

# Of tripartites, peace and returns

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In the first half of 2010, the Government of DRC signed two separate tripartite agreements with neighbouring countries and UNHCR concerning refugee returns. Caused by distinct conflicts at opposite ends of DRC's vast territory, both refugee populations have been particularly contentious. Moreover, these two returns processes are predicated on the effective establishment of local peace committees (LPCs), inclusive bodies which aim to promote dialogue and mutual understanding as well as to facilitate collective measures to resolve problems and mitigate risks of violence. LPCs

seek to reinforce a shift away from authoritarian decision-making styles to those of consensus.<sup>1</sup> In DRC they face a wide range of challenges, but nonetheless constitute unique peacebuilding opportunities for these facilitated returns

## Returns to North Kivu

In February, the Congolese government concluded a tripartite agreement with the Rwandan government and UNHCR to set the stage for the return of Congolese Tutsi refugees to eastern DRC from camps in Rwanda. The majority of these refugees escaped to Rwanda between 1994 and 1996, when over a million Rwandan Hutus flooded into the Kivu provinces in the aftermath of the Rwandan genocide. One of the principal demands of the CNDP rebel group<sup>2</sup> led by Laurent Nkunda

was the return of these members of his Congolese Tutsi community. In order to facilitate this process, the March 2010 peace agreement committed to the establishment of local pacification committees which are a type of LPC. The committees are being progressively established in North Kivu province, composed of local authorities, customary chiefs and civil society actors, along with equal representatives of all ethnic groups present in each *groupement* (a territorial subdivision). Although many efforts have been made to set up these LPCs, they will have to address a number of complex challenges.

Above all, there is significant concern that the LPCs will not be able to act impartially in view of the territorial expansion and dominance of the CNDP in return areas. Since their partial integration into the Congolese army in exchange for Rwanda's arrest of Laurent Nkunda in January 2009,



Repatriation from Zambia to Moba, Katanga, DRC, May 2009

Finally, divergent electoral and political interests – of the government of DRC, the CNDP and Rwanda – may either lead to precipitous advances or significant hold-ups in the returns process leading up to the Presidential elections in 2011, thereby threatening the autonomy and functioning of the LPCs in North Kivu.

### Returns to Equateur

A second tripartite agreement was reached in June 2010 for the return of over 115,000 refugees who fled to the Republic of Congo – Brazzaville (RoC) as a result of an insurgency which rocked the western province of Equateur starting in mid-2009. The agreement calls for an amnesty as well as the “urgent

the CNDP has quadrupled the terrain under its exclusive control and defied orders to be re-deployed outside the Kivus. Despite a formal dismantling of their much-criticised parallel civilian administration, the CNDP continues to exert control over all aspects of life in many areas still off-limits to other Congolese authorities. This reality is likely to compromise the LPCs’ capacity to achieve consensus around the returns process in an autonomous fashion.

The next critical challenge for the LPCs in North Kivu will be determining the nationality and origin of the potential returnees. After years of Rwandan backing of proxy rebel groups following its all-out occupation of eastern Congo (1998-2002), many Congolese are deeply fearful of perceived attempts to re-populate the Kivus with communities loyal to the CNDP leadership and some of its supporters in Rwanda. The CNDP and the Rwandan government have defended claims that there are over 150,000 non-registered refugees outside the camps whose potential return

will not be monitored by UNHCR which is only mandated to deal with those in camps. There have been credible signs already that CNDP officers have been facilitating the movement into the Kivus of Rwandan citizens claiming to be spontaneous Congolese returnees. While the LPCs should be able to handle the camp population, controversies about the nationality of other populations may very well overwhelm their capacities.<sup>3</sup>

Violent conflict over land will also certainly pose a significant challenge to the LPCs in North Kivu. Often at question are large farming concessions as well as smaller plots that Tutsis sold off at bargain prices in their rush to flee for Rwanda. While some spontaneous refugee returnees have peacefully re-purchased their old land, non-Tutsi farmers have been the victims of a pattern of land expropriations. While customary leaders have historically played an important role in land allocation, the CNDP now defends dubious land titles which were obtained during the war and never harmonised with traditional practice.<sup>4</sup>

establishment of an inter-community reconciliation mechanism.”<sup>5</sup> This LPC was already established in August and has achieved some progress in promoting dialogue, but it faces challenges equally as daunting as those in North Kivu.

Foremost among these will be the socio-economic tensions between the Lobala and Boba tribes which gave rise to the insurgency. The Lobala’s historic homeland is Dongo Sector but the Boba have progressively assumed administrative and economic power in the capital city of Dongo Centre. As a result, Lobala political leaders supported the rebellion in the hope of forcing the national government to make socio-economic concessions to their tribe. In late October 2009, after calling on all Boba to vacate the city, rebel forces attacked Dongo Centre, burning down half of all the homes and killing over 300 people.<sup>6</sup>

The extensive trauma and personalisation of the violence in Dongo Sector will be no easy task to overcome. Deep-seated animosities

led many Lobala residents of Dongo Centre to participate in the October attack and many fled to the RoC to hide among their families in the refugee camps. As the amnesty called for in the tripartite agreement would not cover the perpetrators of the massacres at Dongo Centre — considered mass atrocities under international law — the LPC will also struggle to mitigate the fallout of a limited exoneration for returnees.

Furthermore, despite the fact that the rebel leader, Odjani Mangbama, has already surrendered to Republic of Congo (RoC) authorities, he has not been extradited to the DRC. The Dongo LPC will additionally have to overcome entrenched patterns of dispute resolution substantially based on pay-offs to local leaders, which neglect underlying political and socio-economic issues. Finally, as Equateur province has been a bastion of political opposition to President Kabila, any intervention by the national government is potentially viewed with suspicion and mistrust.

#### Limitations and keys to success for LPCs

Extensive research has demonstrated that the success of LPCs is critically dependent on a number of factors.<sup>7</sup> First, LPCs are most appropriate in settings where local government structures are too weak, politicised or lacking sufficient legitimacy to tackle intricate issues. LPCs should also only be established when the context is suitable to softer approaches to peacebuilding and where the forceful implementation of political agreements would risk inciting further conflict. As such, LPCs appear to be quite appropriate responses to complex return processes in fragile environments such as in Equateur and North Kivu.

Moreover, it is crucial that LPCs maintain a balance between moderates and radicals in their composition. Important more extreme positions must be included but tempered by community leaders who are respected across conflict lines and capable of anchoring and stabilising the dialogue process. The LPCs in North Kivu and Equateur must bolster the leadership of participants with these unique qualities.

Precisely because they rely on 'soft' power though, LPCs remain vulnerable, particularly to being co-opted or distorted by national actors and local spoilers. While some radicals can be brought on board, LPCs must expose and insulate themselves from hidden agendas aimed at undermining their independence. Similarly, ongoing efforts must be made in both North Kivu and Equateur to ensure broad local and national buy-in for the credibility of LPCs as the security and political contexts evolve.

LPCs must also be wary of establishing themselves as alternative decision-making bodies. When LPCs have been given too much power, they can easily be transformed into competitive arenas, thereby undermining their distinctive role as facilitators of dialogue and consensus. Furthermore, when national actors fail to settle explosive structural challenges, although local leaders may have unique insights, it is unrealistic to overwhelm LPCs with the task of resolving deeply-rooted causes of conflict. As such, LPCs in Congo should be wary of the extent to which they are tasked with issues beyond their means or required to deliver judgments, be they on land and nationality in North Kivu or politico-administrative arrangements in Dongo Sector.

Finally, LPCs have been seen to flourish when there is a strong peace agreement which most local actors consider to reasonably reflect their principal interests and concerns. However, neither return process in the DRC is set to take place in such a context as both rebellions were halted by the opaque surrender or capture of the principal rebel leaders by neighbouring countries. No peace deal exists in Equateur and the March agreement appears to simply be the public version of veiled promises to the CNDP.

#### Conclusion

Most refugee returns require a commitment to often imperfect mechanisms to confront lingering local tensions as well as to facilitate practical aspects of the reintegration of large populations. DRC has handed significant responsibility to formal local peace structures to

mitigate and address the numerous obstacles to a durable return in both North Kivu and Equateur provinces. These include inter-community tensions, ongoing socio-political conflicts, amnesties, land conflicts and questions of nationality. The contributions of LPCs are thus critical but their roles all the more vulnerable.

The LPCs in the Congo will not be operating under ideal circumstances and consequently will require significant external support not only to provide guidance and technical assistance but also to bolster and protect them from numerous threats related to facing these challenges. While these LPCs cannot alone be expected to compensate for the shortcomings of the political contexts in which they operate, with sufficient national and international backing to mitigate certain risks they can contribute positively. They are not panaceas but LPCs in the DRC do represent important opportunities to accompany these complex returns processes.

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Reports of the Group of Experts for DRC: <http://www.un.org/sc/committees/1533/egroup.shtml>

Index of UN Security Council publications on DRC: <http://tinyurl.com/UN-DRC-docs>

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