



All-Party Parliamentary Group for the Great lakes Region of Africa

Report on the Field Visit to the Democratic Republic of the Congo
14-20 may 2011



Photo: [Local Voices](#)

Acknowledgements

The organisers of the field visit are indebted to the financial assistance provided by the Inter-Parliamentary Union, Christian Aid, International Alert and CAFOD, without which this project would not have been possible. The delegation also wishes to recognise the indispensable logistical and organisational support from all the non-governmental organisations which provided invaluable help in Kinshasa and Goma.

Foreword

Since the APPG delegation visited the Democratic Republic of Congo (DRC) in May 2011 and since this report was written, there have been some changes on the ground which merit attention.

Elections

The DRC is now less than two weeks away from presidential and legislative elections. 32 million citizens have registered as voters. Although the voter registration process was concluded within a reasonable, if extended, timeframe, since its release serious concerns have been raised about its quality. Opposition leaders claim there have been irregularities in the process: double or fraudulent registration of voters (for instance children and foreigners), and suspicious variations in registration levels across provinces. The International Crisis Group has made similar allegations, as has a confidential report by Zetes, the company contracted to issue the biometric voter cards. The DRC's National Independent Electoral Commission (CENI) acknowledged the problem of double registrations: it says there are an estimated 20,000 duplicate voters, of which 40% were due to technical problems.

The CENI has agreed to undertake an audit of the voter list, in cooperation with representatives of the opposition. However, time constraints mean that a full audit and clean-up of voter lists is unlikely— especially in light of the CENI's failure to comply with its legal requirement to post voter lists at the respective registration offices.

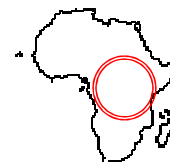
In terms of civic education, one significant development since the field visit lies in the fact that the IFES project, originally active in only four of eleven provinces, received additional funding from DfID and USAID in September and has expanded into the seven remaining provinces.

There are 11 candidates for the presidential elections and 18,500 candidates for the 500 seats at stake for the legislative elections. This means that an average of 37 candidates will be competing for each legislative seat.

There are no women running for presidency and only 2,200 women aspirants for the National Assembly – that is to say 12% of candidates – whereas in 2006, if the percentage of female legislative candidates was not higher, there were three women presidential candidates.

Three weeks before the polls, the opposition remains unable to unite behind a single candidate. UDPS leader Etienne Tshisekedi has built a coalition with approximately 80 smaller parties, but larger parties such as the MLC, UNC and UFC parties have not rallied his coalition.

There have already been several instances of electoral violence. Etienne Tshisekedi's UDPS party has organised several demonstrations in Kinshasa since July to protest against irregularities in the electoral process, particularly in voter registration. These protests have resulted in violent confrontations with the police and supporters of the ruling party: on 5th September, the Kinshasa offices of both the PPRD and UDPS were attacked and torched. This led to clashes between UDPS supporters and the police, which claimed two lives. On the first day of the electoral campaign – 28th October - one person was shot dead and three others were wounded during a demonstration in Mbuji-Mayi in Kasai Oriental province. Most recently, on 5th and 6th November, two days of violence broke out in Lubumbashi, during which at least 15 people were wounded.



Human rights organisations have reported an increase in human rights abuses, notably in harassment of journalists. On 9th July, the privately-owned opposition television station Radio Lisanga Télévision (RLTV) was banned and on 5th September, its offices were torched. On 24th October, the Congo Média Channel Télévision (CMC TV), a broadcaster with ties to candidate Vital Kamerhe, was evicted and its premises vandalised by police officers.

Natural Resource Management

The status of the mining sector remains in some ways very similar to that which the delegation encountered during their visit.

The United States Securities and Exchange Commission is yet to publish the final rules pertaining to Section 1502 of the Dodd Frank Act, a disclosure requirement that calls on companies to determine whether their products contain conflict minerals – by carrying out supply chain due diligence – and to report this to the Securities and Exchange Commission (SEC).

The DRC's artisanal mining sector is in a state of transition, as miners and buyers alike wait to find out the content of the American law so that they can comply with it. Miners at artisanal sites continue to dig, although their output is considerably lower than pre-ban levels. This reduction in production is due to a drop in the price of tin on the London Metal Exchange, which has had a knock-on effect down the supply chain, the flooding of several key tin mines, and the lower purchasing levels of end-users who use Congolese minerals in their products, as they too wait to see what the American law will dictate.

On a more positive note, regional certification systems headed up by the ICGLR are making good progress, including some significant new bilateral commitments to combat mineral fraud between the Congolese and Rwandan governments.

And while the Rwandan government hopes to soon incorporate OECD Due Diligence Guidance into their Code of Good Governance, the Congolese government have already gone a step further by issuing a decree on 6th September 2011 requiring all exporters of Congolese minerals working in the DRC to adhere to OECD Guidelines within a 45-day time period, or face sanctions.

Refugees

On 29th September, at the closure of the ninth tripartite meeting between representatives from Uganda, Rwanda and the UNHCR in Kigali, the UNHCR extended the cessation clause deadline from 31st December 2011 to 30th June 2012 to allow more time to convince refugees to voluntarily repatriate rather than using force. However no change of policy in terms of the declaration of the cessation clause was decided.

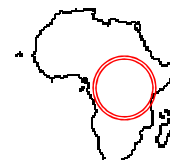
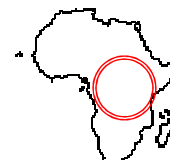


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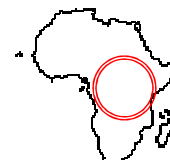


List of acronyms

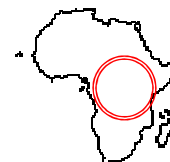
3Ts	tin, tungsten, and tantalum; <i>minerals extensively mined in eastern and south-eastern DRC whose lucrative trade is accused of fuelling conflict</i>
ADF	Allied Democratic Forces (Ugandan rebel group)
AMP	Alliance for the Presidential Majority (Alliance pour la majorité présidentielle); <i>a pro-Kabila coalition of individuals and parties including the PPRD</i>
BANRO	a Canadian-based gold exploration and development company
CAFOD	Catholic Overseas Development Agency
CSF	Civil Society Fund
CENI	National Independent Electoral Commission (Commission électorale nationale indépendante); <i>this is the constitutionally-established body responsible for conducting the elections in DRC</i>
CNDP	National Congress for the Defence of the People (Congrès national pour la défense du peuple); <i>pro-Tutsi Congolese rebel group opposed to the regime of President Kabila</i>
DDRRR	Demobilisation, Disarmament, Repatriation, Resettlement, Reintegration; <i>general term used to refer to a programme run by MONUSCO to reintegrate ex-combatants</i>
DFID	UK Department for International Development
EISA	Electoral Institute for the Sustainability of Democracy in Africa
EITI	Extractive Industries Transparency Initiative; <i>voluntary extractive-industry level initiative to improve traceability and transparency of minerals trade worldwide</i>
EOM	Election observation mission
EURAC	European Network for Central Africa (Réseau Européen pour l'Afrique Centrale)
EUSEC	European Union mission for security reform in the Democratic Republic of Congo
FCO	UK Foreign and Commonwealth Office
FDLR	Democratic Forces for the Liberation of Rwanda (Forces démocratiques pour la libération du Rwanda); <i>pro-Hutu Rwandan rebel group opposed to the government of Rwanda President Kagame</i>
FQM	First Quantum Minerals; <i>mining company dealing primarily with copper in Katanga province, registered in Jersey</i>
GoDRC	Government of the Democratic Republic of the Congo
IC	International Community
ICG	International Crisis Group
IFES	International Foundation for Election Systems; <i>pro-democracy NGO which will perform election monitoring in the DRC and is currently involved in voter registration</i>
ICGLR	International Conference on the Great Lakes Region
(I)NGOs	(International) non-governmental organisations
IPIS	International Peace Information Service
ITRI	International Tin Research Institute
MDGs	Millennium Development Goals



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MEP	Member of the European Parliament
MLC	Movement for the Liberation of Congo (Mouvement pour la liberation du Congo); <i>Congolese opposition party, narrowly lost Presidential election in 2006</i>
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; <i>the UN peacekeeping operation whose mandate is up for renewal in late June 2011</i>
MSC	Malaysia Smelting Corporation
OECD	Organisation for Economic Cooperation and Development
PNC	National Congolese Police (Police Nationale Congolaise)
PPRD	People's Party for Reconstruction and Democracy; <i>the majority party in government and is led by President Kabila</i>
PROMINES	a technical assistance project of the World Bank, co-funded by the UK Department for International Development, to restructure the Congolese mining sector
SADC	Southern African Development Community
SAKIMA	Gold-Mining Society of Kivu-Maniema (Societe aurifere de Kivu-Maniema)
SEC	Securities Exchange Commission
SGBV	sexual and gender-based violence
SIDA	Swedish Agency for International Development
sSA	sub-Saharan Africa
UDPS	Union for Democracy and Social Progress (Union pour la démocratie et le progrès social); <i>key opposition party led by Etienne Tshisekedi</i>
UNHCR	Office of the United Nations High Commissioner for Refugees
UNIFEM	United Nations Development Fund for Women
UNSCR	United Nations Security Council Resolution
UPDF	Uganda People's Defence Forces (Ugandan military)
USAID	United States Agency for International Development
USD	United States Dollars
VOICE+	voter sensitization programme of IFES



Introduction

Outline

The All Party Parliamentary Group on the Great Lakes region of Africa (APPG) travelled to the Democratic Republic of the Congo (DRC) for a five day field visit between 14 and 20 May 2011.

The visit, funded by the Inter-Parliamentary Union, Christian Aid, International Alert and CAFOD, comprised a cross-party, cross-House delegation of three parliamentarians;¹ Nicola Blackwood MP (Conservative); Lord David Chidgey (Liberal Democrat) and Stephen Twigg MP (Labour). The delegation was accompanied by Sophia Pickles, Coordinator of the APPG.

The visit was limited to two geographical locations which were judged to be most relevant to the delegation's interests. These were the DRC's capital Kinshasa, situated in the country's west, and Goma, the provincial capital of North Kivu in the country's east. Internal travel between Kinshasa and Goma was kindly facilitated for the delegation by Christian Aid using the UNHAS air carrier.

The APPG would like to thank all of the organisations and individuals involved in the facilitation of the visit, most notably staff at Christian Aid, International Alert and CAFOD.

Focus of the visit

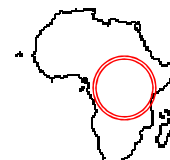
The visit focused on four key areas, which are listed below. These were judged to be amongst the highest priorities in terms of UK policy response in the Democratic Republic of the Congo at the time of the visit. The focus areas were:

- the DRC's forthcoming Presidential and legislative elections, planned for 28 November 2011, and ensuing provincial and local elections (to take place 25 March 2012 and 5 February 2013 respectively);

¹ Inter-Parliamentary Union (IPU) funding rules state that all delegations must be representative of the three main political parties and must also contain Members from both Houses. IPU funding is available for MPs and Peers only.

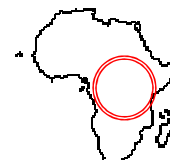


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- due diligence and transparent management of the DRC's mining sector;
- return of Rwandan refugees from the country's east to Rwanda and demobilisation, disarmament, repatriation, resettlement and reintegration (DDRRR) of Rwandan ex-combatants from eastern DRC and:
- the causes and consequences of sexual and gender-based violence (SGBV).

These were the main foci of the visit; however, discussions were not limited to these topics. Given the short time-frame of the visit, many important issues were touched upon if only very briefly during meetings with the delegates. The content of this report reflects the opinions, challenges and opportunities that were shared with the delegates during the time spent in the DRC. Documents shared with the delegation prior to and following the visit are included in the Annexes of this report. For a detailed breakdown of the projected Terms of Reference for the visit, please see Annex 1.



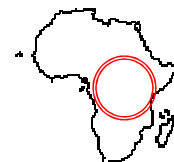
Recommendations to the UK government

Key recommendations are listed here; secondary recommendations are located section ends

1. Elections: the 2007–2013 electoral cycle

The delegation notes that the forthcoming elections are a crucial part of the DRC's state building process and, if held in a transparent, free and fair manner would contribute to consolidation of peace across the country and further strengthen the DRC's national cohesion. The UK is one of the largest donors to the DRC's election process and as such the delegation recommends that the UK government should:

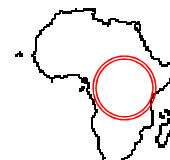
- Work with other donors ahead of the November 2011 Presidential and Legislative polls to further support mechanisms that will increase civic and voter education nationally in DRC beyond the UK's current contribution to the International Foundation for Electoral Systems (IFES), that undertakes civic and voter education work in four of the DRC's eleven Provinces only;
- Provide further support to Congolese civil society organisations involved in election processes and monitoring in order that these groups can adequately ensure the transparency and legitimacy of the electoral process;
- Immediately prioritise support for Congolese women's civil society organisations and platforms ahead of the 2013 local elections in order to promote women's integration into decision-making processes and particularly at a local level;
- Support the training and deployment of additional Congolese election observers and deploy, in addition to an EU mission, a UK election observation mission for the Presidential and Legislative elections in November 2011;
- Press for local elections, delayed since 2008 and now planned for 2013, to take place and ensure that comprehensive voter education mechanisms are implemented well in advance of these;
- Make continued representations to ensure that MONUSCO remains focused on its existing mandate during the election period and does not become distracted by technical and logistical issues throughout the electoral cycle, at the expense of civilian protection;
- Closely monitor media freedoms, freedom of assembly and freedom of movement for opposition party candidates throughout the electoral cycle and where necessary make representations to Congolese colleagues to ensure that these are respected and maintained.



2. Natural resource management: the DRC's mining sector

The delegation understands that reform of the DRC's natural resource sector is essential in order to secure the country's sustainable development. Above all, any reform should ensure that the Congolese people gain from their country's mineral wealth. This is not currently happening. We recognise that the international community has direct influence over the mineral trade in Congo and must therefore use the leverage that this affords to bring about positive change in the DRC's mining sector. In particular we recognise the importance of implementing supply chain due diligence in order to clean up mineral supply chains and so help to break the links between the trade in minerals and armed groups operating in the DRC. We note however that this must be achieved whilst taking careful steps to avoid the unintended harmful consequences of a de facto embargo on minerals responsibly sourced from the DRC and adjoining countries. We further recognise that natural resource sector reform cannot, however, substitute for conflict resolution strategies, such as security sector reform and community-level peace-building. These steps must be taken together. The delegation recommends that the UK government should:

- Support measures that ensure that companies sourcing tin, tantalum, tungsten or gold from the DRC adopt the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected or High-Risk Areas, also adopted by the United Nations at the end of 2010;
- Encourage regional governments to introduce domestic legislation based on the OECD Due Diligence Guidance;
- Work with partners in the Congolese government to make best use of opportunities created by the Presidential Mining ban, specifically by identifying mines successfully demilitarized during the ban and supporting the Congolese government to work towards making these mines 'conflict free' sources where possible;
- Support the full implementation of regional mechanisms, most specifically the ICGLR Regional Initiative against the Illegal Exploitation of Natural Resources (RINR);
- Ensure that UK policy responses to natural resource reform do not substitute investment in conflict resolution strategies, including security sector reform and community-level peace-building and that these policy responses do not assume natural resources to be the root cause of conflict in the DRC.

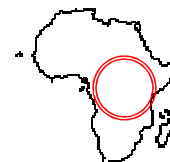


- Support the introduction at EU level of legislation similar to Section 1504 of the Dodd-Frank legislation, which would require companies to publish the payments they make on a country and project specific basis, including additional data detailing production, profits, sales and intra-group trade on a country-specific basis.

3. Refugee return and repatriation of ex-combatants

The presence of Rwandan armed groups and refugees in the DRC remains a significant issue with regard to the DRC's security situation. The delegation recognises that as a key donor and diplomatic actor in the Great Lakes region the UK has an important role to play in finding sustainable practical and political solutions to accelerate voluntary demobilisation through non-military engagement. The delegation recommends that the UK government:

- Take steps to increase sensitisation and diplomatic efforts in support of voluntary repatriation by encouraging the UN and the DRC and Rwandan Governments to prioritise sensitisation work in favour of voluntary demobilisation, targeting the FDLR leadership as well as the rank-and-file.
- Consider appointing a UN Special Envoy for FDLR demobilisation and Rwandan refugee repatriation in the DRC to build trust and improve international accompaniment of the entire process, as foreseen in the Nairobi Communiqué.
- Increase support to voluntary repatriation and reintegration by increasing funding to refugee repatriation programmes with a focus on community-led reintegration with church and civil society organisations.
- Improve the existing refugee reintegration programmes in Rwanda to improve conditions and incentives for returnees.
- Work with UNHCR to ensure that discussions of the cessation clause include careful consideration of refugees' concerns and objective assessment of the case for a 'change in circumstances' in Rwanda. This should also be contingent on the implementation of the 2009 roadmap agreed by UNCHR and the Rwandan Government.
- Promote civil, political and human rights and the correct exercise of justice mechanisms in DRC and Rwanda, in line with the norms and instruments to which both States are signatory.



1 Elections: the 2007 – 2013 electoral cycle

The primary focus of the visit was the DRC's forthcoming elections, comprising Presidential, legislative, Provincial and local elections. The DRC held its first multi-party elections in over forty years in 2006, following years of fighting that followed Mobutu's thirty-two year dictatorship. In 2006 the International Community (IC) contributed over USD 370million to the DRC's election process,² including a USD 320million contribution from the European Union (EU) – the largest Community contribution ever to an electoral process at that time.³ Such sizeable funds have not been forthcoming from international donors for the forthcoming elections.⁴ In 2010 the Congolese government (GoDRC) estimated that the entire electoral process would cost a total of USD 715million, towards which they would make a commitment of USD 367million.⁵

This second Presidential election, together with a full spectrum of democratic elections, could represent a crucial next-step in the DRC's peace-building process; Congolese organisations and individuals continually stressed the country's 'post-conflict' status throughout the APPG visit. There has been a significant increase in the number of eligible voters, from 25 million in 2006 to an estimated 30 to 35 million in 2011. A high proportion will be young first-time voters,⁶ meaning that more people than ever should, if the election process is run well, be able to exercise their democratic right to vote in November. The delegation heard that peaceful, transparent and democratic elections would further consolidate the democratic process begun in 2006 and if the elections were held in this manner, they could contribute significantly to consolidation of peace across the country and may potentially further strengthen national cohesion.

² *Elections in the Democratic Republic of Congo in 2006*, DFID, 2006

<http://www.dfid.gov.uk/Documents/publications1/elections/elections-cd-2006.pdf>

³ *Background – DRC Elections 2006*; Council of the European Union, June 2006

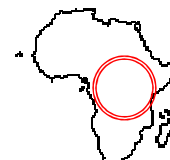
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/90508.pdf

⁴ The delegation heard from several quarters of a perceived 'donor fatigue' surrounding the DRC's upcoming polls. There was a perception that donors seemed reluctant to invest; many speculated that this was because donors did not want to be seen to be 'at the front line' of funding if the electoral process 'went wrong'.

⁵ *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, United Nations Security Council, 8 October 2010

http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/512

⁶ The population of the DRC is estimated to be between 60 million and 70 million (the last census took place in 1981). The Governor of North Kivu told the delegation, for example, that his Province contains approximately 3 million electors (he estimated this to be ten percent of the country's electorate) and that there were an estimated 10million people in North Kivu.



1.1 Electoral timeframe and preparations for the elections

1.1.1 Timeframe

The DR Congo's electoral calendar as published by the DRC's electoral commission (CENI) on 29 April 2011 is as follows:

28 November 2011	Presidential and Legislative elections
28 March 2012	Provincial elections
4 July 2012	Senate elections
28 July 2012	Governor elections

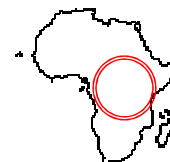
The delegation heard a range of views concerning the timeframe set for the election process. The predominant concern was whether the Presidential and legislative elections would happen 'on time' according to the CENI calendar and conforming to the Congolese constitution.⁷

A group of Congolese party leaders expressed strong concerns over the published timeframe, considering it 'unrealistic'. They were dissatisfied with the GoDRC's 'last minute' organisation of the elections and felt that the CENI should 'have the courage' to admit that the calendar was unachievable well ahead of polling, rather than waiting until it was 'too late', further along the line.⁸ In the event that polling did not take place in November, opposition representatives were not forthcoming during the meeting with alternative proposals' but favoured instead putting 'a more viable plan' into action 'now'. While many opposition party leaders made it clear that they would follow the Constitution in the event that their party lost,⁹ it was clear that they were interested in participating only in what they considered 'viable and secure elections' that had 'certified results'.

⁷ Article 70 of the Congolese Constitution states that '*The President of the Republic is elected by universal direct suffrage for a mandate of five years, renewable only once. At the end of his mandate, the President of the Republic stays in power until the installation of a newly elected President.*' President Kabila's current five year term officially ends on 6 December 2011.

⁸ Reference to 'opposition parties' in this section reflects *only* the views of the opposition candidates with whom the APPG delegation met in Kinshasa, unless otherwise stated.

⁹ Consensus was not reached on this point.



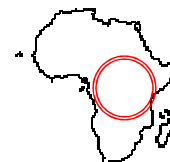
1.1.2 Opposition parties

A large number of opposition parties were preparing to compete in November's legislative elections,¹⁰ and at the time of the visit, several Presidential candidates were also emerging to challenge the incumbent, Joseph Kabila, in the Presidential poll. Mr Etienne Tshisekedi, who boycotted the 2006 elections, was considered a prominent Presidential contender, well-known amongst the population – although representatives of his UDPS party complained that they had scant access to media or radio channels, which they described as 'monopolised' by the ruling party.¹¹ Mr Vital Kamerhe, former speaker and (founding) member of the ruling PPRD party in the National Assembly until March 2009 was also considered a potential challenger. Mr Kamerhe launched his party, the UNC, in December 2010. The MLC, which was the main opposition party in 2006, then led by Mr Jean-Pierre Bemba (currently on trial in The Hague), were generally regarded as 'in disarray' due to their lack of leadership and internal splits. At the time of writing the MLC were split into two factions: under the current Vice-President of the party, Francois Mwamba, and Thomas Luhaka, the party's Secretary General. The likelihood of opposition parties coalescing behind one candidate was not clear; the opposition said that this option was currently under consideration.

Members of civil society organisations felt that the opposition would do well to unite around a single candidate in order to present the most viable challenge to the incumbent, although several raised concerns over the efficacy of opposition parties. The prevailing view was that politics in the DRC is essentially defined by personalities rather than ideologies. They called upon the IC to commit resources to support long-term capacity-building programmes in order to strengthen opposition parties and build towards a more accountable and democratic system in the future. The delegation heard that there was not a 'good choice of candidates' and that even when good candidates were successfully elected, their accountability to the population was limited and in some cases completely absent.

¹⁰ A number of these opposition parties are already represented in the National Assembly and many others will compete who are not. In order for the Presidential elections to go ahead in November, Parliament was, at the time of the visit, required to pass an amendment to the electoral law presenting the new distribution of legislative seats in accordance with the voter registration figures, as determined by the electoral commission. Following the APPG visit in May, this has been passed. In summary, Equateur has gained 4 seats; Katanga and Bandundu gained 3; Maniema, Kasai Orientale and Kasai Occidentale gained 2; South Kivu remained the same; Kinshasa lost 7; North Kivu and Province Oriental lost 2; Bas-Congo lost 1 seat). <http://www.cei-rdc.cd/spip.php?article35>

¹¹ The delegation heard during informal discussions that Mr Tshisekedi was not as popular amongst Congo's younger generation as they do not remember his earlier political career under Mobutu. In 2010, 65.64% of DRC's population was under 24, according to US government data collated from various projects <http://www.census.gov/population/international/data/idb/country.php>



Members of the ruling PPRD party who met the delegates also expressed discontent with current levels of parliamentary and governmental accountability. One PPRD representative told the delegation that while the Ministers 'seem' to listen, his experience had been that they then return to their offices and 'do nothing about' the issues raised. The MP said that he would not run for office again. He felt that he was not able to fulfill his mandate and represent the concerns of his constituents or push for real change because the government did not respond to parliamentary pressure – he was 'disillusioned' with the current government.

Representatives from religious groups went further; while they agreed on the crucial importance of accountability of politicians, they stressed the need for civic education programmes that properly informed the population of the worth of their vote; people needed to know *who* they were voting for and *why*. Representatives of different faiths and denominations informed the delegation that voter awareness levels in the DRC were at a low. They felt that the CENI, with the support of the international community, must do much more to sensitise the population before the electoral process in November.

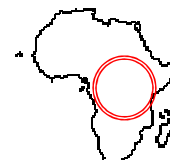
1.1.3 A role for the Church

The church has traditionally been influential in Congolese politics and played an important role both in terms of awareness-raising and monitoring during the 2006 elections.¹² Faith groups who met with the delegation were concerned that the population was not well-informed about the candidates running in 2011, or about their policies or background. They urged the delegation to support the creation of a Truth and Reconciliation Commission in the DRC, which they felt was necessary not only to combat ongoing impunity within Congolese society and to continue the vital reconciliation process, but also to provide 'background checks' on some of the candidates running for legislative and Presidential positions.¹³

Discussions enabled the delegation to gain an understanding of the role of the various churches in the electoral process. Ecclesiastical representatives explained their engagement in the entire

¹² In 2006, 40,000 election observers (cross-church) participated in the elections as part of the 'election observation network'.

¹³ Religious leaders called on the United Kingdom to lead the call for creation of a Truth and Reconciliation Commission in the DRC.



election process, from assisting the CENI to reach the population through its extensive network in rural areas, to meeting local and traditional authorities to ensure that they complied with the Electoral Code.¹⁴ The church supports candidates and mediates difficulties between them, plays an important role in the observation process and in the aftermath of the poll, by ensuring that parties respect the published results. Faith groups argued that they have a crucial role to play in the 2011 elections and called for increased financial support from the IC in particular to allow the church to undertake the most effective civic education possible.¹⁵ As a member of a prominent Christian group told the delegation:

The church must be placed in the centre of the village. In our parishes and temples, our children have come from both the opposition and power. That way we really have to think deeply so that the church can stay in the middle of the village... Holding the centre of the village means that you must explore these defects; if we want a peaceful election we must now identify now what is negative – the opposition or power.

1.1.4 Election management

Opposition parties were unhappy that the electoral calendar had been published before the Electoral Law was passed. They told the delegation that because the Electoral Law would define details of the electoral process, including finalising the number of constituencies and details of the voter registration process, the law should have preceded publication of the calendar. There was some concern that the deposit required to register for Presidential and Legislative elections might be increased from 2006 levels in the new electoral law¹⁶ and the opposition called on the UK, as the

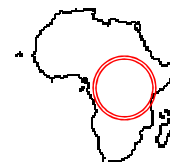
¹⁴ Some faith groups, however, told the delegation that they were concerned about equal representation of sectors of the Congolese population in the democratic process. For example, representatives from the Muslim community felt under-represented, stating that only 3 out of 500 the elected representatives in the National Assembly in the current term were Muslim. 1.4m citizens of the DRC are Muslim (of a total of approx 70m) according to the Pew Centre's report '[Mapping the Global Muslim Population: A Report on the Size and Distribution of the World's Muslim Population](#)' (2009).

¹⁵ Several representatives of the Catholic Church noted that the Catholic Church accepted the short-comings surrounding the election but encouraged people to vote because it was already, in their opinion, too late to change the process.

¹⁶ Tariffs are: USD 250 to stand as an MP (Deputé National) and USD 50,000 to stand as a Presidential Candidate. This money is currently non-refundable. Since the delegation returned from DRC and at the time of writing this report, the National Assembly had agreed to maintain these (2006) amounts as part of the Electoral Law, and these figures were being considered by the Congolese Senate at the time of writing.



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largest bilateral donor to the DRC, to press for the Electoral Code to be maintained in its 2006 format.¹⁷

The delegation heard that discontent over the way in which the elections were being managed had already begun to translate into violence amongst the population (although no specific examples were given during the meeting). Opposition leaders predicted increased violence as the elections approach, particularly in the time between the 28 November Presidential and Legislative polls and the swearing in of the newly-elected President on 28 December 2011.¹⁸ The DRC's economy (notably the 'rocketing' fuel and grain prices)¹⁹ was cited as a source of further social discontent and representatives present felt that this could be an additional trigger-point for violence during the voting period.

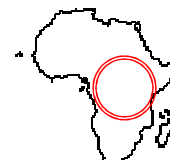
Representatives of the donor community confirmed that a recent constitutional change (January 2011) had reduced the Presidential poll to a single round but that it would at least reduce the likelihood of violence around polling time. Opposition parties expressed their disappointment that the IC had not done more to protest over this Constitutional change when it was introduced in January. Conversely, representatives at the UK Embassy noted with some surprise the lack of representation that they had received from the Congolese opposition parties when the change was made in early 2011. UK officials also underlined that although the amendment had happened with unusual speed, it had been treated constitutionally.

¹⁷ Since the delegation returned to the UK, the Congolese parliament passed the Electoral Law – on the last sitting day of the parliament's session – maintaining the majority of the 2006 provisions, including the deposit amount required from Presidential and legislative candidates

<http://af.reuters.com/article/drcNews/idAFLDE75E16220110615?pageNumber=1&virtualBrandChannel=0>

¹⁸ Although representatives of the donor community told the delegation that a recent constitutional change (January 2011) that had reduced the Presidential poll to a single round would at least reduce the likelihood of violence around polling time. Opposition parties expressed their disappointment that the IC had not done more to protest the Constitutional change when it was introduced in January. Conversely, representatives at the UK Embassy noted with some surprise the lack of representation that they had received from the Congolese opposition parties when the change was made in early 2011. UK officials also underlined that although the amendment had happened with unusual speed, it had been pushed through constitutionally.

¹⁹ The global recession combined with drought and changes in commodity prices on the world market have all been attributed to increasing food prices in the DRC. A recent All Africa report by Passy Mubalama demonstrates this: <http://allafrica.com/stories/201107180128.html>. The World Food Programme has also documented rising food and fuel prices across the region: <http://www.wfp.org/stories/rising-food-prices-infographic?gclid=CM6GnvWmpqoCFYpA4QodvUffVg>



UK Embassy representatives in Kinshasa confirmed the United Kingdom's support for the elections taking place within the Constitutional timeframe,²⁰ although they expressed concerns that the CENI's plan was 'at the limit' of what was feasible. There was a real concern that the election process should go smoothly. As one member of the team noted, 'how much aid we provide really *does* matter... what happens here (in DRC) has implications for the rest of the region'.²¹ The delegation heard that 'grassroots investments' were at the heart of DFID's spending plan for a country considered to be 'at the cross-roads of Africa'.

1.1.5 Local Elections

Local elections, which were scheduled to take place during the current Presidential term and have been repeatedly pushed back,²² were raised as an ongoing concern, particularly by women's groups (see below). As local elections have not taken place since 2006, DFID has retained monies earmarked for this purpose and hopes that local elections will be held during the next electoral cycle.²³

1.1.6 Voter Registration and Participation

The APPG delegation met with the National Independent Electoral Commission (CENI) at a time when the Commission was engaged in voter registration and sensitisation activities. At the time of the visit, the CENI reported that voter registration in two of the DRC's eleven provinces (Bas-Congo and Maniema) was already complete.²⁴ In Kinshasa, a supplementary revision of the electoral list was underway at the time of the visit, expected to end on 7 July 2011. The CENI then expected registration in Katanga and Western Kasai provinces to be completed by 9 June 2011. In the

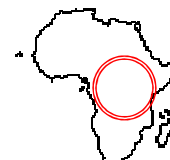
²⁰ A full breakdown of the UK's financial commitment to the Congolese 2007 – 2013 electoral cycle can be viewed in Annex 6.

²¹ The UK has been a major donor to DRC since 2008. DFID funding increases over the next few years will be contingent upon a 'stock take' between years two and three, before further funds are released. This is designed to ensure results-based funding.

²² Local elections have been planned in the DRC since 2008: <http://allafrica.com/stories/200808120001.html> and <http://www.un.org/en/peacekeeping/missions/monuc/mandate.shtml>.

²³ Embassy representatives did note however a perceived lack of political will for local elections from the GoDRC, accompanied by a lack of budgetary allocation by the GoDRC for local elections since 2003.

²⁴ The delegation heard from an FCO representative who had recently observed voter registration at a rural registration centre in North Kivu. At that particular centre, the FCO representative had observed that the process was going well. He had observed that a number of Congolese voters who had arrived without a form of identification had had to be accompanied by five witnesses to certify their identity. He was aware however of petty bribery at registration centres and acknowledged that this was deterring, or at least delaying, people from registering. The delegation also heard that there had been some small-scale protests in North Kivu over the population's fears that Rwandaphones were registering to vote and that the Provincial Governor had used radio messaging to diffuse the situation.



remaining six provinces the registration process was launched on 6 April and was expected to finish on 6 July.²⁵ The CENI reported a great enthusiasm to vote amongst Congolese people and called upon the IC to work with them to consolidate the DRC's democratic process through Presidential, national, provincial and local elections. The delegation questioned CENI representatives about the participation of the Congolese diaspora in the elections, noting that the UK-based Congolese diaspora were also enthusiastic to take part in the democratic process in their country. The CENI told the delegation that they did not expect the diaspora to be eligible to vote in the 2011 electoral process.²⁶ The CENI's framework for the elections can be viewed in Annex 2.

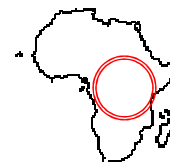
The CENI noted the size of the task before them and the short timeframe in which they must achieve it. In particular, they stressed their concerns over their lack of adequate logistical means required in order to run the elections properly. They underlined the importance of the timely distribution of election equipment and printing and distribution of voting cards as well as access to adequate telecommunications equipment to be able to conduct elections and transmit results successfully. While the CENI expressed gratitude to the UK for their contribution to date, Hon. Laurent Ndaye Nkondo said that current levels of donor funding were inadequate. He and his colleagues felt that donor contributions for the review of the electoral register were insufficient and that in general donors were not reacting with sufficient speed or unity.

These concerns were shared by civil society. One INGO representative noted that in 2006, a six-month period had been granted for distribution of voting materials, whereas during this electoral cycle the CENI had allocated only twenty-five days. IFES representatives told the delegation that although it was helping design and print the IMAGE boxes for the electoral candidates, this was impossible to do until the electoral law had been passed. The delay in passing the law would have a knock-on effect towards what could be achieved in the short time remaining before the elections.

Although the Governor of North Kivu noted that many Congolese people wanted to vote, he also expressed concerns over the number of enrolment teams undertaking voter registration. In 2006 there were 793 enrolment teams at work in his Province whereas for this election there are only

²⁵ The CENI's official voter registration figures, published since the time of the visit, can be viewed in Annex 7.

²⁶ Since the delegation returned to the UK the Congolese parliament have voted not to allow the Diaspora to participate in voting, as enshrined in the electoral code of 22 May 2011:
<http://radiookapi.net/actualite/2011/05/22/projet-de-loi-electorale-seuls-les-congolais-se-trouvant-sur-le-territoire-national-pourront-voter/>



283. The Governor felt that this number was insufficient and noted in particular the high numbers of new voters who would want to register (particularly teenagers). The Governor also stressed to the delegation North Kivu's size - the same as Rwanda and Burundi combined - and that people in his Province had to walk up to 50 kilometres to enrol, which was putting them off. The Governor noted that he would not have been surprised if the voter list in North Kivu was, when completed, actually smaller than that of 2006.

Hon. Nkondo highlighted challenges relating to telecommunications and logistics as the CENI's two main areas of concern related to the running of the elections. At the time of the visit, the CENI had made recent representations to donors, including the UK, requesting provision of additional satellite communications costing USD 30million to assist with vote counting.²⁷

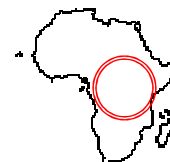
For the 2011 elections, 12,487 voting sites will open across the DRC. The CENI would like to be able to transmit results from these sites via scan to the central bureaux, of which there are 189.²⁸ The delegation heard that the CENI do not currently have access to the requisite equipment to meet this aim. In addition, the CENI noted that their 86 V-Sat satellite telephones, which were used during the 2006 elections and are currently unconnected, will not allow interconnection between the 189 local branches where results will be announced. The CENI stressed the need for increased monitoring and supervision of the electoral process in the run up to, during and after the electoral process.

A representative from the CENI's logistics team told the delegation that to date 12,941 election kits had been distributed with the assistance of MONUSCO. The CENI called on the IC to provide additional logistical support (specifically helicopters) to reach remote areas not accessible over land.²⁹ Poor infrastructure and the continued presence of armed groups in some parts of the country posed problems for the CENI, as did the 'security' of the election equipment that they were distributing; members of the commission noted that despite national Congolese police (PNC) efforts, much equipment was 'lost' once it had been dispatched from Kinshasa.

²⁷ DFID and FCO representatives informed the delegation that the UK is currently providing satellite communications to the PNC and so there may be possibility to use these during the election period.

²⁸ The CENI informed the delegation that there is currently 48 percent coverage for mobile telephone devices in the DRC.

²⁹ The Governor of North Kivu noted in a separate meeting that in his Province he had had logistical problems including machines breaking down, 'unreachable' constituencies that the registration teams had not yet managed to reach (in these areas of the Province he plans to 'ignore' the national registration deadline and a ninety-day deadline set from the day that registration begins will be put in place).



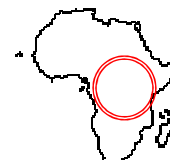
In a meeting with the Governor of North Kivu, Mr Julien Paluku Kahongya, the delegation heard how some of these logistical shortcomings were playing out. Mr Kahongya recounted that there had been a shortage of the election kits used to register voters in his Province. To circumvent this challenge the Governor had employed ‘kit rotation’, in which the enrolment kits travelled to the population rather than the people having to seek out the enrolment centres. While a useful solution, this was an expensive one; the Governor estimated the total cost of rotation at around USD 400,000, of which his Province had already contributed USD 100,000 to the Electoral Commission to allow the rotation process to begin.³⁰

The logistical and technical challenges faced by the CENI are considerable, especially in view of the DRC’s continued dearth of infrastructure. These difficulties appear to have been compounded by an ambitious electoral calendar. While everyone accepted the scale of the logistical operation and its accompanying problems, there were real doubts voiced throughout the visit as to the CENI’s ability to run the elections and, of more concern, over its very credibility. The CENI’s composition was considered unbalanced³¹ and there were doubts as to whether the government would in reality contribute the full sixty percent of its pledged financial contribution to the elections. Civil society and opposition representatives were particularly unhappy that the head of the CENI, Pastor Ngoy Mulunda, was a founding member of the President’s governing party, the *People’s Party for Reconstruction and Democracy* (PPRD), feeling that this jeopardised his neutrality.³²

³⁰ The Governor noted however that he has significant doubts that simply providing the remaining USD 300,000 to the CENI (the remainder of the cost for kit rotation) will solve the registration problem.

³¹ The CENI is composed of three representatives from opposition parties and four representatives from the governing coalition.

³² The UK Embassy expressed similar concerns, including noting that the current head had been involved in some questionable disarmament, demobilization, repatriation, resettlement, and reintegration (DDRRR) efforts in the east of DRC, but noted that to date, Pastor Mulunda had proven surprisingly receptive to all sides and was not displaying political bias. In particular, he had recently held an inclusive conference in Lubumbashi (provincial capital of Katanga) at which civil society, donors and opposition parties were present to discuss the electoral calendar (current at time of writing).



The delegation noted that while the UK has already taken some welcome steps to support a transparent, free and fair electoral cycle in the DRC for 2007 – 2013, serious concerns remain over the quality of the electoral process. Although too late to have any impact on voter registration processes, the UK could still make significant contributions in support of civic education programmes and training of electoral observers. In the longer-term, the UK must increase pressure on the Congolese government to ensure that local elections take place in 2013 and, equally important, that voter education programmes continue beyond 2012 and run until local elections take place.

In addition, DFID and other international donors should consider committing resources to support long-term capacity-building programmes for all political parties in order to build towards a more accountable and democratic system in the future.

1.2 Election observation

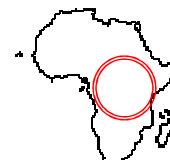
In 2006, a plethora of local and international observers participated in election observation missions (EOMs) for the Presidential and legislative elections in DRC,³³ including by the APPG, which sent ten Members to observe the polling process.³⁴ At the time of the visit, the European Union had not yet confirmed its intention to send an election observation mission and several MEPs had raised doubts as to whether an EOM should go ahead, given January's constitutional amendment combined with what they perceived as a lack of 'democratisation' in the DRC since 2006 and, finally, the high cost of a mission.³⁵

Funding and preparation for local observation had already begun. DFID representatives told the delegation that the UK had set aside an envelope for local civil society observation of between USD 2 to 3 million for the 2011 poll. In April 2011, USAID granted the Carter Centre USD 1.8 million to support a 'two-track election assistance project entitled "Election Monitoring and Domestic Observer Training Program." Through this programme the USAID will support a limited international observation mission, as well as a programme to train, equip and deploy members of Congolese civil

³³ These included the EU, SADC, EISA, The Carter Centre, IFES, Christian Aid, EURAC and many others.

³⁴ A report of the APPG 2006 observation is available at: <http://appggreatlakes.org/index.php/appg-reports-mainmenu-35/64-2006-election-missions-report>

³⁵ <http://www.scribd.com/doc/53635873/Letter-to-Ashton-on-Drc-Possible-Eu-Eom-1>



society organizations involved in election monitoring and related work.³⁶ The UK Congolese diaspora informed the delegation that upwards of 25,000 local observers were being trained by the Catholic Church and called on the UK to support this crucial work further.³⁷ The delegation heard concerns from all quarters about decreased numbers of election observers; given the serious questions being asked about the DRC's election process, the provision of adequate numbers of neutral observers to monitor the process is more of a priority now than ever before.

Training of those domestic observers allocated was an additional worry. INGOs, including IFES, CAFOD and Christian Aid reported that insufficient funding was available to undertake all of the training required. While there had been some positive steps, such as the CENI's forthcoming 'Committee of Partnership' with the donor community, INGOs estimated that a minimum additional USD 6 million was required in order to train sufficient numbers of domestic observers.

There is a critical need for increased monitoring and supervision of the electoral process in the run up to, during and after the electoral process in the DRC. DFID should consider providing further financial and technical/training support to local religious and civil organisations already undertaking training programmes for local observers in order to maximise the number available to participate in the electoral process. In addition to an EU EOM, the UK should consider sending an individual EOM of its own.

1.3 Civic education

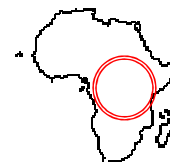
During meetings with the CENI and civil society organisations, the delegation heard that civic education programmes ahead of the November polls had been exclusively delegated by the CENI to national and international civil society organisations. The CENI was widely criticised for committing inadequate attention and resources to properly informing the electorate and many organisations called upon the donor community to urgently increase their financial contribution for this purpose, given that neither technical nor financial support was forthcoming from the CENI. The CENI in turn encouraged organisations to source any necessary additional funding from 'traditional donors' and was aware that INGO civic education programmes were not taking place across the entire country due to funding restrictions.

³⁶ http://kinshasa.usembassy.gov/pressrelease_english_04272011.html

³⁷ See Annex 8.



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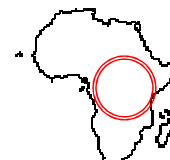
The CENI called upon the UK to increase funding to INGOs to allow comprehensive coverage of civic education programmes. Some civil society groups felt the CENI was ‘passing off its responsibilities’. INGOs worried that by passing these responsibilities onto international organisations and donors, the CENI risked jeopardising the development of locally-rooted and long-term civic capacity. They stressed the importance of sustained Congolese support for its own civil society in order to build a resilient democracy.

To compound this situation further, the delegation heard both in Kinshasa and in the east that in many areas, the population were discouraged from taking even the first step: voter registration. Reasons cited for this ranged from a lack of ‘belief’ in the democratic process (following a perceived lack of improvement in daily life since 2006), to increased distances to voter registration centres since 2006, to rumours intimating that registration equated to an automatic vote for the current President, to instances of bribery and extortion at registration centres. Anecdotal accounts given noted that members of the Congolese army and police stationed outside of voting centres would regularly ask for one US dollar from those registering – a considerable sum when individuals are earning no or very low salaries. A representative from a religious group articulated a further concern; that registering to vote did not guarantee that an individual intended to participate in the democratic process. He explained that in a world where identity documents were scarce, people may register simply to receive their voting card, which is regarded as a valuable form of ID.

In the face of these difficulties some voter education programmes were underway; IFES, for example, had received USD 2.3million from DFID for its VOICE+ programme.³⁸ However funding restrictions had meant that IFES had only been able to run voter education programmes in four geographical areas: Kinshasa, Bas-Congo, Province Orientale and North-Kivu (plus work on the revision of the electoral list in Kinshasa)³⁹. IFES was running media campaigns focusing on the

³⁸The VOICE Project aims at improving the capacity of the population to participate in the electoral process. To achieve this goal, IFES conducts a range of activities aimed at enabling Congolese stakeholders to better understand and engage in democratic processes. Activities include educating citizens about decentralization and the electoral process, motivating citizens – particularly excluded groups – to engage with the government and participate in elections and fostering indigenous capacity to implement civic and voter education campaigns. Read more about the VOICE + project at:
<http://www.ifes.org/Content/Publications/Articles/2011/IFES-Impact-Survey-to-Shed-Light-on-Voter-Education-Efforts-in-DR-Congo.aspx>

³⁹ A number of INGOs and civil society groups noted that the ‘revision’ of the electoral list in Kinshasa was not in fact a revision but a total re-writing. While everyone agreed that biometric data capture would be



revision of the voter register in Kinshasa as well and on national elections in Bas-Congo, Province Orientale and North-Kivu. They were running trainings and grassroots outreach programmes (comprising of 110 grants to civil society organisations) in Bas-Congo, Province Orientale, Kinshasa and North-Kivu.

Civic education for women was deemed particularly important; many groups described how often women may not understand the link between elected representatives and their own lives. Specifically, many Congolese women activists with whom the delegation spoke felt that their countrywomen needed to better understand the nature of accountability so that they were not open to manipulation – such as being ‘bought off’ at the price of receiving a bucket of flour or a t-shirt – during election periods.

While existing efforts are welcome, DFID should take immediate steps to further support civic education programmes nationwide. The work being done by IFES and others currently is essential but can only reach a limited geographical area; for instance, only four of the eleven Provinces in the DRC are covered by IFES programmes due to funding shortfalls. In order to achieve a properly representative result in November’s elections, programmes such as VOICE+ require much more significant financial support.

1.4 Women’s inclusion in the democratic process

Although fifty-two percent of the Congolese population are women, women’s representation in government is remarkably low. Following the 2006 elections only nine of 60 Ministers, 42 of 500 members of the National Assembly and five of 108 Senators were women.⁴⁰

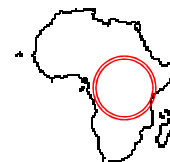
Women with whom the delegation met lamented that they were not given an opportunity to contribute to their country’s policies and future. They felt inhibited and restricted by Congolese culture, citing the demands placed on them as mothers or threats of divorce from their husbands if

preferable to avoid the same thing happening in the future, the cost of a biometric scheme is currently prohibitive in the DRC.

⁴⁰ UNSCR S/2007/156 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/274/45/PDF/N0727445.pdf?OpenElement>



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they entered into politics,⁴¹ explaining that some husbands insist that their wives do not vote for women. Another described how she had risen at 3am that morning to fetch water from the stand-pipe outside of her flat in Kinshasa before the supply was cut off, had then returned home, prepared food for the family and then come to the midday meeting with the delegation. She asked the UK parliamentarians how she could have the time to devote to politics given these responsibilities. The women lacked access to funds in order to campaign (when personal funds are often used).⁴² Male opposition party members told the delegation that Congolese women often preferred to join the governing party rather than the opposition because it afforded them better financial reward – and political protection. Women described how female candidates found it harder to access the media and gain column space and airtime than their male counterparts. Women from both civil society and political organisations noted that politics in the DRC was a question not of quality of candidate and *equality* across candidate selection, but of power networks and personality.

The delegates heard more about these challenges during an insightful meeting with the cross-party, cross-House Platform of Parliamentary Women. The Platform discussed Article 14 of the Congolese Constitution, which requires parity between Congolese men and women. The women argued that the Article was not currently upheld in Congolese politics. In another example a law passed in 2008⁴³ stating that political parties had to adhere to parity within electoral lists in order to qualify for funding had been side-stepped by parties using self-funding. Certainly the electoral law being debated at the time of the visit did not reflect this constitutional principle. The law only included parity as a desired condition, rather than a legal requirement, for electoral lists.⁴⁴

Recent moves by DFID to strengthen women's participation in the electoral process were welcomed. These included a Conference bringing parties together to agree on percentages of women candidates and a dinner hosted by the UK Ambassador to DRC, Neil Wigan, to discuss the inclusion of women in mainstream politics. The Platform also recognised that women held two of the seven

⁴¹ The delegation met with a provincial-level woman candidate, hoping to stand in her home province in North Kivu at the next Provincial elections. She outlined many of the difficulties faced by women who wished to enter politics and provided the delegation with an outline of her thoughts which can be viewed in Annex 9.

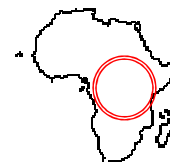
⁴² Many women also noted that the system of giving 'favours' to the electorate, which was established by wealthy individuals campaigning for office in 2006, also put them at a disadvantage – women were unable to finance the handing out of t-shirts and other 'favours' that many men were able to do.

⁴³ Digital Congo, June 2008: <http://www.digitalcongo.net/article/51936>

⁴⁴ The electoral law was passed on 15 June 2011; the ICG's analysis of the law is available at: http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/drc-electoral-law-for-2011-choosing-continuity.aspx#_ednref15



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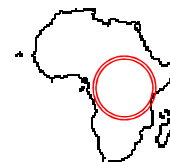


senior positions in the CENI and the CENI, in its turn, told the delegation about its work with UNIFEM to increase women's participation in the electoral process. The CENI called upon donors to fund further activities to support women's involvement in the democratic process. The Parliamentary Platform supported the introduction of a quota system as a means to providing women candidates with a route into politics – although their view was that even this would not ensure that women were voted into parliament. They gave two reasons; that the population was not yet 'ready' to vote for women and that women's social situations and lack of financial means would not typically allow them to 'buy' votes as men did.⁴⁵

The delegates met with a major association bringing together women from political parties and civil society organisations and supporting women to enter into politics by 'unifying and creating solidarity' between many women's groups and encouraging women to vote *for* women. Representatives of the association explained that they felt that only in doing so would they have a 'truly representative' member of parliament and one who was accountable to them.

While DFID was congratulated for being one of the few donors that had publically recognised the significance of women's participation in Congolese politics, the delegation heard that overall support from the international community had come 'too little, too late'. In terms of mobilising women voters the overwhelming message was that programmes aiming to encourage and inform women that had begun just seven or eight months before the elections had come too late. Over 50 percent of women in DRC live in rural areas, making it all the harder for them to access information about the elections, from registration information to the names of the candidates running and what they 'stand for'. Women and male politicians and civil society activists alike called on the United Kingdom to lead the way in beginning civic education programmes ahead of local elections, planned for 2013. The groups opined that two years was a reasonable period to expect such programmes to come to fruition and there was a strong feeling that local elections could provide a realistic opening for more women to enter into and participate in the democratic process for the first time.

⁴⁵ There are, however, significant initiatives that would have the effect of empowering women by enabling them to become economically self-sufficient. The Association of Manioc Producers and Processers was created following a government initiative to promote agricultural self-sufficiency in DRC (see Annex 2b). Given that many agriculturalists in DRC are women, such initiatives have real potential to support women's economic activities.



It is evident that in the DRC, women require improved access to decision-making processes at all levels. Women face significant challenges in access to or involvement in these processes and the Congolese government, DFID and other donors should consider developing programmes more specifically focused on supporting women and women's organisations and initiatives in this respect. Women's groups should be specifically targeted by donors establishing democracy and governance-related programmes and women's inclusion and participation should form a key criterion of future programmes in this field.

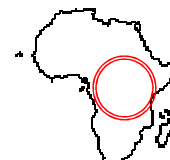
1.5 The role of MONUSCO in the electoral process

The delegation heard a range of views pertaining to MONUSCO's role. FCO and DFID representatives were concerned that MONUSCO remain focused on its existing mandate during the election period and not become distracted by technical and logistical issues. They felt that MONUSCO had an important role to play in terms of the election analysis that the mission was already engaged in and were keen to see this function maintained.

Opposition parties held a different view. They hoped that MONUSCO's mandate renewal, due in June at the time of the visit, would include a certification role similar to that played by the United Nations in the Côte d'Ivoire. Representatives at the UK Embassy did not share this view.

Although not a focus of the visit, the MONUSCO drawdown was raised by Congolese groups on several occasions and so merits a mention here. UK Embassy staff was not aware of any very recent calls for drawdown but were keen to ensure that any drawdown would be conditions-based and stressed that civilian protection remained their 'absolute priority'.

The Governor of North Kivu stressed the causes of instability in his Province above the content of the mission's mandate renewal or discussions about its drawdown. His immediate priorities were: greater reform of the Congolese army, police professionalization and reform and reform of the justice sector. The delegation heard repeatedly from many actors that security sector reform should be the first priority for the Congolese government.

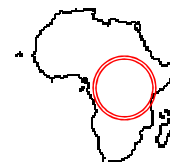


The UK should continue to make representations to ensure that MONUSCO remains focused on its existing mandate during the election period and does not become distracted by technical and logistical issues throughout the electoral cycle, at the expense of civilian protection.

1.6 Civilian Protection

UK Embassy staff in Kinshasa stressed that better civilian protection would be achieved through improved efforts by the Congolese government towards army reform. They felt that although there had been some progress in this regard, it was limited. They noted that issues over poor integration of the CNDP and other groups remained a major challenge. In terms of reform efforts by international actors, the delegation heard that although EUSEC were considered successful in identifying and eliminating ‘phantom’ soldiers from lists of army rank-and-file (thus preventing duplicate salary payments) the fact remained that soldiers continued to receive a very low salary (between USD 37 and USD 50 per month) that was often delayed – doing nothing to improve the morale, allegiance or management of the troops. Although army reform was repeatedly raised as a ‘priority’ for the DRC, as one MP representing a constituency in North Kivu said, the army had a ‘long way to go... internally, it has to reform its own self-image as well as responding to the external reforms imposed upon it’. The MP went on to note that the ‘army does not know the law and the people do not know their rights’.

The Governor of North Kivu criticised the IC for focusing almost exclusively on rape in Goma, and for naming the town the ‘rape capital of the world’ and spending the majority of money on women who had been victims of rape. The Governor felt that by focusing on the consequences and not the causes of rape, the international community’s response was misguided; rather, he wanted to see what he considered *real* protection of civilians. He alleged that in his Province some women had begun to claim rape in order to avail of the benefits provided by international organisations. Rather than simply treat the victims (which he agreed was important) he argued that there should be more focus on the army, police and judicial reform.



Although the delegation did not raise security sector reform specifically during meetings, the need for more far-reaching security sector reform was continually highlighted by participants in discussions. Points raised by Congolese and international organisations throughout the visit were:

- The UK should better support efforts to address impunity in the DRC including the vetting of the army and police ahead of the elections (the population risk further attacks during electoral process).
- The UK should support the urgent creation of a Truth and Reconciliation Commission in the DRC.
- The UK should push for improved implementation of the Paris Principles (1991, UNCHR) which as a member of the United Nations the DRC is party to.
- The UK should make stronger representations to bring about the arrest of Bosco Ntaganda and similarly to oversee the extradition of Laurent Nkunda.
- The UK should press for the proper consideration of findings of the 2010 UN Mapping Report on the DRC, particularly to ensure that ‘criminals’ were not elected in November and that those identified in the UN report should be brought to justice.

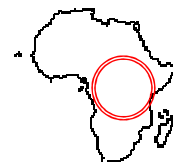
The UK government should continue to prioritise security sector reform in close coordination with other donors and the Congolese government, ensuring that policy responses properly consider and respond to the root causes of instability and insecurity. Without addressing these complex root causes the donor community, including the UK, risk investing in unsustainable policy responses, the results of which will have only a short-term and unsustainable impact.

1.7 Freedom of expression and access to the media

Opposition party representatives told the delegation that the Congolese media was ‘politicised’ and ‘controlled by the governing party’. One opposition party representative recounted how he had paid for a broadcast on the national television channel *DigitalCongo* but that on the day of the broadcast had been told that there was insufficient airtime for his recording as there were ‘too many’ opposition figures trying to get airtime. The opposition felt that the international community should not declare the elections free and fair unless the opposition were granted equal access to the media



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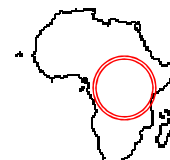
(including the State media), right to assembly,⁴⁶ and freedom of movement with immediate effect.⁴⁷

Local civil society groups raised similar concerns: those working with or as journalists described the media's self-censorship, rooted in fear of professional or personal attack if they criticised the government. Opposition party representatives and organisations campaigning on civil and human rights in the DRC also asked the delegation to encourage the UK government to put pressure on the GoDRC to release those political prisoners imprisoned for criticising the current government.

The UK should closely monitor media freedoms, freedom of assembly and freedom of movement for opposition party candidates throughout the electoral cycle.

⁴⁶ A large UDPS rally of approximately 70,000 was allowed to take place on 24 April 2011 although opposition parties noted that other rallies and political gatherings had been prevented by state authorities. They felt that 'public spaces' were being 'monopolised' by the governing party. One representative of an opposition party cited as an example a party meeting that had been prevented from taking place by Congolese police 'with no reason' in Goma in January. Most examples given to the delegation dated from the first three months of 2011.

⁴⁷ Opposition party members feared that they would be prevented from moving around the country and campaigning once the campaigning 'season' began in August.



2 Natural resource management: the DRC's mining sector

In July 2010 the United States Congress passed the Dodd-Frank Financial Reform and Consumer Protection Act.⁴⁸ The legislation contains two sections of particular relevance to the DRC: Section 1502 and Section 1504. The delegation's discussions on natural resource management focused on the reception and impact of these clauses in the DRC as well as the effect of President Kabila's September 2010 - March 2011⁴⁹ Mining Ban in North Kivu, South Kivu and Maniema provinces.⁵⁰

Section 1502, which commanded the lion's share of discussion, contains amendments pertaining to 'conflict minerals' from the Great Lakes region.⁵¹ The legislation has come over a decade after the UN Security Council first expressed its concerns over the links between mineral exploitation and conflict in the DRC.⁵² While exploitation and trade of minerals do fuel insecurity in DRC, notably by providing revenues for armed actors, minerals are not the cause of armed conflict, which has complex local, national and regional roots.⁵³

Section 1504, which treats disclosure of payments by resource extraction issuers listed on the Securities Exchange Commission (SEC),⁵⁴ is also relevant to DRC's context. There are a growing number of firms (SEC-listed and otherwise) investing or re-investing in the DRC as industry perceives the return of stability to the country.⁵⁵ DRC contains massive natural resources including a third of

⁴⁸ <http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf>

⁴⁹ ARRETE MINISTERIEL N°0034/CAB.MIN/MINES/01/2011 DU 1er MARS 2011 portant levee de la mesure de suspension des activites minières dans les provinces du maniema, du Nord-Kivu et du Sud-Kivu : <http://www.leganet.cd/Legislation/JO/2011/AM.0035.01.11.01.03.2011.htm>

⁵⁰ BBC news report (11 Sept 2010): <http://www.bbc.co.uk/news/world-africa-11269360>

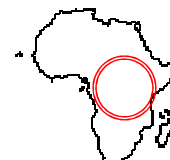
⁵¹ US Department of State (15 July 2011): <http://www.state.gov/e/eeb/diamonds/docs/168632.htm>

⁵² UN News Report pursuant to 2000 creation of the UN Group of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo: <http://www.un.org/News/dh/latest/drcongo.htm>

⁵³ International Alert and IPIS (2010): *The complexity of resource governance in a context of State fragility: the case of Eastern DRC*: <http://www.international-alert.org/sites/default/files/publications/201011ResourceGovEasternDRC.pdf>

⁵⁴ <http://www.publishwhatyoupay.org/resources/dodd-frank-law-2010-section-1504-disclosure-payments-resource-extraction-issuers>

⁵⁵ These include but are not limited to 1) Oil & gas companies: Chevron Corp, TOTAL, Eni, Inpex (Japan), Perenco, Tullow Oil, Heritage Oil and; 2) Mining companies: Anglo American, AngloGold Ashanti, DeBeers, Freeport-McMoRan Copper & Gold, Gold Fields, Katanga Mining Ltd, First Quantum Minerals, Moto Gold Mines, Mwana Africa plc, Metorex Ltd, Glencore International, Central African Mining and Exploration (Camec). DRC ranks 175th in ease of doing business (out of 183) according to the World Bank Doing Business Statistics in 2011 (<http://www.doingbusiness.org/rankings>). DRC has moved up from 179 since 2010.



the world's cobalt reserves. Congo currently produces 18 per cent of the world's diamonds.⁵⁶ According to economist Paul Collier, despite an estimated billion dollars worth of mineral exports each year, in 2006, the Democratic Republic of Congo's Treasury received a mere USD130,000 from mineral rights.⁵⁷

2.1 'Conflict minerals' and the Presidential ban

The situation presented to the delegates by Congolese and international representatives with regard to due diligence inside the DRC was complex. Congolese civil society organisations who met with the delegation in Goma recognised the crucial importance of due diligence frameworks and welcomed the principle that the American legislation had forced their government, the miners and the exporters to consider more seriously traceability schemes.

There were significant reservations with regards to implementation, however. Several groups pointed to the detrimental effect that the Presidential mining ban had already had on local economies, jobs and household incomes⁵⁸ and told the delegation that the *threat* of Section 1502 (not yet passed at the time of the visit) *combined* with the situation created by the ban⁵⁹ had prevented a restart in trading, even after the ban had been lifted. They feared that international buyers would simply avoid Congolese minerals, rather than attempt to 'clean-up' supply chains and continue trading, which would create a *de facto* embargo on mineral trading from the region. In a meeting with the Governor of North Kivu, the delegation heard the Governor's support for the principles introduced by Dodd-Frank (although he felt that it had come years too late) but that the ban, combined with the passage of Dodd-Frank, had already significantly impacted on the Province's revenue, around 30 percent of which was derived from minerals.⁶⁰

⁵⁶ Mineral Commodity Summaries (2004): <http://www.mapsofworld.com/minerals/world-diamond-producers.html> and Kimberly Process *Global Summary* (2009): <https://kimberleyprocessstatistics.org/static/pdfs/AnnualTables/2009GlobalSummary.pdf>

⁵⁷ Paul Collier's article in *The Financial Times*:

http://us.ft.com/ftgateway/superpage.ft?news_id=fto040920081413067964

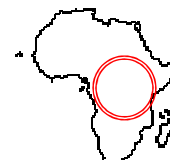
⁵⁸ The delegation heard anecdotal reports of unemployed artisanal miners rejoining rebel groups (notably the Mai Mai Cheka) as a means of survival in the wake of these job losses.

⁵⁹ An FCO representative noted that the research they had seen showed that business for 18 out of the 21 *comptoirs* (traders) in Goma had been negatively affected by the passage of the Dodd-Frank legislation.

⁶⁰ The delegation heard anecdotally that some miners had already diversified into agriculture, gold mining, carbon trading and other locally-based small-scale industries. The head of a major cooperative of over 3,000 gold miners, estimated that between 5 and 10 percent of miners had switched to gold mining, instead of 'traditional' 3T mining and that between five to ten percent of miners had entered into agricultural production since the Presidential ban and Dodd-Frank had been introduced.



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Representatives at the Ministry of Mines in Kinshasa reiterated this concern. They noted that despite the Presidential ban, which had attempted to de-militarise the mines, some consumers, mindful of 1502, remained uncomfortable buying material from eastern DRC due to reputational risk. To combat this, the Ministry was taking steps to ‘clean up’ the artisanal mining sector in the Kivus. There are many examples of current schemes in the offing, but the Ministry cited in particular a recent visit to Malaysia by the Minister of Mines, Hon. Martin Kabwelulu. According to the Ministry, the meeting had brokered the beginnings of an agreement between Malaysian Smelting Corporation (MSC) and the GoDRC, by which MSC would enter into a joint venture with the DRC to mine tin ore in the country’s east and so make contributions to traceability schemes.⁶¹

The Ministry encouraged international companies to buy minerals from DRC and stressed their ongoing work to apply OECD Guidelines and create a ‘comfortable business environment’.⁶² The Cabinet Director (Directeur de Cabinet) at the Ministry, Mr Valery Mukasa Mwanabute, told the delegation that the artisanal mining sector had seen significant growth in recent years (attributable to the destruction of local economies due to ongoing fighting and instability), but that artisanal mining had flourished only because it was an immediate means of ‘surviving at a local level’. In the future the GoDRC would further stabilise local economies and create alternative employment opportunities for the population. This would be accompanied by industrialisation of the artisanal mining sector,⁶³ according to Mr Mwanabute, although he did not outline a timescale⁶⁴ The Ministry hoped that BANRO gold would come ‘on line’ in September 2011 in South Kivu and that this would help to industrialise some of the region’s mining and additionally act as a test-case for due diligence in the gold industry.

⁶¹ Reuters (21 May 2011): Malaysia Smelting Corp., the world’s third-biggest producer of tin and largest buyer of Congolese tin ore, would contribute \$10 million to a tagging program managed by tin-industry group ITRI Ltd. to help legitimize the tin ore and coltan trade. MSC will likely enter into a joint venture with the country to mine tin ore in the east as part of the deal, Kabwelulu said.
<http://www.bloomberg.com/news/2011-05-21/malaysia-smelting-agrees-to-create-joint-venture-for-tin-mining-in-congo.html>

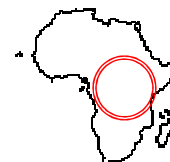
⁶² UK industry support of Section 1502 has been mixed, however. At an FCO-organised ‘Conflict Minerals Fair’, attended by BIS and Treasury representatives, in early 2011, representatives from mining companies operating in the DRC expressed resistance to the US legislation, citing objections based on practical and financial grounds.

⁶³ See for example DFID’s Operational Plan 2011-2015 for DRC (May 2011) and details of the GBP 2million investment in a [Public-Private partnership](#) in Katanga (UK DFID with the Provincial Government of Katanga, Private Enterprises) through the Pooled Fund (see Annex 3)
<http://www.dfid.gov.uk/Documents/publications1/op/drc-2011.pdf>

⁶⁴ This was a view shared by the Governor of North Kivu, who felt that industrialisation would bring stability to the Kivus because the employment opportunities would reduce the enrolment into armed groups.



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Representatives stressed the regional nature of mineral trading in the region, noting in particular that restrictions placed on Congolese minerals would have to take into account Rwanda's status as a 'conflict free zone'. In all likelihood, they said, Congolese 'conflict' minerals would be smuggled through Rwanda (which would have an additionally negative effect on the DRC's economy).⁶⁵ They underlined the importance of taking a regional approach and wanted to see a monitoring system put in place so that conflict minerals could not be transported easily over the border.⁶⁶ The Ministry recognised recent steps taken by the Rwandan government to improve its track record and told the delegation that they were particularly concerned about the behaviour of Ugandan traders in this regard, as they had not seen similarly encouraging progress from this quarter.

While representatives at the Ministry noted the degree of 'catastrophe' that the Presidential ban and its aftermath had created locally, they pointed to the ban's successes. They told the delegation that some mines, such as Bisie in North Kivu,⁶⁷ had been cleared of a military presence thanks to the ban and that this in turn had brought improved security for civilians in the area. They were anxious to use the opportunities created by the ban (such as the demilitarisation of Bisie mine) and hoped to encourage investors into newly demilitarised areas. The Ministry was awaiting completion of an IPIS/MONUSCO map, which would clarify the mines that remained under military control. The delegation asked what percentage of mines were militarised in the country's east but were told that the situation changed 'approximately every two or three months', making an accurate figure impossible. After some discussion the representatives settled on an estimate of around 30 percent or 40 percent.⁶⁸

Some civil society groups recognised a few positive effects of the ban. A civil society group for example told the delegation that the ban had reduced incidences of human rights violations such as

⁶⁵ This view was reiterated by the Governor of North Kivu, who told the delegation that the Presidential ban combined by the threat of implementation of 1502 had 'already' pushed the mineral trade underground and that as such Congolese minerals were being 'smuggled' through Rwanda.

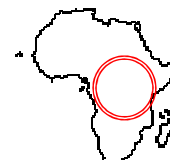
⁶⁶ A meeting with Congolese National Coordinator at the ICGLR, Mr Baudoin Hamuli Kabarhuza, was cancelled. The delegates had received prior briefing of the ICGLR's Regional Initiative against the Illegal Exploitation of Natural Resources although this was not mentioned by Ministry representatives; see <http://www.icglr.org/spip.php?article94> for details.

⁶⁷ Global Witness (Aug 2009): <http://www.globalwitness.org/library/bisie-killings-show-minerals-heart-congo-conflict>

⁶⁸ The Governor of North Kivu, when asked, was not able to confirm this figure but did note that to his knowledge the FDLR and CNDP were no longer in control of the mines in North Kivu. He further stated that although there were elements of the Congolese army still trading in minerals, in North Kivu the state controlled an increasing share of the mining sites.



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forced labour or child employment in the mines. The majority opinion however was that many of the opportunities created by the Presidential ban to demilitarise and secure the mines had not been taken. In many cases, members of the Congolese army had retained or in some cases strengthened their grip on mining assets.⁶⁹ For many it was difficult to see what results the ban had produced other than the aggravation of existing local hardships.

The delegation heard about existing efforts to implement due diligence and certification measures that have predated the introduction of Dodd-Frank. IPIS have recently produced an excellent comprehensive overview of these, covering EITI, OECD, ITRI (iTSCi), and ICGLR schemes and others.⁷⁰ The UK's PROMINES programme is one of the due diligence initiatives in the table; the delegation met with DFID representatives who explained that PROMINES is a technical assistance project of the World Bank, co-funded by the UK Department for International Development (DFID), to work with the DRC government to restructure the Congolese mining sector.⁷¹ Among its objectives, PROMINES aims to strengthen the capacity of the State to manage its mineral resources responsibly and transparently, to improve the conditions for increased investments and revenues from mining, and help increase the socio-economic benefits from artisanal and industrial mining.⁷²

PROMINES was officially launched in 2010 but has reportedly met with some obstacles following the DRC government's cancellation of First Quantum Minerals mining concessions, which had been supported by the World Bank's private investment branch, the IFC.⁷³ PROMINES was 'stalled' due to the FQM affair but has since been rekindled since the DRC government met with the terms of the World Bank's Economic Governance Matrix⁷⁴ and agreed to publish its mining contracts online.⁷⁵

⁶⁹See 'The military in the mines: Between guarding antagonistic interests and the business of rank', Pole Institute (April 2011) <http://www.pole-institute.org/documents/THE%20NORTH%20KIVU%20MINING%20SECTOR%20REPORT%20ON%20THE%20OREOPENING%20OF%20THE%20MINES.pdf>

⁷⁰Guide to Current Mining Reform Initiatives in eastern DRC, IPIS (April 2011) http://www.ipisresearch.be/att/20110412_Guide_Mining_Reform_EDRC.pdf

⁷¹<http://www.pactworld.org/cs/promines> see also <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmintdev/writev/conflict/conflict.pdf>

⁷²With a budget of 90 million USD over five years, PROMINES includes the biggest fund for artisanal small-scale mining (ASM) to date.

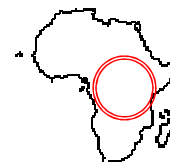
⁷³<http://www.bicusa.org/en/Project.41.aspx>

⁷⁴A copy of which was published by Global Witness in April 2011: <http://www.globalwitness.org/library/congo-must-publish-deals-prove-its-commitment-transparency-supporting-documents>

⁷⁵See Global Witness (June 2011) press release and link to Ministry of Mines website: <http://www.globalwitness.org/library/global-witness-welcomes-dr-congo%E2%80%99s-decision-publish-resource-contracts>. At the time of the delegation's visit, a number of contracts had not yet been released,



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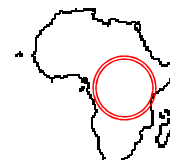
Civil society groups criticised the PROMINES programme for its delays in implementation, pointing out that the programme's negotiation centres (centres de négoce) were not yet functioning and so, although perhaps a useful tool, could not yet be used to help define 'conflict-free' minerals.

The APPG delegation asked the Ministry representatives whether they had heard about the possibility of introduction of European Union level legislation similar to that of Section 1502 of the Dodd-Frank law and what their opinions were in this regard. The Ministry of Mines supported this move, although was initially unclear as to EU *motivation* for introducing such legislation. The delegates explained that this was in part because UK citizens – their constituents – were unwilling to buy products that contained minerals linked to fuelling instability and human rights abuses in the DRC. Civil society groups in Goma, while supportive again in principle, raised serious concerns about the implementation of European legislation. They called for a transition period before EU legislation was introduced. They were unhappy that external regulations, as well as the President's own mining ban, were being 'sprung' upon them without due consultation process or preparation on the ground in eastern DRC. Some groups described a lack of understanding of the American law at a grassroots level. They told the delegation that an 'inventory' of miners had already been written and that before European legislation was introduced they would like to see this list used by the Congolese government to set up some secured routes and mines that would be considered 'clean'.

The complexities of 'cleaning up' the artisanal mineral trade in DRC and, as such, preventing it from fuelling conflict in the region, became quickly evident to the delegates. While multiple views were expressed, there was unanimous agreement from civil society and religious groups that weak, unaccountable governance at both local and national level was a significant factor in perpetuating conflict. While reform of the natural resource sector in DRC is essential for sustainable development and ensures that the Congolese people gain from the country's mineral wealth, natural resource reform cannot act as a substitute to conflict resolution strategies, including security sector reform and community-level peace building.

Civil society and church groups felt that on its own, a law (for example, that contained within Section 1502 of Dodd-Frank) aiming to bring an end to the conflict by imposing regulation on regional governments and the mining industry would 'not solve the problem'. As one representative noted,

although representatives at the Ministry of Mines told the delegation that complete contract publication was 'done or being done'.



the focus should be on how the mining sector can benefit the population and not on how changing the mining sector can end the war. In this respect, a number of groups returned to the importance of local elections, which would, they felt, contribute towards improved accountability at a local level which would in turn contribute to better control of the mining sector.

Management of the DRC's mineral sector and the associated issue of conflict minerals is clearly extremely complex. While conflict minerals are certainly fuelling instability in some parts of the country and international responses can play an important role in addressing this, solutions must also take into consideration the root causes of the conflict. Support for the principles laid down by the American legislation is widespread although the delegation noted concerns over its careful and proper implementation.

The UK should act to ensure that companies implement OECD and UN due diligence guidance immediately. The UK should support the introduction of improved due diligence across the region, including domestic legislation of the OECD Guidance.

The UK should also further consider and support the ICGLR's work and its certification scheme, which aims to tackle the conflict minerals issue on a regional level.

2.2 Contract transparency

The delegation's meetings on natural resources were dominated by discussion of Section 1502 of the Dodd-Frank Act and the impact of the Presidential ban.⁷⁶ However, several civil society representatives and the Ministry of Mines (although very briefly) also raised Section 1504 of Dodd-Frank and its implications for the DRC.

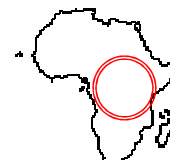
Support for Section 1504 was much more widespread than for Section 1502, and indeed there seemed to be a better understanding of the content of the Section 1504 regulation across the board. The Ministry of Mines supported the implementation of Section 1504 and noted that, under the World Bank's Economic Matrix, they were in the process of publishing 'all' mining, forestry and oil contracts (as discussed in section 2.1 above).

The delegation met with the DRC's director of an international coalition pushing for transparency in extractive revenues, who welcomed not only the introduction of Section 1504 on the SEC but also

⁷⁶ Representatives who met with the delegation continually turned conversation to 1502, rather than the delegation themselves pursuing this as a distinct priority over discussion of 1504.



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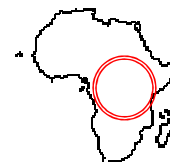


the introduction of similar legislation at EU level. She saw 1504 as an opportunity to scrutinise the monies that the Congolese Government received from those international companies listed on the US SEC – and, ultimately, she hoped, the LSE – that were investing in the DRC.

The Director was also emphatic, as were other members of Congolese civil society, that the DRC's EITI candidacy must be validated immediately. At the time of the visit, the DRC had until 12 June to complete remedial actions required for compliance.⁷⁷ Representatives of another similar campaign told the delegation of what they perceived to be a 'lack of political will' to complete the process and called on the international community to make representations to support greater transparency measures in the DRC; see Annex 2c for further details.

Since the UK launched the Extractives Industry Transparency Initiative in 2002 there has been a concerted effort to improve the accountability and transparency of the industry, especially in developing countries. The UK should support the introduction at EU level of legislation similar to that of Section 1504 of the Dodd-Frank Act as a step towards a global standard on extractives transparency. Specifically, the UK should support country-by-country financial reporting by companies and demand that extractive companies report key financial information for each project they invest in, for each country where they operate. Such regulation would allow investors to make informed decisions about the companies they invest in, and enable the citizens and trading partners to monitor revenue flows from companies to their governments.

⁷⁷ See the EITI website for further information on DRC's status <http://eiti.org/DR Congo> At the time of writing (July 2011) the EITI website had not published an update on the DRC's EITI status.



3 Refugee return and repatriation of ex-combatants: the current situation in eastern DR Congo

The presence of Rwandan armed groups and refugees in the DRC has loomed large in the region's security dilemma since the 1990s. The remaining Rwandan refugees and combatants represent two distinct concerns for the DRC; the civilian (the returning Rwandan refugees from DRC to Rwanda) and the military (in which DDRRR programmes repatriate former combatants to Rwanda from DRC).

But improved diplomatic relations between DRC and Rwanda have provided a more conducive climate for addressing the countries' mutual security concerns and investing in peaceful diplomatic solutions in the past few years. Joint DRC-Rwanda military operations against the FDLR in 2009 demonstrated once again, however that the long-standing crisis in eastern DRC cannot be solved militarily.⁷⁸ Finding sustainable practical and political solutions to accelerate voluntary demobilisation through non-military engagement is a priority in terms of long-term and sustainable stability. In the country's east, the delegation met with representatives from the Congolese State and civil society to explore progress in this regard and to discuss future solutions with the communities on the ground.

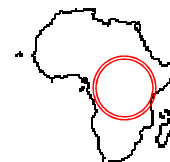
3.1 Refugee return in the Kivus

The delegation heard that while there are no refugee *camps* remaining in North Kivu, many refugees remained, living in the region's forests and mountains.⁷⁹ There are thirteen repatriation 'sites' across North Kivu, from which refugees can be collected and brought to a transit camp in Goma, the provincial capital. A national refugee organisation estimated that in 2011 an average of approximately 343 returning refugees had passed through the sites and arrived at the transit camp each month (see Annex 3a for further figures). These activities are supported by UNHCR.

Representatives from the refugee organisation and from a nationwide Christian group told the delegation that the Democratic Forces for the Liberation of Rwanda (Forces Démocratiques pour la

⁷⁸ Christian Aid Press Release (2009)
<http://www.christianaid.org.uk/pressoffice/pressreleases/November2009/congo-crisis-made-worse-by-un-backed-military-operation.aspx>

⁷⁹ Where, as one representative from the refugee organisation pointed out, they remain vulnerable and can often be taken hostage by fighters.



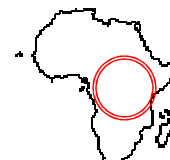
Liberation du Rwanda or FDLR) continued to pose serious challenges in terms of refugee return. They described how the FDLR set up barriers along roads that prevented return and how refugees had to employ clandestine tactics in order to escape the control of the rebel group – for example using market days as a ‘mask’ by which to move around and reach towns and only from there to be able to access the transit site.

Both associations face significant challenges when facilitating the return of refugees. In particular they noted:

- A phenomenon that has come to be known as ‘recycling’, whereby refugees repatriated to Rwanda return to DRC;
- access difficulties, whereby some villages can only be accessed by helicopter;
- inability to provide humanitarian aid for refugees;
- long distances between repatriation sites and forest locations that make it harder for the refugees, who face problems on the road, such as:
 - a lack of food and medication;
 - falling ill en route;
 - pregnant women unable to travel the distance to the repatriation sites; and
 - the risk of being taken hostage by the FDLR on the way.

‘Recycling’ was discussed at length with the delegation and has also been discussed in HCR-DRC-Rwanda tripartite meetings on several occasions. The delegation heard that various factors contribute to this phenomenon. In some cases returnees claim they have experienced persecution and therefore have new reasons for seeking asylum back in the DRC. Socio-economic factors can also play a role, whereby returnee families recycle in order to access the HCR repatriation kit as many times as possible. Like many Rwandans, returnees struggle to make a living and access land to cultivate, due to overpopulation in Rwanda, and they may also face heavy taxation.

Recycling is also considered to be a product of the lack of long-term programmes for sustainable refugee reintegration in Rwanda. Some observers, the delegation learned, hold that the GoR have delayed setting up long-term reintegration programmes in spite of commitments in successive international plans (most recently the 2009 road map agreed with UNHCR for invoking the cessation clause, discussed below). The creation in April 2010 of the Rwandan Ministry of Disaster Management and Refugee Affairs was considered by the church-based group to be an opportunity for the GoR to step up reintegration activities.



The delegation noted the complexities of refugee returns and some of the excellent work undertaken by ECC, CNR and others to tackle these issues. The UK should take steps to further increase sensitisation and diplomatic efforts in support of voluntary repatriation by encouraging the UN and the DRC and Rwandan Governments to prioritise sensitisation work in favour of voluntary demobilisation, targeting the FDLR leadership as well as the rank-and-file.

Several instances, including the ‘recycling’ phenomenon that the delegation heard about, pointed to the need for increased support for voluntary repatriation and reintegration. In particular the UK should consider working more closely with UNHCR to improve the existing refugee reintegration programmes in Rwanda and to improve conditions and incentives for returnees.

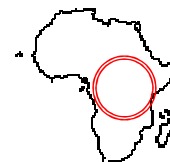
3.2 The Cessation Clause

Article 1C of the 1951 Refugee Convention contains the cessation clauses, which ‘set out the only situations in which refugee status properly and legitimately granted comes to an end’.⁸⁰ The GoR has pressed for the cessation clause for group refugee status to be invoked at the end of 2011 on the grounds that there has been a change in the circumstances which originally led to mass exodus. If the cessation clause is invoked it could signal the end of refugee status and the accompanying international protection for Rwandan refugees, including those living in the DRC.

Many groups with whom the delegation met expressed their concerns about invocation of the cessation clause at the end of 2011. Refugee group representatives felt, for example, that the Rwandan government had taken an ‘early’ decision without proper consultation and that the Congolese government should have first made a decision as to whether or not there *were* remaining refugees in DRC and taken a decision accordingly. The refugee organisation told the delegation that there were still many Rwandan refugees living in the DRC who had yet to return to Rwanda.⁸¹

⁸⁰ This means that once an individual is determined to be a refugee, his/her status is maintained unless he/she falls within the terms of one of the cessation clauses, see :
<http://www.unhcr.org/refworld/pdfid/3c06138c4.pdf>

⁸¹ The Governor of North Kivu was opposed to invocation of the cessation clause. He felt it had been developed by the Rwandan Government in a way which did not reflect the reality on the ground in North Kivu. In particular, the Governor stressed that in North Kivu the *genocidaires* continue to use civilians (refugees, their families and dependents) as a ‘human shield’ – his feeling was that the remaining hard core



The group explained their concerns surrounding Congolese refugees living in Rwanda and Uganda and explained that a tripartite ‘operational agreement’ was supposed to have been signed in March 2011. At the time of the visit, they were still waiting for the Rwandan government to sign this agreement – and there had been no sign of them doing so. Representatives were particularly concerned that as the Congolese elections approached, until the Rwandan government sign the tripartite agreement, the Congolese people living in Rwanda and Uganda could not return to DRC in time to register to vote (as the registration process was due to end on 30 June 2011).

The delegation noted that although much had been achieved through UNHCR’s work across the region to assist returning refugees, the cessation clause was a point of continued concern for those refugees still living in the DRC who wished to return to Rwanda. The UK should consider increasing efforts in this regard and working with UNHCR to ensure that discussions of the cessation clause include careful consideration of refugees’ concerns and objective assessment of the case for a ‘change in circumstances’ in Rwanda. Further consideration of the ‘recycling’ phenomenon and the incentives for refugees to engage in this activity should be considered. This should also be contingent on the implementation of the 2009 roadmap agreed by UNCHR and the GoR.

3.3 Demobilisation, Disarmament, Repatriation, Resettlement, Reintegration (DDRRR) of ex-combatants in the Kivus

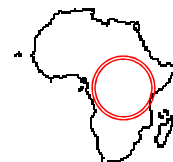
The Nairobi Communiqué was signed on 9 November 2007 by the Government of Rwanda and the Government of DRC with UN facilitation.⁸² It provided a framework for addressing the presence of Rwandan armed groups in eastern DRC and included various non-military measures in support of voluntary disarmament and repatriation. Awareness-raising work was foreseen in the Nairobi Communiqué as an essential aspect of the voluntary repatriation process. MONUC (now MONUSCO, the UN Stabilisation Mission in the Congo) radio campaigns to encourage FDLR to desert and repatriate were intensified throughout 2009 as part of the ongoing DDRRR process – which the

of fighters would cling on to the civilians in the face of the cessation clause, meaning that it will become harder for these civilians to return home.

⁸² For a PDF of the Communiqué, see <http://www.afjn.org/act.../105-narobi-communiqué-on-the-situation-in-dr-congo.html>



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delegation heard about in some detail.⁸³ However, the delegation heard that in many respects these efforts still fall short of needs.

To discuss Demobilisation, Disarmament, Repatriation, Resettlement, Reintegration (DDRRR) of former fighters (or ex-combatants), the delegation met with representatives from the DDRRR Unit of the UN mission to the DRC, MONUSCO. The DDRRR Unit presented their work on repatriating armed actors in North Kivu.⁸⁴ The Director of the Unit told the delegation that the DDRRR Unit are the 'soft' part of 'getting people back home', working alongside military operations. Both DDRRR and refugee organisation representatives told the delegation that they considered military operations as having an important role to play alongside their sensitisation work. Refugee group representatives felt that military operations provided refugees with an opportunity 'to escape' although they noted with concern that the recent increase in military operations had provoked the FDLR to take increased numbers of civilians hostage.

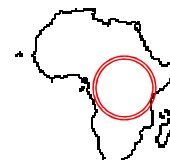
MONUSCO DDRRR reported that in the last two and a half years, they had seen a positive upward trend in the numbers of returnees leaving fighting in the bush. Most of these were Rwandese but around 20 percent (they estimated 900 people over the last thirty months) had been Congolese. DDRRR estimated that around 4,600 FDLR had been repatriated in past 30 months (accurate as of mid-May 2011). Further, over the past 30 months an estimated 5000 dependents have left the bush; see Annex 3b for more information.

There were challenges, however. Political problems within the Congolese government, within MONUSCO, and difficulties linked to the FDLR's existing command over some areas of the population all featured. The delegation heard an example of the complex political problems that the team faced when demobilising foreign armed groups in the DRC.⁸⁵ When, in 2009, foreign armed groups (notably the CNDP) were given the 'opportunity' by the GoDRC to integrate into the

⁸³ The DDRRR team described their use of fourteen (UK-funded) VHF radios with a 50km transmission radius to communicate with the fighters, explaining how some messages were prepared by Rwandan sensitisation teams (who interview returnees safely reintegrated back into Rwanda and broadcast these 'welcome home' messages). They undertake leaflet drops from helicopters. The delegation also met with Lt Commander Nick Reid (Military Liaison Officer) who had, one day before, been on an FDLR sensitisation mission in the north of the province and who described his mission activities in detail.

⁸⁴ DDRRR work to demobilise FDLR, LRA, ADF-Nalu, FNR and other known foreign armed groups, plus the 'residual elements' (the term used to describe Congolese armed groups).

⁸⁵ The delegation also heard about 'manpower' issues: reintegration requires resources and the only other existing UN 'arm' that assists with reintegration (UNPDDR) is due to be dissolved in November 2011 (when its funding ends).



Congolese army, some groups were slow to respond to the June 2009 cut-off date. The DDRRR team noted that the Congolese government's announcement shortly after June 2009 that there were 'no longer active armed groups in the Kivus' did not then reflect the reality playing out on the ground.⁸⁶

A 2010 effort to process 'leftover' groups⁸⁷ was launched (funded by USAID and the Peace Building Fund) but stalled in February 2011 because of actions by the Congolese government. A number of Congolese bodies who play an important role in identifying the 'residual elements' and issuing them with demobilisation cards were prevented from deploying to North Kivu by the Minister for Defence. This resulted in demobilisation efforts of other (non-FDLR) groups ending on 4 March 2011, even though DDRRR had already begun to build re-integration centres to receive the 'residual elements'. DDRRR representatives were unclear as to why this plan, signed and approved by the Minister of Defence, had been stalled – but highlighted it as one case in many whereby internal Congolese politics had impinged upon their efforts to demobilise fighters.

The relocation of FDLR fighters to Maniema Province was raised both by MONUSCO DDRRR and by other groups during the delegation's visit. At the time this was being considered by the Congolese government – a consideration which has since been made public.⁸⁸ While the Governor of North Kivu preferred a relocation option for FDLR fighters, he did not specify where they should be relocated to. The Governor opined that once fighters were relocated it would be easier to determine those who were *genocidaires* – seeing as, he noted, the civilians would not be armed.⁸⁹ While many groups agreed that relocation was a viable option, there were significant concerns raised about relocating to Maniema. These included concerns over whether the population of Maniema itself had been consulted and/or sensitised, whether sufficient economic opportunities existed in the Province, whether fighters would take the 'package' offered and then simply return to the Kivus and whether this solution was simply just a means of 'shifting' and not 'solving' the problem.⁹⁰

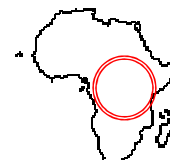
⁸⁶ During the week of the APPG visit, the GoDRC announced a further proposal: to integrate both the FDLR and the FARDC into civilian life. This in recognition of the inflated ranks of the Congolese army, its ill-structured and poorly trained troops – the FARDC is essentially unable to 'absorb' yet more armed groups.

⁸⁷ Termed 'residual elements' by the GoDRC.

⁸⁸ See: 'Un responsable de l'ONU révèle un projet de relocalisation des FDLR du Nord-Kivu vers le Maniema', May 21, 2011 : <http://www.mediacongo.net/show.asp?doc=17972>

⁸⁹ The Governor of North Kivu felt that the 'Stuttgart process' (the FDLR leaders arrested in Germany last year) had 'cut off the umbilical cord' to the fighters on the ground, leaving them without external sponsors, which would also encourage them to return home.

⁹⁰ In particular, the delegation heard that the GoR was unhappy with a relocation solution and that they favoured a military solution, not a negotiated one. The GoR hold that relocation will simply afford the FDLR time to re-recruit.



Amongst civil actors, there was a sense that there was insufficient investment in much-needed diplomatic efforts at all levels and the FDLR's lack of trust in MONUSCO and the DRC and Rwandan authorities – the very structures responsible for their demobilisation, repatriation and reintegration. The Christian and refugee groups both suggested that the international community support the creation of a Special Envoy to the Great Lakes region to mediate these efforts and to catalyse international efforts towards DDRRR.

In light of the complex political situation regarding returning ex-combatants, and the need for improved communication between UNHCR branches in Rwanda and the DRC, the UK should consider appointing a UN Special Envoy for FDLR demobilisation and Rwandan refugee repatriation in the DRC to build trust and improve international accompaniment of the entire

3.4 The Lord's Resistance Army (LRA)

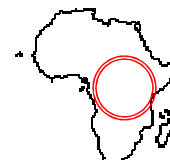
The Lord's Resistance Army (LRA) was not earmarked as a focus area for the visit, but was raised during several of the delegation's meetings and so merits a mention here. MONUSCO DDRRR outlined the 'devastating impact' that the LRA had had on north eastern DRC. They described the use of VHF radio and other sensitisation activities to reach LRA fighters, but said that the LRA was a smaller, more heavily indoctrinated group than other foreign armed groups in the region and felt that DDRRR efforts had not permeated the command structure of the fighting group. MONUSCO continued to offer logistical support to the FARDC in LRA affected areas and DDRRR held this to be the right course of action to take.⁹¹

LRA activity was reported as having become more aggressive of late and the delegation heard that LRA fighters were targeting both military *and* soft targets: towns as well as FARDC and UPDF deployments. The DDRRR team noted with concern reports that the LRA may have uncovered some of their previous arms caches.

⁹¹ Observers further noted that the one UK officer in Dungeness (Royal Navy, logistician) working in collaboration with a French Officer seemed to be 'having an impact' and that the UK officer was in communication with the FARDC *and* UPDF, a strategy considered to be more effective, reliable and less risky (particularly for civilians, who risked reprisal attacks) than a strategy that would attempt to talk to 'all' of the locals. One MONUSCO representative noted that the complexion was changing, bringing civilians and the military closer together in a positive way.



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The UPDF were until recently held to be the most militarily effective group to combat the LRA,⁹² although DDRRR told the delegation that the FARDC in Orientale Province are viewed as an increasingly capable military force for consideration. In addition, a newly (American) trained battalion (trained in Kisangani) had been sent up Dungu just before the APPG visit, which had further increased military capacity there (although this was still described as 'limited').⁹³ Better use of available American intelligence was under reconsideration once again and it was widely held that a separate fighting force from outside of the UN system was required to effectively tackle the LRA threat.⁹⁴

The delegation raised the possibility of improved communication networks in LRA-affected areas, particularly through the introduction of mobile phone masts, as a means of preventing attacks and better protecting civilians. FCO representatives responded that the introduction of mobile phones would not 'solve the problem' although they agreed that improved mobile phone and radio networks could facilitate speedier transfer of information. UK Embassy representatives stressed that protection of humanitarian actors was also important, not least because they often had access to better intelligence about LRA movements than MONUSCO.⁹⁵

Several future initiatives aimed at combating the LRA were outlined to the delegation, including a joint MONUSCO-DPKO mission and a proposed World Bank project which would include a cross-border element.⁹⁶

⁹² Representatives recognised the (growing) animosity between Ugandan (effectively a foreign armed group operating on Congolese territory) and Congolese forces. They also noted that the UPDF are now overstretched due to the elections in Uganda, the ADF threat in northern Kivu and their representation in Somalia. (The ADF-Nalu were described as well financed, with access to economic activities, and with links to Al Shabab. The delegation heard about recent ADF activities in some detail).

⁹³ One UK representative told the delegation that the LRA were not considered a large enough (in terms of their size and number) military threat to warrant a huge resource shift by MONUSCO.

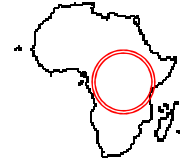
⁹⁴ UN Military Operations staff contracts are set for between six months and one year (the Guatemalans work for eighteen months) and this time frame is too short. The UN military personnel structure was set five years ago, therefore external recruitment (non-MONUSCO) has become necessary to ensure that the right people are involved.

⁹⁵ Representatives at DFID did also concede that there might be additional justifications for introducing mobile phone networks to the area, such as for use in microfinance schemes.

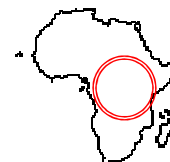
⁹⁶ Cross-border considerations are already contained within UNSCR 1925 although the delegates heard that there had been a lack of implementation in this regard. Representatives at MONUSCO DDRRR suggested that this element could be placed under MONUSCO control, although DPKO are currently the LRA lead and so may resist this.



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International and regional responses to ending the threat posed by the Lord's Resistance Army have not been effective. The current upturn in attacks against civilians by the armed group as described by the UN DDRRR team is of concern. While it is important, again, to address the root causes and perpetuating factors relating to the LRA movement, including political dimensions, more must be done to adequately protect civilians against attacks in the immediate term. In addition to VHF antennae, the UK should consider how communications technologies might contribute effectively to this end and in particular make due consideration of working with commercial partners to improve communications strategies in this regard. The UK should work with US partners to make better use of available intelligence in order to address the LRA threat more effectively.



4 Sexual and gender-based violence (SGBV)

While in-country, the visit's brevity did not allow for examination of the *causes* of sexual and gender-based violence; a briefing on the causes of SGBV was undertaken before arriving in the DRC. While reports of rape and human rights abuses against civilians in DRC are comparatively frequent, many analysts and activists – Congolese or otherwise – told the delegation that the international community needed to take a more nuanced approach to the complexities of SGBV, in terms of both analysis of the problem and response to it. The delegation was informed before the visit that a range of complex issues had to be carefully considered within the international response. The more commonly touched upon include tackling impunity through reform of the justice sector (at all levels) and reform of the Congolese army and Police. Less 'popular' considerations were questions over the effect of ongoing instability and the presence of armed actors on identity and ethnicity, land rights and agricultural production and on access to economic means of production.⁹⁷

4.1 Supporting individuals affected by sexual and gender-based violence

The delegation met with an extremely courageous group of women from a church-based community group led by the Baptist church, which runs a programme to assist women affected by rape.⁹⁸ Their programme covers many aspects of care for these women, from hospital treatment to reconciliation between family members, supplying food and medicine and psychological support to the women, to talking with and sensitising neighbours. Representatives stressed how hugely overstretched their services were and that they were unable to meet the needs of many of the women who approached them for help.⁹⁹ They outlined several key challenges that prevented them from doing their work as effectively as they might. These were:

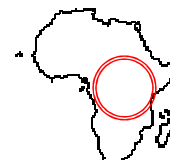
- difficulties finding people who were willing to testify in court in rape cases;

⁹⁷ Delegates received International Alert's 2010 report 'War Is Not Yet Over' <http://www.international-alert.org/resources/publications/war-not-yet-over> in their briefing packs, as well as the APPG's 2008 report on SGBV in the DRC 'Justice, Violence and Impunity in eastern DRC'

<http://appgreatlakes.org/index.php/appg-reports-mainmenu-35/116-sexual-violence-report-published>
The causes of SGBV were also touched upon in a meeting with the UK Congolese Community held in London, before the visit took place. A note from this meeting is available in Annex 11.

⁹⁸ The women supported by the group come from Goma and its environs and often travel from many kilometres outside of the town.

⁹⁹ The delegation heard that the group has insufficient counsellors to assist victims and has no specific 'house' or area where women who have experienced SGBV can go to for support or protection.



- access to and provision of transport to and from courts for victims or others involved in proceedings;
- lack of infrastructure at village level (no hospitals, courts or adequate civilian protection mechanisms in place at the local level);
- cost of legal assistance to victims;
- stigma attached to being raped preventing women from coming forwards.¹⁰⁰

The delegation listened to five women who had been victims of rape in North Kivu. Their brave and extraordinary testimonies are documented in Annex 4. In particular the group's affiliates present underlined their concerns over their own government's poor implementation of the 2006 laws on sexual violence (welcomed as progressive and far-reaching both domestically and internationally at the time),¹⁰¹ and of the June 2008 'road map' for fighting sexual violence, which laid out a six-point programme to 'advance judicial responses to crimes of sexual violence.'¹⁰² A national MP for North Kivu noted that the government had recently employed 1,500 new, young attorneys to participate in mobile courts across the country. This was progress, although the Député doubted that this number would be sufficient for a country the size of the DRC. He highlighted several challenges faced by the current judicial system, including the country's shortage of lawyers, the unacceptably long length of time that it takes for a case to pass through the courts,¹⁰³ the lack of a witness protection scheme (government or otherwise),¹⁰⁴ low conviction rates and unavailability of forensic follow-up.¹⁰⁵

Representatives from the church-based community group felt that the occurrence of rape in Congolese society was increasing, heightening their concerns over the 'slow and insufficient

¹⁰⁰ The lawyer present noted that the women are frequently abandoned by their families, leaving them without any economic means of survival.

¹⁰¹ Law 06/018 modified and completed the Congolese penal code and law 06/19 modified and completed the Congolese criminal procedure code.

¹⁰² For an overview of these and other reforms on SGBV introduced by the GoDRC see Human Rights Watch (2009) *Soldiers Who Rape, Commanders Who Condone*, see: <http://www.hrw.org/en/node/84366/section/10>

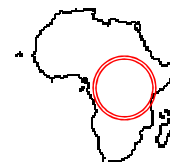
¹⁰³ The delegation heard that civilian rape cases are often quicker to progress than the higher-level cases progressing through the military courts.

¹⁰⁴ The MP reiterated that fear of reprisal often prevents people from speaking out about or denouncing rape. He also described how in some communities rebels continue to afford protection due to politics or fear - and that this in turn breeds impunity.

¹⁰⁵ The MP felt that the 2009 'zero tolerance' strategy announced by President Kabila had had negligible impact in North Kivu although he was aware of a number of recent high-profile cases (particularly in South Kivu) that might indicate some movement on behalf of the government and army to convict in rape cases.



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implementation' of the relevant laws.¹⁰⁶ The delegation met briefly with an army commander working with Christian Aid through this church-based group who was sensitizing his colleagues in the army against rape (Annex 5). In the face of all of these challenges, CBCA worked with both men and women to encourage them to speak out against rape in their own society.¹⁰⁷

The delegation were fortunate to tour the impressive HEAL Africa hospital in Goma, which in part supports those affected by SGBV. HEAL Africa's mission statement is 'providing holistic care including physical, spiritual and social healing for the people of the Democratic Republic of the Congo; training for health professionals; support to strengthen communities; encouragement for women in community leadership roles; and support for education and vocational training.'¹⁰⁸ The hospital is run by a local board of Congolese people.

The delegation heard that, like the church-based organisation, HEAL Africa was experiencing a funding short-fall. The hospital's representatives told the delegation that HEAL had experienced significant falls in its funding during the current financial year, which had had a significant impact.¹⁰⁹ The delegation heard, for example, that HEAL had been supporting some of the work of the church-based group but due to funding cuts they could no longer afford to do this.

The delegation heard about the hospital's programmes for healing survivors of rape and gender-based violence. This programme begins in the women's villages and guides the women through a series of programmes designed to heal bodies, souls and minds as well as offer new opportunities and education so that women can return to their villages healed and with new skills going forward.¹¹⁰ HEAL Africa was the first school of orthopaedic care in central Africa. HEAL works with churches and mosques to reach out to children who need help; they do not feel a division in North Kivu between Islam and Christian faiths – in HEAL's experience, the two faiths work together. Representatives at HEAL Africa stressed to the delegation their belief that if there were greater

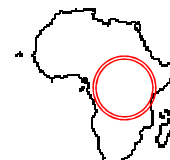
¹⁰⁶ This view was particularly stressed by one of the lawyers present at the meeting.

¹⁰⁷ The delegation were told that although cases of rape against men were reported, these are far less prevalent than those against women.

¹⁰⁸ Much more can be read about the work of HEAL Africa on their website <http://www.healafrika.org/index.php> and also in Annex 10.

¹⁰⁹ In particular, UNICEF had reduced their funding from USD 172,000 last year (2010) to USD 10,000 this year (2011). This has had a direct negative effect on HEAL's children's programme. The children's programme was far reaching – treating children with spina bifida, hairlip and many other illnesses. Apart from HEAL Africa there is no other organisation working to care and advocate for these children in North Kivu.

¹¹⁰ See HEAL Africa's webpage on 'HEAL My People' <http://www.healafrika.org/healing-for-survivors-of-rape-p-15.html>



investment in Congolese women the country would ‘jump forward’ and develop significantly.¹¹¹

Information about HEAL Africa’s can be viewed in Annex 10.

While is it essential that addressing the causes of sexual and gender-based violence lies at the heart of policy responses, the work of HEAL Africa and church-based support groups such as CBCA is crucially important to supporting and assisting women, girls and men affected by sexual and gender-based violence in the DRC. This is particularly the case given the country’s limited infrastructure (notably a lack of access to or provision of basic health services, and the necessary roads, utilities and so on). The delegation was particularly concerned to learn that HEAL Africa had experienced a significant recent cut in funding by multilateral donors. The international community, including the UK, should look to supporting the work of HEAL Africa further. HEAL has already laid considerable ground-work in terms of logistic and technical capabilities and community recognition and has established the effective provision of holistic care. Similarly, in the absence of state institutions, community-based strategies such as those designed and implemented by the church-based group met by the delegates should be applauded and further supported by international donors.

¹¹¹ HEAL Africa initiated the first micro-finance scheme in Maniema. To date the hospital has given USD 1 million in seed money to women, who receive a sum of USD50 that is then returned after 6 months. They have also pioneered a ‘Safe Motherhood’ programme which they would like to roll out over a three-year programme in Maniema. The programme works on the challenges that women face to achieve a safe delivery and helps women to make their own choices about the kind of care they would like, and helps them to pay for it. HEAL have been running this programme in North Kivu successfully since 2006 and would like to see this replicated in Maniema. Last year (2010) there was not one death during child-birth at HEAL Africa.