people their own capacities to develop. What this study suggests could thus be described as a strategy of 'development through capacity-building'. This strategy consists of enhancing people's abilities to analyse their livelihoods and consequently develop strategies of self-reliance. This approach takes seriously the structural dilemmas underlying people's access to assets, and tries to translate local capacities into a sustainable form of sectoral organisation.

Interventions aimed at the promotion of sustainable livelihoods should not only target the most vulnerable, but should also try and support the middle layers of socio-economic interaction (examples of these middle layers include independent

commercial and economic associations; sectoral interest groups, and small industry representatives). In wartime, some of these associations have emerged as genuine opposition groups against the shady and often criminal ramifications that are connected to the development of the war economy. Crucial in this respect is that development interventions continue to frame their strategies of local capacity building within the larger political economic framework. As a result, the development interventions proposed in these recommendations, cannot simply be reduced to a guided form of 'liberal self-management', but have to tackle the deeper structural causes of underdevelopment. This insight is especially relevant because the Congolese war has brought about a consolidation of existing inequalities between political-economic elites and grassroots livelihoods.

The crucial and most obvious structural intervention, therefore, should be a reinforcement of the capacities of the Congolese state. Without the legal capacity, the national respect for human rights and the rule of law, the exploitation of grassroots livelihoods by Congolese and foreign 'elite networks' is very likely to continue unabated. An essential task for both the Congolese government and the donor community, therefore, will be to make sure that national reform is accompanied by a thorough assessment of people's socio-economic rights. This means that in any discussion involving national economic development, decision makers have to make sure that the requirements of grassroots livelihoods are included in the decision-making process. Only then can one start to speak about a true and broadly carried democratisation of Congolese society.

To assist the Congolese government in its task, this study proposes a number of specific interventions in three key economic sectors: agriculture, mining and trade. These recommendations should not be read as an exhaustive set of proposals; instead, they try to offer a practical contribution to the broader discussion about the improvement of Congo's rural and urban livelihoods.

### **Agricultural Reform**

For the improvement of grassroots livelihoods in rural areas, issues such as the search for alternative modes of economic development, the rehabilitation of the local road system, a programme of family-planning, improvement of the agrarian production through the introduction of new modes of production and technical assistance, the creation of new zones of rural development in less densely populated regions, and the improvement of the legal rights of the grassroots population need to be considered.

A crucial issue that should be tackled by the Transition Government, however, is the problematic system of land distribution. This problem demonstrates the need for a thorough agricultural reform. This reform is all the more vital because the existing system of land distribution forms one of the main explanations for the extreme marginalisation of large parts of the population and one of the most important dynamics of local conflict. A general agricultural reform becomes inevitable for any sustainable food security strategy.

1. A first step to take by the Transitional Government should be the abolishment of the Bakajika law and the introduction of a uniform legislation that regulates the access to land. Rural reform has to abolish legal confusion, which has largely been the result of a double system of land property rights (i.e. the traditional and the modern land tenure systems). This confusion has been stimulated even further by the declaration of the so-called Bakajika land law, which declared all land (vacant or not) property of the state. It is generally believed that this law has opened the way for massive corruption and appropriation by patrimonialist and commercial elites. At a deeper level, it has fuelled a direct strife between ethnic communities for the access to vital land properties and has produced a large surplus of labour forces and socio-economically excluded that are easily mobilised by militia leaders.
2. Secondly, both the Transitional Government and international development organizations should work at the strengthening of the legal position of rural populations. 85 % of all legal disputes in the Kivus are directly or indirectly linked to land-access. The grassroots population in most cases is not aware of its individual land-rights, does not have the capacities to claim its rights, or has no access to jurisdiction to claim its rights. On a national level, programmes that increase the awareness of individual land rights should be developed. On a local level, human rights associations and development organisations that act in the defence of rural populations and the rights of small farmers, should be supported and strengthened in their capacities.
3. Thirdly, existing land titles should be subjected to a thorough legal revision. Throughout the war, many concessions have been bought by rural capitalists through the presentation of false and corruptly obtained land titles. In addition, large tracts of land have been appropriated by rebel leaders or their direct affiliates. The legal revision of these land titles should enable a return of illegally occupied land to their rightful owners, and enhance a redistribution of vacant or unoccupied land to small and food insecure farmers.
4. Finally, special attention should be paid to the improvement of the economic position of women. The existing practice of land tenure excludes women from any legal access to land. Particularly in the current 'post-conflict' situation,

women should be empowered to take up their position as pivotal economic actors. This can be done on national level by the Transitional Government but also on local level via NGOs targeting women's development programmes with a specific attention on their legal rights, citizenship training, cooperatives strengthening, etc.

### **Reform of the Mining Sector**

A second set of interventions relates to the regulation of the mining sector. Two policy initiatives dominate the current debate on this issue: (i) the Congolese commission of inquiry, which is set to evaluate all mining contracts that have been concluded since the start of the second Congolese war, and (ii) the Congolese Mining Code. Both initiatives have nonetheless been confronted with a number of fundamental problems. To ensure the success of these policy interventions, a series of steps have to strengthen the legal framework of the Congolese mining sector in general.

1. A first commitment the international community should take is to pledge its full support to the work of the Congolese commission of enquiry, to ensure that its investigations can be carried out in a transparent way and that the independence of the enquirers is guaranteed. It should be an essential aim of this commission to reach a consensus on the criteria and procedures for evaluating these various contracts.
2. A second step should be to ensure the respect for socio-economic rights within the newly adopted Congolese Mining Code. During the transition process, the World Bank, in discussion with the Congolese government, has been designing a new Mining Code for the DRC. While this Code gives multinational companies more legal security in adopting commercial negotiations (amongst others, it stipulates that contracts can not be annulled according to the changing political landscape), it has not gone very far in adopting international labour rights within its legal framework. In particular, the obligatory subscription of artisan miners to so-called 'bureaux de registration' is apparently creating additional conflicts of interest. It should be watched over that this attempt to formalise the informal mining sector does not go hand in hand with a violation of international labour and human rights standards or outright repression.
3. Real development requires that profits from natural resource extraction return to the interested parties themselves. One way to go ahead would be to enhance transparency for international mining companies, in line with the 'Publish what You Pay' principle, which aims at helping citizens of resource-rich developing countries hold their governments accountable for the management of revenues from the oil, gas and mining industries.
4. International development organisations, trade unions and the donor community in general should make a serious effort at supporting the development of artisan mining cooperatives that have been founded around the different mining sites in eastern Congo. As we suggested in this volume, such sectoral interest groups do exist, but they often lack the organisation to be able to work effectively. In addition, they often lack the information to claim their internationally recognised labour rights to national or multinational mining corporations. Outside support, therefore, should not concentrate merely on financial guidance, but could also include the provision of crucial information that is needed for the reinforcement of these sectoral capacities. Specifically in the context of artisan mining, this could include the provision of information on international prices, labour and human rights. In this respect, a useful reference could be made by development organisations to the OECD's Guidelines for Multinational Enterprises, which have been taken up - amongst others - by the DRC Expert Panel of the United Nations, and which demand companies to respect human rights, information disclosure, combating bribery, taxation and the labour standards of their workers abroad. The guidelines, however, are non-binding recommendations to enterprises made by 13 member countries and 6 other countries (the DRC is not included). The sub-commission on the promotion and protection of human rights of the United Nations Human Rights Commission has established a working group on transnational corporations. This group has been drafting over the last few years norms on the responsibility of companies with regard to human rights. These recommendations, adopted by the sub-commission in August 2003, have the potential to guiding corporate conduct in conflict zones. In combination with the ILO's (International Labour Organisation) 1998 Declaration on Fundamental Principles and Rights at Work, the promotion of these guidelines among artisan miners could play a positive role in promoting observance of these standards and principles among multinational enterprises at the receiving end. In turn, the Congolese government, in cooperation with the CIAT, should make a serious effort to translate these non-binding agreements into a binding national legislation.

### **Economic Integration**

A final issue concerns the promotion of economic integration. Besides of a reform of the agricultural and mining sectors, there is a dire need for economic integration between different sub-regions of eastern Congo and between this part of the DRC and its eastern neighbours. This integration is a necessary condition to the development of sustainable livelihoods.



1. One initiative that has to be undertaken is the promotion of a well-functioning road network. This network stimulates local economic activities, and opens up opportunities for local farmers to commercialise their production. A good road system also stimulates migration towards regions where agricultural activities can easily be developed. In addition, rehabilitating road networks could have a direct impact on reducing the existing gap between the rural and urban areas, and stimulate the economic development of the rural population. In this respect, it is important to note that alternatives should be developed to the food for work approach for the improvement of the local road network.
2. The rehabilitation of road networks should be part of a larger strategy aimed at the promotion of local markets. Notwithstanding the preponderance of subsistence agriculture, people's access to markets remains a crucial aspect of livelihoods' survival. The capital that is generated on these markets consequently forms an essential part of their mid-term development. Rather than limiting development interventions to a mere form of 'self-management', adequate instruments have to be developed that ensure people an equal access to local markets and reduces unequal competition. One strategy to tackle this problem is the improvement of the road system. Another strategy is to enhance the commercial flow of information. To counter the spreading of 'asymmetrical' information by urban traders and military front men, people have to be informed about the right price for their product – whether this is a diamond, a kilogram of coltan or a sack of beans. International development organisations should therefore concentrate on the enhancement of these local market opportunities.
3. A final issue relates to the development of regional trade. The unequal trade relations between the countries of the Great Lakes region form an important stumbling block for the development of local agriculture in eastern Congo. In the Beni-Lubero area, Congolese farmers continue to smuggle their coffee produce to Uganda, which has a favourable export policy for this product. In similar ways, tonnes of cassiterite, coltan and other natural resources continue to cross national borders without the slightest control over the payment of customs duties. The countries of the Great Lakes, through regional integration mechanisms such as the CEPGL, CEEAC, SADC and COMESA, should therefore start a serious discussion about the monitoring of this trade at a regional level. In the meantime, development and international organisations alike should continue to point these national governments to their responsibility to ensure that trade agreements are met, and that profits from trade are used to improve the development capacities of their citizens. The international conference on peace, security and development in the Great Lakes Region should take the potential of these different mechanisms as a useful entry point for further negotiations on this issue.