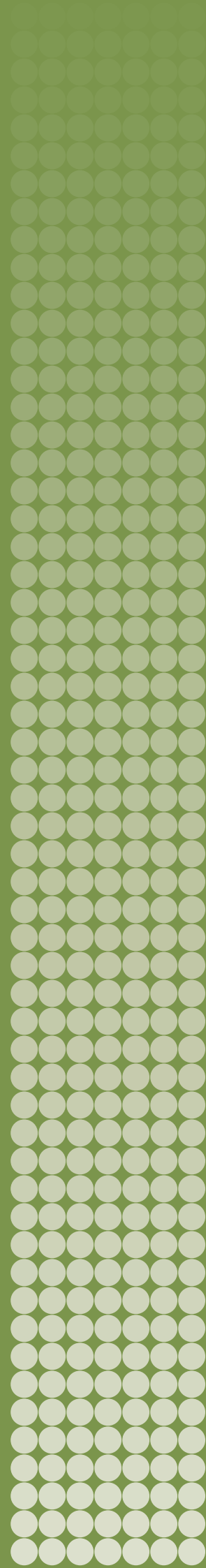


SECURING LEGITIMATE STABILITY IN THE DRC: EXTERNAL ASSUMPTIONS AND LOCAL PERSPECTIVES

Policy Study

HANS HOEBEKE, JAIR VAN DER LIJN, TIM GLAWION
AND NIKKI DE ZWAAN



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Authors' note

This paper is one of three in a collection comprising two policy studies and a policy report that synthesizes the two studies. In addition to this paper, the other two in this collection are the policy study *Securing Legitimate Stability in CAR: External Assumptions and Local Perspectives* and the policy report *Towards Legitimate Stability in CAR and the DRC: External Assumptions and Local Perspectives*.

The research for this work was done in cooperation with Cordaid, a development and humanitarian organization, working to end poverty and exclusion. Cordaid does this in the world's most fragile and conflict-affected areas, including the Central African Republic and the Democratic Republic of Congo. Cordaid's Security and Justice program focuses on improving access to effective, accountable and inclusive security and justice services (through result-based financing approaches), ensuring that women and youth can participate meaningfully in peace and governance processes, and strengthening civil society capacity to lobby and advocate for positive change.

This project was commissioned and financed by the Ministry of Foreign Affairs of The Netherlands through WOTRO Science for Global Development of the Netherlands Organisation for Scientific Research (NWO-WOTRO). It was developed in collaboration with the Knowledge Platform Security & Rule of Law (KPSRL) as part of the Ministry's agenda to invest in knowledge and to contribute to more evidence-based policymaking. Views expressed and information contained in this document are the responsibility of the author(s).

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Abbreviations

ANR	L'Agence nationale des renseignements (National Intelligence Agency)
CENI	Independent Electoral Commission
CHESD	Higher Institute for Security and Defence Studies
CLSP	Comités locaux pour la sécurité de proximité (local committees for neighborhood security)
DDR	Disarmament, demobilization and reintegration
DGM	Direction Générale de Migration (Directorate General of Migration)
DRC	Democratic Republic of the Congo
ETD	Decentralized entity
EU	European Union
FARDC	Armed Forces of the DRC
HHI	Harvard Humanitarian Initiative
INGO	International non-governmental organization
ISSSS	International Security and Stabilization Support Strategy (I4S)
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NGO	non-governmental organization
PNC	Police Nationale Congolaise (national police of the DRC)
PNDDR3	Third phase of the national programme plan
SCF	Stabilization Coherence Fund
SSAPR	Security sector accountability and police reform
SSR	Security sector reform
SSU	Stabilization Support Unit
STAREC	National Stabilization and Reconstruction Programme
VNG	Vereniging van Nederlandse Gemeenten (International Cooperation Agency of the Association of Netherlands Municipalities)

I. Introduction

This report investigates the hypothesis that strengthening a state's capacity to provide security and justice leads to a stronger, more inclusive social contract through which governments gain popular legitimacy, which in turn contributes to increased and more 'legitimate stability'. Legitimate stability refers to stability that is grounded in inclusive policies and service delivery, accountable governance, inclusive political processes and a social contract between the state and its people, as well as social cohesion between groups in society.

The research and fieldwork were conducted at a particular moment in the history of the Democratic Republic of the Congo (DRC). Despite considerable controversy, national elections had ushered in the first peaceful transfer of power in the country's 59-year history. The final four years of the regime of President Joseph Kabila (2001–2019) had been frustrating and tense for the international community, and for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in particular. The administration of US President Donald J. Trump had sought to focus minds on the cost of one of the UN's largest peacekeeping missions as it approached the 20th anniversary of a UN peacekeeping presence in the country. MONUSCO has seen its footprint reduced in recent years and an independent strategic review of the mission is under way. Local UN staff and the wider international presence are focused on this review, which will inform the thinking of the United Nations Secretariat in New York and will be an important consideration for the UN Security Council. At the same time, President Felix Tshisekedi, who assumed office on 24 January 2019, has recently stated that the mission should remain in place.¹ This opens a new window of opportunity to support local dynamics of change.

There have been a number of positive developments since the January 2019 transfer of power, not least the return of the DRC as an actor on the regional and international stage, attempts to change attitudes in the security sector and a decidedly more compassionate approach to social suffering and insecurity. This is symbolic and raises a level of hope for change, but such hope will not endure indefinitely. Change will have to be felt to win over a cautious and sceptical population.

Amid these developments, there has been cautious, renewed thinking about policy instruments that were tested in the period 2003–14, such as security sector reform (SSR) and justice sector reform, disarmament, demobilization and reintegration (DDR) and support for decentralization. The new administration may provide more fertile ground for tackling these issues in a more structured manner and for obtaining high-level buy-in.² However, the forces of inertia are strong and well-engrained in all structures. In addition, attachment to regional stability has clashed with ambitious plans for democratic reform while sovereignty has clashed with a strong dependency on the presence of foreign actors.³

Effective reform—connecting the state back to the expectations of the population, as it has been expressed during the fieldwork conducted for this project and in broader surveys—will not be without considerable risk. More than bad policies per se, bad practices by donors, such as the payment of all kinds of fees, and the duration

¹ 'Felix Tshisekedi on RFI et France 24, 'Je ne pense pas que je suis une marionette' [Felix Tshisekedi on RFI and France 24: I do not think that I am a puppet]', RFI, 29 June 2019.

² United Nations, Security Council, 'With new president pledging reform, Democratic Republic of Congo making gains amid fresh violence in east, mission chief tells Security Council', SC/13897, Meetings coverage, 24 July 2019.

³ For further reflections on these issues see Shephard, B., *Beyond Crisis in the DRC: The Dilemmas of International Engagement and Sustainable Change* (Chatham House: London, 30 Dec. 2014); Carayannis, T. et al., *Competing Networks and Political Order in the Democratic Republic of Congo: A Literature Review on the Logics of Public Authority and International intervention* (LSE Conflict Research Programme: London, 18 July 2018); and de Vries, H., *Going Around in Circles: The Challenges of Peacekeeping and Stabilization in the Democratic Republic of the Congo*, CRU Report (Clingendael Institute: The Hague, Aug. 2015).

of the crisis have severely hampered the development of the ‘local ownership’ or sense of responsibility among local elites that will be required for successful reform. Furthermore, local democracy, while essential, is a massively complex and potentially explosive undertaking. Identity discourses are omnipresent and remain powerful while decentralized power structures depend on traditional chiefs, whose authority is largely derived from their guardianship of identity.

II. Methodology

The research was conducted in South Kivu Province. Like neighbouring North Kivu, South Kivu has been the epicentre of violent conflict and instability in the DRC since the mid-1990s. A toxic mix of local and national factors and dynamics centred on governance, land and identity has maintained a complex set of conflicts. These internal dynamics are fuelled by the spillover from internal political conflict and the political and economic ambitions of regional actors—Uganda, Rwanda and Burundi. The ruling regimes in these countries have shown little interest in effective stability in the DRC.

This study was conducted in four localities: Bushwira, Kanyola, Sange and Kipupu. In each locality, around 60 people were interviewed, each selected at random in the street, both in town and in more rural contexts. In addition to questions about their own background and a control survey about the current security and justice situation, respondents were asked a series of open questions about governance, security and justice, and the social contract in their ‘ideal village’. While these questions sought to reveal respondents’ desires and wishes for the future, respondents often answered questions with the current situation foremost in their minds.

The four localities were selected based on the diversity of their conflict contexts and of the level of state presence. While not representative of South Kivu, let alone the DRC, they reflect a wide range of experience in eastern DRC. Bushwira in Kabare territory, which is close to Bukavu, is a generally calm area that has experienced hardly any conflict. Kanyola in Walungu territory is a post-conflict area. Sange is a city on the main road from Bukavu to Uvira. It has been affected by the conflict in Burundi and both Burundian rebels and its government troops are regularly active in the area. Congolese armed groups are also still active there. Kipupu, situated on the Hauts Plateaux in Mwenga territory, is a contested area. The state is present but armed groups operate close by. In all four localities, the international presence in the form of MONUSCO or international non-governmental organizations (INGOs) is very limited, as is the presence of local civil society.

For the purpose of this study, 28 interviews were also conducted with senior members of MONUSCO and INGOs in January and June 2019, as well as 12 interviews with local members of civil society and researchers. Congolese research teams in all questioned over 250 inhabitants and 39 local stakeholders in the four localities in the period February to March 2019. Finally, a community meeting was held in Bushwira and the preliminary results were discussed with key stakeholders in Goma in June 2019.

III. Ongoing international efforts

The DRC conflicts have garnered significant international attention and mobilized considerable efforts to establish stability. The most visible has been the presence of MONUSCO.⁴ From the start of the post-war transition in 2003, the UN and a wide range

⁴ For a recent overview see EPON, *Assessing the Effectiveness of the United Nations Mission in the DRC/MONUSCO* (Norwegian Institute of International Affairs: Oslo, 2019).

of actors, including the European Union (EU) and bilateral donors, have invested in attempts to re-establish state authority, including support for decentralization. These have included a number of SSR and justice sector reform programmes.⁵ Structural reform and SSR efforts were badly disrupted by political turmoil when elections planned for late 2016 were delayed, and the United States and the EU—the most important donors—imposed sanctions on senior officials in the political and security spheres as a result.

In most cases, these projects had contributed to the adoption of high-quality legislation. Some focused on concrete programmes at the provincial and local levels. Implementation of the new legislative frameworks and the sustainable development of ownership at the national, provincial or local levels, however, have been lacking. The DRC Government has been a reluctant partner at best in any attempts at structural reform since the 2006 elections. A lack of political will to alter the status quo is a recurring conclusion of several policy assessments.⁶ At best, this can be interpreted as a willingness to accept reform only insofar as it does not upset the existing balance of forces. Beyond the central state and its governance practices, a lack of ownership of the reform agenda is also prevalent at the local level and among most of civil society in the DRC. Much of civil society and most local elites have effectively become part of the system.

The main policy framework for stabilization in eastern DRC is the International Security and Stabilization Support Strategy (ISSSS or I4S), which was developed in 2008 to support implementation of the National Stabilization and Reconstruction Programme (STAREC). The initial phase consisted mostly of technical responses, such as the construction or rehabilitation of infrastructure. The I4S was fundamentally revised in 2013. The revised policy aims to address the specific conflict dynamics in eastern DRC: the interplay between security dilemmas, mobilization around land and identity, the exploitation of natural resources and regional dynamics. The I4S also involves compacts with provincial authorities.⁷ The revised strategy seeks to support the re-establishment of the social contract between the state and society. The strategy is managed by a small unit within MONUSCO, the Stabilization Support Unit (SSU), and operates through two mechanisms: the multi-donor Stabilization Coherence Fund (SCF) and the alignment of bilaterally funded projects.⁸

In the wake of the 2012 M23 offensive, the DRC and several governments in the region signed a Peace, Security and Cooperation Framework Agreement in February 2013.⁹ The agreement contains detailed commitments by the Government of the DRC, the region and the international community. In the DRC, implementation and follow-up are ensured by a national follow-up mechanism. A regional oversight mechanism also meets annually. UN implementation and support are managed by the UN Special Envoy for the Great Lakes Region. The most important national commitments are SSR, consolidation of state authority in eastern DRC, decentralization, the delivery of basic social services and furthering the agenda on reconciliation, tolerance and democratization.

⁵ While many initiatives are more oriented towards training, the EU, the UN and some bilateral donors have attempted to work on SSR. The EU maintained two separate SSR missions focused on the police and the military. It also had extensive programmes supporting the rule of law and justice sector reform.

⁶ ECI et al., *The Democratic Republic of Congo: Taking a Stand on Security Sector Reform*, Apr. 2012; and de Vries (note 3).

⁷ A provincial compact on South Kivu was signed in June 2017. It focuses on road maintenance, land access, illegal taxation, state agent deployment, the coordination of stabilization programmes and STAREC.

⁸ The main donors are Germany, the Netherlands, Sweden, the United Kingdom, the USA and the UN Peacebuilding Fund (PBF).

⁹ United Nations, 'Peace, Security and Cooperation Framework Agreement for the Democratic Republic of the Congo and the region', Addis Ababa, 24 Feb. 2013.

The British funded Security Sector Accountability and Police Reform (SSAPR) was an important reform programme that aimed to promote accountable policing and to improve the community-police relationship.¹⁰ SSAPR was established in three pilot provinces in 2009, one of which was South Kivu. Although intended to last five years, the programme was ended following police violence in Kinshasa and Bukavu. The aim had been to create collaboration between communities, the local authorities and the Police Nationale Congolaise (PNC, national police of the DRC). This was organized through neighbourhood forums and local committees for community security.

One of the few programmes in support of SSR still maintained is the Higher Institute for Security and Defence Studies (CHESD) in Kinshasa, which was established in 2016 with French support. The institute trains senior officers as well as regional participants and civilians working in the security field.

Since the 2011 elections, there has only been tacit international support for DDR initiatives. MONUSCO and the World Bank have remained engaged, but the third phase of the national programme plan (PNDDR3) was not fully funded.

IV. What is the role of the state?

Participation levels in national elections, which have been organized since 2006, offer some national level insight into the level of confidence DRC citizens have in the authorities.¹¹ The 2006 presidential election took place amid massive hope and expectation for change. As disillusionment set in, the level of popular participation in elections has fallen considerably, from 70.5 per cent in 2006 to 58 per cent in 2011 and 47.5 per cent in 2018.¹² In a further sign of disenchantment, a high proportion of national parliamentarians failed to be re-elected in the 2011 and 2018 elections.¹³ People clearly want change, but falling participation levels also show that they lack trust in the system. Despite the obvious drop in turnout, the massive interest in successive voter registration exercises, which precede elections, can be considered a reflection of both the level of attachment to the state and the importance of administrative practices as the voter card also serves as an identity card and is therefore vital for citizens.¹⁴

Despite its poor record of service delivery, the state remains central to popular aspirations in the fields of security, justice, basic service delivery and economic development. The surveys in South Kivu confirmed research findings that non-state actors, such as armed groups, are generally not considered good alternatives to the primary role of the state and state organs. Confidence in the security services, in particular the Armed Forces of the DRC (the FARDC) and the National Intelligence Agency (l'Agence nationale des renseignements, ANR), is quite low, but considerably higher than in non-state actors such as self-defence militias and armed groups, or in MONUSCO. In the words of a male trader from Rutanga, 'MONUSCO can leave once peace has been established. For the moment, they consume a lot of money that the Congolese could use for their development and yet they do nothing to protect us'.¹⁵

¹⁰ UK Aid et al., *Independent Evaluation of the Security Sector Accountability and Police Reform Programme: Final Evaluation Report*, Dec. 2015.

¹¹ In 2011 there were large discrepancies between provinces. Electoral data for the 2011 elections is unreliable and the detailed results for the 2018 elections have not been made available.

¹² The results of the elections, and the 2018 election in particular, are contested and the Electoral Commission has not yet published detailed results. Carter Center, *International Election Observation Mission to Democratic Republic of Congo*, Final Report (Carter Center: Atlanta, GA, 2011); and Carter Center, *Presidential and Legislative Elections in the Democratic Republic of Congo*, Final Report (Carter Center: Atlanta, GA, 2011).

¹³ Local elections were held in the 2006 electoral cycle.

¹⁴ Interview with Congolese researcher, Goma, July 2019.

¹⁵ Male trader aged 35–44, Rutanga, translation by the authors. The interviews were transcribed into French by local researchers. All the interviews have been anonymized. All the interviews with the local population took place between January and June 2019. The dates are not given to avoid identification of specific respondents.

The research in the four areas found some differences in popular expectations of the state. Areas with a recent history of armed violence had clear expectations of the state as the security provider. Areas that are more secure placed greater emphasis on the administration of justice, the provision of social services in the areas of education and health care, and the generation of jobs.

Socio-economic expectations

Respondents in all four areas aspire to see jobs created and an end to the isolation of their communities, and see this as a precondition for peace and well-being. A local humanitarian worker stated ‘the exact role of the state is to give young people jobs, education and health care. Many young people are unemployed, which is why they commit themselves to armed groups. If the state gives them work, I think it can reduce insecurity’.¹⁶ Other surveys, such as those conducted by the Harvard Humanitarian Initiative (HHI), have found a similar preoccupation with socio-economic development as a condition for peace.¹⁷

As a result, people wanted jobs and development first and foremost. They saw an important role for INGOs in the construction of schools and health centres. As a consequence, people wanted to be better informed about the actions of the INGO’s working in their areas and to have a say in setting their priorities. Such organizations often work through local leaders, but these are often not considered legitimate as they tend to prioritize their own individual interests.¹⁸

‘*Salongo*’ or community work was mentioned by several people during the fieldwork. Such initiatives have deep roots in the DRC and the region. It is common in Rwanda and Burundi and was a fixture of the Mobutu era (1965–97). The system also has a more complex side as it is often forced on individuals—often to their detriment.

Governance and decentralization

The 2006 Constitution of the DRC envisaged the decentralization of political power to reverse the earlier tendency towards a strongly centralized state. Implementation, however, has been mostly lacking. Local elections have not been organized and there has been only limited transfer of financial resources and capacity to the local levels. The 2011 revision of the constitution allowed the central state to reclaim some measure of control over the provincial executives. Beyond the provinces, the decentralized entities (ETDs) are cities, communes, sectors and chiefdoms, all of which have legal personality and can levy taxes, and are supposed to have elected councils. Thus far, however, local elections have not been organized at these levels, and local officials—apart from the customary chiefs who are selected using traditional arrangements—are all appointed. National and provincial political elites regularly intervene directly in the appointment of traditional chiefs, which has contributed to numerous local conflicts.¹⁹

MONUSCO, the United Nations Development Programme and other donors have tried to get decentralization off the ground but beyond lip-service, there has been little interest from the DRC state in proceeding with the organization of local elections, and thereby giving up one of its main vehicles for exerting control at the

¹⁶ Humanitarian aid worker, aged 25 to 34, translation by the authors.

¹⁷ USAID et al., ‘Peace and social cohesion mixed methods research: eastern Democratic Republic of the Congo’, Unpublished, Jan. 2019.

¹⁸ Interview, local researcher, Bukavu, 26 June 2019.

¹⁹ Such interference by national political leaders was at the origin of the conflict in the Kasai region that displaced over one million people and led to thousands of casualties. Hoebeker, H., ‘Kamuina Nsapu insurgency adds to dangers in DR Congo’, International Crisis Group, 21 Mar. 2017.

local level.²⁰ Donors are also concerned about the potential for conflict at the local level as identity politics can be highly explosive. A counter to this argument is that the failure to organize elections has not averted conflict and that more legitimate local officials could contribute positively to stabilization efforts. However, it is clear that the international community will support local elections if and when they are organized but will not actively push for them.

There were calls from numerous respondents came for local elections. A man from Rukana said: *Let them give us the right to vote for our local leader because [currently] they are appointed.*²¹ A teacher from Mapera added: *What should be changed to transform our current village into our ideal village? The most important thing is that we are given the Bourgmestre first because we were given the commune, then he will tell us what to do, he will plan how to do community work and our community is going to grow very well.*²²

Despite the lack of local elections, the level of confidence in local leaders in South Kivu—notably the customary chiefs—is higher than in the central state. A recent survey by the Harvard Humanitarian Initiative shows that perceptions of the efforts of the authorities to build peace improve as proximity to the people gets closer. However, even the highest level of approval—for village chiefs—was not high.²³

In urban areas, civil society has some measure of influence and can mobilize against local leaders. This is much more difficult in rural areas where the customary authorities straddle different roles as ‘officials’ leading administrative entities and community leaders with an important role in controlling access to land, which directly affects livelihoods. Traditional chiefs often consider members of their communities to be their subjects rather than their equals, which reduces the effectiveness of the control that locally elected councils have over them. A young male pastoralist from Tulambo summed it all up: *What needs to change is the governance of our village.*²⁴

V. How should security and justice be provided?

Security actors

Civil-military—and to a large extent civil-police—relations have long been difficult in the DRC. There is a high level of continuity with the FARDC and its predecessors. In colonial period the ‘force publique’ was the domestic arm of repression in the colony, set up as a state within a state with its own language, Lingala. The experience of a strong colonial state as ‘*bula matari*’ (the breaker of rocks) was continued under Mobutu. However, in parts of the country, such as South Kivu, the state rarely possessed a monopoly on the use of force as pockets of the province remained outside of state control.²⁵ This situation has become widespread in eastern DRC since the outbreak of the 1998–2003 war.

Today, the state through the FARDC is the most powerful actor, but the relationship between it and the myriad of armed groups is complex and varied. There are regular alignments between the Congolese army and armed groups but as interests change, or the balance of forces requires readjustment, these can quickly turn to confrontation. MONUSCO’s presence is essential as it has ensured the dominance of the state and FARDC over armed actors, such as the M23 and more recently an armed group

²⁰ Interview with NGO representative, Bukavu, 27 June 2019.

²¹ Male aged 44 to 54, Rukana, translation by the authors.

²² Male teacher, aged 25 to 34, Mapera, translation by the authors.

²³ Harvard Humanitarian Initiative, ‘Peace and social cohesion: Eastern DRC’, Jan. 2019, p. 20.

²⁴ Male pastoralist, aged 15 to 24, Tulambo, translation by the authors.

²⁵ During Laurent-Desiré Kabila’s rebellion, the PRP remained active in the Fizi territory.

coalition led by the former general William Amuri Yakutumba, which has risked upsetting the national balance.²⁶

In its direct relationships with the people, the Congolese army maintains a ‘tradition’ of living off the land, that is, imposing itself on the local population. This is best captured in the saying ‘*Civil aza bilanga ya soldat*’ (the civilian is the crop field of the military). The research in South Kivu echoes previous research, which found that people have an understanding of the social problems of soldiers and their families that finds expression in an aspiration for the state to take better care of military (and police) personnel by, among other things, paying decent wages. It is believed that this will decrease harassment from and corruption among members of the FARDC, the PNC and the ANR. A male farmer from Bwagara said: *The state must pay its agents properly, including the ANR and the police which are bothering the population.*²⁷ A young man from Musenyi stated: *The exact role of the state in our ideal city is to neutralize all the armed groups present here and strengthen the capabilities of the national army, but we say that the state has left us and we suspect that it also contributes to insecurity because it has the power to put an end to these troubles, but it does nothing.*²⁸

Citizens currently must shop around for the security provider that is most effective at protecting their interests. This requires a lot of resources. They must navigate between and among political and community leaders at all levels, all the security agencies—the FARDC, the PNC, the Direction Générale de Migration (DGM, Directorate General of Migration) and the ANR—and the locally important reality of sorcerers and ‘secret societies’. The surveys in South Kivu show that where the FARDC is absent, numerous respondents want to see it establish a presence in order to remove armed groups. A male farmer from Bwagara noted: *We are not led. Currently, we have three governments here—the government, the Mai-Mai and the Gumino [Banyamulenge militia]. These people in the Gumino and the May-May; it is they who sow divisions. Only the presence of the state can give us security by neutralizing all these groups.*²⁹

Where the FARDC is present, respondents prioritize rotation of the military and the effective payment of wages. The capacity and visibility of the PNC in rural areas are very limited. The police force has few means of transport or communication and is nearly irrelevant in the provision of security. It is also competing with the ANR, which has a presence throughout the country. Most respondents, however, wanted to see the rule of law applied by appropriate institutions—judges and the police.

Most of the current armed groups, such as the multitude operating under the labels Mai-Mai or Raia Mutomboki (angry citizens), have their origins in the nationalist cause and discourse of ‘protecting the country against foreign aggression’ or a narrower protection of their community against other communities that are considered non-autochthonous or ‘foreign’. The continuing presence of foreign armed groups and concern about continued operations by neighbouring armies—with or without the consent of the national government—help to keep the nationalist discourse alive. Only a few justify their struggle in political or institutional terms—fighting the regime but doing so while referring to the constitution.³⁰ Most are not anti-systemic forces.

As predominantly community-based groups, they also maintain an ambiguous relationship with traditional chiefs—respecting their authority on the one hand while

²⁶ Much as Mobutu’s Western partners did during the cold war.

²⁷ Male farmer, aged 45 to 54, Bwagara, translation by the authors.

²⁸ Male aged 25–34, Musenyi, translation by the authors.

²⁹ Female health worker aged 25 to 34, Mikenge, translation by the authors.

³⁰ Most recently, this was the narrative of Yakutumba’s alliance operating in South Kivu and the bordering areas of Maniema and Tanganyika provinces. International Crisis Group, *Time for Concerted Action in DR Congo*, Africa Report no. 257, 4 Dec. 2017. Rebels referred to Article 64 of the 2005 Congolese Constitution: ‘All Congolese have the duty to oppose any individual or group of individuals who seize power by force or who exercise it in violation of the provisions of this Constitution’.

also potentially challenging traditional authority as a parallel power in the local political economy.³¹ For many combatants, integration into the armed forces remains a key demand and a possible motive for joining an armed group.³² Most of the armed groups have developed into semi-criminal gangs exploiting natural resources and exerting considerable pressure over local people through taxation. They have very little popular legitimacy.

Since the transfer of power to President Tshisekedi there has been considerable interest among the combatants in several armed groups in joining a DDR programme. This is driven by several factors as identified in a report by the UN Group of Experts on the DRC: exhaustion, disillusionment, FARDC operations against armed groups and the change of government.³³ The scale of the movement is important but a response to the dynamic is hampered by the lack of a shared policy framework between the DRC authorities and international actors. This development is broadly in line with the population's wishes on the future of armed groups. As for the combatants, of the 1000 combatants who joined the DDR process in Kivu in the early months of 2019, 300 decided to join the FARDC.³⁴

Security coordination

There have been many national and international initiatives to coordinate the security response and contribute to a dialogue between state representatives, civil society and the population in the security field.³⁵ At all levels of the state, the head of the civilian administration has the authority to organize security committees. These comprise representatives of all the security services present in a given administrative area. In numerous locations these meet on a regular, often monthly, basis. Representatives of civil society may also be present. MONUSCO supports the *Comités locaux pour la sécurité de proximité* (CLSP, local committees for neighborhood security), which are committees established by a government decree in 2013. This MONUSCO support is buttressed by CORDAID and Vereniging van Nederlandse Gemeenten (VNG), and linked to MONUSCO community liaison assistants and Community Alert Networks. The CLSP are directly involved in the framework of local police projects. The CLSP establish local security plans. In the context of the proximity police projects 'forums de quartiers' (neighbourhood forums) have been created. The Catholic Church through its Peace and Justice Commission has set up local committees on participative governance. These monitor governance matters and discuss security issues.

The effectiveness of these structures depends on the general political, security and socio-cultural context in which they operate.³⁶ The Congolese state functions to a large extent through parallel structures of authority. These distort the formal lines that exist between institutions.³⁷ In many areas there is a close proximity between non-state armed groups/criminal actors and political, military or community leaders.³⁸

³¹ Stearns J., Verweijen J. and Baaz, M. E., *The National Army and Armed Groups in the Eastern Congo: Untangling the Gordian Knot of Insecurity* (Rift Valley Institute, Usalama Project: London, 2013).

³² Of the 1200 combatants who have joined DDR schemes since the start of 2019, more than 350 opted for FARDC integration. These were moved to a FARDC training camp in Kongo Central Province. Interview with MONUSCO official, Bukavu, 28 June 2019.

³³ United Nations, Security Council, Final Report of the Group of Experts on the Democratic Republic of the Congo, S/2019/469, 7 June 2019.

³⁴ Interview, MONUSCO DDRRR official, Bukavu, 28 June 2019.

³⁵ Interviews with MONUSCO officials, civil society representatives and local researchers, Bukavu, 24–28 June 2019.

³⁶ Interview with country representative, International NGO, Bukavu, 27 June 2019.

³⁷ Jené, L. and Englebert, P., *Tangled! Congolese Provincial Elites in a Web of Patronage*, Secure Livelihoods Research Consortium, Working Paper no. 64 (Overseas Development Institute: London, Jan. 2019).

³⁸ Vogel, C. and Stearns, J. K., 'Kivu's intractable security conundrum, revisited', *African Affairs*, vol. 117, no. 469 (Oct. 2018), pp. 695–707.

There is little or no local ownership of structures. When the United Kingdom pulled out of the community policing project, for example, the meetings ceased. Donors and civil society recognize that participation in meetings, training sessions, and so on, is mostly dependent on payment of participation fees—for officials and civil society representatives alike.³⁹

These structures were not spontaneously discussed by the participants in the research in the four localities. During a focus group in Bushwira district, attended by community and local leaders, the regular organization of the local security committee was mentioned by officials only when directly asked about it. According to these officials, the meetings are useful for discussing security concerns but it was acknowledged that the state institutions currently lack the capacity and resources to implement their decisions.

Experience with these coordination structures varies. The official security councils at the national and provincial levels are important, and this is the level where most resources are concentrated. In urban areas, civil society or activist groups can also exert some oversight and pressure. In rural areas, on the other hand, these meetings do not seem to offer many guarantees on establishing a dialogue with the population.⁴⁰ Observers also perceive that these meetings have a tendency to confirm the predominance of the FARDC. Despite its shortcomings, the FARDC has more resources and often has the most capable representatives. Where meetings are organized as part of a donor initiative, very little effective ownership seems to have been achieved.⁴¹ MONUSCO is in the process of leaving numerous areas and whether any of the security initiatives put in place will survive remains to be seen. A general point of criticism of MONUSCO by the local population is that even where MONUSCO has a presence and is warned of an incident by an early warning network, reaction in time is highly unlikely. A state official from Rutanga stated: *Personally I do not see what MONUSCO is doing. Its role is supposed to be to protect the people but we are dying in its presence; and when we ask for help, it reacts 30 minutes or an hour after the enemy has left.*⁴²

Justice provision

The research confirmed that current efforts by the international community and the Government of the DRC have done little to improve access to justice for Congolese citizens. Formal courts are often far away and the cost of accessing the system is high. Furthermore, the courts are widely believed to be corrupt. Fines are considered too high, as are court fees, and this results in people spending long periods in—the often abysmal—prison system.⁴³ Donor-supported initiatives such as mobile courts and the *tribunaux de paix* (peace courts) lack resources.

To seek justice people turn to a number of actors. The PNC, the ANR and the FARDC are all used to manage conflicts that should otherwise be brought before the courts. Other sources of legal assistance identified by the survey were traditional chiefs, local officials, the churches and local prophets. Such a plurality of actors, corruption and monetary exchanges contribute to a context in which justice is often either unobtainable or reinforces the social make-up of society. Certain forms of justice, such as the use of a local prophet, Maman Mujakazi in Kabare, can also result in violent popular

³⁹ Interview with civil society leader, Bukavu, 25 June 2019; and interview with MONUSCO official, Bukavu, 28 June 2019.

⁴⁰ Focus group, Bushwira, 26 June 2019.

⁴¹ Interview with civil society leader, Bukavu, 25 June 2019; and interview with MONUSCO official, 28 June 2019.

⁴² Male state official aged over 55, Rutanga, translation by the authors.

⁴³ Focus group, Bushwira, South Kivu, 26 June 2019.

justice. Formal institutions are powerless to contain such phenomena as they are also linked to political leaders. The interviewees in all the localities were clear that people want the state justice system to be in charge.

VI. Who should be part of the social contract?

‘Tribalism’ or ethnic identity is an omnipresent factor in the DRC that sits at the centre of notions about the relationship between the citizen and the state and society.⁴⁴ This is reflected in the inescapable discourses on autochthony in geopolitics: the idea that positions of authority can only be occupied by people who originate from a particular region. A trader from Citunga stated: *I want native-born people to lead us so that we can live here in our village ourselves and not with strangers.*⁴⁵

Autochthony is also strongly connected to land ownership and thus to economic rights, but also the right to vote. In the early 1990s, Mobutu played this card to thwart democratization. It remains a potent force as the current conflict between the Banyamulenge and the Bafuliro and Babembe communities in the Hauts Plateaux of South Kivu demonstrates.⁴⁶

In the Kivu provinces this is compounded by the presence of populations with a cultural association with Rwanda and the complexity of relations with Rwanda—in particular since the 1994 Rwandan genocide. Further complicating factors are high population density, dependency on land for livelihoods and the tension between pastoralist and farming communities. International NGOs and MONUSCO have invested in several rounds of community dialogue and there is also a large body of work by these actors and academia that provides a better understanding of these dynamics.

It was clear from the vast majority of the interviews that ethnic affiliation remains the predominant element of people’s worldview. This issue is regularly connected to livelihood issues, such as the coexistence of pastoralist and farming communities, and requires the judicial and administrative authorities to manage the inevitable conflict. The tensest relationship is that between the Banyamulenge community and others.⁴⁷ This was widely noted in the interviews in Sange and Kipupu. One respondent in Sange stated that the Banyamulenge are welcome to stay as long as they recognize that they are foreign and therefore have no political rights. Most respondents expressed the need for reconciliation and to live together, but it is questionable how or even whether this could be possible.⁴⁸ A student from Karhuliza told how: *I want us to all live together, but the locals here to take responsibility because they know the problems of the area.*⁴⁹ A teacher from Nabinde added: *In my opinion, we need a lot of work on the attitudes of the population, and the restoration of trust between the different communities.*⁵⁰

⁴⁴ The term ‘tribe’ (tribu) is widely used by and among Congolese. South Kivu’s population is quite diverse. In a recent study, the largest ethnic groups were Shi (34%), Lega (27%), Bembe (14%) and Fulero (12%). The Rwandophone Hutu/Tutsi are a small minority at an estimated 0.4% of the population. This is in sharp contrast to neighbouring North Kivu, where Nande (57%) and Rwandophones (15%) constitute the two largest groups. See Calderon, A. B. and Englebert, P., ‘Tribulations tribales: estimations démographiques commentées des Ethnies Congolaises par Nouvelles provinces’ [Tribal tribulations: Annotated demographic estimates of Congolese ethnic groups in the new provinces], eds S. Geenen et al., *Conjonctures de l’Afrique Centrale 2019* [Central African Conjunctions 2019] (Cahiers Africains, L’Harmattan: Paris, 2019).

⁴⁵ Male trader, aged 15 to 24, Citunga, translation by the authors.

⁴⁶ Interview, local researcher, Bukavu, 27 June 2019.

⁴⁷ Several interviewees insisted on calling the Banyamulenge ‘Banyarwanda’, as the term Banyamulenge links the community to an area in South Kivu that the Banyamulenge claim as their chiefdom. The conflict between Banyamulenge and other communities has deep roots in provincial history and is an important driver of conflict. Throughout the wars of recent decades, the aspirations of the Banyamulenge have been manipulated by various sides such as Rwanda and the DRC Government in Kinshasa.

⁴⁸ Interview with male teacher aged 35 to 44, Mikenge.

⁴⁹ Male student aged 25 to 34, Karhuliza, translation by the authors.

⁵⁰ Male teacher, Nabinde, translation by the authors.

Respondents see a role for the state and for NGOs in stimulating further dialogue. According to a farmer in Sange: *The role of international actors will be to support the state in the restoration of peace and security; MONUSCO has no role but NGOs can contribute to peaceful coexistence, development and support for security and justice in our city.*⁵¹ A humanitarian worker, also from Sange, added: *When it comes to community conflicts that can affect the security of the whole city, NGOs teach people to resolve these conflicts themselves peacefully by supporting mediation.*⁵² These are, however, highly sensitive processes. Recent experience has shown that domestic and international actors can quickly be perceived as partisan.⁵³

NGO-led inter-community dialogue initiatives require a detailed understanding of highly local, national and often regional dynamics. In several areas of South Kivu, spoilers are omnipresent. There is also the question of whether the selection of participants is robust. Selection bias can serve to legitimize drivers of change or reinforce problematic actors. Local citizens, while aware of the intricacies, are not necessarily in a position to act in such contexts.⁵⁴

The importance of tribal identity is further reflected in the position of traditional chiefs. The research in the four areas confirms that confidence in local, traditional authorities exceeds that in the state, security providers or international actors. However, this confidence is also not that strong, and numerous respondents wanted to elect local leaders. In the words of a male farmer from Sange: *We prefer a competent person who will be elected by the people because we want quality work and change at all levels.*⁵⁵

This seems to confirm recent research in South Kivu into the controversial 2018 elections, which identified a decrease in the influence of traditional chiefs and ethnic affiliation as determining factors in voter preferences. According to the authors, there has been an individualization of political behaviour, leading people to follow their personal convictions rather than group dynamics. The authors nonetheless note that the electoral process further deepened existing cleavages that are dividing populations.⁵⁶ Interestingly, there was little mention of the role of churches in the ideal village. In contrast to the often exploitative chiefs, the churches often engage in the delivery of basic education and health services. The chiefs and the churches are also actors in the local justice sphere.

VII. Summary

Through initiatives such as regular surveys conducted by the HHI, the understanding of local perceptions has vastly improved.⁵⁷ At most levels there seems to be a shared—and even mostly realistic—understanding of the major issues that have impeded change, such as corruption, the lack of effective decentralization, governance through parallel systems of control, exploitation and the politics of identity.

The research carried out for this report found a significant convergence between the strategic objectives of donors on achieving stabilization and the aspirations of the Congolese population: (a) a democratic, functioning, responsible government and the organization of regular elections in line with the constitution; (b) accountable and effective security forces; (c) the disarmament and neutralization of armed groups;

⁵¹ Male farmer, aged 35–44, Sange, translation by the authors.

⁵² Male humanitarian worker, aged 35–44, Sange, translation by the authors.

⁵³ Interview with local researcher, Bukavu, 23 June 2019.

⁵⁴ Interview with experienced conflict mediator, Kinshasa, 6 July 2019.

⁵⁵ Male farmer aged 45 to 54, Sange, translation by the authors.

⁵⁶ Vlassenroot, K. et al., 'Tumukule, Tumukwepe: How 'Citoyenneté' reshaped the democratic space during Congo's 2018 elections', Conflict Research Programme Blog, LSE, 31 May 2019.

⁵⁷ Interview with MONUSCO official, Bukavu, 28 June 2019.

(*d*) access to the provision of justice; (*e*) a legitimate system of local government; and (*f*) infrastructure development to open up rural areas.

In the period following the 2006 elections until the election of President Tshisekedi in January 2019, donors and the wider international community were at a loss to establish a functioning dialogue with the Government of the DRC.

The one major issue where popular expectations far exceed the frame of stabilization efforts is socio-economic development. People see jobs, schooling and health care not just as part of the vision for the ideal village, but as a vital role for the state and a precondition for stabilization. If there are no jobs, what else will young people do but join an armed group? The state has been almost entirely absent in this area as the generalized corruption, lack of infrastructure and lack of vision on economic development of recent decades have hamstrung economic activity. Donors have focused on governance reform and there has been considerable investment in some infrastructure projects, notably roads, but the focus in the east has been on stabilization—often through quick impact initiatives—rather than development.

Another area of tension is the politics of identity. This remains one of the most explosive, complex and deeply entrenched issues throughout the DRC. In their vision of an ideal village, most respondents aspired to social cohesion and inclusivity, albeit not all with a full acceptance of diversity. The politics of autochthony are a potent force in local and provincial politics throughout the DRC. While many citizens express their attachment to peaceful cohabitation as a key value in the ideal village, it often proves difficult to move beyond intentions. For numerous actors, not least local politicians, community leaders and the leadership of local armed groups, the persistence of such inter-community tension is often a source of power and continued relevance. The perpetuation of military operations is also an important source of revenue and power for the command structures of the FARDC.

After more than two decades of conflict and political instability, the DRC again sits at a fundamental crossroads. The new administration should enable the start of a new partnership with international actors. In sum, this study identifies some interesting elements of the development of future policies: (*a*) in the eyes of the population, economic development is more than a post-conflict promise, it is a necessity for achieving stability; (*b*) the state security forces should become the primary security providers; (*c*) armed groups and MONUSCO have no place in the vision of the future; (*d*) the democratic legitimacy of local leadership needs to be improved; and (*e*) people aspire to social cohesion. All of this requires political choices more than technical solutions or short-term programmes. The development of local and national ownership among political leaders, officials and civil society will be the hardest challenge.

VIII. Conclusions and recommendations

The donor community needs to support strategic advisory missions, the drafting of legislative instruments, the provision of training and operational support to the military, the police and the intelligence services and human rights training. There is also a need for a combination of military pressure—joint operations against major armed groups—and DDR programmes for domestic and regional armed groups.

In addition, support will be required for the establishment of more mobile court systems and the military justice system as well as support to the Independent Electoral Commission (CENI), the leadership of which is up for renewal in the coming months, and the dissemination of legislation and good practice documents to local authorities. Finally, the construction or repair of roads and basic infrastructure is urgently required in many parts of the country.

To international actors

Reduce strategic risk by improving information strategies. Despite the efforts of, among other things, Radio Okapi and MONUSCO's community liaison assistants, there is a severe lack of understanding among the people of the role of MONUSCO. There are at least two key issues. First, in the eyes of most Congolese, MONUSCO is completely identified with its military component: the civilian component is almost invisible. Second, the population has little or no understanding of the mission's mandate when it comes to the use of force. Despite some successes, MONUSCO is often seen as impotent—and this is reflected in numerous surveys. INGOs face a similar problem: if there is no direct personal gain, their presence is not considered useful. MONUSCO and INGOs have a very light footprint in all four of the areas studied. Expectations of INGOs are mostly oriented towards the construction of infrastructure and the provision of training, education and health care.

A more pronounced policy on public information is required. The current approach based on community leaders does not ensure enough 'trickle down'. It can also be linked to the specific interests of the community leaders. 'Outside actors' often have a limited understanding of local dynamics and can be a source of direct or indirect revenue opportunities. They are also easy scapegoats for the lack of follow through on service delivery. Furthermore, state officials and community leaders often have a stake in the ongoing conflict and can play a double role. Public information therefore needs to be accompanied by considerable investment in understanding the dynamics of the local political economy.

Stimulate national and local ownership and build responsibility. Numerous national and international interlocutors have acknowledged and lamented the lack of effective ownership of reform processes in the fields of security and justice, and beyond. The method of international engagement, through projects with timelines that respond to donors' criteria independent of developments on the ground, has become engrained in the mindsets of local partners such as state officials, civil society and the major churches. Participation in processes is a source of revenue for actors at all levels from senior ministers to provincial governors and beyond through the payment of travel costs and meals—including to officials meeting in their own office buildings. While perhaps justified at lower levels where salaries are effectively very low, this has become engrained in the culture of corruption and 'self-service governance'. All of this happens in the open and with total impunity. When the funding stops the interest in whatever people are doing also ceases.

The generalized practice of per diem payments and all kinds of other payments has to stop. The payment of adequate salaries is a key responsibility of the state to its officials. While donors need to work with projects for administrative purposes, as a rule they should be embedded in policies or the development of capacities with a long-term perspective. Sustainability should be the key criterion. National and provincial political leaders should set an example.

Take concrete steps to improve local governance. Thirteen years after the first democratic elections, there is a need for the newly elected national and provincial authorities to work with CENI to establish a realistic framework and timeline for local elections. There is considerable local interest in and urgent need for elections at this level. As a first step towards the organization of local elections, an assessment of the current state of local governance, the role and capacities of traditional chiefs and the resources available to the ETDs—particularly those endowed with natural resources—will need to be carried out. At the latest in the next electoral cycle, which starts in

2023, a credible and realistic strategy will need to be developed on the organization of local elections. The practice of appointing local leaders was not considered legitimate by numerous respondents who aspire to elect their local leaders.

In preparation for the organization of local elections, institutions that investigate and adjudicate on conflicts related to customary authority must be expanded and their decisions enforced. At the same time, political leaders should end their instrumentalization of traditional chiefs. INGOs and MONUSCO should enhance their inter-community dialogue initiatives.

To the Congolese Government

Commit to effective reform of the security services. As a first step, the government must relaunch a dialogue with its major international partners on SSR. One of the key drivers of this dialogue will be the linkage between capacity building of the Congolese security forces and the MONUSCO exit strategy. The MONUSCO presence is not popular. People express little confidence in it and do not want it to remain in the country in the long term. Future drawdown should be at a pace that forces the government to take responsibility for improving the delivery of security.

The FARDC should focus on neutralizing armed groups. This will require a new DDR programme. In stabilized areas, the military should be quickly replaced with the police. To this end, the police forces operating in rural areas should receive more resources and better training.

Prepare for local elections and increase political accountability. There was a widespread call among respondents for more representative and accountable local governance. Local elections represent a considerable risk to stability and particular risks can be anticipated, but these elections are also a necessary step to building accountable governance structures.

The government and its international partners must set up a viable timeline for the organization of local elections in the 2023 electoral cycle.

All politics may be local, but people are mobile and the question of autochthony is likely to lead to conflict, in particular when local elections are organized. The research found a confused picture in which people perceive the world through an ‘identity lens’ but also seem to aspire to an acceptance of diversity.

Community reconciliation. National and provincial governments should work with local civil society and INGOs to build and improve dialogue between communities. This could in time lead to a rethink of decentralized structures and their leadership.

The 100-day emergency programme of the new president is a good start but was strongly focused on urban areas. A broader vision needs to be developed once the new government is in place.

Socio-economic development. There is an urgent need for the Congolese state at all levels—together with its international partners—to reconnect with the population through a focus on economic reconstruction and development.

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