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## The Difficult Walk Towards Peace in The Democratic Republic of Congo: What Role for Canada?

### Summary

The conflict that unfolded in the Democratic Republic of Congo (DRC) from 1996 to 2003 has been the world's deadliest since the Second World War. Despite the end of the conflict, violence and insecurity still prevail in the eastern region of the DRC, primarily driven by the competition to control trading of valuable minerals. The fight for these natural resources leads to some of the most serious human rights violations.

### Background

The conflict began in 1996 when a coalition of neighbouring countries undertook to dismantle Rwandan refugee camps located at their borders. Once in Congolese territory, the Rwandan troops -- the Alliance of the Democratic Liberation Forces of Rwanda (DLFR) -- and Ugandan troops created and sustained a Congolese rebellion to overthrow President Mobutu. In 1998 began a new phase of the war when President Laurent Désiré Kabila demanded that his former allies leave the Congo. While the 1994 Rwandan genocide provided an important context for the outburst of the conflict, its roots are to be found rather in the degeneration of the Mobutu Sese Seko regime, whose leaders exploited the country for their own personal gains.

The human cost of the conflict has been astonishing. More than 5.4 million people have died. The majority of deaths are not a direct result of conflict violence but rather the consequence of the impoverished conditions that accompany conflict such as -- diseases (diarrhea, malaria, pneumonia and cholera) and malnutrition. Children account for just under half of the deaths<sup>i</sup>. Today, there are still nearly two million internally displaced people (IDPs), most of them in the eastern part of the country, and close to 500,000 Congolese refugees in neighbouring countries<sup>ii</sup>. Gender-based violence is rife, especially sexual violence against women and girls. The DRC has been labelled the 'rape capital of the world' by Margot Wallström, a senior UN official<sup>iii</sup>.

The conflict officially ended in 2003 but various rebel groups and militias continue to fight against government forces in the eastern part of the country. Whereas the conflict was initially driven by political, ethnic and security dimensions, it has evolved over time because, "...natural resource exploitation became increasingly attractive, not only because it enabled these groups to finance their war efforts but also because, for a large number of political/military leaders, it was a source of personal enrichment. Natural resources thus gradually became a driving force behind the war."<sup>iv</sup>

## **Key Issues**

### **Political Context: Instability and insecurity remain**

Despite three negotiated agreements between the main parties (militia groups and the government) between 2007 and 2009<sup>v</sup> and rapprochement between the DRC and Rwandan government over the past two years, eastern DRC is still racked by conflict. This is largely due to the poor implementation of these agreements and the partial failure of the joint Rwandan-Congolese military campaigns against the Hutu rebel group, the DLFR. Full integration of the members of the Conseil national pour la défense et la démocratie (CNDP) and other mai-mai militia groups into Congolese military and political establishments has been more formal than real, these groups having maintained their own parallel command structure. The Ugandan Lord Resistance Army (LRA) that found refuge in Province Orientale continues to wreak havoc, and the joint DRC-Uganda military operations have not solved the problem<sup>vi</sup>.

Numerous land disputes between current occupants and returnees, some with ambiguous citizenship and suspected to be nationals from neighbouring countries, remain unresolved and contribute to increased tensions, in particular in North Kivu. Regional institutions such as the International Conference for the Great Lakes Region (ICGLR) and the Communauté Economique des Pays des Grand Lacs (CEPGL) could play a significant role, in the long term, in rehabilitating peace.

### **The Elections**

Elections at all levels will take place from November 2011 to August 2013. Already, political decisions and some events have brought into question the transparency and freedom of the process. The Independent Electoral Commission's composition (4 from the majority and 3 from the opposition) is highly partisan. Last January, the constitutional review, which established that the President would be elected by a single ballot, was adopted without debate only a few months before the first poll. It has been perceived as a tactic from the parliamentary majority to assert control over subsequent polls. Opposition parties have also been prevented from holding public assemblies in various provinces across the country. In Butembo, petitions demanding the constitutional review be repealed were met with a violent response. Local media in many provinces were banned and their journalists were arrested when they wrote about issues related to the elections. Human rights defenders have received death threats after denouncing pre-election violence.

### **Conflict Minerals: The DRC's paradox of plenty**

Conflict minerals refer to four minerals that are mined in the eastern provinces of the DRC that remain in conflict, namely- South Kivu, North Kivu and Province Orientale. These minerals are cassiterite, columbite-tantalite, wolframite and gold; the first three are better known by their metal names- tin, tantalum (commonly referred to as coltan) and tungsten, and are collectively referred to as the 3Ts (see Annex I for more detail).

It is estimated that close to 90% of the major mines in eastern DRC<sup>vii</sup> are controlled by various armed groups and the military of the DRC Armed Forces (FARDC) who collect substantial profits from these operations<sup>viii</sup>. One estimate suggests that in 2008 armed groups earned about \$185 million from trading minerals illicitly<sup>ix</sup>.

Several existing conditions allow the illegal trade to thrive. The Kinshasa government does not have full control of the FARDC, in particular, troops deployed in the eastern Congo. Even more, parallel administrations stemming from “integrated” armed groups continue to control part of the territory in North Kivu. Therefore, full implementation of laws and policies is difficult, especially in regard to artisanal mining operations. Moreover, the Congolese government lacks capacity to implement its political will to resolve the situation adequately. This is exemplified in President Kabila’s recent ban on all mineral exports from the east<sup>x</sup>. Up to now, this measure has only managed to impoverish thousands of artisanal miners, now unemployed, and boost the informal and illicit channels that trade in these minerals. Any potential solution requires first the re-establishing of security throughout the region, once foreign armed groups have been repatriated or neutralized and military from neighbouring countries returned home. As well, the in-depth reform of the Congolese security services must be accelerated: in eastern Congo it means, minimally, the regular payment of military salaries, ending the parallel command structures, and disarming and demobilising an important number of army establishments that have been incorporated into the FARDC without training.

Furthermore, all the countries in the region must engage in cleaning up the trade in DRC minerals. In order to do this, they must stop illegal trans-border trade and commit in earnest to implement the tools proposed in the Lusaka Declaration of the ICGLR Special Summit to fight illegal exploitation of Natural Resources in the Great Lakes Region<sup>xi</sup>.

The international community is not doing enough. Foreign companies along the supply chain of these minerals have vested economic interests in this situation, and international business rules are currently unable to reign in these interests. States need to better regulate their extractive industries operating in conflict zones. The US has taken an important first step. A law in effect since July 2010 requires that US companies publicly disclose whether minerals used in their products originate from the DRC or neighbouring countries. Companies must demonstrate their efforts to trace the origin of the minerals. The law, however, does not impose any penalties but relies on public admonishment<sup>xii</sup>. Other countries are more resistant to impose restrictions on companies, like Canada. Bill C-300 would have increased the accountability of Canadian extractive companies by setting out international human rights and environmental standards for their activities. It was narrowly defeated in the House of Commons in October 2010<sup>xiii</sup>.

### **Gender-based Violence in the DRC**

The exploitation of and trade in minerals by armed groups and military is fuelling violence and conflicts in eastern DRC, leading to human rights abuses against civilians. The most shocking abuse is the prevalence of sexual violence against women and girls.

The UN Mapping Report that investigated human rights abuses in the DRC between 1993 and 2003 states: “Sexual violence was frequently used to terrorize and subjugate the population... Public rapes, gang rapes, systematic rapes, forced incest, sexual mutilation, disembowelling (in some cases of pregnant women), genital mutilation and cannibalism were all techniques of war used against the civilian population.”<sup>xiv</sup>

The extent that sexual violence continues to occur in the DRC is unprecedented. In 2008-2009, 30,000 people, mainly women and girls, were raped; this equates to approximately 40 rapes a day. In the eastern province of South Kivu, a woman is raped every two hours<sup>xv</sup>. UN-backed government troops, rebel soldiers, and local militia men are all guilty parties; while UN peacekeepers have been accused of not doing enough to protect the victims<sup>xvi</sup>. The trivialization of sexual violence is such that civilians are also increasingly engaged in the practice, with one report suggesting a seventeen fold increase in the number of rapes carried out by civilians<sup>xvii</sup>.

In this context, sexual violence is a prescribed weapon of war. It has become a strategic element in military offensives. It is used because it rips apart the bonds of community by destroying traditional family structures and damaging the local economy<sup>xviii</sup>. There are also significant health risks. It is estimated that 60% of combatants in the DRC are HIV-infected. Therefore, the spread of the disease is inevitable, becoming a death sentence for countless number of women and girls<sup>xix</sup>. Impunity, because of inadequate legal structures, contributes to the effectiveness of the strategy. Perpetrators are rarely brought to justice, as demonstrated by the fact that only twelve trials have been held to-date in response to rapes committed between 1993 and 2003<sup>xx</sup>.

Civil society is active in the DRC and provides a voice for rape survivors so they are not perceived as merely passive victims. For example, the Synergy of Women for Victims of Sexual Violence, a coalition of 35 women’s groups in the DRC, teaches survivors about political participation and advocacy work; these groups are occasionally threatened by authorities<sup>xxi</sup>. HEAL Africa not only provides essential medical help for the physical trauma but also counselling services and life-skill programs to provide opportunities for restoration<sup>xxii</sup>. Ultimately, these groups help shape the discourse around the fact that rape is not just a ‘women’s issue’ but an issue for everybody to address.

## **Recommendations for Canada**

Canada’s ability to influence decision-makers in the Great Lakes region has diminished significantly over the last few years despite a 30-year history of development assistance to the DRC. This is due to a combination of factors, including: an insufficient level of personnel support to MONUSCO, amounting to less than a dozen military observers and repeatedly rejecting calls from the UN to provide the military leadership for MONUSCO. Also, Canada argued, unsuccessfully, against debt relief for the DRC proposed by the Paris Club, because of a dispute between the DRC government and a Canadian mining company. Additionally, Canada has dropped Rwanda as a CIDA country of focus and

therefore no longer has the same leverage over an important actor in the region. However, several options are available to Canada in its approach to the region.

**The Canadian government must reaffirm its commitment to an end to violence in eastern DRC by:**

- 1) Immediately reconsidering and increasing its level of support to MONUSCO for the remainder of the mission's mandate.
- 2) Providing additional funding through the Global Peace and Security Fund for Stabilization and Reconstruction Task Force (START) programming in the region, especially programs that support mediation in land disputes and reconciliation initiatives.
- 3) Utilizing its role as co-chair of the Group of Special Envoys and Friends of the ICGLR to explore ways of building the political capacity of the ICGLR.
- 4) Exploring ways in which Canada can assist the DRC in the 2011 presidential election.

**Canada must ensure the up-coming elections are free, transparent and democratic by:**

- 1) Announcing rapidly the Canadian contribution to organize the elections;
- 2) Pressing, with other donors, the current government to put a hold on any infringement on the rights to freedom of expression and meeting;
- 3) Supporting and participating in an electoral observation mission, to be set up rapidly to start immediately to monitor all the different steps of the electoral process;
- 4) Supporting civil society initiatives related to civic education of the population and elections' observation.

**Canada must re-examine its existing laws and implement new policies to provide a more balanced approach to promoting Canadian interests, especially with regard to Canadian companies operating in conflict zones by:**

- 1) Passing a law that requires Canadian companies to report on their due diligence measures to ensure the minerals they are using are not benefiting armed groups and military who are fuelling conflict in east DRC;
- 2) Supporting Private Members' Bills that address issues related to extractive companies operating abroad. These include:
  - Bill C-354 on amending "the Federal Courts Act (international promotion and protection of human rights)";
  - Bill C-438 on "respecting the extraterritorial activities of Canadian businesses and entities, establishing the Canadian Extraterritorial Activities Review Commission and making consequential amendments to other Acts";
  - Bill C-298 on "respecting Corporate Social Responsibility for the Activities of Canadian Mining Corporations in Developing Countries";

- Bill C-483 on “amending the State Immunity Act and allow Canadian survivors to sue those states responsible for torture and other serious atrocities”.
- 2) Supporting ICGLR efforts to implement a regional certification mechanism to combat the illegal trade in natural resources.
    - Canada should simultaneously support Congolese civil society groups already working on the issue to ensure the mechanism is applied in a transparent and efficient way.
  - 3) Becoming an implementing country of the Extractive Industries Transparency Initiative (EITI), a voluntary mechanism regulating business practices between companies and governments.
    - This includes encouraging more Canadian extractive companies to support the EITI and to adopt the highest standards of revenue reporting and transparency, particularly by disclosing country-by-country payments to foreign governments.

**Canada should increase its support to initiatives that combat sexual violence in the DRC by:**

- 1) Providing a whole-of-government approach that supports Canadian and UN efforts to implement the UN Security Council Resolutions (UNSCR) on Women, Peace and Security (1325, 1820, 1888, and 1889).
- 2) Immediately integrating the Canada's Action Plan related to UNSCR on women, peace and security, in START programming and other governmental activities related to the DRC.
- 3) Building on the positive visit of Governor-General Michaëlle Jean's visit to the region in April 2010, to establish specific and bilateral relations with the departments working on sexual violence, in particular the Department of Justice, to put an end to impunity in that field.
- 4) Assisting the DRC with the implementation of its own Action Plan related to UNSCR on women, peace and security.
- 5) Channelling Canadian funds directly to Congolese women's organizations to strengthen their capacity to prevent violence, help victims, and fight against impunity, instead of channelling funds through international agencies.
- 6) Promoting the work of national and international CSOs whose focus is on advocating women's rights and increased participation in peace and political processes.
- 7) Increasing support for Canadian personnel who can assist in building judicial capacity and strengthening legal mechanisms in the DRC.

## Annex 1: The 3Ts and Gold in the DRC (2008 figures)

	Estimated Production from eastern DRC (tonnes)	% of World Production <sup>xxiii</sup>	Comparative Value of Conflict Minerals (\$ millions)	Key Industries <sup>xxiv</sup>
<b>Tantalum</b>	155	15-20	11.8	Information and Communication Technology (ICT) (e.g. cell phones) Automotive Medical (e.g. prosthetic devices, skull plates, etc) Aerospace Energy
<b>Tin</b>	24,592	6-8	114.9	ICT Automotive Jewellery Medical Food (e.g. cans)
<b>Tungsten</b>	1,300	2-4	7.4	Manufacturing Automotive Jewellery Medical Aerospace Energy
<b>Gold</b>	6.5	< 1	50.7	Jewellery

<sup>i</sup> Shah, A., 21 August, 2010. "The Democratic Republic of Congo". Global Issues. Accessed November, 2010: <http://www.globalissues.org/article/87/the-democratic-republic-of-congo>

<sup>ii</sup> Refugees International, 2010. "DR Congo". Accessed November, 2010: <http://www.refugeesinternational.org/where-we-work/africa/dr-congo>

<sup>iii</sup> Special Representative on Sexual Violence in Conflict, UN Security Council, 29 April, 2010.

<sup>iv</sup> UNHCR, 3 October, 2010. "Democratic Republic of the Congo 1993-2003: UN Mapping Report– Info Note 5." Accessed November, 2010: [http://www.ohchr.org/Documents/Countries/ZR/FS-5\\_Natural\\_Resources\\_FINAL.pdf](http://www.ohchr.org/Documents/Countries/ZR/FS-5_Natural_Resources_FINAL.pdf)

<sup>v</sup> The 2007 Nairobi declaration, the Actes d'Engagement of 2008 and the peace agreement in 2009 with the Congrès National pour la Défense du Peuple (CNDP).

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- <sup>vi</sup>Vircoulon, T., 23 November, 2010. “DR Congo: Why is there still a Kivu problem?” The Africa Report. Accessed November, 2010: <http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/vircoulon-why-is-there-still-a-kivu-problem.aspx>
- <sup>vii</sup>All mining in eastern DRC is considered artisanal, which means it uses manual labour and basic tools and technologies. This is different from industrial mining.
- <sup>viii</sup>BSR., May 2010, “Conflict Minerals and the Democratic Republic of Congo”, Accessed November, 2010: [http://www.bsr.org/reports/BSR\\_Conflict\\_Minerals\\_and\\_the\\_DRC.pdf](http://www.bsr.org/reports/BSR_Conflict_Minerals_and_the_DRC.pdf)
- <sup>ix</sup>The Enough Project, 24 April, 2009. “A Comprehensive Approach to Congo's Conflict Minerals- Strategy Paper.” Accessed November, 2010: <http://www.enoughproject.org/publications/comprehensive-approach-conflict-minerals-strategy-paper#6>
- <sup>x</sup>The Enough Project. “Ban on Mining an Incomplete Solution to Conflict Minerals”. Press Release, 17 September, 2010. Accessed November, 2010: <http://allafrica.com/stories/201009201338.html>
- <sup>xi</sup>Lusaka Declaration of the ICGLR Special Summit to fight illegal exploitation of Natural Resources in the Great Lakes Region, <http://cirgl.org/spip.php?article78>
- <sup>xii</sup>Sheridan, M-B., le 21 juillet 2010. “US financial reform bill also targets 'conflict minerals' from Congo”. Consulté en novembre 2010: <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/20/AR2010072006212.html>
- <sup>xiii</sup>Mining Watch, 28 October, 2010. “Vote on Bill C-300 Signals Strong Momentum Towards Regulation of Canadian Mining Industry Overseas”. Accessed November, 2010: <http://www.miningwatch.ca/en/vote-bill-c-300-signals-strong-momentum-towards-regulation-canadian-mining-industry-overseas>
- <sup>xiv</sup>UNHCR, 3 October, 2010. “Democratic Republic of the Congo 1993-2003: UN Mapping Report– Info Note 3.” Accessed November, 2010: [http://www.ohchr.org/Documents/Countries/ZR/FS-3\\_Sexual\\_Violence\\_FINAL.pdf](http://www.ohchr.org/Documents/Countries/ZR/FS-3_Sexual_Violence_FINAL.pdf)
- <sup>xv</sup>Action by Churches Together, 1 April, 2010. “Eastern DRC Conflict and Displacement”. Accessed November, 2010: <http://www.act-intl.org/appeals.php?uid=155>
- <sup>xvi</sup>The BBC, 14 October, 2010. “DR Congo troops in rape and murder claim”. Accessed November, 2010: <http://www.bbc.co.uk/news/world-africa-11548090>
- <sup>xvii</sup>Mail & Guardian (South Africa), 15 April, 2010. “Civilian rape rockets in DRC”. Accessed November, 2010: <http://www.mg.co.za/article/2010-04-15-civilian-rape-rockets-in-drc>
- <sup>xviii</sup>McConnell, H., 10 February, 2009. “Deconstructing Sexual Violence in Congo”. Change.org. Accessed November, 2010: [http://humanrights.change.org/blog/view/deconstructing\\_sexual\\_violence\\_in\\_congo](http://humanrights.change.org/blog/view/deconstructing_sexual_violence_in_congo)
- <sup>xix</sup>The Women's International Perspective, 27 September, 2010. “DRC: Rape in Congo Can Be Death Sentence to Women”. Accessed November, 2010: [http://www.peacewomen.org/news\\_article.php?id=2007&type=news](http://www.peacewomen.org/news_article.php?id=2007&type=news)
- <sup>xx</sup>Justice Ghana, 3 October, 2010. “UN human rights report documents horrors of ethnic violence in DRC”. Accessed November, 2010: [http://www.justiceghana.com/index.php?option=com\\_content&view=article&id=3992&Itemid=72](http://www.justiceghana.com/index.php?option=com_content&view=article&id=3992&Itemid=72)
- <sup>xxi</sup>Berkley Center, 4 October, 2010. “The Congo Crisis: Women and War”. Accessed November, 2010: <http://vimeo.com/15534247>
- <sup>xxii</sup>McConnell, H., 2 March, 2009. “Community-Driven Responses to Rape in Congo”. Change.org. Accessed November, 2010: [http://humanrights.change.org/blog/view/community-driven\\_responses\\_to\\_rape\\_in\\_congo](http://humanrights.change.org/blog/view/community-driven_responses_to_rape_in_congo)
- <sup>xxiii</sup>See The Enough Project. “A Comprehensive Approach...” Accessed November, 2010: <http://www.enoughproject.org/publications/comprehensive-approach-conflict-minerals-strategy-paper#6>
- <sup>xxiv</sup>See BSR. “Conflict Minerals...”. Accessed November, 2010: [http://www.bsr.org/reports/BSR\\_Conflict\\_Minerals\\_and\\_the\\_DRC.pdf](http://www.bsr.org/reports/BSR_Conflict_Minerals_and_the_DRC.pdf)