

Elections and Security in Ituri: Stumbling Blocks and Opportunities for Peace in the Democratic Republic of Congo



FEWER-Africa and AIP would like to stress that this report is based on the situation observed and information collected between January and April 2006, mainly in Ituri and Kinshasa. *The 'current' situation therefore refers to the circumstances that prevailed during this period. The regular production of early warning reports on the Great Lakes during 2005 was made possible thanks to the generous support of external partners. All of the opinions expressed below are provided as a source of information directly "from the field", in accordance with FEWER-Africa's mandate of supporting the participation of local voices in the policy formulation process. They do not represent official positions of FEWER-Africa network members or partners.*

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Africa Initiative Program (AIP)
Forum on Early Warning and Early Response (FEWER-Africa)



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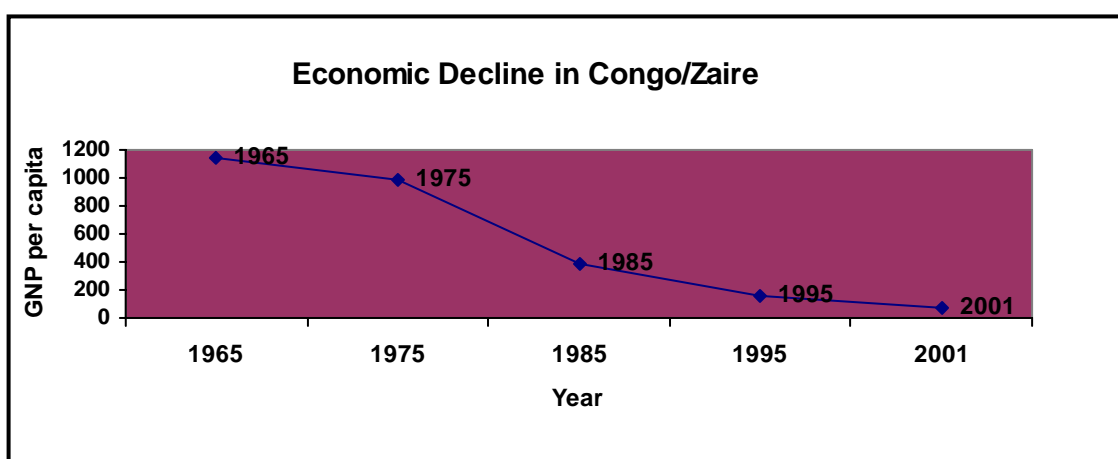
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Glossary

AIP	Africa Initiative Programme
ALIR	Alliance for the Liberation of Rwanda
APPG	All Party Parliamentary Group
CEI	Independent Electoral Commission
CIAT	International Committee in Support of the Transition
CNS	National Sovereign Conference
CONADER	Congolese National Agency for Demobilisation and Reinsertion
DCR	Disarmament and Community Reinsertion
DRC	Democratic Republic of the Congo
FAC	Congolese Armed Forces (now FARDC)
FARDC	Armed Forces of the Democratic Republic of the Congo
FEWER	Forum on Early Warning and Early Response
FNL	National Forces for Liberation
ICC	International Criminal Court
IEMF	International Emergency Multinational Force
IIA	Ituri Interim Administration
IPC	Ituri Pacification Committee
LRA	Lords Resistance Army
MDRP	Multi-Donor Reinsertion Program
MLC	Movement for Liberation of the Congo
MONUC	United Nations Mission in the Democratic Republic of the Congo
MRC	Revolutionary Movement of Congo
PNDDRRR	National Disarmament, Demobilisation and Reinsertion Programme
RCD	Congolese Rally for Democracy
RCD-G	Congolese Rally for Democracy-Goma
RCD-ML	Congolese Rally for Democracy-Liberation Movement
RCD-N	Congolese Rally for Democracy-National
TNG	Transitional National Government
UDPS	Union for Democracy and Social Progress
UPC	Union of Congolese Patriots
UPDF	Ugandan Peoples Defence Force

1. General Introduction

Up until now the “Democratic Republic of Congo” is such in name only. However, with elections scheduled within the next few weeks, the DR Congo, formerly Zaire, has never been so close to ending a period of transition that has defined the country since its independence in 1960. It would be erroneous to view the Congolese Transition period as beginning in 2002, or even with the national sovereign conference in 1990,¹ as that might misdiagnose the crisis and lead to the adoption of inappropriate solutions.



After more than four decades of structural kleptocracy at all levels of the state, civil war, degradation of state structures, and the destruction of the social and economic livelihood and cohesion of its habitants, the upcoming elections represent a possibility for the 3rd largest country on the continent to put in place a foundation for the establishment of the rule of law.

Since the setting up of the Transitional Government in June 2003, the country has become progressively more stable, although low-level conflict persists in the Eastern part of the country, notably in Ituri, the Kivus and North Katanga. These areas continue to be marked by massive human rights violations, uncontrolled militia groups, and a total lack of state control as well as illicit military occupations and activities from countries in the region.²

2. Historical Overview

Over the last five years, Eastern DRC has been the scene of continued violence, perpetuated by the proxy forces of local, national and regional actors. Having witnessed some of the most intense and bloody eruptions of fighting in 2003, Ituri has been dubbed “the killing fields” where machetes and Kalashnikovs are “weapons of

¹ In 1990, in response to external pressure, President Mobutu launched the Conference National Souverain. (CNS). The process is seen by many as the beginning of the transition period (rather than the installation of the “National Government of Transition” in 2003) and ended abruptly in 1991 with the sacking of Tshisikedi as Prime Minister. Within weeks of the declaration of Independence in June of 1960, the country was in civil war following the secession of Shaba.

² The war in Zaire/DRC at one time involved the direct intervention of eleven other countries, earning the title of the ‘first African World War.’ On April 30, 2006, the Ugandan People’s Defense Force (UPDF) clashed with the Armed Forces of the Congo (FARDC) in Aba, North-Eastern DRC.

mass destruction³. Ituri experienced extremely intense fighting, in May 2003, following the withdrawal of the Uganda's Peoples' Defence Forces (UPDF). The May fighting almost derailed the work of the Ituri Pacification Committee (IPC) and was only halted through strong diplomatic pressure and the insertion of a small MONUC force, later reinforced by the IEMF⁴.

The Security Council then mandated an International Emergency Multinational Force (IEMF) while it strengthened MONUC's mandate from Chapter VI to Chapter VII, and created an Ituri Brigade, which took over from the IEMF on September 1st 2003.

The change in environment and increased humanitarian access and assistance for the people of Ituri, marked a major development in the approach to the crisis. This strengthened UN peacekeeping presence was a response to the international outrage that followed events in Bunia, as well as reports of forced acts of cannibalism in December 2002 at Mambasa.⁵

Box 1 Hema-Lendu Violence

The first major outbreak of violence in the current war was in 1999 in the territory of the Lendu Pitsi, where the Belgian colonists had the highest concentration of plantations and ranches, which the Hema had taken over. The Lendu (the more numerous tribe, population between 750,000-1million) had a reputation as a warlike people, and had resisted colonisation. The Hema, whose numbers range from 300,000 to 400,000, found more favour with the colonists, and benefited from educational and business opportunities. After independence, the Hema were well placed to take over plantations left by the settlers. They expanded their grazing by enlisting the support of the authorities and influencing judges. However, since 1999, exactions, massacres and fundamental violations of human rights have been committed by all sides of the conflict.

Ituri: Stakes, Actors Dynamics. FEWER-Africa, AIP

Despite the strong force and mandate, the security situation in Ituri has remained extremely unstable, as evidenced by the January killing of eight UN peace-keepers, displacement of entire villages,⁶ and human rights violations on a massive scale, notably in the territories of Mahagi, Djugu, and Irumu. Pockets of ongoing conflict remain, due to conflict between Government forces (FARDC) and militia members (some grouped under the name Mouvement Revolutionnaire du Congo, (MRC)).

Ituri offered an important opportunity for both the Congolese government and the International community. For the International Community, it was a chance to show that there was a real commitment to follow up on the Pretoria Accords, as well as to address local level conflicts in the East while simultaneously supporting the establishment of state authority in Kinshasa. For the Congolese government, it was a chance to show that former belligerents were willing to integrate their soldiers into a single "corps," and to show the population of Ituri (as well as the rest of the DRC) that there was now an army that was there to protect the population rather than extort them.⁷ Two years later,

³ See Channel IV International TV documentary: Congo's Killing Fields, 2003, (<http://www.c4i.tv/external/home.asp>); and Fewer-Africa. There will be no Peace in Congo without Peace in Ituri. May 2003.

⁴ The IEMF, during Operation Artemis, was not a UN force, although authorised by a Security Council resolution. It was not paid on the UN's budget or wore the blue beret. Its mandate, established by Resolution 1484 {art.1} under Chapter VII of the UN Charter, was: "(...) to contribute to the stabilisation of the security conditions and the improvement of the humanitarian situation in Bunia, to ensure protection of the airport, the internally displaced persons in the camps in Bunia; and, if the situation requires it, to contribute to the safety of the civilian population, United Nations personnel and the humanitarian presence in town". FEWER-Africa. Mission report on Support for the Interim Administration of Ituri. February 2005.

⁵ Human Rights Watch Report vol. 15, No. 11, Chapter on: "Inhumane Acts – Cannibalism and Deliberate Mutilations of corpses". pp. 42-44.

⁶ See AIP. Kotoni Report on Displaced Populations. February 2006. (www.reliefweb.int)

⁷ The Congolese army is notorious for its lack of discipline and role in creating rather than defusing tension. In 1991, when soldiers asked the Marechal Mobutu to be paid, he responded that soldiers had a gun and that they did not need a salary and

these opportunities have not been capitalized upon, and risk being lost with the national and international focus on elections.

3. Security: Recent Events

The first 5 months of 2006 have seen a resurgence of militia activity and an increase in MONUC and FARDC reactive operations. The killing of 8 Guatemalan peacekeepers near Garamba Park, on the 23rd of January, during an operation against LRA elements was the beginning of a difficult period for MONUC in the east of the country. MONUC's attempt to secure areas in Ituri has been severely hampered by conducting joint operations with FARDC forces. The limited capacity of FARDC, in terms of human capability and resources, coupled with mistrust have made it difficult for effective cooperation. The problems with collaboration came to head on the 2nd of March when FARDC forces, who were being supported by MONUC Peacekeepers, mutinied allegedly over conditions of service.⁸ The newly formed militia, the MRC, has been cited in the press as the belligerents in a number of attacks, while interviews with the displaced populations outside of Bunia also indicated that they had fled to avoid the exactions of undisciplined FARDC troops.⁹

To add to the difficulties from a reinvigorated internal conflict, Ugandan forces have been accused of crossing into Congo on at least two occasions, in early February and late April. In the latest incursion, described by MONUC as credible after a verification mission into the area¹⁰, UPDF troops were reported as being in considerable strength, with the support of armoured units, and targeting LRA elements around Garamba Park. Uganda has denied its troops are operating across the border.¹¹

Meanwhile, International engagement to pacify Ituri has largely been overshadowed by the need to assure that violence is contained during, before and after the elections in Kinshasa, Kivus and Katanga. To this end, MONUC will receive reinforcements from two sources. The Security Council has decided "to authorize the Secretary-General to temporarily redeploy a maximum of one infantry battalion, a military hospital and up to 50 military observers from ONUB to MONUC, until 1 July 2006"¹². The second, and more substantial, is to boost MONUC's capabilities with the formation of EUFOR R.D. Congo, a European Union force endorsed by the Security Council that will provide extra security for Kinshasa and a rapid response force to support MONUC.¹³ The mandate of EUFOR R.D. Congo includes "authorization to take all necessary measures to support MONUC in case the Mission faced serious difficulties in fulfilling its mandate; contribute to the protection of civilians under imminent threat of physical violence, without prejudice to the responsibility of the Congolese Government; contribute to airport protection in Kinshasa; ensure the security and free movement of EUFOR R.D Congo personnel and the protection of its installations; and execute limited operations to extract individuals in

that "the Civilians are the field for the soldier". ("Baza bilanga ya ba soldat")

⁸ Africa Initiative Program. Telephone Interview April 2006 'DR Congo: UN-backed military action halted after army troops protest conditions', UN News, 3rd March 2006

⁹ Interviews with displaced populations in Kotoni. April 2006

¹⁰ 'Reports concerning a Ugandan incursions into DRC Credible', MONUC/DPI, 30th April 2006.

¹¹ Ugandan President Yoweri Museveni said, in March, that Uganda would not hesitate to send troops into Congo if it was attacked by LRA rebels based there.

¹² Security Council Resolution 1669(2006), passed on 10th April 2006.

¹³ 450 Troops will be based in Kinshasa and a Battalion in Gabon, 'DRC: EU Appoints Commanders for EU Force', IRIN, 28th April 2006.

danger”¹⁴. These actions will have little effect in tackling insecurity in Ituri.

4. The Political Process

The success of the voter registration process and the holding of the Constitutional referendum in December 2005 is described as having taken place “in acceptable conditions to justify the validity of the results.”¹⁵

The few contestations by political actors were rejected by the Supreme Court, and the Independent Electoral Commission is continuing its work of preparing for the upcoming provincial and national elections scheduled for July. With limited infrastructure, insecurity, and the crippling effects of ten years of civil war, the registration of over 25 million voters was lauded as a “true miracle” by international observers and heralded as a success by the International Community.¹⁶ The Congolese population has high hopes for the upcoming elections, which will be the first time that they will participate in the choice of their leaders since independence in 1960.¹⁷

The promulgation of the new Constitution and of the electoral laws in February and March of this year have marked a turning point in the Transition process. There is no longer any doubt with regard to the commitment of the majority of national and international actors to hold elections by July, as stipulated by the electoral calendar. The request in January by UDPS leader Tshisikedi to re-open the voter registration offices was rejected by the Supreme Court, and while the non-participation of this historic leader in the electoral process is problematic, the popular following of the UDPS is fractured; and even with backing of other politico-military actors, it is unlikely that a contestation of the elections led by the UDPS could actually de-rail the process.¹⁸

Vice-president Azarias Ruberwa Manywa threatened to boycott the elections following the re-drawing of Electoral Circumscriptions in South Kivu, however Ruberwa then stated his adherence to the electoral process and registered himself as presidential candidate for the RCD.¹⁹ The mini-institutional crisis within Jean-Pierre Bemba’s MLC, following the removal of the President of the National Assembly, Olivier Kamitatu did not, as feared, block the registration of candidates or the preparation for the coming elections.

The principal stakeholders in the electoral process have submitted to concerted pressure (both national and international) that blockage of elections will not be tolerated.²⁰ In the past, the International Community in Kinshasa, represented by the CIAT, has often been ineffective in exercising pressure on Congolese political actors.

¹⁴ Security Council resolution 1671 (2006)

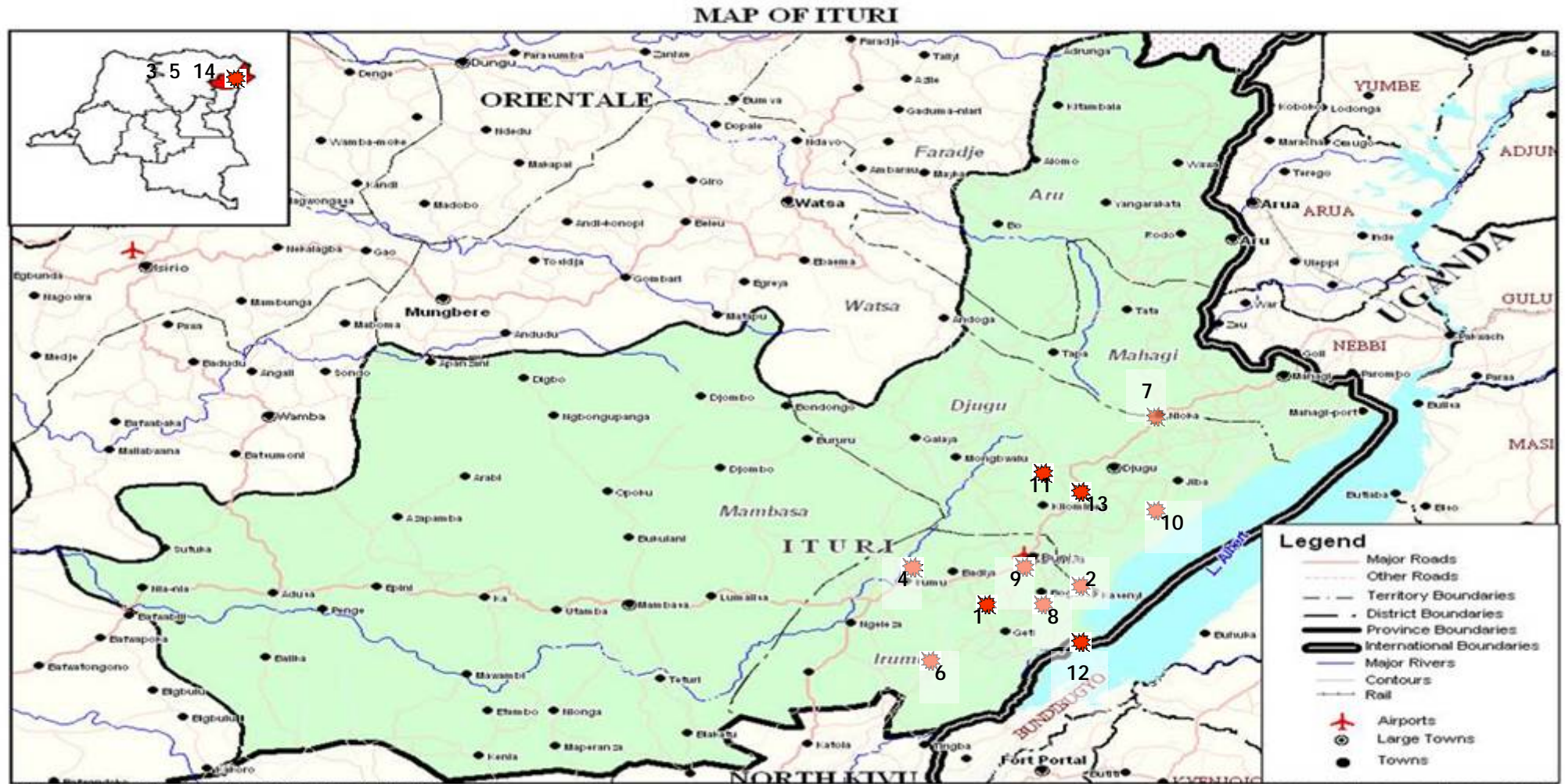
¹⁵ International Electoral Observer Mission Report. January 2006.

¹⁶ The result of these pre-electoral observations was heralded as a success by the United Nations, African Union, European Union and other bi-lateral and multi-lateral partners.

¹⁷ The first elections of the Congo heralded a very short-lived democracy, within months there was open rebellion in Katanga and South Kasai and a political crisis as a result of a power struggle between Prime Minister Lumumba and President Kasavubu. By January 1961, Lumumba would be dead and the Congo consigned to a fate of dictatorial and kleptocratic rule for the next four decades.

¹⁸ In January, the UDPS announced that they would now take part in the electoral process and requested that voting registration centres be reopened in the Kasais and Kinshasa. This request was rejected citing the fact that this would delay the date of voting, which was set for this time on the 18th of June 2006. UDPS demonstrations in Kinshasa during the month of April were marked by a notable lack of participation even from former strongholds of popular support such as Limite.

¹⁹ The most contested area in South Kivu were Minembwe, Bunyakiri and Kasha. During the 1998-2002 war, these territories were created by the forces of the Armée Nationale Congolaise (ANC-Armed wing of the RCD) and the Rwandan army. The protestation to redraw these districts was considered “gerrymandering” by the Government, MLC and Mai-Mai Parliament deputies.



The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

Prepared by OCHA Great Lakes Regional Office, Nairobi

	Date	Place	Incident
1	January	Makabo	The administrator of Irumu territory claims that former PUSIC soldiers are being recruited.
2	January-April	Kasenyi, Tchomia Café	Exactions on the population by FARDC.
3	23 January	Garamba Park	8 Guatemalan MONUC soldiers were killed and 5 injured in an ambush in an operation against the LRA. MONUC operations elsewhere in the DRC were subsequently suspended affecting FARDC activities in North and South Kivu.
4	February	Sota	Local authorities complain of rising insecurity due to FNI/FRPI soldiers recruited for MRC.
5	3 February	Seke	FARDC reports incursions by UPDF and SPLA.
6	3 March	Tcheyi	Offensive against militias is called off after FARDC troops mutinied. MONUC and FARDC forces, supported by helicopters and mortars, fight to retake the town from militia.
7	7 March	Nioka	Attack on FARDC post, 3 soldiers reported killed and 5 wounded. Forces believed to be associated with Peter Karim.
8	13 March	Bagoro	FARDC forces repel an attack by FNI fighters, killing 13 militiamen and capturing two others as a strategic crossroads near Bogoro that governs access to Lake Albert, Bunia and Tcheyi Zone. 10 000 local villagers were estimated to have fled into the surrounding bush. The militiamen killed a chief of post in Nombe south of Bogoro.
9	20 March	Bunia	A Military court sentenced Captain Blaise Bongji Masamba to life imprisonment. According to the dossier, he ordered the execution of five students and pillaged civilian property in Tchেকে (Irumu) on the 24 th of October during a military operation.
10	22 March	Katoto	Village attacked by militiamen thought to be linked to the MRC. The militia withdrew afterwards as FARDC forces, supported by Pakistani peacekeepers, approached the village.
11	8 April	Ndo Okebo	An attack carried out by Lendu elements against the village, the Nepalese battalion dispatched a patrol to stabilize the situation.
12	8 to 11 April	Nyamavi	Bangladeshi peacekeepers carried out a cordon-and-search operation in the regions of Nyamavi, Fitchama and Boa. Near Nyamavi, militiamen fled in the face of MONUC soldiers, leaving behind 2 AK-47 assault rifles with magazines and ammunitions.
13	18 April	Kahajana/Bule	Blue Helmets and FARDC troops on patrol came under fire, near Kahajana. Outnumbered, the militiamen fled before they could be captured. In the east of Djugu territory, on 18 April, groups aligned to Peter Karim and Mathieu launched attacks on FARDC positions at Bule and Nioka. Later in the day, two platoons from the Nepalese battalion and some 40 FARDC troops recaptured Bule. MONUC troops remained at Bule during the night of 18/19 April to secure the location.
14	28 April	Aba	Forces, allegedly Ugandan soldiers, fought FARDC troops as they sought to engage LRA rebels taking refuge in the area. MONUC has reported that UPDF armoured units are operating in the Garamba park area.

While this is a common problem in many contexts, (often times referred to as “lack of donor harmonization/coordination”), the important role of the CIAT in the ‘accompaniment of the transition process’ has magnified the lack of cohesion among different institutional structures, political interests, engagement capacities, to an extent that the International community in Kinshasa is sometimes referred to as being “balkanized.”²⁰

Since January of this year the different members of the CIAT have rallied behind the need to go to elections. As one former ambassador to the DRC stated, “the international community in Kinshasa may not agree on much, and the members of the TNG have profited from our differences. There has been a realisation that if we want to assure the holding of elections, we must have a “common voice.”²¹ This pressure has largely focused on national elections, which the CIAT agrees should take place by the set deadline of July 30th. This is also the position of the presidential party. However, there

²⁰ The CIAT showed its capacity to act as a coherent political force during the launching of Operation Artemis. However, this cohesion was less than ideal during much of 2004 and 2005, and it seemed as if the “esprit of Operation Artemis”, had been lost. An example in point was the lack of firm political pressure to address problems of the payment of military salaries following an EU audit in June 2005.

²¹ He also commented that while this common stance was important to pressure the national elections, it would be even more important to exercise necessary pressure after the elections to assure a ‘real change’ in government. Telephone Interview from Nairobi. Requested anonymity.

is still disagreement about the holding of legislative elections.

Beginnings of Civic Education²²

The Congolese government requires support to establish channels of communication in the Eastern part of the country, to be able to gradually re-build the state, including, *inter alia*, re-establishing the notion of public goods, society, social contract and good governance. A core requirement is to increase the population's ability to meaningfully participate in the democratic process, which is currently severely undermined by low levels of understanding of democracy.²³ The *de facto* isolation of a large proportion of Ituri's population from information flows causes ignorance, which in turn leads to cultural vulnerability, negative manipulation of communities and conflict.

There is a lack at the provincial level of basic "civic awareness", without which those outside of key cities will remain isolated from on-going governance and democratization processes.²⁴ As one international observer pointed out "After all most people in Europe do not actually know what is in their constitutions"²⁵

Referring to the constitutional referendum, an Iturian woman who had been forced to flee from her home in Ghety said, "I voted no because I wanted to vote against the government who has sent soldiers here that have chased me out of my home."²⁶ In Matadi, some of those who voted no explained: "I voted no on the constitution because I have never seen the text."²⁷ Thus, holding successful elections will depend on the increased ability of the Congolese population to meaningfully participate in the democratic process.²⁸

The results of the referendum have shown that many Congolese who registered as voters did not exercise their will to vote, perhaps unsurprisingly in a country without a developed culture of democracy. Considering that much of the DRC population has not been in possession of an Identity card for over ten years, this was a sufficient reason to register. This was especially the case in the Kivu provinces, where the possession of an identity card was an automatic recognition of the nationality of the Rwandophone populations who feared persecution.²⁹

The registration of voters should thus not be confused with adherence to the electoral process. Calls for the boycott by Etienne Tshisekedi were not followed in the registration phase. Low participation rates during the Referendum in the Kasai might indicate that the voters who ended up not voting were complying with the instructions by the leader of the UDPS. Although claimed by the various branches of the UDPS, the number of people who did not register (based on the estimated population from the 1984 census)

²² The term 'civic education' in the Great Lakes Region is slightly problematic as it was used in Burundi, Rwanda, DRC, and Uganda in the past to signify ideological indoctrination into a one party system. For lack of a better term this paper uses the expression in the context of a multi-party system, and includes, *inter alia*, democracy, rule of law, human rights, women's rights, community development etc.

²³ During a workshop facilitated by Africa Initiative Program with women's groups in Ituri prior to the constitutional referendum, the participants stated that they did not know exactly what a referendum meant, and what the difference was between the elections for candidates and the referendum on the constitution.

²⁴ Assessment Mission FEWER-Africa, November 2005, April 2006. Reasons for this are in large part due to the current resource and capacity limits of the Independent Electoral Commission, NGOS and local authorities.

²⁵ Telephone Interview, Kinshasa April 22, 2006.

²⁶ Interviews IDP camp in Kotoni (about 30km outside of Bunia). April 20, 2006.

²⁷ Telephone Interview Kinshasa. Sabin Banza, Ligue des Electeurs. April 15, 2006.

²⁸ See FEWER-Africa "civic Education" Village Parliaments.

²⁹ While the issuing of voter cards successfully addressed the "nationality question" in many areas in the Kivus, this should not be confused with the question of inter-communitarian dialogue between Rwandophone and other communities in the East.

and the number of voters who abstained indicates the loss of support for the UDPS even within their stronghold of Kasai.

5. Conflict Indicators: Root Causes

State Failure

Post-independence turmoil, more than three decades of kleptocratic rule by the Mobutu regime, followed by a regional war and massive instability that continues to this day, have contributed to the current failure of the state. Nowhere is this more apparent than in the region of Ituri. The basic premise of statehood, a legitimate monopoly on the use of force, is still markedly absent throughout the territory of Ituri as is the rule of law. Without the basic institutions of a state in place and in the absence of a credible administration or a functioning army, the state is not only incapable of creating an environment that is conducive to the pacification of Ituri, but is a contributor to the general insecurity of the province. The transition government in Kinshasa has little incentive to allocate and commit necessary resources to effectively address the crisis in Ituri. The holding of elections depends on the cohesion of the government in Kinshasa, and the conflict in the district/province of Ituri poses little threat to derail the government.³⁰

Land Issues

Land Issues are a core cause and catalyst of local conflicts in Ituri, many of which date back to the colonial occupation or before, but never before have they reached the level or ferocity that has been witnessed since 1999. The bloodiest conflict to date has been between the Hema and the Lendu, with the former being pastoralists and the latter agriculturalists³¹. Inequalities exacerbated by favoritism towards the Hema under Belgian rule added fuel to a dispute that, given a spark, was waiting to happen. The spark was an administrative land grab by a small group of Hema that quickly escalated into violence in 1999 in the absence of any significant authority.³² While such land disputes are not infrequent, the presence of armed groups and the availability of small arms and light weapons has facilitated the conflict and has made its significance far greater. The absence of state authority in Ituri makes the required reconciliation and arbitration process nearly impossible. While the Hema – Lendu conflict remains the most violent and disruptive conflict related to land, general instability and the resulting mass migration of people significantly increases the stress on local resources and has the potential to create new disputes when refugees/IDPs return to land that has been occupied after they were forced to flee. Land disputes, are a cause of instability yet require stability to adequately resolve them. The establishment of rule of law and mechanisms for resolving them remain a vital component for a lasting peace in Ituri.

³⁰ While Ituri stakeholders, such as John Tibasima are represented in the Transitional National Government, they exercise limited power, and the ability of the population in Ituri to participate in elections will have no effect on actors within the presidential space. This is not the case for North Kivu which if conflict were to erupt would most probably result in the break-up of the transitional Government. However, conflict in Ituri has not threatened to result in any of three major armed groups (RCD, MLC, PPRD) pulling out of the transition process.

³¹ Incidentally, the frequency of conflicts between pastoralists and agriculturalists in Sub-Saharan Africa indicates a fundamental competition between these modes of production under circumstances of environmental stress or limited space. Both groups compete for land and watering resources. One, the pastoralists, require land and water for cattle grazing and the second, the agriculturalists, require land and water to grow other crops such as cereals, fruits and vegetables.

³² 'Ituri: Covered in Blood', Human Rights Watch, July 2003.

Resource Exploitation and Availability of Weapons

"We're not responsible for the politics of a country...at the end of the day, normal commercial trade is normal commercial trade. Why should you question where it's going to? If it's armaments, of course it's a different thing."

South African businessman Raymond Charles Kramer³³

During the months of April and March the MRC has progressively taken control of areas bordering Lake Victoria. Reports from international and national sources confirm that there has been an increase in regular shipments of ammunition from the other side of the border during this period. New tracts of land have also been subject to anarchic deforestation since November 2005.³⁴ In addition, there has been an increase in the air traffic between areas around the Kilo Moto gold mines and Kigali, and reports of arms trafficking and resource exploitation by high ranking officers of the Congolese army. In April, unconfirmed accusations of UN involvement in gold trafficking were presented by local organisations, although these have not been confirmed.

It is estimated that during the first 10 months of 2005, four million dollars were missing in customs duties from customs posts at Ariwara, Aru, Bunia, Kassindi, Mahagi and Tchomia and that this money was used to finance recruitment and supplies for the MRC.³⁵ It was also found that six Ituri customs collectors installed or retained by FARDC had not deposited revenues for March 2005³⁶.

The UN peacekeeping mission is ill-equipped to monitor embargo violations at the 171 airports, airfields, and landing strips that are in the eastern DRC alone, and its work is often obstructed and under-funded.³⁷ According to the APP Group, arms arrive in Kivu and Ituri primarily via Rwanda, Uganda and Kinshasa, "arms networks appear to be controlled by private entrepreneurs whose interests coincide with those of the warring parties. Businessmen involved in the import and export of goods and raw materials from the DRC are also involved in the supply of arms and ammunition to armed groups in the embargoed region".³⁸

In addition during the period 2003-2005, weapons could still be transferred legally to other parts of the DRC neighbouring the war-torn east. In 2005, the Council's new resolution 1596 was meant to remedy this, and target all armed groups, not integrated into the national army or police.³⁹

"Demobilised combatants" who participated in the DCR program still possess a functioning weapon, continue to supply arms and engage in militia activities due to presence of FARDC⁴⁰. The failure to disarm participants in the programme essentially means they remain potential combatants, and in many cases still are.

³³ 'SA's War Vultures', Mail and Guardian, 16 January 2004. Incidentally, the Mail and Guardian alleged that Mr Kramer had supplied uniforms and other good to RDC-G through Kigali.

³⁴ New areas of deforestation were indicated during April.

³⁵ Group of Experts Report, S/2006/53. p13.

³⁶ Ibid. p13. "The Group of Experts found that the Ituri customs collectors and their deputies continue to resist central authority. Pressured by certain businessmen, in March 2005 they hired a group of armed men to repel and threaten a commission of inquiry sent by the Central Bank in Bunia to audit the accounts after the funds had disappeared".

³⁷ Ibid. p14.

³⁸ All Party Parliamentary Group on the Great Lakes Region, 'Arms Flows in Eastern DR Congo', December 2004. p14.

³⁹ Ibid. p14.

⁴⁰ Even in Kinshasa where the situation is relatively stable there is no inventory or control of weapons for the police or the army.

6. Conflict Indicators: Proximate Causes

Lack of National Political Engagement

The international community's focus since the success of the voter registration and the constitutional referendum has been on the elections. While Ituri still has the most fully trained and equipped integrated Congolese Brigade,⁴¹ and the support of the largest MONUC deployment in the country, there has been minimal investment to assure the proper functioning of the administration in Ituri. Kinshasa has sent three FARDC brigades to Ituri, with minimal logistical support, and unclear command and control structures.⁴² These soldiers are considered by many as "part of the problem" rather than a solution to address violence and insecurity in Ituri. While the TNG has effectively nominated judges and court personnel to rebuild the Justice apparatus in Bunia,⁴³ there has been insufficient support to assure that these judgements are followed up. On May 5th, the former secretary general, John Tinazabo Ramazani, was released from a prison in Kisingani after a period of detention of 5 months. He had been condemned to 15 years in prison by the High Court of Bunia, but was granted a temporary liberation without sufficient evidence. At the time of writing, he was waiting to return to Bunia. The Prosecutor of the high court in Bunia as well as witnesses who testified during his trial showed enormous courage. The lack of follow up by the Provincial and national authorities is indicative of a real lack of engagement to support the re-establishment of the judicial authority in Ituri.

Disarmament and Community Reinsertion (DCR) in Ituri

Armed groups operating in the Ituri region were not formally recognised during the accords signed in Pretoria in December 2002. Different representatives of armed groups referred to the Global and Inclusive Accords as the "non-global and exclusive accords."⁴⁴

The first formal recognition of armed groups operating in Ituri occurred at the Accord of Dar-es-Salaam of May 17th, signed by the president of the Republic, Joseph Kabila, representatives from the Interim Administration of Ituri, and leaders of the five main armed groups operating in the region. The Accord recognised the leaders of these groups as stakeholders in the Ituri/DRC peace process, and the national demobilisation program (PNDDRRR) recognised the members of the five armed groups in Ituri as being eligible for civilian reinsertion or integration into the national army. As the national demobilisation program was not fully established in September 2004 it was necessary to find alternative mechanisms to disarm some of these armed groups while waiting for their formal recognition in the DDR-SSR program.

⁴¹ The 1st Brigade of the Congolese Army was trained and equipped in Peacekeeping operations in Kisangani with the support of Belgium and other countries as part of the Military Partnership Program. (PPM)

⁴² It is worth noting that some of the FARDC troops in Ituri have effectively fought to neutralize militia groups and have died on the battlefield for the defence of the country. The positive efforts of the FARDC in Ituri have not been publicly acknowledged or even minimally compensated by the Government of Kinshasa. This may be a factor contributing to growing resentment within the FARDC and may explain mutinous actions.

⁴³ This was done in the framework of an agreement between the Ministry of Justice, the EU, and MONUC to rebuild the justice apparatus in Ituri. *Internal MOU August 2003*

⁴⁴ See FEWER-Africa 'Peace, But at What Price?' August 2005.

In order to fast-track this process, UNDP, in collaboration with the Congolese National Agency for Demobilisation and Reinsertion (CONADER), established the Disarmament and Community Reinsertion (DCR) program in Ituri province. The objective of the program was to disarm up to 15,000 Congolese combatants and to prepare them for reinsertion into civilian life or the Congolese Army. The Ituri DCR program is distinct from the Multi-Donor Reinsertion Program (MDRP) which provides the framework for demobilisation and reinsertion across the rest of the country.⁴⁵ The objective of the Ituri DCR program was to “facilitate the rapid decompression of military in the region.”

The DCR program was put in place September 1st, 2004 with the opening of five transit sites at Iga, Barriere, Avega, Mahagi, Kpandroma, and Kasenyi.⁴⁶ Transit sites were officially closed on the 25th of June 2005, and the ex-combatants who had disarmed are now supposed to have access to the benefits of other demobilised combatants as stipulated in the Programme National de Disarmement, Demobilisation et Reinsertion (PNDDR)⁴⁷. Yet, “demobilized combatants” who have been remobilized as militia fighters for the MRC, have stated that at the time they participated in the DCR programme, they did so in large part because they had no other activity that they could do in order to survive. When asked about the DCR program, one former UPC leader responded: “We sent our soldiers to the transit sites. We agreed to put down our weapons and find another solution to the problem. But now, most of the combatants are left with nothing and they are harassed by the army or the police and have a hard time going back to their communities. You talk about human rights? What about the rights of those who can’t even find something to eat?”⁴⁸ The rising insecurity in Ituri is largely a result of the lack of reinsertion of former combatants to fully integrate them into society and provide them positive means to meet their needs. Until this is addressed, the Kalashnikov will continue to be an “income generating activity” for these individuals.

7. Challenges to Disarmament and Community Reinsertion

The DCR program was elaborated to respond to the specific need to decompress the militarisation of Ituri. It was established before of the creation of a national plan on Disarmament, Reintegration, or Reinsertion. Follow up mechanisms to assure the Reinsertion of former combatants have been fraught with difficulties, and have overshadowed the achievement of the DCR. The program has been generally acknowledged as a “fiasco”.⁴⁹ The difficulties of the Ituri DCR program are indicative of the problems of the National Demobilisation Program (PNDDR). These challenges *inter alia*:

- ***Lack of mechanisms to ensure the payment of former combatants after having passed through the transit sites.*** Former combatants in Ituri received 50 US dollars after they have gone through the transit site. A large number of combatants claim to have not had access to the “*filet de securité*”. UNDP states that the COM-REC Conader

⁴⁵ The MDRP is the national program for the demobilisation of armed groups recognised in the Accords of Lusaka (FAC, MLC, RCD-G, RCD-ML, RCD-N) and the Inter-Congolese Dialogue (Mai-Mai).

⁴⁶ These are draft estimations based on reports from the different leaders of armed groups, MONUC, and independent investigations. (source: UNDP)

⁴⁷ According to an interview with UNDP in October 2005, the benefits of the PNDDR are a “prime de retour” of 25 US dollars and the payment of 25 USD as a “security net” during a period of one year. Interview M. Gerard, Bunia October 2005.

⁴⁸ ‘Dialogue with Demobilised Combatants’. Africa Initiative Program (AIP) October 2005.

⁴⁹ Interviews, NGO workers, local government authorities, civil society, international agencies, April 2006.

programme includes up to 25% of ex-combatants in infrastructure rehabilitation activities.⁵⁰

- ***Lack of political will by armed groups to accept the demobilisation of their forces.*** Leaders of armed groups in Ituri are well aware that their only negotiating tool with the transitional government is their military capacity. They see no reason to relinquish this bargaining tool until they have guarantees from the national government. The basic criteria for acceptance to the Congolese Army (FARDC) are to be “Congolese physically and mentally suitable, and have six years of schooling.”⁵¹ Bearing this in mind, many very young “generals” and “colonels” realize that they will lose rank or not qualify for the minimum standards to be entered into the army.
- ***The government’s limited capacity to integrate combatants into the national army.*** Former combatants who fulfilled the minimum criteria and who wanted to integrate into the national army were not given the opportunity to do so.
- ***Lack of security guarantees in areas where militia groups were formerly active.*** The three brigades of the Congolese Army (approximately 8000 soldiers) and the 1500 police stationed in Ituri have been more of a source of insecurity for the population than the ‘demobilised combatants’. Problems of assuring safety are almost identical to the difficulties in Katanga and the Kivus. The security services are plagued by problems including delayed payment (or non-payment) of salaries; insufficient training; unclear command and control structures, absence of housing for staff and their families (lodgement), and lack of communication equipment.
- ***Lack of structures to facilitate the reinsertion of former combatants:*** To date there remains an institutional ‘slowness’ in terms of allocating the necessary resources to integrate combatants into their communities. “Demobilized combatants” who had joined the MRC stated that their reason for doing so was because they had no other option; they had no other income generating activity.⁵²

The problems with the demobilisation program in Ituri, although particular to the region, are indicative of the challenges faced in the demobilisation of armed groups and the formation of a unified national army in the rest of the country.

- ***Failure to demobilise female combatants:*** “The ‘DDR’ process in the DRC as a whole, and in the East in particular, was to some extent a missed opportunity for the women of the country, as the national DDR programme failed to take into consideration the category of women associated with the fighting forces, other than direct combatants, who played roles such as cooks, porters and sex slaves”.⁵³

The Mouvement Revolutionnaire du Congo (MRC)

We signed up for the Dar- es-Salaam accords and agreed to disarm. We went through the disarmament program but there have been no programs of reinsertion to date. The government in Kinshasa keeps sending more troops to Ituri. For right now, we have a blind faith in the elections, but we are keeping all our options open. If Kinshasa continues to ignore us, we will use all means at our disposal.

Interview MRC leader, Ituri

In June 2005, the MRC was officially created by former members of militia movements in

⁵⁰ Interview UNDP Com-REC. For complete information on the DCR program see Africa Initiative Program Ituri updates January-December 2005.

⁵¹ Reference program PNDDRRR.

⁵² Interviews Ituri. April 2006. Between October and January 2006, former combatants were offered 100 US Dollars to join the ranks of the MRC, upon presentation of a functioning weapon. Starting in February, the ‘prime’ was lowered to between 30 and 50 US Dollars. In April, a “demobilized combatant” claimed that he had been given 25 US Dollars to join the ranks of the MRC.

⁵³ Interview with DPKO Gender Officer 10th May 2006.

Uganda. While at first glance the MRC appeared to be another Kampala based militia, it soon became evident that the formation of the MRC was a reaction to the failure of TNG, the UN and others to offer viable alternatives to former combatants (i.e. integration into army or civilian vocation). The formation of the MRC was also a reaction to the abuses committed against population, by soldiers sent under the banner of an integrated national army.

Since the beginning of this year, the district/province of Ituri has been marked by a regression with regard to security, notably due to fighting between FARDC and rebels grouped under the banner of the MRC. Despite the support of MONUC Ituri Brigade, FARDC has been unable to effectively reign in this new rebel group in Ituri, which has been classified as a "type nouveau".

One of the key rules of engagement for MONUC in their forced disarmament and cordon and control operations is to conduct these actions in direct collaboration with the Congolese army. While these new outbreaks of violence threaten the efforts made to pacify the Northeastern Region of Ituri, they are of a different nature than the inter-communitarian conflict that took place between 1999 and 2004. Ironically, this deterioration of the security situation also represents an evolution from the past. In April of 2006, the leaders of the MRC expeditiously dealt with combatants who had abused the population.⁵⁴

The importance of holding elections in the coming months throughout the country makes it all the more urgent to assure the pacification of Ituri. The MRC profits from the lack of reinsertion activities for former combatants, and a *de facto* vacuum of power. Furthermore, the FARDC's abuses against the civilian population have actually given a positive image to the MRC as "protectors of the population." When asked about the FARDC in Ituri, different representatives from throughout the territory responded that they should leave "Ituri for the Iturians." The rhetoric of the MRC, while similar to that of past Ituri Militia groups, has resonated considering the perception that Ituri has become a veritable "dumping ground" for untrained, unpaid and undisciplined soldiers sent by the national government. Reluctantly, even the international personnel present in Ituri, admitted that they could not disagree with the logic of taking up arms by the MRC.⁵⁵

The population of Ituri is in resistance against Kinshasa. The behavior of soldiers sent by the so-called government has actually helped to bring together local communities. Enemies of yesterday are 'working' together as the self-defense movement of the people of Ituri. Where the MRC is present, stability is more assured than in areas where the FARDC is stationed. The MRC's military actions serve a clear cut objective: "to protect the population from undisciplined troops who rape, pillage and kill our brothers and sisters. Our combatants are more disciplined; and those who do not adhere are severely punished to ensure compliance. Public executions against undisciplined combatants who pillage or rape or steal (e.g. stealing a chicken or a goat) have been organized in areas where they are deployed."⁵⁶

⁵⁴ This included the summary execution of two militia members in Gety during the week of April 11th.

⁵⁵ Entretien FEWER avec les agents ONU et autres ONG's locales et internationales...

⁵⁶ Temoignage d'un habitant de l'Ituri, responsable d'une ONG.

8. Triggers

Military Solutions

Weeks after the attacks in New York on September 11 2001 the government of Kigali declared that the Alliance for the Liberation of Rwanda, (ALIR) was a terrorist group that could only be dealt with militarily. In August 2004, following the implication of the National Liberation Force (FNL) in the massacre of over 140 Congolese Tutsis in the Gatumba refugee camp, the FNL was excluded as a political interlocutor in the Burundian peace talks. In Uganda, leaders of the LRA have been issued arrest mandates by the ICC.⁵⁷ The Tripartite plus meeting on April 20th approved to recommend sanctions against armed groups (leaders, members) who had not disarmed voluntarily by the September 2005 deadline, including the MRC. These sanctions include a restriction of access to the media, non-recognition of these movements as political interlocutors, freezing of assets, and a travel ban. Public perception could place the MRC in a position whereby, if they are perceived to be better at providing security than the police and national army, than they can potentially capitalize on general public support and transform themselves into a legitimate political actor in Ituri.

The approach of Kinshasa to deal with the MRC is the same as Kigali with the FDLR, Burundi with the FNL and Uganda with the LRA. This exclusively military solution has not worked effectively in any of the neighbouring countries, and is unlikely to work in Ituri. Since March, there have been various contacts with representatives from the MRC and MONUC and FARDC. The principal re-vindications of the MRC have been a chance for combatants to integrate into the national army and the withdrawal of troops of the Congolese army stationed in Ituri. The government of Kinshasa has refused to enter into any kind of negotiations with the MRC, and has done little to sufficiently provide for the FARDC in Ituri, which is one of the reasons for their indiscipline and mutinous actions. Military operations against armed groups in the region, as well as the inability or unwillingness of certain governments to deal with these groups has exacerbated the often antagonistic relationship between leaders in the region. The frequency in which armed groups cross national borders requires a level of cooperation that is clearly absent.

The military response has regional implications, as recent fighting between UPDF and FARDC continued Rwandan support to armed groups in the Kivus, (under the guise of neutralizing the FDLR), and Burundian military operations forcing the FNL combatants deeper into South Kivu and Katanga and their leaders closer to Kinshasa

Continued Human Rights Violations.

Incidents of human rights violations have continued throughout the country in Ituri, the Kivus and Katanga, being the most volatile and insecure provinces. In Ituri, abuses committed by FARDC forces have further destabilised the security situation. Amongst other incidents reported by MONUC: "At least 13 civilians were allegedly shot dead and two others wounded by the army, as they were attending morning mass in Nyata church in Kagaba – 25 km south of Bunia on 22 January 2006" and "FARDC military

⁵⁷ In October 2005 the ICC issued warrants for numerous individuals in the LRA leadership, including: Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen, (Ongwen was killed by Ugandan troops on the 30th of September 2005).

allegedly executed four civilians in Mrebu Groupement, near Nioki in Mahagi Territory”⁵⁸. In addition to these there were reports of four young men who had been abducted at Londoni and later executed after being forced to help carry stolen goods; an additional two abductees are unaccounted for.⁵⁹ Reports also indicated that two students were raped at a boarding school in Ngote, just outside Mahagi, by FARDC forces on the nights of 2 to 3 February 2006⁶⁰, further rapes were reported on the 10th of March⁶¹. FARDC forces have committed the majority of violations reported. The continued insecurity, to which incidents such as these have contributed, has hampered effective human rights monitoring in Ituri and adds to the all too frequent impunity felt by the perpetrators.

9. Peace Indicators

Electoral advances: An Overview of National Elections

According to the “roadmap” published by the Transitional Government in October 2004, elections should have been held in the DRC at the provincial, parliamentary, and executive levels by June 2005. Under Article 196 of the transitional constitution, the electoral commission can request a six month extension twice in the transition period in order to be better prepared for elections. The Independent Electoral Commission (IEC) made a formal request on April 28th (2005) to delay the elections on the grounds of jurisdictional and logistical dilemmas - notably the extensiveness of the country, the logistical difficulty of registering a potential 28 million voters,⁶² the lack of infrastructure as well as ongoing insecurity and the slowness of parliament to enact certain legislation.

The Parliament and Senate, which convoked in an extraordinary session 17-18 June 2005, confirmed the request of the IEC, and set a new timetable for elections: a popular referendum on the constitution which was held in December 2005 and elections in March 2006. On the 30th of April, the IEC announced that the electoral campaign would start on the 29th of June, 2006 and the first round of presidential and legislative elections would take place on the 30th of July 2006.⁶³

The divisions that lay at the root of the conflict remain largely unchanged. ‘Politicians’ have little reason to support the results of free and fair elections unless they envisage a potential increase in their current strength. Without integration of the army, the opportunity of gaining militarily what they have lost politically will remain open to disgruntled politico-military actors. (See section on Command and Control of FARDC in Ituri)

Elections in Ituri

The population of Ituri has high hopes for elections. There are 189 electoral circumscriptions (districts) in the DRC, with 9632 legislative candidates. In Ituri there are five circumscriptions spread across the five territories of Aru, Irumu, Mambasa, Djugu and Mahagi, in which 1,399,608 voters are registered⁶⁴. Elections⁶⁵ are part of an ongoing

⁵⁸ ‘Human Rights Situation in February 2006’, MONUC Human Rights Division, 18 March 2006

⁵⁹ Ibid.

⁶⁰ Ibid

⁶¹ ‘Human Rights Situation in March 2006’, MONUC Human Rights Division, 8 May 2006.

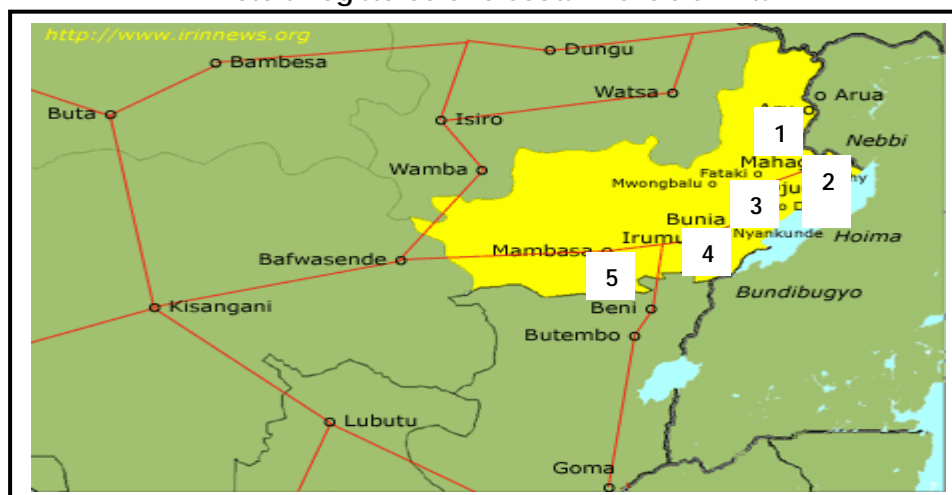
⁶² The last full census of the Congolese population was conducted in 1984.

⁶³ Electoral law stipulates that the campaign will last for a maximum of thirty days before election day, and end 24 hours before voting. (article 128)

⁶⁴ ‘Répartition des sièges des députés nationaux et provinciaux en fonction de nombre d’électeurs enrôlés au 15 Février

democratic process which begins long before (in political and logistical terms, as well as in terms of building a culture of democracy) and will continue after voting day (where issues such as accountability and legitimacy (input, procedural and output)) come to the fore. Other issues are crucial to the democratic process, including the choice of appropriate democratic institutions for devolution or autonomy, electoral system design, legislative bodies and judicial structures; all of which will be of crucial importance for the pacification of Ituri.

Voters Registered and Seats Available in Ituri



	Registered Voters	Seats
1 Aru	296,016	6
2 Mahagi	373,834	7
3 Djugu	396,603	8
4 Irumu	243,306	5
5 Mambasa	89,849	2

Local Accountability

Following the completion of the Ituri Pacification in March of 2003, an Interim Administration (IIA) was elected, with the dual mandate of pacifying and administering the district of Ituri. The Local Assembly, over which Mrs Petronille Vaweke presided⁶⁶,

2006', Kinshasa, 15 February 2006.

⁶⁵ Although there are still enormous logistical hurdles to be crossed as elections are organised over the next two months, as well as the possibility of increased conflict in the Eastern part of the country. Knowing all the logistical difficulties which accompany preparations for elections in the DRC and the prospect of violence, it is the unanimous position of international actors that elections should be held as soon as possible, in order for the peace process and any sustainable engagement by the international community to move forward, this is what is called a "next best scenario". There is a feeling that there have been enough positive developments in the electoral set-up of the DRC to warrant 'good-enough' elections.

"Good enough elections" refer to an idea that in post-conflict/conflict-stricken countries, it may be impossible to have completely free and fair democratic elections, which are completely universal due to lack of infrastructure, logistical difficulties, ongoing funding dilemmas and so forth. In these circumstances, it may be better to settle for elections whereby a proportion of the population is able to vote free from obstructions/intimidation, where there are basic security measures and electoral procedures in place to have "good enough elections" which would then be recognised. Often the countries in the international community may make statements stating their support of the outcome, thus recognizing the election results and the incoming government. This then facilitates the delivery of aid packages.

⁶⁶ The IIA was composed of a local assembly of 32 members, representing all delegations, a five-member interim executive to implement assembly decisions, an eighteen-member commission for conflict prevention and verification, a nine-member committee for dialogue between the armed groups, and a seventeen-member interim observer group on human rights

was established as the decision-making organ of the IIA, and represented an elected local body, with a degree of autonomy from central government and a shift towards a de facto decentralisation of power away from Kinshasa. However, despite efforts by the Interim Assembly and the International Community, the IIA was unable or incapable of achieving its objectives of successfully pacifying or administering Ituri and was officially disbanded in June 2004. In July, Petronille Vaweka was appointed, by presidential decree, as the District Commissioner of Ituri.

The District Commission's officer in Bunia now suffers from the same legacy of centralised inefficiency as the rest of the local structures in the Congo. "We have no expenditures for running costs, because these are supposed to come from transfers from Kisangani. However, when we request basic running costs from Kisangani, we are told that these come from Kinshasa. Kinshasa instructs us to direct our request to Kisangani. Transfers from customs offices within Ituri often go directly from the territory to the capital rather than passing through the DC office".⁶⁷ The new constitution will change the number of provinces from 11 to 25. Decisions to decentralise could foster more accountability through local elections and devolution of real decision-making power. However, "decentralization" could risks to be a term which serves to reinforce the existing systems of governance of top-down nominations, and de-concentration of power from the capital. The focus on national level elections should not overshadow the importance of provincial elections which will have important consequences for private and public sector activities and long term stability throughout the country.

According to the Constitution, the 11 Provinces, as of now, will be maintained until the holding of elections up to 36 months after the legislative elections. In Equateur, provincial authorities fear that the election process is aiming at installing a national government and Parliament, and on the local level, provincial and district level reforms will then be neglected and elections avoided⁶⁸. The new Constitution provides the framework for a program of decentralization, devolution of powers to provincial authorities, which is a necessary prerequisite to assure that elections are complimented by structures that are accountable to the local population. The Constitution provides for elected provincial assemblies which in turn elect a provincial governor. The district commission's office in Ituri has suffered from its total dependence on the provincial capital of Kisangani which will now be changed to Bunia; allowing 40% of public revenues to remain within the province of Ituri.⁶⁹



violations.

⁶⁷ Interviews with district authorities, Bunia. April 2006.

⁶⁸ Interviews district authorities. Mbandaka March 2006

⁶⁹ In 2002, Thomas Lubanga's decision to change licence plates in Bunia to PI (Province of Ituri) was perhaps the only action that was appreciated by all the population of Ituri. (AIP-FEWER-Africa. Observation of Ituri Pacification Commission, March 2003)

10. Justice: A beginning to the end of impunity?

International

The arrest of Thomas Lubanga and his extradition to The Hague to be tried as the first case of the International Criminal Court (ICC) is a strong symbol of a possible end to impunity for those who committed various war crimes in Ituri since 2002. Lubanga has been initially charged with the conscription and recruitment of child soldiers, whom were used to participate actively in the conflict. These charges will likely be complimented by others.⁷⁰ The ICC is currently working on compiling necessary evidence for other armed groups. The next group of individuals to be charged at the ICC could be before the end of the year. Since June 2003, when the ICC stated that it will begin its first investigations in Ituri, this has been a strong message to militia leaders who formerly acted with complete impunity.

National

Despite continuing abuses, some progress has been made to put an end to impunity of soldiers and armed groups. The Military Court in Ituri sentenced Captain Masamba to life imprisonment for the execution of five students, and sentenced 20 soldiers for indiscipline. The judicial system has upheld its obligation to the Statute of Rome which classifies rape as a crime against humanity. In Equateur, seven soldiers were sentenced to life imprisonment for charges of mass rape. This stern response to gender-based violence by the military court may serve as an example for soldiers in Ituri, Kivus and the rest of the DRC. The High Court in Bunia (tribunal de Grande Instance) has continued to function and rendered over 135 judgements in 2005, including sentences for former militia leaders.⁷¹ On the 1st of April, a public audience of the military court was held charging the Colonel Kalenga Jean Bovin and 25 soldiers under his command.⁷²

Box 2

Linking Democracy and Justice.

The idea of democracy is partly based in a desire to create a new, more just society. To do that we have to invest in creating the material elements for justice, creating good laws and training officials on technical and ethical issues. When the elected government comes to power, one of the most important criteria by which it will be judged is how serious it implements judicial reforms.

Professor Pierre Akele. Regional Conference on Justice and Reconstruction organised by FEWER-Africa, 2006

The judiciary still suffers from over four decades of structural degradation, and the lack of resources in order to assure that the population has access to a credible justice system throughout the territory in Ituri. On a national level, only

three percent of the budget has been allocated to the functioning of the judicial system. The standard percentage is double that.⁷³ The military and civilian courts in Ituri were rehabilitated in January of 2004 and their functioning has been made possible thanks to the support of the European Union and MONUC.⁷⁴ Without continued international engagement to support the re-establishment of the rule of law in Ituri, the

⁷⁰They are not the most serious crimes that Lubanga is suspected to have committed, but rather the charges which have the most evidence, much like the indictment of Al Capone on charges of tax evasion.

⁷¹ Interviews. Head Prosecutor at Bunia High Court. April 2006

⁷² The trial was moved to Bunia, (justice foraine) as to inform the population of the functioning of the military court.

⁷³ University of Kinshasa Law School, Interviews. FEWER-Africa. April 2006

⁷⁴ In April 2006, the EU support project was reduced and is scheduled to restart with the beginning of the program REJUSCO (Restauration de la Justice dans l'est du Congo)

population of Ituri will continue to live with justice that fluctuates between arbitrary, impunity and vengeance.

Local

“Our ancestors did not settle their disputes by using bows and arrows. The reaction was to gather people of same conditions together and to settle the conflict peacefully. Whether it was related to land, dowry, forced marriage or crime, the elders, around the wood fire or under the tree, would find a way that would favour the renewal of the social fabric and reconciliation, and this would end up in palm drinks, celebration, dance and feast.”⁷⁵

A dynamic of reconciliation between different communities has continued despite the recent degradation of the security situation in Ituri. Customary leaders from all five territories in Ituri (Djugu, Irumu, Aru, Mahagi, Mambasa) stated that “the devastating conflict was due to the presence of foreign troops in the country and in the region, assisted by local opportunist politicians who pitted us against each other. There is no longer a conflict between different communities in Ituri.”⁷⁶ Informal dialogue and reconciliation within and between communities has started to restore relations, and create the foundations for a long process of confidence building between the different communities.

Local reconciliation between communities has drawn upon local customs, and credible individuals who are resolute in their desire to avoid that Ituri plunges back into all-out chaos. The focus on elections has already created additional pressure on this fragile local peace process.⁷⁷ There is an increased need to incorporate local realities into the ongoing democratisation process and articulate national and international interventions with local level realities. The example of the arrest and transfer to The Hague by the International Criminal Court (ICC) of Thomas Lubanga, former leader of the rebel group, *Union des Patriotes Congolais*, is an example of the need to focus more on local dynamics. While it has been widely heralded on the national and international level as an important step towards the end of impunity, the population of Ituri has not reacted with the same enthusiasm. In April 2006, when asked about the positive sign of his arrest, many responded with questions: “Why him alone? What about the others? What about Lendu leaders as well? What about those in Kinshasa who committed crimes? What are we waiting for before arresting them?”

Many Iturians consider that they have been passive actors in the definition of their history, manipulated by external actors in the events that have been affecting their history on a long-term basis. There is a widespread desire to shape their own destiny as Congolese and as Iturians. To ignore these voices is to reinforce a long-standing history of lack of popular representation and government accountability. In short, it prepares the ground for the next explosion of violent mayhem.

⁷⁵ Ituri Civil Society, during Africa Initiative Program roundtable on Justice and Reconciliation. April 12-13, 2006

⁷⁶ Discussion with customary leaders from throughout Ituri, during workshop “access to justice” organized in Bunia, April 17, 2006

⁷⁷ At the displaced persons camp outside of Bunia, residents testified of exactions by militia members to prevent the population from participating in the referendum on the Constitution. (April 2006, Ktoni Camp)

11. Stakeholder Analysis

Army and Police

The reform of the army depends on the voluntary integration of all forces to the army, the realisation of the DDR program, and a reliable figure of the number and type of forces eligible for entry into the army. In Ituri, former combatants (recognised by the Dar Es Salaam Accord) are now grouped under the denomination MRC, which is not recognised as a group having access to integration within the Congolese Army. The DCR program's first phase of disarmament could be qualified as a mitigated success, with the disarmament of over 13,000 combatants. However, the reinsertion phase has been less than successful and is one of the main reasons given by current militia fighters for having "returned to the bush". The number of effective army personnel is unknown in Ituri as it is throughout the rest of the country.

MONUC

MONUC's Ituri brigade is composed of four battalions (Bangladeshi, Moroccan, Nepali, and Pakistani). The process of forced disarmament in Ituri has shown that MONUC is capable of a pro-active and robust interpretation of their mandate to secure parts of territory in the East formerly under the control of militia movements. However, there remains a glaring gap in resources to assist in the reinsertion of combatants to their communities. In addition, the widespread possession of arms in Ituri combined with the remobilisation of former combatants risks to discredit the positive steps taken by MONUC in Ituri. Despite the UN-imposed arms embargo, supply routes by water, air and land are countless. MONUC has stepped up its border patrol and the Congolese army has been deployed to border posts. However, numerous reports have stated that individuals in all levels of the army have been involved in supplying illegal weapons as well as resource exploitation. As Colonel Provendier remarked in 2005, "The effectiveness of this embargo relies on the cooperation of the nine States bordering the DRC".⁷⁸

EU Involvement

The EU is the most important international partner in supporting Security Sector Reform in the DRC.⁷⁹ The European Defense and Security civilian police mission (EUPOL) was the first program in DRC to work directly on the reform of the security services. EUPOL was the final phase of the EU's Congolese Integrated Policy Unit (IPU/UIP), which was provided as part of the follow up to the Pretoria Accord, and intended as a follow up to protect the institutions and members of the Transitional Government until the elections. In May 2005 the European Security Mission was established (EUSEC): 'The mission will provide advice and assistance to the Congolese authorities in charge of security while ensuring the promotion of policies that are compatible with human rights and international humanitarian law, democratic standards, principles of good public management, transparency and observance of the rule of law.'⁸⁰

⁷⁸ MONUC press briefing June 14, 2005.

⁷⁹ Security Sector Reform can be simply stated as the transformation of all state non-state institutions/actors (army, police, security/intelligence services, reserve forces, militia groups, judicial system, private security forces, presidential guards, etc...) that are responsible for assuring the security of the territory and its citizens. The key aspects of SSR are that these institutions are organised efficiently to assure the functioning of a legitimate government and the security of its population, and that they are under the democratic control of parliament and civilian institutions. (for more complete information see DAC guidelines "Security Security Sector Reform and Governance" OECD 2004)

⁸⁰ Council Joint Action 2005/355/CFSP of 2 May 2005 on the EUSEC RD Congo Mission.

EUSEC's mandate is based on support to the Congolese government in the reform of army institutions. The EUSEC mission has a lack of command and control structures emanating from the CSD,⁸¹ combined with questionable political engagement by key actors in the government, the rapidly changing political environment, and the institutional set-up of the EU mission itself (see box, pillar-transcending initiatives) has made the realisation of this mandate a daunting endeavour.

European Intervention Force (EUFOR)

Following a formal request from the UN in December 2005, the European Council approved a European Intervention force for the Democratic Republic of Congo. The mandate of EUFOR R.D. Congo's includes "authorization to take all necessary measures to support MONUC in case the Mission faced serious difficulties in fulfilling its mandate; contribute to the protection of civilians under imminent threat of physical violence, without prejudice to the responsibility of the Congolese Government; contribute to airport protection in Kinshasa; ensure the security and free movement of EUFOR R.D Congo personnel and the protection of its installations; and execute limited operations to extract individuals in danger"⁸². The force will consist of approximately 1500 soldiers, with Germany and France contributing 2/3 with central operations being led out of Potsdam under German command and tactical Command out of Kinshasa under French command. Despite the differences in mandate and resources, the mission has been dubbed by European representatives as "Operation Artemis Bis," the EU force that intervened in Ituri in June of 2003.⁸³ EUFOR's rules of engagement are certain to be much less robust than those of Operation Artemis, focusing more on securing key locations within the capital city, legitimate self defence, and assuring the safety of key Congolese and international actors. The rules of engagement of Artemis were based on the repression of militia activities and pro-active military actions to secure the town of Bunia.⁸⁴ The government of transition officially saluted the sending of EUFOR as a positive step to assure that elections were conducted under peaceful conditions. However, one Congolese Ambassador summed up what is a widespread perception by the Kinois: "The Europeans are here to assure the safety of the expatriates living in Kinshasa. A couple hundred will be based in Ndjili, and even if fighting breaks out in Katanga will stay in Kinshasa."⁸⁵ It is well documented that in conflict situations, perception can be as important as reality, and particular attention should be paid to the communications strategy of EUFOR, to avoid creating unrealistic expectations of its actions.

Box 3

A look at some lessons learnt from Operation Artemis:

- Political and civilian interventions are a necessary compliment to peace-keeping missions in order to assure continued stability after the withdrawal of an international force.
- There is a difficult balance that must be constantly re-evaluated to ensure that international intervention has a realistic exit strategy, while ensuring that there is a significant impact to neutralise spoilers and consolidate peace in the medium term.
- Sufficient political will combined with necessary resources can have an important impact to stabilise conflict zones.

⁸¹ As of now the CSD is marked by its incapacity to reach decisions and thus a tendency to avoid the CSD in taking any military decisions. According to Article 189 of the CT the CSD is composed of the president, four vice presidents, the Minister of Defense, Minister of the Interior, Minister of Decentralisation, the Minister of Foreign Affairs, the chef d'Etat Major Général of FARDC, the chefs d'Etat Major of land, air and naval forces.... If there is a military problem in the country, who do you telephone?

⁸² Security Council resolution 1671 (2006)

⁸³ Telephone Interviews.

⁸⁴ Could we say that operation Artemis was Chapter 7, while this will be more in line with Chapter 6.

⁸⁵ Interview April 2006, requested anonymity.

EUFOR has agreed that other problem areas throughout the country will be secured by Congolese authorities and MONUC. Failure to assure the security of the Congolese population is first and foremost the responsibility of the Congolese government. Yet due to the lack of a functional army, there is a tendency to attribute this responsibility to the international community.⁸⁶

12. Lessons Learnt from Ituri for the Congo

The Positive Role of the International Community

The intervention of operation Artemis in 2003 showed that with the necessary political will the international community can have a positive effect on restoring peace. In 2003, the Transitional Government of the DRC in Kinshasa was unwilling or incapable of effectively restoring state authority in Ituri.⁸⁷ As a result of a robust response to the upsurge in violence there was a substantial improvement in security. The situation benefited from a large international investment in the military hardware, but there was a much less significant improvement in terms of state reconstruction at a local level with little international or national investment in the political 'software'.

In April 2003, foreign armies were withdrawing from the east of the country, as the transitional government was about to be signed in Kinshasa. From a wider perspective, this sequential process seemed to have succeeded as planned with pressure on regional "uninvited actors" to withdraw and on national stakeholders to agree to a power-sharing framework. However, as the newly selected vice-presidents were waiting to be sworn in, a wave of violence broke out in the eastern region of Ituri. Following this violence was a fundamental threat to the wider peace process, it was recognised that there was a need to establish state authority before addressing local level conflicts. In June 2003, an EU Force intervened in Ituri, heavily equipped with a Chapter 7 Mandate and the necessary force (Mirage planes, armoured transportation carriers and more than 2000 soldiers). The force helped to stabilize one of the most conflict-ridden areas of the Eastern DRC. This international

Box 4

Lessons from Liberia

The first democratic elections in a country that has been marked by structural failure at all levels and exacerbated by civil and regional war has generated a new political optimism. The initial excitement of a new political dispensation before, during, and immediately after the elections can easily be a curse in disguise, as elections are only one small part of the democratic process. As is seen in Liberia, the challenge after the elections is how to implement a real transformation of society and the interaction between the population and the government and how to not only maintain international political engagement but to increase it, rather than equate elections with a withdrawal strategy. An advisor to President Sirleaf stated "We can have the best elections, the most qualified technocrats, but without real support for the construction of new institutions, it is like building a castle in the sand...In Liberia, the first casualty of the post-transition process will be expectations. democracy is to take hold in these instable environments, we need to move the emphasis away from elections and towards building coherent robust institutions in the post-electoral period. In short, long term state building has been overshadowed by short term exercises in democracy. And the west wonders why the continent keeps falling back into conflict."

Advisor to Liberian President Sirleaf, telephone interview Monrovia May 9, 2006.

⁸⁶ After the fall of Bukavu in June 2004, massive demonstrations were held throughout the DRC criticising the MONUC, with accompanying violence.

⁸⁷ Examples include the non-payment of salaries of army, police, judiciary, and other public servants; the lack of logistical support for state services, the total lack of transparency in relation to the management of provincial financial revenues, and the ad-hoc nature that defined the integration of Ituri armed groups into the national army (per Dar-es Salaam accords)

military intervention did not follow the sequential process of peace-building; it was an international intervention which acted on a local scale, in order to safeguard a national peace process—before the establishment of state authority.

This local intervention broke from the convention that local conflicts can only be addressed once the state is in place. In the DRC, this multi-track approach was essential to allowing the formation of transitional institutions. It also permitted the establishment of a MONUC office, with a unified civil and military command structure, which has been vital in assuring the effectiveness of MONUC in working with FARDC to disarm Ituri Militias. However, there has been insufficient sustained political engagement in Ituri to consolidate peace and to rebuild the state at a district/provincial level.

Local actors are increasingly aware of the state of international engagement and quite capable of realizing the difference between real political will and empty diplomatic talk.

Early Warning and the Risk of Violence?

Soldiers receive little aid from the government and hence resort to the same survival techniques that they have been pursuing for the last several years, including pillaging, looting, and extorting local populations. Military integration for the DRC means amalgamating the command structures and military units (soldiers) of the different armed groups to create a national army. In theory this is being done, but in reality factions of the same army, and even different units within the same military region, are fighting each other. However, “integration” of the army cannot be done without also supporting the increased “professionalisation” of the Congolese Army.

The current EUSEC supported program is a step in this direction. Among other things, it has increased the pay of soldiers from 10 to 25 US dollars per month, as well as an extensive audit and institutional support for the chain of payments.⁸⁸

The situation in Ituri indicates that there is still a risk of renewed conflict in the region, either before or after the elections. This potential instability could lead to a return of foreign troops, the creation of new alliances and increased fighting between militia groups and attempts to regain territory throughout the country. This would bring about an increased risk of conflict spreading to Kinshasa and other provinces. Political stability will depend on the foundations of a culture of democracy through civic education, the rule of law and the infrastructure and institutions required to sustain legitimate and functioning governance, including political representation at a local and district level. These efforts do not exist in a security vacuum, and as one Congolese Colonel stated: “Successful elections without more attention to the reform of the army is an exercise of building castles in the sand.”

⁸⁸ The program is still in process of implementation following an initial audit of the number of effective troops in the Army, which identified over 140,000 “ghost soldiers” and the need to assure the necessary resources to assure that the number of soldiers was established, that payment was made with necessary transparency, and that the sufficient logistics were available. In 2004-2005, government delegations visited the Kivus and Ituri on several occasions to make a 10 USD payment to soldiers. When interviewed soldiers acknowledged that they had received this, but that this was not a payment or salary but rather “une geste sociale” by the government.

13. Institutional Profiles

FEWER Africa

The *Forum on Early Warning and Early Response-Africa* is a network of organisations, including civil society networks, non-governmental and inter-governmental organisations, universities and research institutes. FEWER-Africa aims to provide early warning and promote coordinated, early responses to violent conflict in volatile regions of the world.

FEWER Africa (Nairobi) and FEWER-Eurasia (Moscow) support conflict prevention and management initiatives of member organisations and ensure the implementation of a common strategy. Our early warning and response work is guided by three principles:

1. Emphasis is placed on ensuring that local perspectives on the causes and dynamics of violent conflict and peace building are heard in different policy-making communities.
2. Operational co-operation between local early warning networks and international initiatives, setting the stage for a rigorous analytical process.
3. Ensure that early warning is linked to responses that are owned by multiple stakeholders at the local, regional and international levels.

Visit us on www.fewer-international.org

Africa Initiative Programme

Africa Initiative Program (AIP) in Ituri works to facilitate dialogue between representatives of different communities and supporting local peace-building initiatives. The de facto isolation of a large proportion of Ituri's population from information flows causes ignorance, which in turn leads to cultural vulnerability, negative manipulation of communities and conflict. In 2006, AIP's focus is on combining civic education and on community-based reconciliation initiatives. This responds to an urgent need to provide basic "civic awareness" and ensure that elections contribute to the creation of sustainable peace within Northeast DRC.

REPUBLIQUE DEMOCRATIQUE DU CONGO
DECLARATION POLITIQUE DU MOUVEMENT
REVOLUTIONNAIRE CONGOLAIS (M.R.C.)

Transmis copie pour information à :

- Monsieur le Secrétaire Général de l'ONU à New York.
- Comité International d'Accompagnement de la Transition (CIAT).
- Monsieur le représentant du Secrétaire Général de l'ONU en République Démocratique du Congo.
- Monsieur le Directeur du bureau de la MONUC/Ituri.

N/Réf : 001/M.R.C./MPM06.

Concerne : Déclaration du Mouvement
Révolutionnaire Congolais (M.R.C.).

Au Gouvernement de transition de la République Démocratique du Congo
à Kinshasa,

Le Mouvement Révolutionnaire Congolais(M.R.C.) a l'insigne honneur de vous présenter sa déclaration afin de vous éclaircir sur la lecture qu'il fait de la situation sociale, politique et militaire du pays.

Tout en vous souhaitant une bonne réception, le Mouvement Révolutionnaire Congolais interpelle votre conscience nationale pour sauver le processus électoral en République Démocratique du Congo.

3

- Constatant que le Congolais a presque tout sauf un espace de liberté où il puisse parler sans entrave et sans censure, sans risquer de compromettre la situation de sa famille et de faire tomber la foudre sur tout un village ou sur une contrée entière ;
- Constatant que l'Ituri où notre mouvement siège provisoirement a été saigné et impitoyablement pillé, privé de ses fils les plus vaillants et voués au pire des sorts qu'est la prison, une prison extra-légale où les pleurent se changent en glace ; fils accusés de tous les maux, de toutes sortes d'ignominies alors que tout le monde sait que les charges infamantes qui pèsent sur eux ne sont que pures inventions pour camoufler une persécution politique ;
- Constatant qu'il y a une loi pour entrer en prison et qu'il n'y en a pas pour en sortir.

PREND LA POSITION SUIVANTE :

1. Désavoue toutes les manœuvres dilatoires de la classe politique visant à annihiler les efforts entrepris pour l'instauration d'un système démocratique réel et effectif au Congo ;
2. Regrette le fait que la Communauté Internationale n'observe pas la neutralité dans la gestion de la crise congolaise ;
3. Dénonce le fait que :
 - le pouvoir rend le peuple misérable pour le gouverner au lieu de le gouverner pour le rendre heureux et que ce même pouvoir respire l'air dont il veut priver ses concitoyens ;
 - l'appareil de justice ne se montre respectueux de la loi que quand il y trouve son intérêt ;
 - il faut sacrifier des personnes pour sauvegarder des règles en usage imposées par les puissances étrangères.

2

REPUBLIQUE DEMOCRATIQUE DU CONGO
DECLARATION POLITIQUE DU MOUVEMENT
REVOLUTIONNAIRE CONGOLAIS (M.R.C.)

**DECLARATION POLITIQUE DU MOUVEMENT
REVOLUTIONNAIRE CONGOLAIS**

Le directoire politique du Mouvement Révolutionnaire Congolais (M.R.C.), réuni à Bunia, ce mercredi 29 mars 2006, pour analyser la situation socio-politico-militaire du Congo :

- Constatant le blocage délibéré du processus de démocratisation du Congo à travers une tricherie constitutionnelle du pouvoir, excluant et marginalisant certains groupes politico-militaires ;
- Constatant la prolongation intentionnelle de transition par le pouvoir en place en vue de s'y maintenir, acte violant les différents principes d'accord de SUN-CITY ;
- Constatant la déception des attentes du peuple congolais, déception accentuée par la déséquilibre des institutions nationales, la mauvaise gouvernance, le détournement des fonds publics, la culture d'égoïsme, etc. ;
- Constatant que nous sommes indépendants mais pas souverains, propriétaires mais pas décideurs ;
- Constatant que le droit de la force a largement vaincu la force du droit ;
- Constatant les multiples exactions commises par les Forces Armées de la République Démocratique du Congo (FARDC) sur la population civile ;

4. Refuse :

- de voir des règles inhumaines décider de sort des congolais ;
- d'accepter comme une fatalité le grave déséquilibre puissance-faiblesse ;
- la loi du plus fort ;
- de fermer les yeux !

5. Suggère :

- de repenser la coopération internationale en terme de fraternité et non de domination économique, militaire et politique camouflée ;
- de ne recourir à l'extérieur que pour des cas de force majeure telle que des calamités et d'autres manquements transcendant les potentialités congolaises que de constituer un fardeau scandaleux à la Communauté Internationale.

6. Demande :

- à la Communauté Internationale, fondée sur son principe de neutralité, de faire pression sur le gouvernement de transition en vue de procéder à l'institution d'une véritable politique d'inclusivité en République Démocratique du Congo ;
- la requalification du processus en cours en associant toutes les forces politiques, militaires et sociales du pays ;
- la signature d'une amnistie générale sincère, en vue de doter le territoire congolais d'un climat pacifique définitif ;
- la libération de tous les prisonniers politique ;
- l'incorporation des cadres du Mouvement Révolutionnaire Congolais dans la gestion du pays tant au niveau national que de l'Ituri ;
- la création d'une région militaire pour l'Ituri sous la direction du Mouvement Révolutionnaire Congolais ;
- l'intégration réelle de tous les militaires (exclus) écartés du processus.

7. Réaffirme l'attachement du Mouvement Révolutionnaire Congolais au respect de la déclaration universelle de droit de l'homme et des conventions des Nations-Unies sur les droits de la femme et des enfants ainsi qu'au respect des instruments internationaux adoptés dans les cadres susmentionnés ;
8. Reste ouvert à toute coopération bien comprise et constructive de toutes les instances qui ne se sont pas encore compromises et qui sont capables d'apporter leur contribution à nos efforts ;
9. Lance un appel à la population de se munir d'une vigilance suffisante afin d'éviter toute distraction et manipulation ou toute attitude démagogique de certains politiciens ;
10. Faute de l'application des revendications formulées dans la présente déclaration, le Mouvement Révolutionnaire Congolais usera de tous les moyens à ses dispositions pour décanter cette situation.

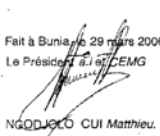
Le Secrétaire Général


MBINA Dieudonné



Fait à Bunia, le 29 mars 2006.

Le Président du MRC


NGODJICO CUI Mathieu.