



**enough**

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# 'What Is Not Said Is What Divides'<sup>1</sup>

## Critical Issues for a Peace Process to End the Deadly Congo War

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Part Two in a Three-Part-Series on Congo's Peace Process

*Editor's note: This paper is the second in a three-part-series on the process, leverage, and substance necessary to create a path towards a viable peace in eastern Congo and the surrounding region.*

The situation in eastern Congo continues to deteriorate, threatening to spiral out of control into an all-out war involving several neighboring countries. Throughout the latest explosion and previous cycles of conflict, the root causes of war are not being and have not been addressed, leaving “peace processes” to focus on flimsy power-sharing arrangements that have undermined the sovereignty of the Congolese state and the professionalism of its armed forces.

Against this bleak backdrop, the momentum for a broader peace initiative should be building. Sadly, however, it is not. Global leaders from U. S. Secretary of State Hillary Clinton to U. N. Secretary-General Ban Ki-moon have met with Congolese President Joseph Kabila and Rwandan President Paul Kagame in recent months urging constructive negotiations. Talks chaired by Ugandan President Yoweri Museveni now involve direct dialogue between the Congolese government and the M23 rebels, but the process has not been productive. To date, regionally mediated talks have only focused on short-term security issues such as border verification and the composition of a “neutral force” to eliminate rebel groups. With a very tense restart, the latest round of talks in Kampala will likely only focus on restoring the provisions of the March 23, 2009 agreements, instead of the wider underlying issues. The bottom line is that no vision has been advanced or even conceived for a lasting solution that would keep neighboring countries from invading again and address core concerns of the broader population of eastern Congo. In short, as politics have become completely militarized, peace initiatives have become yet another forum for regional combatants with the biggest guns to secure short-term interests and manipulate international sentiment.

Ambassador Francis Deng once wrote an essay entitled: “What Is Not Said Is What Divides.”<sup>2</sup> In our view, the underlying economic, political, and security interests of the “3 Ks” – Kinshasa, Kigali, Kampala – all of whom have profited from the chaos of

eastern Congo, as well as the critical interests of eastern Congolese civil society, must be addressed directly, or else the twin horrors of regional intervention and state predation will continue. Each country fears that its regional influence and control of resources will be taken over by another party. For example, Rwanda and Uganda worry that their security, mining and oil interests will be threatened by new fighting on the Congolese border. To protect those interests, they provide financial and logistical support to armed militia groups in the region. These groups further destabilize the area. As a result, cyclical support to rebel groups continues, perpetuating the problem. Additionally, Congolese civil society voices have been ignored to the point that there is no confidence left in Congo's weak, authoritarian government. Finally, the equally critical issue of accountability has been left for groups at the margins to protest, while impunity persists.

The fundamental drivers of conflict are never on the table at the peace talks on the crisis in eastern Congo. The basic recipe for conflict resolution – coming to agreement based on the parties' underlying interests – has been missing. It is time to place these issues openly on the table and agree on a joint plan to deal with them in a transparent way that leaves room only for peaceful development, not war. Getting the parties to agree to discuss these normally taboo issues – control of the minerals trade, and a more inclusive political framework – will also require significant outside leverage and the right mediation process.

Two key pieces of the puzzle are missing. First, a shared framework for the future needs to be agreed upon in which Congo and the region can benefit much more from peaceful, legal natural resource development, rather than violent, illegal extraction. Coupled with strong international investment, this will create the conditions for transparent and effective governing institutions. The resulting tax revenues, from legitimate economic operations, will spur more economic development more than aid ever could. Dealing with the economic roots of war not only removes the main driver for the conflict, but also creates the main engine for state reconstruction.

Unlike former French President Nicholas Sarkozy's 2009 plan, this framework is not about rewarding aggressors with the spoils of war.<sup>3</sup> Instead, it is about expanding the economic pie by negotiating a framework and a forum for greatly increased investment in Congo's development. Congo's resources would still be Congo's, and Rwanda's would still be Rwanda's. However, under this new framework, borders and regional investment mechanisms would be better defined. Ideally, new mine and oil concessions would be opened up under a transparent framework for both international and regional investors. This approach would mandate that resources extracted in the region are processed in the region, adding value for all parties, especially the Congolese. This way, there would be both regional and private sector buy-in for using the Great Lakes' resources as an engine for peace. Drawing on lessons from Nigeria-Sao Tome and other contexts, each country in the region will benefit from a transparent, certified trade, while building capacity to add value to minerals and oil through processing. This investment has suddenly become

a new possibility because of the vastly increased corporate spotlight on the region following recent regional and international minerals transparency reforms.

Second, a political framework for Congo must be agreed upon that restores public confidence and brings back the viability of the Congolese state, while ensuring that further rebellion does not ensue. President Kabila faces a political crisis as a result of the failures of the army and the rigged 2011 elections. Talks with M23 alone will only erode his authority and provide further insult and injury to the Congolese people. It is now time for a wider inter-Congolese dialogue – with active participation from leaders from the government, political parties, and civil society across Congo – to find a national consensus on decentralization, protection of minorities, land tenure, the return of refugees and reforming the political framework. Security sector reform, which is an inherently political issue, should also be a central part of the equation. There are low-cost ways of beginning these reforms, once political agreement and buy-in have been reached. Legitimate grievances of M23 should also be brought in, but these talks should not allow the integration of wanted war criminals into the state. The initiative should be buttressed by allowing civil society and political parties to help set the agenda and put fundamental issues forward for discussion and agreement. The process should be based on key lessons and shortcomings of the first 2001-2003 inter-Congolese dialogue.<sup>4</sup> If Kabila does not address these issues through inclusive dialogue, he may not survive politically.

The international community must also be ready to provide incentives, pressures, and lasting support for the peace process as a whole, as well as help with the implementation framework. Such support will be important to building trust.

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## A Comprehensive Approach

Three main issues – economic, political, and security – lie at the heart of the conflict and should form an agenda for an enhanced peace process:

### 1. Economic

Economic interests have been a primary engine of war in eastern Congo but, if handled correctly, these interests could be a key catalyst for resolving the conflict. The war-torn Kivu and Ituri regions of eastern Congo are rich in minerals, oil, gas, and timber. For years, armed groups and their backers in Kinshasa, Kigali, and Kampala have exploited these resources for personal benefit, leaving communities where farming and food were in abundance to become embroiled in cycles of poverty. Repeating past rebellions, M23 was born earlier this year partially out of President Kabila's attempt to push the Rwandan-backed National Congress for the Defence of the People officers, or CNDP, away from mines in Masisi, Walikale, and other areas in the Kivus.<sup>5</sup>

A cyclical paradox has been in play for years in the region. On the one hand, Rwanda and Uganda have much more powerful militaries than the Congolese army and have historic ties to eastern Congo dating from pre-colonial and colonial times. On the other hand, Rwanda and Uganda know that if they get too overtly involved in the minerals trade and intervene too openly, they will face significant backlash internationally and in Congo. As a consequence, Congo's neighbors sponsor militias, which then destabilize the region until they are appeased through integration into Congo's army. Since integration is often achieved through non-transparent deals, these militias continue to further their own agendas and exploit eastern Congo to the great benefit of the neighboring countries even after their integration.

Despite this sordid history, recent economic transparency reforms offer a new path for the future, whereby resources can be an engine for development instead of war. The passage of a minerals certification framework by Congo, Rwanda, Uganda, and the surrounding region through the International Conference on the Great Lakes Region, or ICGLR, coupled with the Dodd-Frank law on conflict minerals and the Organization for Economic Cooperation and Development, or OECD, guidance on due diligence, has laid the groundwork for a new economic equation. The cumulative effect of these reforms is that all minerals exports from the region must now be fully traced back to their mines of origin and independently audited and certified as conflict-free, in order to be sold on international markets. These reforms are starting to take root in industry practice, as evidenced by the tin industry's ITRI Tin Supply Chain Initiative, or iTSCi, bagging and tagging scheme. The strong momentum for reforms spurred by Dodd-Frank and the global consumer movement against conflict electronics should ensure that conflict smuggling gaps are closed. <sup>6</sup> A potentially powerful independent monitoring mechanism is planned for early 2013 – the ICGLR's Independent Mineral Chain Auditor, or IMCA, – which is set to investigate fraud and sanction conflict minerals exporters. In the new year, all eyes, from consumer groups to end-user tech and jewelry companies, will be watching to ensure that smuggling and illegal trade is curbed.

This momentum means that the days of opaque conflict minerals trading are numbered. These positive steps towards a secure supply chain signal a new wave of transparent, responsible investment in the region. The Solutions for Hope and the Conflict-Free Tin Initiative headed by Motorola Solutions and Philips, respectively, have instituted full traceability and better working conditions for miners. With time, this trend will only get stronger. When combined with the promise of minerals that still cost less than other regions of the world, the possible benefits to brand reputation from the use of "peace minerals" will encourage companies to make investments that help improve conditions and infrastructure. Nevertheless, there are still significant obstacles to overcome. All the parties do not yet see it in their interest to move away from the conflict minerals trade and toward a peaceful trade. Smuggling continues, albeit for lower profits, and the traceability systems still need more transparency and monitoring to be credible. <sup>7</sup>

The fact is that the countries of the region – especially Congo – stand to benefit more from a clean minerals trade with substantial investment than from an illicit trade. It is time for a peace process to help sweep away the vestiges of the conflict minerals trade. This process will allow mines and oil fields to act as a bridge to peace in the region, rather than fomenting war. A transparent, certified trade can transform the region, in turn attracting foreign investment, increasing legitimate government revenues, and developing much needed infrastructure in long-neglected communities. Each of the parties must see this as being in their interest.

In order for this to happen, four steps should be pursued:

**a) Bring investors in: providing incentives and helping companies comply**

While the various minerals reforms will pave the way for a clean trade over the long term, in the short term companies and fair trade mining groups remain cautious about investment in Congo and the region. One reason behind this is the lack of information about the situation on the ground. In reality, many mining areas have gone through demilitarization and are hundreds of miles from M23-controlled areas. Despite the obvious risks of an ongoing conflict, the reality is that there is enormous potential for investment, with many unutilized mining concessions. Motorola Solutions, Kemet, and Banro are all realizing this potential after doing their own risk-reward calculations. These companies' lucrative but sustainable mines demonstrate the potential for future investment. There is need to raise awareness about the many available opportunities where armed groups are not active.

To kick-start this process, the U. S. and E. U. should facilitate an international investment conference with the theme: Investment in peace mines in the Great Lakes: an engine for development. The summit should take place simultaneous to the peace process and should focus on developing market-based opportunities for responsible, transparent investment in Congo, Rwanda, and Uganda. Socially responsible investors such as Calvert Investments have been involved in conflict minerals work regarding Dodd-Frank but have been missing from the discussions on building a responsible minerals trade in Congo. Now is the time to bring them and other investors in. The conference could include a range of topics from closed end pipelines; fair-trade partnerships for artisanal and small-scale mining, building on projects such as the successful US Agency for International Development Property Rights and Artisanal Diamond Development project, or PRADD; the responsibility of industrial investors to sustainability and transparency in the region; improving infrastructure in the region; and getting more companies involved in the Public Private Alliance on Responsible Minerals Trade.

As part of this drive, the U. S. and E. U. should develop policy incentives for companies and fair-trade artisanal alliances to invest responsibly in the region and comply with Dodd-Frank. Under the newly promulgated regulations for Dodd-Frank, if a company is

publicly listed, it must do additional due diligence on its sources of minerals through an audited “Conflict Minerals Report,” a necessary extra step for transparency. The cost of these additional compliance measures will be partially offset by the mineral potential of the region and the brand boost to companies sourcing minerals that help communities in Congo. However, policymakers must give more of an incentive to work responsibly in this difficult region. Possible incentives include U. S. government procurement consideration for companies sourcing certified minerals from the region, a carbon credit-like offset for companies that invest in certified mines or a White House award to companies with investments in certified mines that contribute to local communities. NGOs are already in strong support of responsible sourcing from eastern Congo and could endorse a certification label for companies’ products that contain “help Congo” minerals.

#### **b) Open up mine and oil concessions in Congo, Rwanda, and Uganda for investment**

Many large mines in eastern Congo, Rwanda, and Uganda are not currently being developed. In eastern Congo, owners do not develop their mines, instead leaving them to armed groups and criminal units of the Congolese army to exploit. The presence of armed groups also prevents oil and gas exploration, which could benefit government coffers and increase services. Similarly in Uganda, there are many unexplored gold mines and oil wells, and in Rwanda several large potential tin, tantalum, and tungsten mines. These unutilized deposits represent enormous potential for revenue generation and jobs for the governments and communities of the region. For example, building on its oil discoveries, Uganda now wants to build an oil refinery capable of producing 150,000 barrels a day of refined fuel. Similarly, both Congo and Uganda benefit from the \$1.4 billion Kibali gold mine in northeastern Congo run by AngloGold Ashanti and Randgold, as the companies use Entebbe as their logistics base. Rwanda also benefits from Banro’s use of the Rwandair flights out of Kamembe to go to its regional headquarters in South Kivu, Congo. The potential for further regional development is enormous.

At enhanced peace talks, the parties should agree on a common framework for regional investment. For example, in keeping with the laws of the countries of the region, when a particular government reviews the renewal of existing exploration licenses, it should deny renewal requests from individuals or shell companies that simply hold property without taking active steps towards development. In cases where inactive companies or individuals hold longer-term exploration licenses, the government should consider cancelling these rights unless the companies commit to taking steps to develop their concessions within a six month time frame. In these cases, cancellation would be accompanied by compensation at fair market value and then a reopened transparent bidding process. In order to export legally, the mines would have to be certified as conflict-free under the ICGLR minerals certification framework. Further, all revenue payments by companies to the governments should be transparent under the Extractive Industries Transparency Initiative, or EITI, and regional governments and companies should commit to contract transparency, including the elimination of confidentiality clauses. Congo is currently a signatory to EITI, but Rwanda

and Uganda must be brought into the initiative, in order to build investor confidence and transparency. Once awarded, the permit holders would have a maximum amount of time to develop the concession, for example five years, or it would be reopened for bidding.

### **c) Agree on border demarcation and cross-border joint investment projects**

Third, there is an urgent need to demarcate borders in key resource-rich areas and negotiate cross-border economic projects to act as confidence-building measures between the countries. A positive example to build on is Ruzizi, whereby Rwanda and Congo agreed in 2009 to split up the methane gas in Lake Kivu and contribute to the Ruzizi hydroelectric dam, which is due to provide 100 megawatts of electricity to each country.<sup>9</sup> However, other border disputes are powder kegs on the verge of bursting, as each country fears its resources will be stolen by its neighbor. One key area is the disputed border between Uganda and Congo in the oil-rich Lake Albert region, including Rukwanzi Island, adjacent to an underwater oil field.<sup>10</sup> Violent clashes over this area erupted in 2007, when Congo accused Uganda and its concession holder Heritage Oil of illegally drilling and stealing oil from the Congolese side. The Chinese oil company CNOOC is due to start drilling in the same area shortly, and the fear among Ugandans is that “the DRC is likely to react like it did in 2007 when it was Heritage Oil [i. e. with armed force],” according to one Kampala-based political analyst.<sup>11</sup>

A firm plan for border demarcation must be rapidly developed at the talks, and the international community should assist. Furthermore, other countries that have gone through struggles over contested resources – from Nigeria-Sao Tome to Malaysia-Thailand – may offer lessons.<sup>12</sup> One option centers on joint investment in a contested resource concession, offering shared utilization of the resource for a set amount of time and capacity-building benefits. For example, an agreement was reached between Sao Tome and Nigeria, in which Nigeria owns 60 percent of the oil fields, Sao Tome owns 40 percent, and the Nigerian national oil corporation gives technology and skills transfer to Sao Tome over its period of use.<sup>13</sup> The governments could contract out the work of developing the concession to private companies, state-owned enterprises and/or artisanal cooperatives, which could also have partial stakes. In the Great Lakes region, one arrangement that parties might agree to would be for oil concession X on the border to be leased to the governments of Congo (50 percent) and Uganda (50 percent) for 10 years, and then subcontracted to exploration companies and re-examined at the midpoint of 5 years. Uganda has oil exploration companies that could participate, and Congo could also bring firms to the table.<sup>14</sup>

Another option would be to agree on a plan to refine the oil and/or minerals in the region, thus acting as a confidence-building measure and enhancing value addition capacity in the region. In this scenario, the two countries would share the resource and agree to have 100 percent of the resource processed in the region – for example, 50 percent refined at a Congolese refinery and 50 percent refined at a Ugandan refinery.

International investors would be brought in to help with the financing of these refineries or minerals smelters. Uganda has already developed a proposal for an oil refinery, and Congo is developing minerals smelting capacity in Kisangani and Sake.<sup>15</sup>

#### **d) Close smuggling loopholes**

If a clean economic trade is to become a full reality, the peace process must also help fully close smuggling loopholes. Monitoring and enforcement of anti-smuggling agreements in the region must be improved, if armed groups are to be cut out of the system. For example, the ICGLR still does not have a dedicated natural resources unit, and its states are delaying finalization of the Independent Mineral Chain Auditor, or IMCA. The IMCA framework for investigating trading routes and sanctioning traders found to be trading in conflict minerals could be finalized at enhanced peace talks.

## **2. Political**

Political issues also remain at the heart of the conflict, as Congo faces a fractious political crisis. President Kabila's authority is being put severely into question with the M23's capture of territory, the Congolese army's impotence in protecting the population in the east, the major human rights abuses and looting carried out by the Congolese army, and the extreme frustration of most Congolese citizens with the rigged elections and lack of local elections. These issues are a subset of wider governance concerns that plague the region but are most visible in the eroded and hijacked governing structures in Congo. The current Uganda-based talks between President Kabila and M23 will not be able to address these deep political fissures, as the right players are not at the table, and the critical issues are not being discussed.

It is now time for a wider inter-Congolese dialogue between the Congolese government, political parties, provincial governments, and civil society from across the nation to address five interwoven political issues. President Kabila has now lost nearly all confidence among the Congolese people and is unable to effectively govern the country. In order to restore political order, a national dialogue process must take place, in which leaders from across the country actively participate and find a national consensus to move the country forward. If he does not successfully build out such a process, Kabila may not survive politically. The process should build on the lessons of the first InterCongolese Dialogue in Sun City, South Africa in 2001-03, which resulted in a global and all-inclusive agreement on a transitional government. That process, called "sacred" by one insider, gave an outlet for more than 400 leaders from all of Congo to express their political ideas and be involved in setting the agenda for the country.<sup>16</sup> Key lessons must also be drawn from the first dialogue's failures, including faulty integration of armed groups into the army, the failure to address economic issues, poor implementa-



tion of recommendations such as the Truth and Reconciliation Commission, and the failure to address one powerful rebel group's key issues.<sup>17</sup>

As a precursor, any peace process must explicitly state at the outset that Congo is a sovereign state that will not be split up into independent countries. Congo has been exploited by outside groups for too long; Congolese people feel a strong sense of national identity despite the security crisis; and independence talks would be tantamount to political suicide.

With sovereignty as a backdrop, five key political issues are in urgent need of discussion. First, decentralization must be a priority, as over-centralization of power has prevented the Congolese state from performing basic functions in eastern Congo, enabling armed groups to thrive. Provincial governments have been hamstrung from making key decisions that would enable them to govern effectively, such as paying magistrates to administer justice. Unimplemented decentralization policies for the country mean that not even a portion of revenues from eastern Congo's resources go to provincial governments. This poor governance disenfranchises local areas and enables the conflict to fester, as the state cannot project authority. Specifically, the sharing of revenues between Kinshasa and the provinces from natural resources should be addressed, as well as the streamlining of decision-making for administrative matters such as the judiciary, police, and customs.

Second, minority groups continue to feel persecuted in the region – Congolese Tutsis and many other minorities. One component of the talks should involve negotiating guarantees to minorities, for example, dual education in native and national languages, the development of media in native languages, the recognition of cultural institutions, and MONUSCO units dedicated to minority protection.

Third, land conflict in eastern Congo remains a key underlying issue. A transparent, democratic process for managing land and cattle disputes should be negotiated and launched as part of the talks. Traditional dispute resolution methods should be incorporated, the national land policy should be clarified, and a system for clarifying and possibly auditing existing overlapping titles should be negotiated. Addressing former CNDP leaders' control of swathes of land in the Kivus, which many assert were obtained illegally, will be a critical part of land tenure reform.

A fourth issue is the return of refugees. Over 460,000 Congolese refugees remain in neighboring countries, and while a Tripartite Agreement was signed by the United Nations High Commissioner for Refugees, or UNHCR, Congo, and Rwanda to repatriate Congolese refugees living in Rwanda in 2010, it has not been implemented due to disputes.<sup>18</sup> Improved verification measures to check the identities of returning refugees should be agreed upon, such as community reconciliation committees that include international observers.

Finally, there is a need to build a national consensus on a political framework to govern the country. This is an enormous issue, but the reality is that President Kabila faces a life-and-death political crisis. The government's recent decision to replace the head of the Independent National Electoral Commission, or CENI, with a civil society leader is a good step.<sup>19</sup> However, a much stronger commitment to inclusive dialogue is necessary to build a credible state, regain the confidence of the Congolese and reestablish state authority. The final outcomes of this process should be decided by the leaders at the talks, but possible options could include a transitional government, a more inclusive government, and a decisive plan for local elections.

### 3. Security

As the fall of Goma highlights, security is a pressing issue in eastern Congo. The Rwandan- and Ugandan-backed M23 is facing off against a corrupt Congolese army, as both sides attempt to build up alliances with various militias, in order to gain territory and leverage. Meanwhile, the Democratic Forces for the Liberation of Rwanda, or FDLR, and other militias are already taking over some mining areas and are attempting a broader regrouping in the absence of Congolese army presence in other areas of the Kivu region. Many of these armed groups are fighting bitterly contested localized battles for the control of mining interests or previously lost territory, with tactics often directly targeting civilian supporters or ethnic kin of the combatants. The human consequences, predictably, are devastating.

Behind the current flare-up, Kinshasa, Kampala, and Kigali all have security concerns in eastern Congo that are poorly dealt with. On the Congolese side, M23 threatens President Kabila's regime and human security across the east. On the Ugandan side, the Allied Democratic Front, or ADF, is growing, with an estimated 1,300 troops immediately adjacent to Uganda's oil fields in the Lake Albert region.<sup>20</sup> On the Rwandan side, the Democratic Forces for the Liberation of Rwanda, or FDLR, though significantly weakened from three to five years ago, remains a threat and reportedly crossed into Rwandan territory twice in the past month.<sup>21</sup>

Three security issues must be negotiated, moving beyond the previous model of integrating rebel groups into the Congolese army, which has contained the seeds of the next rebellion every time it has been used. This is where the discussions around a 'neutral force' are relevant, but should be pursued only when an agreement on the other issues has been achieved. This could be authorized under the U. N. Security Council or African Union Peace and Security Council, but essentially be a robust peace enforcement force to combat spoiler groups to the peace process such as the FDLR, within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, or MONUSCO, or under an A. U. framework. The Congolese army is too weak to fight off armed spoiler groups, and thus a supplementary force is needed with strong capacity to

actually deal with the militias. MONUSCO already has a strong Chapter VII mandate but would need authorization to incorporate new, specialized units to combat the FDLR and any spoiler groups. The protection of civilians has to be at the forefront of these activities.

Second, once a political framework is established, the government should agree on key security sector reforms. The lessons of security sector reform, or SSR, processes from cases such as Liberia and Burundi highlight that SSR is an inherently political process at its core, and thus the political framework must first be fully agreed upon before any effective SSR is enacted. Several key elements will be necessary to address as part of an SSR process. The Congolese army faces an enormous corruption problem among its senior officers, and thus a plan must be devised to deal with the top brass. Some senior officers should be prosecuted, others should be offered immunity deals to get out of the army through trainings abroad or similar packages, and a robust anti-corruption system must be established as the basis for the new rules of the game of leading the army. This will require some assistance from the international community but should not be hugely expensive. Further SSR should involve closely coordinated international training and professionalization of Congolese army units, streamlining of army ranks and chains of command, and a credible vetting mechanism for known human rights abusing commanders. The time for such reform is ripe, given the Congolese army's weakness and MONUSCO's renewed mandate to deal with army reform.

As part of army reform, M23 and other Mai Mai rank-and-file fighters need to be the subject of a more thoughtful approach to their fate. Some should be integrated into the Congolese army and redeployed out of the regions in which they have caused so much havoc. The remainder would be demobilized and reintegrated into their areas of origin. Finally, the regional states should agree on a plan to arrest the worst human rights abusers within the M23, FDLR and other militias, backed by a continuing role for the International Criminal Court in prosecuting orchestrators of the worst human rights crimes.

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## Conclusion

After surviving nearly 20 years of fighting, the people of eastern Congo deserve a peace process that can deliver a sustainable end to the conflict by addressing the core – often hidden – interests of the parties to it. At the same time, the peace process must give communities better and more accountable governance and opportunities to earn honest, clean wages through legitimate business, not a war economy. Agreeing on these fundamental reforms will not be easy, as the parties have denied their involvement in many of these issues to date. Addressing them head-on through negotiations will therefore be a wrenching and revolutionary step. But ending this 16-year war will require a creative, revolutionary process, and this time with all of the cards on the table.

## Endotes

- 1 A phrase coined by Ambassador Francis Deng, the current Permanent Representative of South Sudan to the United Nations, referring to the issues that for years were driving the North-South war in Sudan but were not being addressed in peace efforts. See Francis Mading Deng, "What is not said is what divides" in Adel Ghaffar Mohammad Ahmed ed., *Management of the Crisis in the Sudan* (Bergen: Centre for Development Studies, 1989)
- 2 Francis Mading Deng, "What is Not Said is What Divides" in Adel Ghaffar Mohammad Ahmed ed., *Management of the Crisis in the Sudan* (Bergen: Centre for Development Studies, 1989)
- 3 "Sarkozy outlines Congo peace plan" BBC, March 26, 2009 available at <http://news.bbc.co.uk/2/hi/africa/7965089.stm>
- 4 See P. E. Winter, *A Sacred Cause: The Inter-Congolese Dialogue 2000-2003*, (Craigmore: North Highland Publishing, 2012).
- 5 UN Group of Experts on the Democratic Republic of Congo, "Interim Report for 2012" UN Document S/2012/348; UN Group of Experts on the Democratic Republic of Congo, "Report for 2011" UN Document S/2011/738 ; International Crisis Group, "Eastern Congo: Why Stabilisation Failed Appendix D: Armed Clashes over Mining Resources within the FARDC," (October 4, 2012) available at <http://www.crisisgroup.org/~media/Files/africa/central-africa/dr-congo/b091-eastern-congo-why-stabilisation-failed.pdf>
- 6 Fidel Baflemba, Sasha Lezhnev, and Sarah Zingg Wimmer, "From Congo to Congo: Turning the Tide on Conflict Minerals, Closing Loopholes, and Empowering Miners" (Washington: Enough Project, 2012) available at [http://www.enoughproject.org/files/ConflictMinerals\\_CongoFINAL.pdf](http://www.enoughproject.org/files/ConflictMinerals_CongoFINAL.pdf)
- 7 Enough Project, "From Child Miner to Jewelry Store: The Six Steps of Congo's Conflict Gold" (October 25, 2012) available at <http://www.enoughproject.org/files/Conflict-Gold.pdf>
- 8 The USAID Property Rights and Artisanal Diamond Development Program has helped formalize over 1,800 miners and increase mine production by 350 percent. See "USAID Property Rights and Artisanal Diamond Development Program," available at <http://www.tetrattech.com/projects/usa-id-property-rights-and-artisanal-diamond-development-program.html> (last accessed on December 10, 2012)
- 9 Joe Bavier, "Former foes Congo, Rwanda agree on Lake Kivu gas," *Reuters*, June 12, 2009, available at <http://uk.reuters.com/article/2009/06/12/idUKLC334695> The DRC, Rwanda and Burundi are jointly working towards the construction of a third dam on the Ruzizi river. The project, which will cost 420 million euros, is being managed by Hunton & Williams on behalf of the Economic Community of the Great Lakes (CEPGL). In October 2012, after reviewing bids submitted by four preselected bidders, the group selected the investment arm of the Aga Khan, and Sithe Global, a Blackstone portfolio company to develop, finance, construct, operate, and maintain the Ruzizi III hydropower plant. (Ruzizi III). See Project Finance, "IPS and Sithe preferred bidders on Ruzizi 3" (November 1, 2012) available at <http://www.project-financemagazine.com/Article/3111991/IPS-and-Sithe-preferred-bidders-on-Ruzizi-3.html>
- 10 This field is located south of the lake near the Block 3A oil field formerly owned by Heritage and now operated by China's CNOOC Ltd.
- 11 Personal communication with Ugandan political analyst, December 7, 2012.
- 12 See J. Tanga Biang, *The Joint Development Zone Between Nigeria and Sao Tome and Principe: A Case of Provisional Arrangement in the Gulf of Guinea International Law, State Practice and Prospects for Regional Integration*, (New York: United Nations Office of Legal Affairs, 2010) available at [http://www.un.org/depts/los/nippon/unff\\_programme\\_home/fellows\\_pages/fellows\\_papers/tanga\\_0910\\_camer-oon.pdf](http://www.un.org/depts/los/nippon/unff_programme_home/fellows_pages/fellows_papers/tanga_0910_camer-oon.pdf)
- 13 A similar arrangement was made in the Bakassi between Nigeria and Cameroon, whereby Nigeria and Cameroon agreed to jointly own and explore oil fields in the Bakassi but subcontracted the exploration out to a Canadian oil firm. See Menasborder, "Cameroon and Nigeria agree on joint oil exploration in Bakassi region" available at <http://menasborder.blogspot.com/2011/03/cameroon-and-nigeria-agree-on-joint-oil.html> (last accessed on December 10, 2012)
- 14 Asker Investments Ltd, Canaan Investments Ltd, TRC Group, Nile Valley Oil Exploration Plc, Saipem (U) Ltd, Schenker oil and gas services Ltd and Intex Construction might be options. See Edward Ssekika, Ugandan firms to bid for oil licenses," *The Observer*, November 25, 2012, available at [http://www.observer.ug/index.php?option=com\\_content&view=article&id=22261:ugandan-firms-to-bid-for-oil-licenses&catid=79:businessstories&Itemid=68](http://www.observer.ug/index.php?option=com_content&view=article&id=22261:ugandan-firms-to-bid-for-oil-licenses&catid=79:businessstories&Itemid=68)
- 15 Victor Kasongo is developing the MIM smelter in Kisangani, and Yvette Mwanza and a Russian investor are building a smelter in Sake, North Kivu. UN officials and Congolese mining ministry staff, interview with author, Paris, November 28, 2012.
- 16 In March 2002, 400 delegates assembled in Sun City, South Africa for the second session of what was now called the "Inter-Congolese" dialogue. 52 days of talks (at a cost to South Africa of R1 million a day) ended in agreement between the Kinshasa government and Jean Pierre Bemba, providing for a two and a half year transitional administration presided over by Joseph Kabila. In the terms of the agreement, there would be two vice-presidents, one from each of the rebel movements. See P. E. Winter, *A Sacred Cause: The Inter-Congolese Dialogue 2000-2003*, (Craigmore: North Highland Publishing, 2012).
- 17 The RCD-Goma's dissatisfaction with the final agreement led them to return to fighting. Rogier suggests that in the future, "the experience of the ICD also shows that such a process requires careful preparation. Ideally, the composition of the delegations should be determined well in advance, funding should be secured, and preliminary discussions should have been held on the most sensitive issues before the official opening of the talks. These three conditions require, in turn, that the facilitator/mediator be granted unambiguous political and technical support by external actors." See Tatiana Carayannis, "The Challenge of Building Peace in the DRC," (Geneva: Centre for Humanitarian Dialogue, 2009) available at <http://dSPACE.cigilibrary.org/jspui/bitstream/123456789/30840/1/The%20Challenge%20of%20Building%20Sustainable%20Peace%20in%20the%20DRC.pdf?1>; Emeric Rogier, "The Inter-Congolese Dialogue: A Critical Overview" (CapeTown: Institute for Security Studies, available at [www.issafrica.org/pubs/Books/CoPBook-May04/InterCongo.pdf](http://www.issafrica.org/pubs/Books/CoPBook-May04/InterCongo.pdf)
- 18 United Nations High Commissioner for Refugees, "As fighting reaches Goma, UNHCR asking states not to return refugees," Press release, November 20, 2012, available at <http://www.unhcr.org/50ab67829.html>
- 19 "DRC: the President of the next CENI will come from civil society," *Radio Okapi*, December 7, 2012 available at <http://radiookapi.net/actualite/2012/12/07/rdc-le-president-de-la-prochaine-ceni-sera-issu-de-la-societe-civile/> (author's translation)
- 20 Lindsay Scorgie, "Peripheral Pariah or Regional Rebel? The Allied Defense Forces and the Uganda/Congo Borderland" (Cambridge: Routledge, 2011)
- 21 On November 27 Rwandan defence forces spokesman Brigadier General Joseph Nzabamwita announced that fighters of the FDLR attacked the villages at dawn in Rubavu district in Rwanda's Western province which borders Congo's North Kivu province, on December 2, the spokesman announced that the rebels had attacked a camp outside a national park in Musanze in the country's northern province. See "Rwanda says FDLR rebels attacked villages, rebels deny this" *Reuters*, November 27, 2012, available at <http://www.reuters.com/article/2012/11/27/uk-congo-democratic-rwanda-idUSBRE8AQGN20121127>; See "Rwanda says FDLR rebels cross from Cong, attack wardens" *Reuters*, December 2, 2012, available at <http://www.reuters.com/article/2012/12/02/us-rwanda-attack-idUSBRE8B10A020121202>