
**How to reform peacemaking
in the Democratic Republic of Congo**

**When peace processes become international
"systems of organized action"**

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Introduction

“Peace, *n.* In International Relations, a period of cheating between two periods of fighting.”

The Devil's Dictionary, Ambrose Bierce¹

Like many peace processes around the world, the peace process in the Democratic Republic of Congo (DRC) presents a marked *external* character. Far from being the result of an internal political evolution, such as seen in South Africa with the collapse of the Apartheid regime, the Congo peace process has been, and is still, driven by the abstract entity that media refer to as the “international community²”. In 2002, the Sun City accords³ – which resulted in an inclusive, global agreement signed in Pretoria creating a transitional government between the warring parties – were made possible thanks to strong international financial-diplomatic sponsorship by Europe, the United States, the African Union (AU) and the Southern African Development Community (SADC). The peace process’s sponsors had to convince Congo’s belligerent parties to take part in negotiations and foot the multi-million dollar bill. After Sun City, the Congo peace process followed a tortuous route, but stuck to the road map, for better or worse, until the end of the transition period in 2006. However, since this date the process has stalled – “treading water” for two years before finally being check-mated by the attack of one of the parties, the National Congress for People’s Defense (CNDP – *Congrès national pour la défense du peuple*).

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¹ *The Devil's Dictionary*, 1911; a recent revised edition (1995) is available from Contemporary Publishing Company, New York.

² In order to underline the ambiguous nature of the notion of an “international community”, the expression will be used in inverted commas in this paper. When referring to the Congo peace process, the “international community” is the collection of international sponsors and supporters, both states and multilateral organisations, whose active involvement has varied since the start of the process.

³ In 2002, South Africa agreed to host negotiations between the different Congolese factions. Sun City’s casino-hotel, one of the symbols of Apartheid, made famous in a song by Johnny Clegg, hosted Congolese negotiators for several months.

The crisis in Nord-Kivu at the end of 2008 was indeed a repetition of the conflicts that occurred in 2006 and 2007, with the same timing but a bigger impact. In 2006 and 2007, the fighting between the Congolese army (FARDC – *Forces armées de la République démocratique du Congo*) and the CNDP had the same end result, with victory for the rebel movement both times. The difference in 2008 was that Laurent Nkunda's CNDP not only defeated the FARDC, but also made clear that, despite the presence of UN peacekeepers, he could take control of Goma, the capital of Nord-Kivu, when he so desired. This was more than a simple incidental event in the peace building process; it brutally exposed how the peace process had reached a stalemate and emphasized its inability to deal with the heart of the "Congo problem" – the two Kivus⁴. At the end of 2008, a warlord with around 6,000 men and rudimentary logistical support was thus able to provoke a humanitarian crisis, demonstrate the structural ineffectiveness of the UN peacekeeping mission, and impose his agenda on the "international community"⁵. Before his arrest in Rwanda in January 2009, following Kigali's strategic U-turn⁶, Laurent Nkunda had already revealed the true nature of a moribund peace process that had become bogged down in "routine", just like a war. 2008 showed that the "international community" had not been able to successfully build peace in the DRC and so put the use of force back on the agenda for 2009, to solve the problem of the Democratic Forces for the Liberation of Rwanda (FDLR – *Forces démocratiques de libération du Rwanda*). This is ably demonstrated by the joint Congolese-Ugandan-Rwandan military operations launched against the FDLR this January.

The aim of this paper is not to suggest how to construct another peace agreement between the warring parties, such as that which has just been signed in February 2009, and is a carbon copy of

⁴ Nord-Kivu, and to a lesser extent Sud-Kivu, have been the scene of a low intensity, yet long term, armed conflict between Congo's Tutsis (the main armed movement being the CNDP, supported by Rwanda) and central government forces supported by their local allies. This conflict goes back to the 1990s: the time of the Rwandan genocide and the collapse of President Mobutu's regime. Geopolitically defined by their frontier nature, the Kivus were at the origin of the rebellion that brought Laurent-Desiré Kabila to power, and are also the region which sheltered Che Guevara in 1965. Maniema, Nord-Kivu and Sud-Kivu were one single province until the end of the 1980s, when Mobutu split Kivu into three. The Kivus are therefore the two new provinces, North and South.

⁵ By threatening to take control of Goma, the CNDP not only made a mockery of the United Nations forces, it also forced the "international community" to look again at its demands.

⁶ It seems as though the Rwandan government agreed to get rid of Laurent Nkunda in exchange for the right to conduct joint military operations against the FDLR on Congolese territory. One such joint operation was launched in January 2009, shortly after Laurent Nkunda's arrest in Rwanda, and the CNDP now has a new leader.

accords signed at the Goma conference⁷. On the contrary, this paper seeks to reverse the conventional analysis and to understand why the things that need to be done are not being done. In the DRC, just like in Western Sahara or in the Philippines, the route to peace is completely mapped out – the steps needed to be taken are already well-defined. Numerous elements of a final solution to the Eastern Congo problem have already been spelled out and even negotiated, but the negotiated elements are not being put into place. The aim is not therefore to understand the structure of opportunities that could lead to a sustainable peace agreement, but to identify the blockages which have reduced the *international action system* that is the peace process to a *stalemate* – a stalemate which has encouraged a return to the use of military force by the conflict's actors.

⁷ Like the January 2008 agreement, the February 2009 agreement between the government, the CNDP and the Mai-Mai calls for a ceasefire, the creation of a buffer zone and the composition of a commission charged with controlling the programme of Disarmament, Demobilisation and Reinsertion [DDR] as well as the amnesty.

From a process to a system: how peace diplomacy got “bogged down” in the DRC

It will be forgiven if we fix, somewhat arbitrarily, the start of the peace process's rise in strength as the inclusive, global agreement (thus ignoring the previous interventions which made the Sun City negotiations possible). Peace diplomacy “machinery” started to be deployed in the DRC after this temporary power-sharing agreement – designed to allow access to the democratic process after a transition period – was signed. The peace-building “kit”, now internationally used as standard in post-civil war situations, consisted of:

- A UN mission upgraded from an observation mission (1999) to a 17,000-man “strong” peacekeeping mission;
- The support of the transition government by the international transition support commission (CIAT – *Comité international d'accompagnement de la transition*): a “sponsors club” which consists of representatives from the five permanent UN security council members, Belgium, Canada, South Africa, Angola, Zambia, Gabon, the AU and the European Union [EU];
- The restarting of cooperation with institutional donors (European Commission, World Bank, International Monetary Fund [IMF], etc.) leading to the insertion of their country-teams and increasing levels of international aid;
- The intervention of the International Criminal Court (ICC) – which started to investigate matters in the DRC in 2004 during the Ituri conflict. The court issued its first arrest warrants for participants in this conflict and now has several Congolese detainees (Thomas Lubanga, Germain Katanga, Mathieu Ngudjolo and Jean-Pierre Bemba).

The international configuration that delivered this peace process “kit” was made up of the UN and its countless agencies,

international financial institutions, several European and African states, institutional donors, the ICC, and big international Non-governmental organisations (NGOs). The structure needed by the international intervention was, of course, not in place overnight: it took four years for the full strength of the United Nations mission in Congo (MONUC) to be built up; the ICC's first real involvement on the ground happened in 2005 when Thomas Lubanga, one of the Ituri warlords, was arrested; international aid agencies moved in at different speeds. The Japanese International Cooperation Agency (JICA) only reopened its offices in 2006, after 15 years of absence. This international support enabled the peace process to advance, despite the violent "ambushes" that lined the path until the June 2006 elections and even afterwards:

- 2003: The abrupt withdrawal of the Ugandan army from Ituri left the Hemas and Lendus, who the Ugandans had helped arm, face to face. The resulting confrontation at the Congolese border ended up threatening the peace process.
- June 2004: Laurent Nkunda and Jules Mutebutsi attack Bukavu.
- August 2006: Confrontation between Jean-Pierre Bemba's and the President's guards in the centre of Kinshasa.
- March 2007: The final confrontation between the same groups resulted in Jean-Pierre Bemba's forced exile to Portugal.
- November 2006, summer 2007 and August 2008 (so far): Fighting in Nord-Kivu involving the FARDC, the Mai-Mai, the FDLR and the CNDP.

In spite of this violence, the momentum for peace was maintained and enabled the formal structures of democracy (elections, a constitution, parliament etc.) to be put in place. This momentum for peace was diminished however, not because of international sponsors losing interest, reducing their efforts or feeling that the job was done, but because, over time, *the peace process became just another institutionalised system.*

Far from being neglected by the "peacemakers", the Kivus where the subject of two new peace initiatives between 2006 and 2008 sponsored by the "international community". The Nairobi declaration and the Goma peace conference showed that the peace process was not producing results:

- The Nairobi declaration, signed by the Congolese and Rwandan governments in November 2007, was a compromise made by the two countries to

bring about a global solution to the problem of armed groups. In the text, Kinshasa and Kigali agreed on the principle of dismantling the FDLR and the other armed groups, by force if necessary. The commitment to secure the Rwandan border was met by the plans for a joint mission against the FDLR to be carried by the FARDC with support from MONUC. In addition, a *peaceful way out* was offered to members of the FDLR who did not want to return to Rwanda and were not wanted on charges of genocide: they would be allowed to stay in the DRC away from the Congo-Rwanda border (which left the problem of finding a province to house them, since no Congolese region wanted to host them) and/or obtain Congolese nationality.

- In January 2008, defeat at the hands of the CNDP forced the Congolese government to organize a peace conference in Goma. After three weeks of wrangling, the DRC's government and 22 Congolese armed groups (not including the Rwandan FDLR) signed accords calling for: a ceasefire, military disengagement, the safe return of refugees, participation in the DDR programme, their integration into the Congolese army, the liberation of prisoners, and an amnesty etc.

These two peace initiatives won widespread praise, but produced few results: the FDLR's disarmament was limited to the token "disarming" of two FDLR minority factions (the *Rassemblement pour l'unité et la démocratie* – RUD, and the *Rassemblement du peuple rwandais* – RPR) that gave rise to a highly "symbolic" official ceremony conducted in May 2008; no real military pressure was put on the FDLR; the Goma agreement was followed by more than 200 ceasefire violations in 180 days. The agreement's signatories then spent months using all possible excuses not to sit on the numerous commissions that had been created to monitor the ceasefire and the military disengagements and other components of the accords. This total lack of real action on the ground contrasted greatly with the fevered "bustling" of the process's international sponsors (United States, EU, UN) who, once more, picked up the bill for the never-ending discussions and tired themselves out in coordination meetings trying to work out who would do what within the framework of the "Kivus stabilization and security plan", if it ever saw the light of day.

During these two post-election years, the negotiations revealed the peace process to be an orphan, lacking not international sponsors, but real benefiting stakeholders. The supposed beneficiaries did the bare minimum necessary to save diplomatic appearances and pocket the gains in public image, diplomatic "capital", and the financial benefits that the negotiations offered them. The double agenda of the main parties and their alternating

“presence-absence” negotiating tactics reduced the peace process to the nature of a compulsory diplomatic exercise which couldn’t compel anyone to do anything⁸.

Negotiations or paid talking-shops?

Since Sun City, negotiations have been seen in the DRC as a lucrative “peace business”: delegation members receive *per diems* paid for either by their government or by the UN. This leads to the numbers of delegates from each movement being inflated, internal disputes and the prolongation of debates; movements are even created *ex nihilo*. Increased numbers of participants, a way of marginalizing some groups and benefiting others, complicates negotiations. The Goma conference and the intra-Congolese dialogue in South Africa both well illustrated these behaviours that make the peace process a business like any other.

The exhaustion being experienced by Congo’s peace diplomacy goes hand in hand with its institutionalization in an international mechanism that is confused, ambiguous, contradictory and particularly inefficient. Three separate factors have brought about this progressive institutionalization.

The “congo-isation” of MONUC

The UN mission has been caught in a twin process of progressive “congo-isation” and increasing bureaucracy. Contaminated by the ambient corruption and impunity, it has also suffered from the whole range of symptoms that an unwieldy bureaucracy can suffer from in a war zone. In the East of Congo, several affairs involving the trafficking of raw materials have damaged the image of the Indian and Pakistani contingents. While these have been accused of smuggling gold back to their home countries, with the aid of Indo-Pakistani trade networks existing in the Great Lakes region, no sanctions were ever applied to

⁸ Forced to participate in the Goma conference, President Kabila virtually never spoke and looked chastened when obliged to make public appearances. Rejecting international advice, the Congolese government decided to solve its problems with the CNDP militarily, while, at the same time, the Rwandan government continued to use the CNDP as its proxy in the Kivus, as a recent MONUC report presented to the Security Council has shown.

the contingents, to the great frustration of UN inspectors⁹. The Pakistani case was especially serious, as it concerned “guns for gold”, benefiting one of the militias in Ituri. The UN’s internal auditors uncovered proof that Indian peacekeepers had been buying gold in Nord-Kivu. Rumors of the involvement of members of MONUC in local businesses fed conversation at expat dinner parties in Kinshasa, while some of MONUC’s members became surprisingly good friends with the Congo authorities. Finally, following a series of sexual scandals¹⁰, MONUC completed its self-ridicule by launching a campaign against “fraternizing” with the local Congo population – something inapplicable to a multi-national force of 17,000 men.

Over the life of the mandate, the reasons not to do something always won out over the reasons to do something: the mission ended up having a very bureaucratic interpretation of its mandate. It has to be acknowledged that the deterrent promised by MONUC’s 17,000 men under a Chapter VII mandate has never materialized, to the point where the mission’s ineffectiveness was infamous. In spite of their training and equipment being clearly superior to that of the warlords’ militias, the Indian, Pakistani and South African contingents – supposed to be MONUC’s dissuasive “strike force” – were revealed to be incapable of protecting civil populations or enforcing any ceasefires in the Kivus. UN Secretary-General Ban Ki-Moon implicitly acknowledged MONUC’s ineffectiveness when he appealed to the EU for help¹¹. Every time there was a high risk of the peace process being destabilized, the UN called for European military intervention, and the latest crisis in Goma was no exception. (Following intense discussions, the deployment of a European force, demanded by Ban Ki-Moon, has to date been rejected by the EU.) In the same way, during this crisis, MONUC did not react to the slaughter of civilians at proximity to its peacekeepers: its ineffectiveness was declaimed publicly, and in its resolution 1856 of 22 December 2008, the Security Council reminded the peacekeepers that they had the authority to “use all methods necessary to protect the civilian population¹²”. The result is that the “international community” represented by MONUC appears to be powerless despite its physical presence (whether it be

⁹ The assistant director of the UN’s Office of Internal Oversight resigned and denounced to the press the involvement of UN peacekeepers in trafficking and the cover-up measures taken (cf. Basanisi, 2008).

¹⁰ France and Morocco are the only countries to have taken legal action against their citizens who were alleged to have committed sexual offences while members of the UN personnel in the DRC.

¹¹ In his letter to Javier Solana, (EU High Representative for the Common Foreign and Security Policy), dated 4 December 2008, Ban Ki-Moon asked officially for a European military intervention.

¹² According to Human Rights Watch, UN peacekeepers stayed in their base during the Kiwanja massacre in November 2008 (cf. « Massacres à Kiwanja, L’incapacité de l’ONU à protéger les civils », HRW). Some international NGOs have denounced the mission as mere “observers” (cf. « Une étude pointe l’incurie de l’ONU », *Libération*, 22 décembre 2008; « Nord-Kivu : la MONUC sur la sellette », *La Libre Belgique*, 8 novembre 2008).

in Bunia in 2003, or in Goma in 2008) and, more to the point, totally incapable of standing up to militias. MONUC has become an obvious target for constant Congolese ridicule, but also anger. Local populations didn't hesitate to express themselves violently towards MONUC in 2004 (following the taking of Bukavu by two officers including Laurent Nkunda¹³) or in 2008 in Nord-Kivu.

A loss of coherence in international support

The Congolese political elite experienced their support by the International Committee for Supporting the Transition (CIAT – *Comité international d'appui à la transition*) as more of a close supervision. This supporting “accompaniment” reached its end with the 2006 elections, but this did not mark the end of international support for the chronic failing state. The coordination between the big international sponsors of the peace process diminished following the elections, opening the way to an accompaniment which was at the same time more complex and less clear.

Following the elections, the mechanisms for regional dialogue have multiplied in number. On 16 December 2006, the international conference for the Great Lakes region, held in Nairobi, resulted in the signature of a Security, Stability and Development Pact. The pact was a natural continuation of the Dar Es-Salaam declaration of 2004, designed to promote conflict prevention and management in order to make the Great Lakes region more peaceful and prosperous. Other regional structures exist: the Economic Community of the Great Lakes Countries (CEPGL – *la Communauté économique des pays des Grands Lacs*) was re-launched in April 2007 in Bujumbura by the DRC, Rwanda and Burundi; under American supervision, the “Tripartite Plus Commission” also brings together the DRC, Rwanda, Burundi and Uganda. Apart from peace initiatives centered on the Kivus and their armed groups, a dense regional diplomatic network exists, linking African, European and even American diplomats and special representatives. Alongside these more traditional peace makers can be found less conventional peace envoys such as the Sant'Egidio community, which built relations with the FDLR and sponsored a disarmament agreement in 2005 – an agreement broken before the ink had dried on it¹⁴. Dedicated to the crisis in Nord-Kivu, the Nairobi summit of 7 November 2008, organized within the framework of the international conference for the Great Lakes region,

¹³ During a protest outside MONUC's headquarters in Kinshasa, peacekeepers opened fire on the protesters, killing several of them.

¹⁴ The FDLR leadership went to Rome under the Sant'Egidio community's mediation and negotiated its voluntary unilateral disarmament with several members of the “international community”, but without the Rwandan authorities participation. This diplomatic victory was short lived: rejected by the FDLR's rank and file, it led to new divisions within the movement and did not bring about any disarmament.

did not diverge from the diplomatic habit of nominating additional “special” mediators: the AU and the UN named the ex-presidents Benjamin Mpaka (Tanzania) and Olusegun Obasanjo (Nigeria) as their respective envoys, and two days later, the SADC selected its own envoy, meaning that three international high representatives were tending to the crisis.

However, the ever-increasing number of regional forums has not produced an increase in dialogue between the two countries fighting a proxy militia war in the Kivus. Diplomatic relations have not been normalized, despite the need, and the numerous public announcements. (The greatest “steps forward” in this area were the visits to Kinshasa by the Rwandan Foreign Minister, Charles Murigande, on 3-4 September 2007, and the Rwandan Chief of the Armed Forces, James Kabarebe in December 2008.) Indeed, far from being a deliberate strategy, the “*layering*” of *international good will* has created a veritable labyrinth of dialogue where official and unofficial diplomacy get tangled, where states’ interests dominate the peace process, and where the system of international decision-making has become opaque. Some of the peace process’s “silent partners” were also simultaneously major behind-the-scenes players. Angola is a good example, being both a member of the CIAT and a former participant in the fighting. Luanda now maintains a special security relationship with the regime in Kinshasa – who also asked it to support the FARDC during the Nord-Kivu crisis. Envoy diplomacy has intensified to such an extent that it could be asked whether the crisis in Congo does not suffer indeed from being *over-internationalised*. In addition to international organizations’ and states’ official envoys, Kinshasa, Kigali, other regional governments, and certain warlords receive “night time visitors” whose status is ambiguous. These unofficial, but surely more important, envoys complicate the struggle for influence between certain of the peace process’s sponsors. The counter-productive ballet of secret messengers and special envoys gives the conflict’s participants a heightened sense of importance, and allows them to manipulate the “international community’s” differences of opinion.

The race after contracts in this resource-rich country has even relegated the peace process to second place amongst states priorities, or worse, has subordinated the process to commercial interests. At a time when the price of raw materials was sky-rocketing, the DRC was at the heart of an unprecedented commercial struggle, totally counter to the Organization for Economic Cooperation and Development’s (OECD) rules of engagement in weak states, and in spite of all the international declarations of good intentions. Without worrying too much about governance, businessmen from both countries sponsoring the peace process and other countries swarmed around the newly elected authorities, trying to win lucrative contracts, if possible before they were tendered internationally.

The Congo-Belgian Crisis

Belgium's internal political crisis between Flemish and Walloons has had repercussions on Belgium's policy in the DRC. There is a clear division between proponents of firmness (Flemish) and those in favor of international support (Walloons).

At the beginning of 2008, the Belgian Foreign Minister, Karel de Gucht, publicly criticized the Congolese government. This led to Congo's ambassador to Belgium being recalled, the closure of the Congolese Consulate in Antwerp and the Belgian Consulate in Bukavu and bitter exchanges between Belgian politicians. The "pro-hardliners" and the "pro-international supporters" clashed up to and during the Nord-Kivu crisis (the Foreign Ministry and the Ministry of Cooperation both wanted to try and mediate the situation).

While China and the United States continued their global game of chess in the DRC, South Africa, Brazil, South Korea, Israel, India, and plenty of other countries have been very active. Belgian indignation at Chinese advances in the DRC highlights the bitterness of the commercial competition. In September 2007, the signature by China of a multi-billion "mega-barter" contract of "infrastructure for minerals" with the DRC – a big talking point in the West – marked the return to force of trade diplomacy. Moreover, better than any other country, Belgium, a key player in the peace process, has demonstrated the loss of diplomatic coherence after the elections.

International aid: the confusion of players

During the transition period, the big institutional donors returned to the DRC: starting in 2003-4, the IMF, the World Bank, the European Commission, etc. resumed or intensified their programmes. Humanitarian NGOs, which had "discovered" the DRC in 1994 during the Rwandan genocide, increased in number and activity, and were

joined by NGOs working in development and democratization¹⁵. All these organizations made the DRC one of Africa's centers of NGO activity – more than one hundred organizations are registered at the Congolese office of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). While external aid was increasing in the DRC's stricken economy¹⁶, international donors unreasonably increased their demands on this huge, under-administered country lacking functioning communications networks. Modernization and state reform, fighting against poverty, democratization, developing civil society, the Millennium Development Goals, promoting the development of the private sector, etc.: a myriad of competing agendas, targets and projects, notable for the lack of sufficient coordination, contribute to the disruption of government activity in a skeletal, failed state already unable to fulfil its basic functions. Indeed, a regional imbalance of international aid in favor of the Eastern part of the country left some provinces mired in "hyper-poverty" (Equateur, Bandundu, Kasai-Oriental, and Kasai-Occidental) but also meant that some other provinces got used to depending on, and exploiting, external aid. Questions can also be asked about the strategy of short-term policy transfer¹⁷ to reconstruct a state that had been cannibalized for decades.

After having first inspired hope, the rush of peace and development "entrepreneurs" has given the Congolese the impression not of being helped but of being part and parcel of an *aid market*. Concrete results are hard to come by, while the "profits" are easy to see – 4x4s emblazoned with 'UN', housing, bars and restaurants for expats, and the development of Gombé (Kinshasa's chic neighborhood in the city's center). Peace diplomacy has given rise to an *international system of action* with no central command, run by multiple parallel decision-makers, made of a mosaic of international bureaucracies, employing thousands of civil and military personnel, using global networks of activists, development specialists, diplomats, journalists and soldiers, and consuming billions of dollars¹⁸. Confronted with serious internal problems as a result of its overly-rapid growth in the DRC, the UN machine and other donors have made efforts to rationalize their work and make it more coherent (integrated mission, reform of humanitarian efforts using a "pooled fund" for NGOs), but these efforts have not had much effect on daily practices, nor reduced the ambient levels of confusion. The donors' coordination is more rhetorical than real: the different UN agencies that make up the system fight for every inch of their independence;

¹⁵ The most well known include the Carter Centre, the National Democratic Institute, George Soros's Open Society, Global Rights, Human Rights Watch, and the International Centre for Transitional Justice (ICTJ).

¹⁶ The Paris donors' conference in 2007 collected \$4bn of promised aid, equivalent to 53% of the DRC's state budget in 2006.

¹⁷ *Policy transfer* refers to the importation of public policy from one country to another (Delpuech, 2008).

¹⁸ MONUC's running costs alone amount to some \$1.2bn per year

the pooled fund has not managed to impose a single financing method. Apart from analyzing whether the international presence is getting value for money results, it is clear that this has had a negative impact on the local economy. The international presence in the DRC is more incitement than dissuasion, its system of action more ambiguous than coherent. The discrepancy between the means deployed and the results obtained is visible to the naked eye, something that has only served to exacerbate Congolese *traumatic nationalism*: the “international community” is criticized daily in Congolese newspapers and Congolese resentment against the “international community” sometimes erupts into violence.

For a new peacemaking

Considering that a change in the behavior of the parties that have been fighting since the middle of the 1990s is highly unlikely, resolving the Kivu crisis calls for a different kind of peacemaking than that used at present. It is very probable that the negotiations currently taking place under international mediation will result in the warring parties signing a new agreement, not feeling their interests or their evasive, delaying tactics under threat. While the “international community” is reusing the same diplomatic methods that have been failing for two years, the need for a new *strategic and multidimensional peacemaking* has never been so great: such peacemaking needs to deal with multiple levels of conflict (economic, land ownership, communitarian and regional) and be able to coordinate diplomatic, military, legal and financial tools to maximum effect. For such a kind of peacemaking to see the light, profound reform would be needed of the whole peace diplomacy system in place in the DRC: the problem is no longer a question of finding the path to peace, but of knowing if the “international community’s” diplomatic vehicle can take the path.

This new form of peacemaking would depend on the reorganization of peace diplomacy along three lines: a clear-cut international division of labor between peace makers and donors; a re-centering of international intervention around the neglected, yet essential, issues; and finally the restoration of the power of constraint.

A real international division of labor

The number of peacemakers and development specialists is in inverse proportion to their efficiency. On the one hand this is because the large number of “friends of Congo” creates an implicit diplomatic competition between the EU, the AU, the SADC and different states, and because it reveals more sharply the differences of opinion and points of view that naturally arise during any negotiation. It is worth recalling that at the very beginning of the Great Lakes crisis, significant divergences were formed between not only members of the Security Council, but, more importantly, between different African states – Angola, Zimbabwe and Namibia supported Laurent-Désiré Kabila in what was called at the time the “first African World War”. The bigger the number of sponsors around the negotiating table, the more a division of labor between them is necessary. At the moment,

this division is still on the drawing board. The Nord-Kivu crisis generated a host of knee-jerk reactions from the “international community” – both UN, European and bilateral ones. A consensus eventually formed around the idea that an African solution should be found to the crisis, without a clear division of the task between the SADC and the AU being drawn up. In peace processes, the division of labor should no longer be a rough sketch, but publicly declared by the process’s sponsors, who should benefit from thinking about the complementarity of aid. The division of peacemaking roles implies the withdrawal of some sponsors from the frontline of negotiations, without prejudicing their engagement in the development of the DRC, and regular reporting from the mediators charged with leading the negotiations. In this model, the AU could be charged with leading the negotiations, the UN charged with the monitoring of the application of the eventual agreement, and the EU with the economic development of the regions shattered by the fighting.

A clear-cut division of labor also needs to be worked on between donors. In this domain, the task is made easier by the existence of an official doctrine on the complementarity of aid, which simply needs to be applied. Conclusions can be drawn from the implementation of the Paris Declaration¹⁹ in the DRC: progress has been made that shows what delegated partnership and lead donorship arrangements, in conformity with the EU’s code of conduct on complementarity and the division of labor in development policy²⁰, can achieve.

A clearly defined and respected division of labor would allow international intervention in the DRC to rationalize its actions, making its peacekeeping and development activity more coherent and unified. It would also act to reduce the proliferation of independent decision-makers and enable better coordination of diplomatic, military and developmental crisis management tools.

Re-focusing international intervention

The most incoherent thing about international intervention on behalf of peace is pledging to treat the symptoms with the wrong kind of “medicine” (armed groups) rather than the causes of the conflict (interethnic feelings, land problems, economic issues and the illegal exploitation of natural resources). The Nairobi Declaration and the Goma conference were focused on the armed groups and on a plan to treat these armed movements through “absorption” and “reduction” (DDR programmes, legal pressure, amnesties, promises of job creation in the DRC, etc.). Focusing on armed groups concentrates attention on the symptoms of the problem rather than the causes; the

¹⁹ The Paris Declaration on Aid Effectiveness, made in March 2005, was an announcement agreed between donors and beneficiaries of public development aid.

²⁰ “The EU Code of Conduct on Complementarity and the Division of Labour in Development Policy”: <http://europa.eu/scadplus/leg/en/lvb/r13003.htm>

geographical history of militias resisting the government in this part of Africa (the Mai-Mai uprising goes back to the 1960s²¹) points to a multidimensional basis for the conflict (linked to indigenous populations, land and access to economic resources) and regional mafia structures using political arguments to screen their activity.

Without recounting the long history of interethnic relations in the two Kivus, it should be noted that the collective memories in this region are dominated by the image of history as a long, age-old conflict between Nilotic and Bantu peoples. The Nandes, Hundes, Bembes, Shis, and so on, all interpret their hostility towards Tutsis through the lens of “betrayed hospitality”. According to this story, they welcomed the Tutsis on their land with open arms, only for the Tutsis to try and dominate the land for themselves. This interpretation of history brings up the dangerous question of “indigenous-ness”, and reminds us that interethnic struggles are, first of all and fundamentally, all about land. In Nord-Kivu, the Nandes, Hundes and Nyangas, all making the same concurrent claims to land, are allied against the big rwandophone landowners; the majority of the population of the Kivus regard the Congolese Tutsis as foreigners, whatever the law about nationality has to say. Rwanda and Burundi’s overpopulation (386 inhabitants/km² and 312 inhabitants/km² respectively) and the massive population movements following the interethnic violence since independence have exacerbated tensions in the Kivus. Land inequality is at the heart of interethnic tensions in this land of rich volcanic soil²²: the large estates are owned by Tutsis and Nandes – two ethnic groups that managed to get the most out of President Mobutu.

Exportable natural resources (gold, coltan, diamonds, wood, cassiterite, niobium²³, etc.) form another center of the economic struggle. The control of these lucrative resources is the aim of both Congolese players and those from surrounding countries – Uganda, Burundi and Rwanda. The economic success of the last two countries is based firmly on their access to these resources in the Eastern part of the DRC; this results in state relations being geopolitically defined by the frontier and activities associated with it. State interests and mafia-like governance support a smuggling system built upon chronic local *misadministration*. A full-blooded mafia, involved internationally,

²¹ Historically, the first fighters to call themselves Mai appeared in the 1960s in the province of Sud-Kivu, in the areas of Fizi and Baraka, an area dominated by the BaBembe. Pro-Lumumba, they rose up against the government after the assassination of the Father of the nation. They appeared around the same time in Nord-Kivu in the village of Ntoto during the kanyarwanda war in 1964. At the end of the 1990s, the domination of Rwanda and Uganda in the East of Congo, and their cutoff of relations with Laurent-Désiré Kabila led to the resurgence of these armed groups.

²² Large estates in the two Kivus are often owned by Tutsis. Cattle come from Rwanda to graze in the areas near Goma and Masisi. (This phenomenon is known as “cows without borders” or *vaches sans frontières*.)

²³ Niobium is an element used in the fabrication of consumer electronics.

has been exploiting all these natural resources illegally for years, in spite of the repeated, documented accusations by international NGOs²⁴ and the UN, and timid Congolese reactions²⁵. In the East of Congo, a decade of fighting and war economics have given rise to a peculiar system of governance typified by the coexistence of an “imaginary” local administration and a militia regime where administrators, policemen, magistrates, customs officials, soldiers and traders are all involved in ultra-violent, illegal activities linked to the exploitation of natural resources: to all intents and purposes, the Congo conflicts look like mafia wars.

Up to now, international intervention has only brushed the surface of the problems of inter-community dialogue, the struggle against the exploitation of natural resources, the issue of land ownership, and the question of “mafia” governance. During the transition period, these problems were, at best, postponed to a hypothetical post-election resolution, or, at worst, simply ignored by peacemakers. As a result of this, attempts to solve these problems are still in the early, experimental stages; the teams working on them and the means at their disposal are modest²⁶. These problems will perhaps find their place on the agenda for negotiations. To this extent, the Cohen plan (named after the former American undersecretary of State for African affairs, Herman Cohen), calling for the creation of a free trade area in the Great Lakes region of Africa, shows that it has taken the economic dimension of the conflict into consideration. Either way, as long as these difficult local issues at the root of the conflict are not treated head-on by peacemakers (including taking them up with the Congolese and Rwandan authorities), all hope of an end to conflict in the Kivus can only be limited, fragile and short-term.

Restoring the power of international coercion

Using the technique of carrot and stick with armed groups assumes that one has a real stick and not a discredited peacekeeping force, reduced to guarding UN structures and with no real dissuasive force. The lack of any constraining force discredits the “international

²⁴ The International Peace Information Service (IPIS), Global Witness, Human Rights Watch, and the Pole Institute have produced high-quality reports on the links between the illegal exploitation and trafficking of natural resources, and the multiple warring parties in the Kivus.

²⁵ At the beginning of 2008, the Governor of Nord-Kivu wanted to ban makeshift, unlicensed mining in Walikale. He was quickly forced to look at his plans again: the Congolese military was involved in smuggling with the FDLR. In the same year, the central Congolese government closed customs posts in Bungana, in Rutshuru territory, where the CNDP was being financed by customs revenue.

²⁶ On the ground in Congo, the Life and Peace Institute, the *Initiative pour un leadership collaboratif et la cohésion de l'État en RDC* (ILCCEE – the initiative for collaborative leadership and state cohesion in the DRC) and the Norwegian Refugee Council, amongst others, are all actively involved in projects on inter-community dialogue.

community” in the eyes of the warlords, and also in the eyes of the civilian population that ends up being hostile towards UN personnel. Re-establishing the international intervention’s credibility requires the “re-muscling” of its military force: in the current state of affairs, this means stopping the compromise mentality and firmly applying MONUC’s mandate with respect to protecting the civilian population and standing up for human rights.

The peace process and the mentality of compromises

Since 2002, peacemakers in the DRC have transformed two principles of compromise into institutionalized diplomatic “rules”.

The first principle consisted of basing the peace process on the idea of maximum inclusion of armed groups. One after the other, a series of unsuccessful peace initiatives tried to include as many warring parties as possible, not considering whether they were representative. This quasi-automatic inclusion in negotiations called out to all users of violence; the Mai-Mai, who were in a process of consolidation in 2007, split into numerous new groups and formations for the Goma conference and the Amani programme¹ in order to benefit from the politico-financial bonuses. In the Kivus the “spontaneous” emergence of warlords is heavily linked to the principle of inclusion of all armed groups in negotiations. The negotiations legitimize their fight and open the possibility of personal advancement.

The second principle also concerns fighters and Disarmament, Demobilisation and Reinsertion programmes (DDR). These programmes often basically consist of “buying” peace by offering a sum of money and a vague hope of a job and training to a militia’s fighters, while their hierarchy is integrated into the national security services with no questions asked about their criminal past. DDR program-

mes are therefore a kind of “peace bargaining²” for the parties in question.

1. The Amani programme is the “National programme of security, peace building, stabilization and reconstruction of the provinces of Nord-Kivu and Sud-Kivu” agreed on 2 February 2008.

2. In the absence of a military obligation, the groups targeted by DDR programmes have realized that they can trade on their weapons, their participation and their futures.

Whether they are members of militias or government forces, those responsible for human rights violations should be identified by the UN, charged by the ICC, and handed over by the countries where they now reside. In order to prevent the appearance of warlords wanted by the ICC, such as Bosco “Terminator” Ntangada²⁷, in the ranks of the CNDP, a firm line and military and legal action should replace the compromises and other shady arrangements needed during the transition period. To the same end, this military constraint needs to be active outside of the DRC; the militias’ international support networks based abroad in the United States and in Europe need to be actively dismantled²⁸. In the same way, international sanctions should be applied to states that support armed groups in the DRC²⁹. This stance should be kept, not only from an ethical point of view, but also because it makes sense tactically: the armed groups operating locally in the DRC have knock-on effects internationally.

The obstacles to the international action system are in fact self-imposed: they are the limits that states place on their own activities and on those of other countries working on the Congo crisis:

- Military limits are imposed on UN peacekeepers by the countries supplying the soldiers (supplying countries limit the involvement of their troops in violent confrontations);

²⁷ In April 2008, the ICC issued an arrest warrant for Bosco Ntangada for recruiting child soldiers and for his involvement in the Ituri conflict. In November 2008, he participated in several CNDP delegations that received visiting dignitaries. He was heavily involved in the isolation of Laurent Nkunda in January 2009.

²⁸ Kigali has long demanded the arrest of Hutus who have taken refuge in Europe. These demands were acted on following the Nairobi negotiations of November 2007: since the conclusion of these talks arrests have been made in Germany, France, Sweden, the United Kingdom and other countries.

²⁹ One encouraging sign was the freezing of aid (budgetary support of education) to Rwanda by Sweden following the presentation of a report to the UN Security Council confirming Rwanda’s support for the CNDP.

- Legal limits are imposed on the proper functioning of the ICC by countries hosting international war criminals on their soil;
- Diplomatic limits are imposed on the pressure that can be placed on Kigali or Kinshasa to put an end to their evasive tactics (London is traditionally close to Kigali's points of view, while Paris supports Kinshasa);
- Economic and ethical limits are imposed on international action, by the absence of agreement to concrete actions following the UN's Kassem report³⁰, and by the absence of agreement to impose sanctions, despite widespread criticism of the illegal exploitation of natural resources. In 2002, the Kassem report concluded that the illegal exploitation of natural resources was "one of the principal sources of funding for the armed groups which are prolonging the fighting", arms trafficking being directly linked to the pillage of resources. According to the report, the mining of coltan had financed 80% of the Rwandan army's budget in 1999. Faced with this problem, the Kassem report called for a system of controls and sanctions and for the transparency of mining companies' financial affairs. However, after behind the scenes talks, the Security Council did not pursue the report's recommendations.

These examples show how the international system is wracked by self-imposed contradictions. Slightly schizophrenically, the same "international community" that deploys cumbersome and costly peacekeepers in the DRC imposes unjustifiable limits on them, and reduces its efficiency of action so as not to upset certain countries' compromises and interests. New peacemaking systems would need to organize a real "division of labor", taking into consideration the many aspects of the crisis, while focusing on the mafia side of the conflict and restoring credibility to its power of constraint. This implies working on the obstacles to effective peace diplomacy: in order to rehabilitate the "international community's" military constraint, radical decisions would need to be taken to rectify MONUC's abysmal record (deep restructuring of the leadership, renewal of peacekeeping contingents in the East of Congo, changes in the rules governing staff assignment, etc.³¹). Without the political

³⁰ Final Report of the Panel of Experts on the illegal Exploitation of natural Resources of the DRC. <http://www.grip.org/bdg/pdf/g3095.pdf> (in English) <http://www.grip.org/bdg/g2044.html> (in French)

³¹ Far from taking these difficult decisions, the Security Council once more chose the "ease" of quantity, when it decided, in December 2008, to increase the number of troops available to MONUC by 3000 men as a response to the crisis in Nord-Kivu,

courage to overcome such obstacles, “third generation” peace-keeping will never become a reality. Far from following this demanding recipe, events on the ground in the Kivus are moving towards a new diplomatic configuration – the heavy use of military force by the Congolese and Rwandan armies working together since January 2009, the increase in the number of peacekeepers, and the signature of a new iteration of the same agreement to demobilize and disarm by February 2009. These actions are not going to help peace diplomacy in the region, but rather have given way to *realpolitik*, the application of which is contested and the results of which are still uncertain³².

instead of tackling the structural problems that made the 17 000-man force useless. Two months after this decision had been made, not one single soldier has joined MONUC; Bangladesh is the only country that has declared itself ready to send additional forces (an infantry battalion and a unit of police).

³² The Rwandan army’s entry into Congolese territory, which is set to leave in March 2009, has provoked great uproar amongst a large part of the DRC’s political class, lead by Vital Kamerhe, the President of the National Assembly who hails from Sud-Kivu. For the inhabitants of the Kivus, the Rwandan presence reminds them of the darkest hours of 1996-8, while western Congolese politicians see it as a betrayal of national interests. At the time of writing, military operations were still being conducted against the FDLR.

Conclusion

The idea of stalemate is not only relevant to wars; peace processes can also get “bogged down” into a stalemate position – as is the case in Western Sahara, Darfur, the Philippines, Sri Lanka, Northern Uganda, and Israel-Palestine for example. In all these places, when the peace process gets bogged down, it leads to military options being preferred, to “sort things out”, and to try to end long-running conflict. In the DRC, before the failure of the peace process resulted in a media-friendly warlord’s winter offensive and Kigali and Kinshasa’s surprise entente to fight the FDLR, the failure of peace diplomacy had resulted in hundreds of thousands of internally displaced persons, and in MONUC’s repeated pleading to respect the agreements and the ceasefire signed in January 2008. Far from the clichés of a “forgotten conflict” happening far from Western eyes, the East Congo conflict is heavily covered by the media, attracts the attention of Hollywood stars³³, is the target of the UN’s biggest peacekeeping mission, and is the subject of diplomatic activism whose intensity is inversely proportional to its results.

In fact, contrary to the cliché message put out by certain NGOs and amplified by the international press, the East Congo conflict does not suffer from a lack of attention, but rather an excess. The failure of the peace process, blamed on the warring nature of the belligerents, can just as easily be explained by the willing disorder of the peacemakers. Banking on the level of support – the sheer number of supporters and projects – without dividing out the roles, the peacemakers in the DRC content themselves with appearances, avoid taking difficult decisions out of concern for consensus, and, finally, block the international system of action that they had created to deal with the crisis. Lastly, peacemaking is not immune to the “absurd strategies” talked about in business schools³⁴.

By looking at peacemakers and their international peace-making system, and not just the warring parties, described as the spoilers of the process, this paper aims to have taken heed from the “indigenous criticism” of international interventions which – from the Balkans, to the Great Lakes region, via East Timor – presents striking

³³ Ben Affleck has visited Goma twice with the High Commission for Refugees; during the Nord-Kivu crisis he wrote articles in *Time* magazine and recorded a 30-second short film with Mick Jagger for the “Gimme Shelter” campaign in favour of Congolese displaced persons.

³⁴ See Beauvallet (2009).

similarities: disorganization among the international actors involved, ignorance of the local context, cost overruns and waste of financial resources: put simply, ineffectiveness. When peace diplomacy fails, it is not only the fault of the warring parties, who are perhaps, by definition, against a successful outcome; it is also the fault of an international system that is disorganized and incoherent. Its complex configurations of international actors, its explicit *and* implicit rules, its coordination problems: all this goes towards preventing peace diplomacy's successful outcome. A comparative analysis of peace processes could lead to a revision of peace diplomacy methods, even going as far as re-opening the debate on peacemaking "methodology". Such a debate is more necessary than ever if we wish to really *resolve* conflicts rather than just freezing them.

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