



enough

The project to end genocide and crimes against humanity

Feingold, Robinson, Kobler, and Dos Santos

International Keys to Peace in Congo

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Executive Summary

The foundation for a viable, comprehensive peace process for the deadly war in the Democratic Republic of the Congo is finally starting to emerge. A key factor is the involvement of engaged and empowered international actors. U.S. Special Envoy Russ Feingold, United Nations Special Envoy Mary Robinson, and U.N. Special Representative Martin Kobler and have brought new energy to the peace effort. They have been joined by a significant and influential new African partner in the peace process, Angolan President José Eduardo dos Santos. With the support of the envoys, Luanda has staked out a leading role in 2014 in marshaling the Congo peace process forward, as new chair of the International Conference on the Great Lakes Region (ICGLR). Despite its complex history in the region, Angola provides a more impartial facilitation than earlier efforts and has the nascent confidence of Congo, Rwanda, and other regional governments to facilitate dialogue among the heads of state. Thus far, President dos Santos has ably chaired talks on regional security issues and on Rwandan-South African tensions, but much more must be done.

The international envoys are working to link the heads of state dialogue with follow-up to the Peace, Security, and Cooperation (PSC) Framework signed one year ago. Without the former, there will be little political will for implementing the latter. Later in January, Congo, its neighbors, and the U.N. tasked Robinson with leading consultations on how to more effectively implement the PSC Framework.¹ Going forward, Angola and the envoys will have to work hard to make sure all of the critical issues in the Framework – many of which are sensitive – will be covered in the talks. Robinson is also helping to kick-start private sector, civil society, and women’s forums. These forums should link directly to the heads of state dialogue, so that the peace process can be inclusive.

The war is not over, but significant developments over the past year, from M23’s removal from Congo to expanded conflict-free minerals investments in the region, give the peace process something to build on. The U.N. Force Intervention Brigade is focused on the remaining security threats, particularly the Democratic Forces for the Liberation of Rwanda (FDLR) and the Allied Democratic Forces (ADF). On the economic side, a shift to a more formalized, transparent, and conflict-free regional economy can act as a bridge to regional peace by boosting government revenues in multiple countries and help communities. In order for that to occur, the Private Sector Forum being launched by U.N. Envoy Robinson should help expand responsible investment in the region, and regional governments should enact economic reforms to combat smuggling and improve the investment climate.

The obstacles, however, are daunting. Some 200,000 people have been newly displaced over the past three months.² The fighting will continue unless four main roadblocks are addressed:

- **Armed groups:** There are fears that the FDLR will not be effectively dealt with by Congo and the U.N. and that Congo's neighbors will aid M23 or other rebels again. Also, disarmament, demobilization, and reintegration programs for ex-combatants are not finalized on the scale needed.
- **Conflict gold** continues to fund armed groups, Congolese army officers, and traders in Uganda and Burundi, with scant international response.
- **Elections:** Local elections have not been held in Congo in over 50 years. They are tentatively scheduled for March 2015, but the timetable is still unclear. Moreover, President Kabila is showing worrying signs that he may try to amend the Constitution to run for another term. That would be a major step backward for Congo and risk further instability.
- **SSR and accountability:** Congo's army desperately needs reform due to its long history of predation on communities and impunity, and reform efforts to date have not been adequate. Sustainable peace in Congo will require justice for the worst army crimes and those of other armed groups.

The peace process is developing two tracks to tackle these challenges, one regional and one domestic. Peace is indeed possible in Congo if the envoys, Angola, and the Great Lakes governments can build on the promising foundations of the last year and continue with an agenda on the two tracks that is focused on the war's drivers. We offer the following recommendations:

1. **Conflict-free economic development for peace:** The envoys and Dos Santos should help Congo and its neighbors make progress on transparent economic development projects that can transform regional economic incentives from war to peace. Specifically, they should:
 - a. Ensure that the heads of state dialogue covers finalization of the ICGLR minerals certification process and harmonization of regional minerals tariffs, in order to combat minerals smuggling.
 - b. Urge regional states to identify the top three cross-border infrastructure projects that would most boost regional development and then press the World Bank and other donors to fund projects that meet environmental and social standards.
 - c. Through Robinson's Private Sector Forum, organize dialogue between multinational companies, regional governments, investors, and fair-trade artisanal mining NGOs, on how to increase investment in a responsible economic trade.
 - d. Urge the U.S. Treasury Department and U.N. Security Council to place targeted sanctions on the major conflict gold smugglers in Congo, Uganda, and Burundi.
2. **Criminal accountability:** The envoys and Angola should press Congo and donors to create specialized mixed chambers and urge Congo's Parliament to adopt the pending legislation on the ICC. They should also urge regional states and the ICC to indict and prosecute high-level perpetrators of grave crimes, including sexual violence. Perpetrators on all sides, from the FDLR to M23 to Congo's army, should be investigated.
3. **Stability operations:** The U.S. and Angola should provide greater support to the U.N. Force Intervention Brigade as it focuses on the FDLR. The brigade would benefit greatly from U.S. and/or Angolan Special Forces advisory assistance. A pared-down version of the U.S. assistance to the counter-Lord's Resistance Army mission would greatly enhance the brigade's capacity and address major regional security tensions.
4. **Elections:** The envoys should build multilateral pressure to dissuade President Kabila from altering the constitution to run for a third term, including possible targeted sanctions and

non-humanitarian aid restrictions. They should also urge Congo to hold local, provincial, and presidential elections and work with donors to robustly support them.

Background

Major challenges remain to ending the war in Congo, as key armed groups resist dialogue and disarmament. The current security and humanitarian issues must not be understated. Notwithstanding these challenges, Congo experienced a number of constructive developments over the past year that offer some room for cautious optimism for the peace process going forward. The M23 rebel group was militarily defeated and removed from Congo in November – at least temporarily – in large part due to international pressure on Rwanda to stop its support to M23. While 40 armed groups remain in Congo, 8,000 fighters in total from those groups have surrendered since M23's defeat.³ Two other factors also stand out as positive influences: the start of progress on accountability and transparency. M23 leader Bosco Ntaganda surrendered to the International Criminal Court in March 2013, and one year later the ICC convicted former warlord Germain Katanga of war crimes.⁴ Additionally, militias have generated significantly less revenue from three of the four conflict minerals: tin, tantalum, and tungsten – in stark contrast to four years ago.⁵ While one mineral, gold, continues to fund some armed groups, the profitability and impunity that has marked the violence is beginning to reverse. International attention on Congo is at a high point, and electronics companies are intensifying their efforts on conflict minerals. Their supply chain audits are shrinking the market for smuggled minerals, as 80 out of the world's roughly 200 smelters of conflict minerals have now been audited to be conflict-free.⁶ The more smelters that get certified, the fewer places that armed groups will have to sell opaquely traded minerals. Furthermore, companies such as Motorola Solutions, Intel, and Banro are expanding sourcing and investing in clean mines in Congo.⁷ Finally, the Angolan-led dialogue could help increase trust on key regional issues, if the envoys work closely with it. Following President Dos Santos' initial dialogue on strategies to neutralize the FDLR, Angolan Foreign Minister Georges Chikoti toured the region to follow-up. The regional track should ensure both incentives for transparent cooperation between Congo and its neighbors and disincentives for support to armed groups. Meanwhile on the domestic track, Congo must undertake critical domestic governance and military reforms.

Track 1: A regional peace process

Congo has severe domestic governance problems, but destabilization by its neighbors has also been a principal driver of the war. For several years, Congo's neighbors and its own government have sponsored armed groups that have terrorized local populations. From Rwanda's support of M23 to Congo's sponsorship at various levels of the FDLR to Uganda's and Rwanda's repeated cross-border interventions, different parties have perpetuated the war for their own interests. The peace process must thus include a substantial regional dimension in order to achieve lasting results that address interests on all sides in a transparent manner. The process should develop incentives for peaceful cooperation among regional actors, including security and economic interests, while ensuring high-level accountability for abuses of and support to armed groups. All the peacekeepers in the world could not have as much influence on stability as an altered incentive structure that promotes peaceful economic development, legal trade, cross-border infrastructure projects, and the equitable distribution of natural resource wealth.

Structure: High-level dialogue, transparency, and inclusivity. The structure of the peace process is critical. The lessons of past failed initiatives highlight that opaque, back-room deals between corrupt leaders quickly disintegrate and exacerbate conflict. The 2009 Goma Accords are a good example, as they achieved some minor success, but the glue that was supposed to hold peace together between Rwanda and Congo was the amnesty given to two Rwanda-supported warlords, Bosco Ntaganda and Laurent Nkunda. Their rebel movement, the National Congress for the Defence of the People (CNDP), was officially integrated into the Congolese army. However, Ntaganda, who was already indicted by the International Criminal Court, continued attacking civilians and operating his criminal enterprises, including building up a conflict minerals smuggling empire. He then rebelled three years later with the M23, a reconfigured version of the CNDP. Nkunda helped with the rebellion from his exile home in Rwanda. A corrupt peace deal that forgave warlords for war crimes and integrated them into society and the state security apparatus only led to more war.

The new peace process in Congo should have three main structural principles: high-level political dialogue, transparency, and inclusivity. Dialogue involving heads of state is critical in building up political will for peace. The follow-up committee to last year's PSC Framework agreement, the Technical Support Committee, made up of representatives from the Great Lakes governments and the U.N., has developed technical benchmarks on issues from cross-border security cooperation to economic reforms. While many of the benchmarks are positive steps in the right direction, with others needing more technical work, implementing the benchmarks requires political buy-in from heads of state. Transparency is important, as opaque deals can quickly unravel without public awareness and pressure for implementation. Inclusivity is also key so that women, civil society groups from all of the key countries, religious leaders and elders, and youth leaders can influence decisions and implementation strategies.

While process issues are important, unless the underlying drivers of the conflict are addressed, there will be no peace. Four main substantive areas stand out as critical for the regional track.

Economic issues: Minerals certification, transparent economic development, and targeted sanctions. The envoys have done an admirable job on urgent security issues to date. However, without addressing the underlying economic reasons why corrupt leaders have backed armed groups, the incentive structures for supporting rebellions will remain in place. Armed groups have generated illicit revenues from the trade in conflict minerals and other natural resources, which have also enriched officials in Kinshasa, Kigali, Goma, and elsewhere. Reforms in electronics industry supply chains and with the Dodd-Frank Wall Street Reform and Consumer Protection Act have helped counteract these illicit revenue streams, with profits to armed groups from the 3 T minerals having reduced by approximately 65 percent in 2012.⁸ Much more, however, must be done to complete the transformation from a war to a peace economy.

On the economic agenda, the envoys and Angolan diplomats should focus on helping Congo and the regional governments achieve three main objectives: completing conflict-free minerals certification and related transparency reforms, identifying priority economic cooperation projects and funding sources, and levying sanctions against conflict resource traders.

First, the regional ICGLR conflict-free minerals certification process remains incomplete due to political will and capacity issues, stymying outside investment. A regional natural resources trade that is fully certified as conflict-free would be a major boon for the region, as companies would gain more confidence in the region and invest more heavily in mining and related projects. Greater

investment would increase revenues for the Congolese government and benefit local communities, as has been seen from the Conflict-Free Tin Initiative mine. The outstanding issue on certification is that two of the four elements of the ICGLR process are not yet in place, in particular the monitoring mechanism, the Independent Mineral Chain Auditor. Some regional governments remain hesitant about putting the monitoring system in place because it might investigate and shut down some minerals traders caught smuggling. However, the monitoring system is what gives the ICGLR process credibility in the eyes of electronics companies and NGOs, so it must be put into place if investment is to significantly grow. The ICGLR also has capacity issues, which it is starting to address and which donors are assisting with. Major tech companies are currently urging faster progress on ICGLR certification, as they will have legal difficulties purchasing minerals from the region that are not credibly certified as conflict-free. The threat of outside companies not purchasing uncertified minerals should be a powerful motivator for the Great Lakes governments to make progress in order to avoid missing out on investment opportunities that bring tax revenues. But in order for certification to proceed, the regional heads of state must discuss the issue, fully understand all parts of the system, and decide to move forward. The envoys must be involved at that level.

Greater momentum for responsible investment on the part of the private sector must accompany implementation of certification. The envoys and the Public Private Alliance on Responsible Minerals Trade should mobilize more private sector interest in responsible investment through a series of responsible investment events at international conferences and stand-alone summits. The Organization for Economic Cooperation and Development (OECD), incorporated responsible investment into the agenda of its conference in November 2013. More initiatives like these should be organized through Mary Robinson's Private Sector Forum and related venues. Envoys and regional governments should also require foreign companies to meet international standards for responsible investment in order to prevent human rights abuses, exploitation, and environmental damage that can accompany foreign investment in fragile, resource-rich states.

Minerals certification and enhanced responsible investment initiatives are necessary but not sufficient in building a peace dividend for local communities. The Great Lakes region still lacks basic infrastructure, and investment requires a reliable electricity supply, improved roads, and railroads to carry goods to and from ports. Heavy electricity and road transport costs make Rwanda the world's second-most expensive place to ship a container to after Antarctica. Transport costs make up a staggering 40 percent of the value of imports and exports in Rwanda, compared with only 12 percent in Kenya.⁹ The ratio is even higher for eastern Congo.¹⁰

The regional peace process should mobilize regional governments to prioritize key infrastructure projects that build a more transparent and better integrated regional economy that can create symbiotic relationships among neighbors. Angola and the envoys must help regional governments overcome deep suspicion on all sides that neighbors will try to steal resources beyond their borders. For example, cross-border infrastructure projects of the Economic Community of the Great Lakes Region, or CEPGL, have been partially blocked by a lack of political will from President Kabila who views them as a Rwandan grab of eastern Congo. Greater infrastructure can connect people within and across borders, and the envoys should ensure that Congo, neighboring countries, and the local communities within benefit equitably from economic development opportunities that arise from greater connectivity. The planned Private Sector Forum is an important step in this direction, and donors and investors from the private sector, foundations, and the World Bank should strongly support the initiative. The U.S. and other World Bank directors should also help mobilize the \$1

billion that President Jim Yong Kim promised a year ago to support the peace process. One year on, only \$400 million of these funds have been approved by the Bank's board, but even those disbursements have been delayed.¹¹ While the Bank approved a recent poverty reduction project for eastern Congo,¹² most of the more meaningful projects that could boost the cross-border formal economy for Congo, Rwanda, Burundi, and Tanzania, such as the Ruzizi dam projects, remain unaddressed. Feingold, in particular, should weigh in with the U.S. Executive Director of the Bank on this issue.

Economic cooperation projects should include measures to limit the illegal smuggling of natural resources, particularly gold. To combat smuggling, the U.S. and U.N. should levy sanctions against traders who continue to support armed groups and flout international due diligence standards. Leaders should consider asset freezes and prosecutions for repeat offenders.¹³

Regional Security: Enhancing the UN Brigade to Target the FDLR and finalizing DDR. Regional security issues already comprise a major part of the peace process. The FDLR, remnants of the M23 and ADF, and other armed groups continue to threaten the Congolese people.¹⁴ They also pose cross-border threats to Rwanda, Uganda, and Burundi. The FDLR, an extremist Hutu armed group that helped lead the 1994 Rwandan genocide and now includes some Congolese fighters, has brutalized the population of eastern Congo for 20 years. Numerous armed groups, including Raïa Mutomboki, have emerged in response to FDLR threats. The FDLR has at times received support from elements of the Congolese army.¹⁵ The current Rwandan government, which defeated the regime largely responsible for the 1994 genocide, believes that the FDLR, with its genocidal ideologies and diaspora support, poses a threat that exceeds its force size.¹⁶ The ADF is a Ugandan rebel group which has been based in North Kivu, primarily in regions along the Congo-Uganda border. Its leadership includes militant Islamists who seek to overthrow the current Ugandan government and establish an Islamic state. The ADF has profited from illegal gold and timber exploitation and other local businesses.¹⁷ Following the capture of much of the ADF's territory, Congolese government spokesman Lambert Mende declared the ADF to be defeated on March 13,¹⁸ but fighting continues against the group as of the time of publication.¹⁹ While the M23 rebel group officially agreed to disband in December 2013, the U.N. reported in December that its fighters had not demobilized and were recruiting again in Rwanda and moving freely in Uganda.²⁰ The Rwandan government strongly denies these reports.²¹

Several regional security concerns and support for proxy rebel groups can be addressed effectively by strengthening existing mechanisms in key areas. First, the U.S. and E.U. should provide greater security support to the U.N. Force Intervention Brigade to help neutralize the FDLR and capture ADF's leaders. Advisory assistance from U.S. Special Forces on intelligence collection, operations, and defection campaigns targeting the FDLR would significantly strengthen the brigade. Second, the envoys must continue to urge Congo and donors to finalize agreement on a national disarmament, demobilization, and reintegration strategy, so that fighters have incentives to defect. The Regional Verification Mechanism to monitor cross-border movements should also be improved.

Accountability: Moving forward with high-level prosecutions and a mixed court. Widespread impunity has perpetuated armed violence and gross violations of human rights in Congo, including sexual and gender-based violence. Local communities seek and deserve justice for gross violations of human rights. Prosecuting war crimes and crimes against humanity is critical to restoring dignity to communities, deterring future crimes, and establishing facts about how crimes are committed. Moreover, human rights abusers who are rewarded with positions in government or armed forces

do not uphold the peace; they foment greater violence, as seen with Bosco Ntaganda and M23.²² After years of domestic and international neglect on accountability issues in Congo, Robinson and Feingold have made accountability a higher priority in recent months, pushing for M23 officers to not be given amnesty for war crimes. This trend must continue, and accountability should form a bigger part of the peace process going forward.

The most urgent priority on accountability for Feingold, Robinson, and Kobler is to press Congo to indict, apprehend, and prosecute the rebel leaders and army officers most responsible for war crimes and crimes against humanity, including sexual violence and natural resource pillage. The U.N. peacekeeping force in Congo, MONUSCO, should play a critical role in the apprehension strategy. For example, a joint Congolese and MONUSCO strategy to arrest FDLR leader Sylvestre Mudacumura, wanted by the International Criminal Court, would help buttress the counter-FDLR mission and significantly advance the Court's efforts to deliver justice. Further investigation and apprehension plans should also be formulated for other high-level perpetrators such as abusive senior Congolese army officers such as Gen. Gabriel Amisi, M23 leader Sultani Makenga, and ADF leader Jamil Mukulu. Additionally, the U.S. and U.N. should press Uganda and Rwanda to extradite indicted M23 commanders to Congo.

Accountability mechanisms must address sexual violence with economic crimes of war. Sexual violence is used pervasively as a tool of war by numerous armed groups to terrorize populations and gain control of communities, territory, and resources.²³ Evidence has also emerged documenting rebel leaders' widespread engagement in violent natural resource theft and exploitation, giving rise to their liability for the war crime of pillage.²⁴ Investigators and prosecutors must establish a coordinated strategy to investigate and gather evidence on these and other grave crimes to best serve Congolese and international interests in justice.

To prosecute these egregious crimes, Congo should establish specialized mixed chambers, a concept that has received widespread support from Congolese civil society and the international community.²⁵ The envoys should work closely with affected communities, the Congolese government, and international donors and experts to create the court. The chambers would be a Congolese institution established to prosecute the worst perpetrators of war crimes and crimes against humanity committed in Congo during the armed conflict, regardless of affiliation or nationality. The chambers would be funded by Congo and international donors, and this support must be robust. It would be staffed by a mix of Congolese and international legal experts and integrate important lessons learned from domestic military tribunals to help bolster civilian expertise on prosecuting war crimes and crimes against humanity. Human Rights Watch, in coalition with Congolese civil society groups, has done excellent work on analyzing the possible establishment of mixed chambers in Congo, and U.S. Ambassador-at-large for War Crimes Stephen Rapp has also been a steady high-level advocate for the chambers.²⁶

Refugees and reconciliation: A new plan. Over 73,000 Congolese refugees are currently displaced in Rwanda with an additional 153,000 in Uganda. Over 126,000 Rwandan refugees remain in Congo, displaced by the 1994 genocide and waves of violence since that time.²⁷ The strategy for refugee return of these various groups has been controversial, and the tripartite agreement on this issue between Congo, Rwanda, and the U.N. has not been implemented.²⁸ Kigali has repeatedly stated its interest in repatriating to Congo the Congolese refugees who currently reside in Rwanda. Some Congolese people allege that Kigali's stated interest is not genuine and Kigali seeks instead to keep

Congolese refugees in Rwanda and arm them. Some Congolese analysts argue that Rwandan authorities will conduct cross-border incursions into eastern Congo and justify such acts as necessary for providing security for returning Congolese refugees. Such analysts also claim that Rwanda's interest in repatriating Congolese refugees who are sympathetic to Kigali masks a bid by Rwandans to expropriate Congolese land.²⁹ Lack of security in eastern Congo and suspicion and sensitivities surrounding citizenship, national identity, and ethnic identity further complicate solutions. However, with M23 no longer fighting in Congo and other armed groups defecting in larger numbers, the time is ripe to devise a more comprehensive plan for the voluntary return of refugees that incorporates security concerns.³⁰ For example, the U.N. Force Intervention Brigade could work to counter armed groups in certain areas to enable the voluntarily return of refugees. The U.S. should urge the U.N. High Commissioner for Refugees to partner with MONUSCO as quickly as possible and develop a viable draft plan to be negotiated with local communities to include all local dynamics and voices and also used to guide the peace process.

Significant tensions remain among the populations of the region, with fear of mob justice against people of different ethnic groups. In August 2013, properties allegedly belonging to ethnic Tutsi people were attacked in Goma in reaction to the shelling of Goma by M23, which was led mainly by ethnic Tutsis.³¹ It is important to address these tensions through deepened inter-communal peacebuilding initiatives across borders. Search for Common Ground's cross-border peace-building work in the Great Lakes region through radio programs, economic projects, and reintegration programs, and the January 2014 conference "Youth Volunteers for Peace and Reconstruction of the Great Lakes" held by the CEPGL are two examples of this type of work.³² Grassroots peacebuilding work will need to expand if peace is to take root in communities.

While regional issues are critical, peace in Congo will remain elusive unless Congo follows through on the critical internal governance reforms that it committed to undertake as part of the PSC Framework. The envoys will have to work tirelessly on ensuring real reform takes place.

Track 2: Domestic governance reforms in Congo

Four governance reform areas in Congo in particular are important to address: democratization, land reform, economic reform, and security sector reform. Accountability through the establishment of mixed chambers is also critical, but it is addressed above.

Democratization: Elections and upholding of the constitution. Congo's undemocratic, highly corrupt political system exacerbates the war in the east. Congolese people face abuses by the military and find little political space, poor public services, and widespread exploitation of local resources that enrich elites and neighboring countries, not communities. Large swathes of eastern Congo lack state authority and infrastructure, creating security vacuums in many communities that armed groups exploit. Scarce credible governance structures and little evidence of responsible governmental authority in many places impedes political progress. The 2006 national elections were relatively successful, but much of the democratization progress was reversed in the fraudulent 2011 vote, and local elections have not been held in over 50 years.³³ International support to put Congo's democratization process back on track is critical.

The envoys should focus initially on two main issues. First, they should strongly urge Congo to hold local, provincial, and national elections and support them with adequate funding once Congo's

election commission has put a credible plan in place. Special Envoy Feingold has made a number of helpful statements on this issue, but these must be followed up with funds from Congress and European donors. The holding of local elections should not delay the 2016 presidential elections which will be critical for democratic change in the Congo. Moreover, indirect elections should be discouraged. With pressure from the envoys and Congolese civil society, Congo's election commission issued draft plans in February 2014 to hold local elections in February 2015, but the commission has already slid back to say they will be held in March.³⁴ A credible timetable must be released for all the elections.

Second, the envoys should work multilaterally to pressure President Kabila to publicly state that he will not alter the constitution or delay preparation for the 2016 presidential election to prolong his term, as mandated by the Congolese constitution. If Kabila makes a bid for a third term, the U.S. and E.U. should consider certain targeted sanctions and non-humanitarian aid restrictions. Congo's fragile, recently reviewed constitution must be upheld for further democratization to take root in Congo. The constitution stipulates that all presidents can only run for two terms, and Kabila would have to overturn it to run again. For further analysis, see the Open Society Foundations' significant work on these issues.³⁵

Land reform: A commission for change. Over the course of the war, armed groups have taken control of large tracts of land in eastern Congo, displacing more than 2 million people.³⁶ Military commanders and militia leaders have established cattle ranches and other businesses on these properties. Some militia members occupy the land as squatters, while others have obtained land titles from successive national governments. These land titles often conflict with the rights of existing titleholders and the rights of indigenous groups and complicate sensitive issues of Congolese national identity and citizenship. Furthermore, as refugees and internally displaced persons return home, they face land conflicts with their fellow citizens or armed groups. This will be a complex issue to address, but must be part of the peace process, as competition for land has been a long time core driver of conflict in the region. The envoys and MONUSCO should work with the Congolese government to finalize its plans for a national land commission that were announced in mid-2013.³⁷ The commission should be broadly inclusive and should conduct investigations into land titling and indigenous entitlement. Furthermore, the envoys should urge Congolese Prime Minister Ponyo to start reform of the national land law, which currently does not define customary tenure and thus marginalizes local communities. A grassroots dialogue on land reform should be organized in the Kivus, as well as a national land steering committee. U.N.-Habitat and a handful of Congolese civil society groups are conducting land mediation in the east, but they have difficulty conducting land mediation when armed commanders are involved.³⁸ The American Bar Association Rule of Law Initiative is also conducting paralegal trainings on land.³⁹

Domestic economic reform: Transparency measures. For years, Congo's minerals have benefited armed groups, criminal army units, and corrupt officials. The non-transparent sale of mines by Kabila to speculator Dan Gertler, in which his offshore firms purchased concessions at firesale prices and flipped them to external companies for 10 or 100 times the prices, are a case in point. The government of Congo lost an estimated \$1.4 billion from this from 2010 to 2012, equal to double the country's health and education budgets combined.⁴⁰ Transparency reforms on mining and an end to opaque, corrupt deals would help ensure that Congolese communities and the Congolese government have an opportunity to benefit from the mineral revenues. Currently in the east, most mines and

natural-resource concessions continue to be occupied by speculators who operate with the blessing of either high-level officials in Kinshasa⁴¹ and/or with armed groups and criminal networks, thus preventing development and reinforcing the structures of violence.

To change this equation, Feingold, Robinson, and Kobler should urge President Kabila and the Congolese prime minister and national mining minister to develop a transparent framework for awarding mineral and oil concessions. Such a framework should involve a) geological research supported by donors such as the World Bank into the capacity of mines in eastern Congo; and b) open, transparent, and competitive bidding processes for mine concessions that have an independent oversight board and public criteria. The African Union and/or the Africa Progress Panel could assist with such an oversight board, as the A.U. has done with election monitoring. Civil society monitoring should also constitute an essential part of this process. Establishing open bidding processes does not have to be tied to the revision of Congo's mining code; it can be done under the existing code. Global Witness has done analysis and advocacy work on the transparency of bidding processes.⁴²

Security sector reform (SSR): Military justice and an overarching plan. Congo's army and its police force frequently prey on communities rather than protecting them, and these forces contain notoriously corrupt elements. Congo urgently needs security sector reform and prosecutions for human rights abuses and corruption. SSR should encompass new hiring policies, redeployments, and removal of abusive officers. First, the U.S. should increase existing efforts to reform the army's military justice system, as hundreds of Congolese army officers have gone unpunished for serious abuses. This should include appointing independent military justice personnel that operate without interference from the executive and military command. Second, the U.S. and other donors should press Congo to adopt a well-formulated plan and budget for SSR. As part of this, the members of the new Congolese Rapid Reaction Force must be vetted by MONUSCO to ensure it does not include human rights abusers. Third, donors should help the Congolese army develop more transparent payment systems and improved logistical support and housing. Eastern Congo Initiative has done in-depth analysis on SSR, as has the Congo-based Network for Security Sector Reform and Justice.⁴³

Conclusion

This is a year of tremendous opportunity for Congo to make progress on several fronts, partially because of the high-level attention it is getting internationally and partially because of the new regional leadership on the peace process. Following the M23's official defeat, a number of things have begun to change with the work of the U.N. Force Intervention Brigade, the increased defection of combatants, and the decreased profits of armed groups, among other developments. Whether those changes endure depends in part on whether Feingold, Dos Santos, Robinson, and Kobler can keep a focused peace process together that targets the most critical issues and meaningfully involves civil society. If these actors succeed in doing so, we may start to see results in Congo that last for years to come.

Endnotes

¹ African Union Peace and Security Council, “Communiqué of the third high-level meeting of the regional oversight mechanism of the Peace, Security and Cooperation framework for the Democratic Republic of the Congo and the region,” Press release, January 31, 2014, available at

http://www.peaceau.org/frontend_dev.php/en/article/communique-of-the-third-high-level-meeting-of-the-regional-oversight-mechanism-of-the-peace-security-and-cooperation-framework-for-the-democratic-republic-of-the-congo-and-the-region.

² United Nations Security Council, “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,” S/2014/157, para. 29, March 7, 2014, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/157.

³ See remarks by Martin Kobler, U.N. Security Council, “The situation concerning the Democratic Republic of the Congo,” Meeting record S/PV.7094, p. 4, January 13, 2014, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7094

⁴ Carrie Beason, “M23 Rebel Leader Bosco Ntaganda Pleads ‘Not Guilty’ at the International Criminal Court,” Enough Said blog, March 26, 2013, available at <http://www.enoughproject.org/blogs/m23-rebel-leader-bosco-ntaganda-pleads-not-guilty-international-criminal-court>; Holly Dranginis, “ICC conviction of former Congo rebel commander is a missed opportunity,” Enough Said blog, March 21, 2014, available at <http://enoughproject.org/blogs/icc-conviction-former-congo-rebel-commander-missed-opportunity>.

⁵ Fidel Bafilemba, Sasha Lezhnev, and Sarah Zingg Wimmer, “From Congress 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.

⁶ See Conflict Free Sourcing Initiative, available at www.conflictreesmelter.org.

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⁸ Bafilemba, Lezhnev, and Wimmer, “From Congress to Congo.”

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