



Kanyaruchinya IDP site, north of Goma (North Kivu, DRC), September 2012. Photo: Steven Van Damme/Oxfam

# COMMODITIES OF WAR

## Communities speak out on the true cost of conflict in eastern DRC

Recent waves of displacement in eastern Democratic Republic of Congo, affecting more than 760,000 people since the beginning of 2012 in the Kivu provinces alone, reflect a new dimension to the country's ongoing crisis. As the Congolese army fights M23 rebels, localised armed groups are springing up, and areas that were relatively stable are again under attack. Evidence gathered by Oxfam in 2012 shows that government soldiers, armed rebels, police, and civilian authorities are all vying for the right to exploit local communities and extort money or goods from them, pushing people further into poverty and undermining their efforts to earn a living.

# SUMMARY

The past year has seen massive displacement, increasing volatility and widespread suffering among communities in eastern Democratic Republic of Congo (DRC). International attention has focused on the emergence of the M23 rebel group in April 2012, which has resulted in a disintegration of state control and violence, with severe humanitarian consequences. However, this is not so much a new crisis as a dramatic new dimension to a protracted conflict that has trapped communities in a relentless cycle of chronic abuse and constant insecurity, corroding people's ability to lift themselves out of poverty.

An Oxfam assessment in 2012 shows that people from communities across many parts of eastern DRC feel that their security situation has deteriorated.

Oxfam's assessment exposed alarming levels of abuse of men, women and children by armed groups, including through forced recruitment, forced labour and continuous illegal taxation in one of the world's most under-reported and appalling human rights crises. In areas subject to attack by armed groups, people expressed fears about killings, looting and abductions. In areas largely controlled by the state, people reported exploitation, including extortion under threat of violence, by the very state officials who are supposed to protect and support them.

This chaos has exacerbated a trend in which communities themselves have increasingly become commodities of war, fought over by armed groups – both state and non-state – and by authorities seeking to control lucrative opportunities to extort their money and possessions (see Box 1). In several areas, people have felt compelled to take security and justice into their own hands due to an abusive or absent state, adding to the growing numbers of new armed groups.

## **Box 1: Communities viewed as commodities of war**

In northern Masisi, the small market town of Kashuga was attacked 12 times between April and July 2012 by the Congolese army (FARDC), as well as by the APCLS (*Alliance des Patriotes pour un Congo Libre et Souverain*) and FDLR rebel groups. They were fighting over control of illegal tax revenues imposed on local people selling or buying goods at the weekly market.

Oxfam's assessment also identified an increasing pattern of ethnically motivated violence and revenge attacks. The potential for this to worsen in many areas of eastern DRC is very real; and as new groups emerge, areas that were once stable are becoming less so.

*For the sixth time since 2007, Oxfam and its local partners have conducted a protection assessment across communities in eastern DRC. Through focus group discussions and interviews with key stakeholders, communities were asked to give their views on the protection situation in their area.*

For the past six years Oxfam has conducted protection assessments in North Kivu, South Kivu and Province Orientale. The current crisis in eastern DRC, including the recent surge in violence, has resulted from years of inaction at the local, national and international levels to resolve the fundamental security concerns consistently voiced by communities in these assessments. People feel abandoned and increasingly frustrated by those whose duty it is to protect them. It is in desperation that communities generally expressed a preference for being exploited by state security services rather than being subjected to continuous attacks by armed groups.

*'Since 1994, troops have been coming: RPF [Rwandan Patriotic Front], RCD [Rally for Congolese Democracy], CNDP, M23. None has brought any improvement.'*

Man, Rutshuru

The 2012 assessment shows that men and women still experience insecurity in different ways, but for almost everyone Oxfam spoke to, traditional ways of coping with the challenges are under increasing strain.

Based on the findings of our assessment, Oxfam urges the government of the DRC, regional and international governments, and the UN Stabilization Mission in the DRC (MONUSCO) to take the following actions to ensure greater protection for civilians.

#### **The government of the DRC should:**

- **Prioritise security sector reforms that will have the most direct impact on people's safety**, including tightening command and control systems, improving soldiers' social and working conditions, and strengthening mechanisms for accountability of commanders and soldiers;
- **Deploy (or redeploy) a protective army presence** to those areas where troop withdrawals have caused greater insecurity, while closely monitoring these army rotations;
- **Urgently address the extortion and violations** committed by the army (FARDC) and police (PNC);
- **Explore non-military means of disarming armed groups**, including creating economic and social incentives that deter young men from joining or motivate them to leave;
- **Ensure that state presence (military or civilian) in an area brings the intended benefits** to the local population, delivering security and other services that are truly accountable to local people.

#### **Regional and international governments should:**

- **Refrain from providing any support whatsoever** to any armed group in the DRC and adhere to the sanctions regime imposed by the UN Security Council;<sup>1</sup>
- **Support civil society organisations** to hold the state accountable locally;
- Ensure support to aid programmes to improve women's equal access to justice and basic services.

**MONUSCO should:**

- **Provide effective protection for civilians** in areas with no FARDC presence;
- **Improve communication** with local communities and leaders to build trust;
- **Use innovative measures to increase protection**, such as increasing foot patrols to fields and markets in flashpoint areas to enable civilians to maintain their livelihoods;
- Effectively implement the **UN's Human Rights Due Diligence Policy**.

# 1 INTRODUCTION

In June 2012, Oxfam and 41 local partner NGOs conducted focus groups and interviews with 1,328 people in 32 conflict-affected communities across the three eastern provinces of the Democratic Republic of Congo (DRC): Province Orientale, North Kivu, and South Kivu. People were asked to give their views about the security situation and their protection, in a context of ongoing violence, exploitation, and the widespread presence of multiple armed groups (see Box 2 for key security developments in 2012).

This was Oxfam's sixth protection assessment since 2007 (see Annex for details of the methods used). The aim is to provide a snapshot of people's experiences of protection and insecurity.<sup>2</sup> Overall, the security situation has deteriorated significantly in many areas, and many communities continue to suffer at the hands of those with power, whether state or non-state actors. People reported having to pay illegal taxes and being subject to arbitrary arrest and detention, while killings, abductions, rape and other acts of sexual violence continue.<sup>3</sup> Despite some encouraging signs of the state army's ability to behave properly and to protect communities,<sup>4</sup> and some communities' successes in mitigating the impact of insecurity,<sup>5</sup> people continue to suffer; the drive for 'stabilisation' has so far failed,<sup>6</sup> and regional relations are at a low ebb.

Largely due to the proliferation of armed groups and increases in their activity, by the beginning of August 2012, the number of internally displaced persons (IDPs) in the DRC was the highest it had been in three years, at 2.2 million (up from 1.7 million in 2011).<sup>7</sup> In North Kivu and South Kivu alone, 767,000 people have fled their homes since the beginning of the year and had been unable to return by the end of September 2012.<sup>8</sup> An additional 60,000 people fled into neighbouring Uganda and Rwanda.<sup>9</sup>

## Box 2: Key developments in 2012

- Formation of the armed group M23 in the Kivus in April 2012.
- A large-scale army desertion in Ituri district and subsequent territorial gains by militia in South Irumu (February–September 2012).
- Increased insecurity following military operations against the Democratic Forces for the Liberation of Rwanda (FDLR) and other armed groups in South Kivu (January 2012).
- LRA (Lord's Resistance Army) resurgence in the Uélé districts (January–July 2012).
- Ongoing reprisals by the Raïa Mutomboki, FDLR, and Mayi-Mayi Nyatura rebel groups linked to increasing ethnic tension between communities (December 2011 to the present).
- The proliferation of local armed groups, which have increased their activities (partly linked to the November 2011 elections).

For the first time since 2007, Oxfam's assessment looked at the protection situation beyond those areas worst affected by insecurity, to include villages that did not suffer from regular armed attacks. This enabled comparison between areas where the predominant armed actors (who have become the de facto authorities) were either an armed group, the Congolese Army (FARDC), or other state services, including the police (*Police Nationale Congolaise*, or PNC), intelligence services (ANR), and broader state administration. The assessment also covered communities in areas where control regularly changes between the FARDC and armed groups.

The following themes emerged over the past year:<sup>10</sup>

- **The civilian population has increasingly become viewed as a commodity of war**, as those who are fighting vie for the right to extort money and goods from people in areas they control. Abuse of power is pervasive in state-controlled as well as rebel-controlled areas, and violent extortion and coercion are rife.
- **Violent attacks on civilians continue**, including inter-ethnic revenge killings.
- **Coping mechanisms are strained.** People report increasing vulnerability and their livelihoods seriously threatened as they lack safe access to their fields and local markets.
- **Men, women, and children experience insecurity differently, and face different threats.** For example, girls expressed fears about sexual exploitation and violence, while boys talked of the risk of violence associated with killings, arbitrary arrests and illegal detentions, forced labour, and fear of forced recruitment. For women such experiences come on top of their ongoing challenge to ascertain their rights, which is linked to cultural custom and limited access to justice;
- **The security situation is worse in areas that frequently change hands** between government and rebel control. Most people preferred a FARDC presence to the lack of it.
- **In the absence of an effective state authority, many people reported feeling abandoned by central government.** In some cases, the lack of a state presence, or abuses perpetrated by the state, prompted people to take justice into their own hands.
- **Many areas that have seen increasing stability over recent years have become more insecure** since early 2012 as armed groups have moved into areas vacated by the army.

## 2 LIVING AT THE HANDS OF ARMED GROUPS

### Nowhere safe to go

In large parts of eastern DRC, there is still no FARDC presence to protect the population against attacks from foreign or local armed groups. For years, local armed groups such as the FDLR, and Ugandan rebels such as the LRA and Allied Democratic Forces (ADF/Nalu), have operated freely in areas of eastern DRC where FARDC control is weak and where boundaries with neighbouring countries are porous.

However, the past year has seen a proliferation of armed groups, which have significantly increased their activities. The situation has been exacerbated by army desertions and redeployment of government forces, which left large parts of eastern DRC with no FARDC presence. In the wake of the M23 mutiny, an estimated 8,000 FARDC troops were sent to parts of Masisi and Rutshuru in southern North Kivu (the so-called 'Petit Nord') to fight the rebellion. (See Box 3). These security vacuums were quickly filled by armed groups seeking to establish control over resource-rich or strategic areas. This gave them the opportunity to extort goods and money and pillage crops from civilians. In vast areas, the local population is now seen as a major source of illegal taxation, forced labour, and land and property.

*'These Mayi-Mayi Nyatura are the only masters reigning here, no one can escape their threats.'*

Man, Masisi

*'There is no FARDC to protect us here; they all went to the front [to fight M23]. Only their presence can reassure us.'*

Man, Rutshuru

#### Box 3: Losing gains made

Over the past few years, Lubero territory in North Kivu has become less vulnerable to attacks by armed groups, largely due to increased control by the FARDC. However, by mid-April 2012, more than half of the FARDC forces in the area were sent to fight ex-CNDP soldiers (who took the name M23), who had mutinied. Land fell back under the control of the FDLR and a coalition of Congolese armed groups, led by 'Colonel' Kahasha (who himself deserted from the FARDC in early 2012) and ex-PARECO (*Patriotes resistans congolais*) 'General' Lafontaine. Any gains people made during the years of increasing stability are now being lost. As one person said: 'We used to work our lands again, rebuild our lives. Now we sleep at night in our fields again.'

Zones controlled by armed groups tend to be off the main road networks, although recently (as FARDC troops have moved elsewhere) some groups have regained towns. In these zones, people have limited access to their fields and have reduced their movements because of insecurity. Communities in these areas expressed a sense of having been abandoned by the central government, seemingly unable or unwilling to protect the population from violence.

Overall, communities told Oxfam of the need for an effective FARDC presence to protect them against attacks by armed groups. However, in some areas, and depending on the nature of the specific relationship or agreement between the local community and armed group or groups, people expressed a preference for the armed groups' presence over an ineffective FARDC. In the case of Mayi-Mayi Yakutumba in Fizi (South Kivu), FRPI militia (*Forces de resistance patriotiques en Ituri*) in Irumu (Province Orientale), and Raïa Mutomboki in Kalehe (South Kivu), there are closer social ties between the local armed group and the community, and people could more easily negotiate their protection. Nevertheless, such comments cannot be generalised across the community; they might be influenced by fear of renewed instability resulting from armed clashes between FARDC and armed groups, community resentment towards a specific section of the FARDC (often along ethnic lines), or by interviewees' fears about expressing themselves freely.

*'Even when a chick cries, its owner would come to see what is going on.'*

Woman, Haut Uélé

### **Fearing for their lives**

Across communities where non-state armed groups<sup>11</sup> are the predominant armed actor, people mostly reported feeling insecure because of killings, sexual violence, abductions, torture, forced recruitment, and arbitrary arrests. These violations can either be targeted against individuals if they refuse to comply with the armed groups' demands (as was reported to have happened in Petit Nord, in North Kivu), where critics of the local armed groups' presence were reported to be killed, or against a whole community, such as in Kalehe (South Kivu), where the FDLR brutally attacked villages suspected of hosting enemy Raïa Mutomboki fighters. These violations were also reported to have occurred during attacks on villages, during which houses were burnt, women were raped, and men were killed or forced to carry food or other stolen goods for the rebels.

*'Those who try to defend themselves or raise their voice are killed immediately.'*

Man, Masisi

### **Paying for their protection**

Communities reported many violations either through theft (pillage of houses or fields, and armed theft of goods or livestock) or extortion (illegal taxes, forced contributions, ransoming, or forced labour). In many areas, extortion and illegal taxation mean that impoverished communities are viewed as a major commodity of war, and at times are one of the most important sources of income for armed groups.

In Masisi, for example, it was reported that farmers had to pay 1,000 Congolese francs (FC) (approx. \$1 or the equivalent of 2–3kgs of beans) to the local Mayi-Mayi Nyatura for each person wanting to access their fields. In Irumu (Ituri), women market sellers said they had to give wood and straw to the militia when arriving at the market, and that every household had to give 500 FC (\$0.5) to the militia each month. And in Kalehe (South Kivu), it was reported that the FDLR demanded a large sum of money to free their hostages (\$500 per person) – money people do not have. As one man said: 'We cannot easily find this kind of money, following all the pillaging we have already been through. So, we have no other option than to sell our belongings to free them. We sell our land, our house and our livestock.'



## Impact on people's livelihoods

People's lack of access to their fields – either because of insecurity or because it is prohibited by local armed actors (e.g. ADF/Nalu in Beni or M23 in Rutshuru) – severely hampers their ability to earn a living. Many farmers reported that they no longer go to their fields for fear of being killed or raped. Consequently, the most vulnerable can become even more vulnerable. Oxfam's civil society partners who facilitated the focus group discussions reported that widows and displaced people, who often have the most limited options, suffer more as a result of these blanket taxations. As one woman said in Ituri (Province Orientale): 'These forced collections [for the militia] weigh the heaviest on the most vulnerable, the displaced and the widows.'

*'I have no money left, and sometimes it happens that I have saved some money to pay for my children's school fees. But the FDLR come and pillage everything, leaving us poor.'*

Woman, Kalehe

## Coping mechanisms

In areas largely under the control of local armed groups, people said that choosing to leave their homes is one option to avoid violence, or, if they decide to stay, they try to mitigate the negative impact of the armed group on the local community. In some communities in Irumu (Province Orientale), Masisi (North Kivu) and Kalehe (South Kivu), people reported 'voluntarily' contributing food and other goods to the armed group to dissuade them from looting their village. In one community in Ituri district (Province Orientale), the local chief collects 500 FC (\$0.5), a small basket of flour and some firewood from the women going to the market to offer to the local militia. Such 'negotiations' depend heavily on the degree to which the armed group has social ties with the local community and the intensity of violence they perpetrate. Oxfam's analysis has shown that, with newly arrived armed groups or groups that are external to the area, and during overt hostilities, there is much less scope for the local community to negotiate measures to limit the likelihood of attacks on villages.

*'We are even afraid to grow crops because they will take everything away.'*

Man, Kalehe

Some communities reported that local defence groups had been set up, often along ethnic lines. Young men (either armed or unarmed) patrol the village and claim to defend their community against enemy attacks. The response from the community is often positive initially. Nevertheless, some people expressed concerns about this trend and were worried 'about where this process would end', as well as the possibility of attracting reprisal attacks by opposing militias.<sup>12</sup>

One man in Rutshuru told us how local defence groups, ethnic tensions and banditry are closely related: 'due to 'tribal hatred', certain political, administrative and customary leaders recruit young men within their 'ethnic community' for armed groups to defend against potential attacks from other ethnic groups. These youngsters are also used to carry out armed attacks on commercial vehicles, with the proceeds going to their chief. Nevertheless, some communities had asked to be armed to fight off these armed groups. This reflects a growing trend observed by Oxfam whereby local armed defence groups are replacing state security services – which, in the long run, risks exacerbating rather than alleviating the insecurity.

# 3 HOW MEN AND WOMEN EXPERIENCE INSECURITY

## How insecurity affects men and boys

In general, people said that boys and men are more vulnerable to killings, forced recruitment, forced labour, arbitrary arrest, and illegal detentions. In areas prone to attacks by armed groups, men and boys are deemed more vulnerable because of their perceived potential as fighters; they are either killed or forcibly recruited to neutralise this threat.

In areas with increased state presence, people said that men are often arrested under the pretence of belonging to an armed group or because they failed to obey some order by a state agent, or, in other cases, because they failed to carry out forced labour (including carrying military equipment) imposed by the FARDC. Some of the people interviewed also commented that men are targeted for arrest or detention because they are the ones who can mobilise the family's resources in exchange for their freedom – for example, by selling assets such as motorbikes or land. In Lubero, one man said: 'If you want to make some money, arbitrary arrests are the way to go.'

## How insecurity affects women and girls

Women were reported to be most vulnerable to sexual violence, particularly when walking along roads or going to their fields. Whoever the predominant armed actors in an area were, these were cited as the main perpetrators of rape and other acts of sexual violence. Armed groups were reported to have engaged in such acts during attacks on villages, and FARDC soldiers were reported to have carried out rape and other acts of sexual violence mostly during military operations. In more stable areas, most sexual violence is attributed to civilians, taking the form of rape, forced or early marriage, child prostitution, and domestic violence.

Many of the women who took part in Oxfam's assessment talked about the social stigma women suffer as a result of being raped, as well as the trauma of the assault, which can result in unwanted pregnancy or sexually transmitted diseases. One woman in Fizi explained that women would not tell anyone they had been raped, 'because we don't want to lose our marriage, which has already happened to one woman of our village'. Women talked about the consequences of sexual violence for their livelihoods and their ability to take care of the family. Another woman in Fizi said: 'After having been raped, a woman can no longer go to her field, but then hunger will attack her family.' Oxfam's research indicates that the stigma associated with rape is closely linked to traditional gender roles, which need to be addressed as part of broader efforts to tackle sexual violence.

*'Men no longer walk around in this village, since they are the ones who are taken, mostly.'*

Woman, Kalehe

*'They took my son of 18 years old. I paid \$150 for him to be freed. He was released, but I found him already in a mutilated state.'*

Man, Kalehe

*'Various people have fled the area to go to Bukavu, because of the shame [of having been subject to sexual violence].'*

Man, Kalehe

Women are also affected by the death or absence of their husbands. Some widows said they feel more vulnerable (physically and financially, finding themselves in a weaker legal position on matters of inheritance and land rights) and struggle to run the family alone. A group of young women in Haut Uélé explained how their husbands had been killed by the LRA, and how 'they felt targeted now that there are no men to defend their community anymore'. In Ituri, women told Oxfam how insecurity and lack of livelihood options contributes to more early marriages – 'to ensure some security'.

According to some of those involved in the assessment, the ongoing insecurity, and the negative impact it has on the family income, renders women even more vulnerable. Some women, particularly displaced women, reported having to sell alcohol or engaging in prostitution to make ends meet. Respondents indicated that such marginalisation comes on top of an already inferior position of women in the traditional society, as well as in terms of equal rights to property or access to justice.

The conflict has also influenced gender dynamics: in one village in Ituri, women are known to have engaged in heavy labour – an activity formerly reserved for men. Several women also talked about how extortion through arbitrary arrests affects the family's livelihood options: 'We easily lose our belongings to get our husbands out of prison, because you have to pay a bribe to be set free. We, women, have to make debts to get them out.'

*'This war brings us extreme poverty and leaves many killed. Children no longer go to school and people flee to zones that are somehow safe. Those who return to their village to work their land to provide for their families are killed during the clashes, or raped when a woman or a girl is alone in her field.'*

Woman, Rutshuru

# 4 WHAT SECURITY DOES THE FARDC PROVIDE?

## Mixed feelings

People frequently suggested that the presence of the Congolese army (FARDC) in an area was key to an increased level of protection.<sup>14</sup> Nevertheless, FARDC's protection comes at a price. One trader in Kalehe expressed a widely held view when he said: 'Those who protect you are also those who cause you insecurity.' This view was also common in areas that have been more stable, where the FARDC, alongside other state actors and services, have become involved in informal extortion.

*On average, across all communities, roughly two-thirds of people recruited for the assessment thought the FARDC contributed to their protection, and roughly one-third thought they did not.<sup>13</sup>*

## Paying for their protection

Respondents generally associated the presence of FARDC soldiers with their involvement in extortive activities such as forced labour, illegal checkpoints, arbitrary arrests, and illegal detentions. In Uvira, traders told how they have to pay (in kind or in cash) at three different checkpoints on their way to the market, and another five kinds of taxes to sell their goods when they get there. Measures purported to protect people (e.g. checkpoints or night patrols) often end up as opportunities for extortion. In Beni, for instance, FARDC troops gathered along the main road networks awaiting deployment against the ADF/Nalu, prohibited people from accessing their lands 'to avoid civilians being mistaken for rebels'. Meanwhile, FARDC troops and their wives would go to the fields to harvest the crops, selling them at the local markets. Or, as one female trader said in Kalehe: 'During their patrols, they steal our phones and money.'

*'We are afraid now because there are no more military in these villages.'*

Man, Fizi

## Fearing for their lives

Although to a lesser extent than armed groups, respondents suggested that FARDC troops were also involved in widespread pillaging and sexual violence, and killings. As one woman in Fizi said: 'It was not even three weeks ago that I escaped from the hands of a soldier who already put me in the position to be raped. Thankfully, somebody passed by and the soldier left me.' However, in some communities, people commented that the FARDC had significantly reduced its involvement in sexual violence.<sup>15</sup>

## Impact on people's livelihoods

Indeed, because of increased security in FARDC-controlled areas compared with areas held by armed groups, some people – mostly women, who are more likely to leave the village to work in the fields or go to market – reported being able to move around more freely for growing crops or selling goods. Nevertheless, they could still face insecurity along

the roads as well as extortion points set up by the FARDC themselves. One trader in Kalehe claimed: 'Apart from the insecurity [that hampers our trade], the multiplicity of taxes makes us work at a loss.' His colleague explained how any profits he made were spent on getting his goods through the checkpoints along the road. In this context, people's ability to provide adequate food for their families, and to access education and health services, remains very limited.

*'There is no peace, as long as these illegal barriers exist.'*

Man, Fizi

### **Coping mechanisms**

Where communities felt that the protection provided by FARDC was limited, or they distrusted the specific presence of certain factions, they often relied on local defence groups to protect them. The relationship between these groups and local state security forces varied widely among the villages in the assessment, ranging from open collaboration and provision of arms to a crackdown on the local defence group and the prohibition of civilians carrying weapons. In other communities, it was reported that local civil society groups and local administrators had tried to negotiate a reduction in the amount and number of taxes imposed by the FARDC.

### **Fleeing violence**

As mentioned earlier, some families opted to flee the area as a way of avoiding the threats of armed groups. These displaced families often face new vulnerabilities, including lack of access to land, while the host communities have all but exhausted their own resources. As one farmer in Walungu, South Kivu, said: 'The IDPs consume all that we produce because they don't have any fields. Host families are overburdened. The suffering accumulates here.'

Increasing pressure on land and other resources can exacerbate ethnic and other tensions between the host community and newly arrived displaced people, particularly in situations where displaced families are in fact 'returnees' and can demonstrate land claims when they arrive (see Box 4). In Masisi, one elder said that all displaced people (from a specific ethnic group) should leave the area, because he believed they were the cause of the current food insecurity, or were feared to be carrying guns and 'bringing insecurity to the community'.

#### **Box 4: Ethnic tensions on the rise**

Since late 2011, the conflict between armed groups with clear ethnic affiliation (including the Mayi-Mayi Raïa Mutomboki, Mayi-Mayi Kifuafua, Mayi-Mayi Nyatura, and the FDLR) in the border area between North and South Kivu has seen 'the deliberate and brutal targeting of civilians and the destruction of civilian property... Although exact numbers remain unconfirmed, [the conflict] has led to massive loss of life (more than 350 killings were reported during the month of June 2012 only), the torching of civilian houses and in some cases entire villages. Although not believed to be exhaustive and although not all attacks can be confirmed, at least 20 attacks by Raïa Mutomboki and Mayi-Mayi Nyatura and FDLR were reported between 13 July and 16 August 2012 in Masisi and Walikale.'<sup>16</sup>

The conflict has led to an increase in inter-ethnic tension among Tembo, Rega, Nyange and Hunde communities, and between Hutu and Tutsi communities. Oxfam received reports from communities that said inter-ethnic marriages were not uncommon in the recent past, but now sons are joining opposing armed groups, which are targeting internally displaced people fleeing the violence, perceiving them to side with a rival group. As a result, further displacement leaves some areas more ethnically homogenous.

# 5 SURROUNDED BY A PREDATORY STATE

## ‘Enjoying’ state security

Across eastern DRC, increased security in an area often brings the presence of a variety of state actors as well as the FARDC, including the national police (PNC), national intelligence services (ANR), and various government departments responsible for taxes, migration, health, land, and other issues. Their presence often marks the start of an informal but widespread system of extortion (see Box 5), as the FARDC and armed groups do when they control an area. What differs, however, is the scale and multiplicity of state actors involved in this kind of extortion.

The information collected for Oxfam’s assessment suggests that state actors are using their positions to extort money or goods from local communities. Communities expressed their frustration at this, and said they feel abandoned by the state.

### Box 5: The price of law and order

In two villages in Ituri, Province Orientale, several people said that the PNC seemed more motivated by making a fortune out of their uniform, rather than serving the community. The police reportedly asked for more than \$100 to begin investigating any crime.

During the time when the assessment was carried out, an incident occurred where a man died in an ambush; his family were asked to pay \$110 for the police investigation, and another \$50 to have his body released to them.

*On average, across all communities, roughly half of the people targeted for the assessment thought the PNC (national police force) contributed to their protection, and roughly half thought they did not.<sup>17</sup>*

*‘Our authorities sell us at the lowest price to the LRA. They do not take any measures to protect us, but rather collaborate with them [LRA] to get rich out of our despair.’*

Man, Haut Uélé

## Paying for their protection

Respondents reported that the vast majority of state services collect illegal taxes, arbitrarily arrest or illegally detain people for money, or demand large payments just to do their job. In Lubero, one man stated: ‘The police see themselves as agents for making arrests rather than agents of law and order.’ In some villages, traditional chiefs were seen as being corrupt in their decisions in disputes over land rights – which were frequently cited as being at the root of the ‘social disorder’. In one community in Kalehe, the *Mwami* (local chief) had imposed an illegal tax of \$10 on every market seller – ‘although we ourselves built that market’, according to one woman.

*‘The agents of the national intelligence services have abandoned their mission. They are going commercial these days.’*

Man, Walungu

## Fearing for their lives

Despite the presence of state agencies in these areas, some communities commented that violence by armed groups has evolved into armed robberies by unidentified men. Ambushes are often very violent and are reported to include torture and beatings, with the victims forced to transport the goods stolen from them. Some communities in more stable areas described how armed criminals enter their houses every night to search for money or goods, and have even carried out rape, killings and torture. Most of these crimes were attributed to 'unidentified armed men', often suspected to be ordinary bandits (often demobilised young men) or disguised soldiers or rebels.

*'These armed men enter our homes and demand money. If you don't give it, they will kill you.'*

Man, Fizi

## Limited access to justice

Despite a physical presence in some areas, the state's justice system is failing to peacefully resolve disputes or deal with crimes. Some people said that impunity is the norm in many areas; as one man in Fizi described: 'A man was arrested after having raped a woman. A couple of days later we saw him in the street. Corruption has been served.'

*'There is no such thing as justice here because this country is very sick.'*

Man, Fizi

In the absence of a functioning justice system, there were reports of people taking justice into their own hands. This either took the form of popular or mob justice, or paying FARDC, PNC or members of armed groups to settle personal scores ('*reglements de compte*'). As one respondent said: 'Justice no longer exists here. The strongest will be served his justice. He who has money is right.'

In one village in Haut Uélé, Province Orientale, people commented that 17 cases of sexual violence were reported in one month, but these cases had not been transferred for judicial follow-up, nor had the suspected perpetrators been arrested. This increases the likelihood of people resorting to customary law practices, despite unequal access for women to such forms of justice and the corruption of many customary chiefs.



## 6 CAUGHT IN THE MIDDLE

Understanding the impact of frequent changes in who controls an area is vital to understanding the broader protection dynamics in eastern DRC. Control shifts rapidly, and the lines between different areas controlled or contested by armed actors are often blurred. It is these zones that are usually the most risky for local people, as they are less able to negotiate their protection and survival. In South Irumu (PO), some respondents said they even preferred the current situation of ‘controlled exploitation’ by the militia to living under FARDC control, as the latter scenario tended to mean more counter attacks by the militia, involving considerable violence and theft of people’s belongings.<sup>18</sup>

In areas that frequently change hands between state and militia control, people often have to pay both sets of armed actors for their protection. In one village in Lubero, it was reported that at least 350 farmers have to pay a monthly tax of \$10: \$5 to the FARDC and \$5 to the Mayi-Mayi.

In these areas, people reported that communities are often caught between the FARDC and local militias, and punished for their perceived collaboration with the prior occupying force. As one woman in Fizi stated: ‘When [government] troops arrive, there is a complete change in the area. People are taxed for having collaborated with elements of the armed groups.’ But when the area is re-taken by the armed group: ‘They take revenge on the local population, saying they spy for the FARDC and pass them information.’ This frequent change of control tends to happen because rotations of FARDC troops are often sudden and ill-planned, particularly when they are redeployed to military operations in other areas. As one man in Kalehe asked: ‘Why does the military leave without having their successors in place?’

*‘We have become a privileged supply point for both the Mayi-Mayi and the FARDC. They pillage our livestock, our harvest, and impose a \$30 tax on all farmers to access their fields.’*

Man, Lubero

*‘The population of this village has renamed the military operations AMANI LEO (peace now), KIMIA 1, and KIMIA 2 (calm) into VITA LEO (war now), FUJO1, and FUJO 2 (tumult). We fear the same threats [that we suffer during these operations] will happen again in the future.’*

Man, South Kivu

# 7 PERCEPTIONS OF MONUSCO'S ROLE

The UN peacekeeping mission in the DRC is mandated to support the government, as primary duty-bearer, to protect civilians. Some communities regarded MONUSCO as having made a positive contribution to their security. In one village in Lubero, where FARDC had recently lost ground to the FDLR, people expressed their appreciation of MONUSCO's presence and said they feared the day MONUSCO would leave. However, many people in other communities remained strongly critical of MONUSCO's protection role. MONUSCO were seen as alien to their community security: failing to communicate with them, to ensure regular patrols that interact with the community or responding too late to protection incidents. As a man in Ituri said, in a village where MONUSCO has a large presence: 'We don't really have any relationship with them, because we don't have any contact with them. They come here to secure us from the war, but they always come late.' A woman in Masisi said: 'Only a FARDC presence reassures us. Last time MONUSCO passed by was three months ago.'

Some people have become suspicious of MONUSCO's presence in their area. Respondents often held strong views about MONUSCO's 'hidden agenda', suspecting them of supporting local armed groups (see Box 6). In Kalehe, South Kivu, a group of respondents said: 'If MONUSCO were to leave our village, the situation would be calm since it is they who provide support to the FDLR.' Respondents from diverse communities across the regions covered by the assessment gave similar views, accusing MONUSCO of supporting armed groups.

*On average, across all communities, a small minority of the people targeted for the assessment thought MONUSCO contributed to their protection, while the vast majority thought it did not.<sup>19</sup>*

*'Every time that MONUSCO is around, the situation worsens.'*

Man, Kalehe

## **Box 6: MONUSCO's failure to protect civilians**

Following rising tension between Raïa Mutomboki fighters and the FDLR in northern South Kivu, 40 civilians lost their lives and 35 were injured in a brutal FDLR attack on Kamananga on the night of 13 May 2012. This incident took place only 2km from a MONUSCO base. MONUSCO did not intervene.

After the attack, an angry crowd (possibly including Raïa fighters) protested outside the main MONUSCO base in Bunyakiri against MONUSCO's inaction and perceived collaboration with the FDLR. Eleven peacekeepers were severely injured during the protest.

# 8 CONCLUSION AND RECOMMENDATIONS

As this report has demonstrated, individuals in positions of authority – whether military or civilian, state or non-state actors – across eastern DRC are extorting local communities, effectively viewing them as commodities of war. This further entrenches poverty and insecurity, and reduces people’s ability to rebuild their livelihoods. At the same time, many people feel frustrated at their perceived abandonment by the state, but still see a functioning state and army as their best chance of protection.

Within this overall reality, the specific dynamics of the conflict differ in each local area, and territorial control often changes quickly. An understanding of these dynamics is vital to underpin urgently needed action that can have an immediate and lasting impact to improve security for all people.

Those seeking to address insecurity in eastern DRC must not focus only on those areas experiencing active conflict at any given time. They must take urgent steps to restore an army presence in areas that have been left without any effective state security, and to reduce the frequent change of control between different armed groups, as part of a comprehensive solution to improve security in all areas.

Oxfam urges the key stakeholders to take immediate action to protect civilians against violations by armed groups, the national army, and local state officials. The following recommendations deal with each category of abuse.

## CONCERNING ABUSES BY ARMED GROUPS

### The government of the DRC should:

- **Prioritise security sector reforms** that will have the most direct impact on civilian safety, including tightening command and control systems, improving soldiers’ working conditions, and strengthening mechanisms for accountability of commanders and their soldiers;
- **Deploy (or redeploy) as soon as possible a protective army presence** to those areas where troop withdrawals have led to greater insecurity, while closely monitoring army movements to these new areas of deployment to avoid abuses during these rotations;
- **Ensure the protection of civilians through effective patrols of roads and fields**, engaging with communities about their concerns, and responding to the different protection needs of men and women;

- **Refrain from using armed groups as proxy forces for the national army, and explore non-military methods to disarm armed groups**, by creating economic and social incentives to deter young men from joining them, consulting political, religious and community leaders with close ties to armed groups, and re-launching voluntary disarmament schemes.

**Regional and international governments should:**

- **Explore non-military methods to disarm foreign armed groups**, including the expansion of political space within their home countries, and the guarantee of their security, social reintegration and active societal participation there, in order to encourage the return of foreign fighters.
- **Refrain from providing any support whatsoever to any armed group in the DRC** and ensure respect for the sanctions regime imposed by the UN Security Council (res. 1533).

**MONUSCO should:**

- **Ensure the effective protection of civilians in areas with no FARDC presence**, and enforce respect for the protected status of all non-combatants and the civilian nature of IDP camps;
- **Maintain temporary presence in the most insecure areas**, with a joint NGO, UN agencies and MONUSCO analysis of the most significant protection threats;
- **Improve communication with local communities and leaders** and civil society actors to build trust, and clarify its mandate; **engage with communities on their protection**, paying special attention to the needs of women and young men. The deployment of more civilian staff should facilitate this task.
- **Ensure that its deployment plans reflect protection needs on the ground**, as required by the Department of Peacekeeping Operations–Department of Field Support (DPKO–DFS) Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations.

## CONCERNING ABUSES BY THE FARDC<sup>20</sup>

**The government of the DRC and international donors should:**

- **Prioritise security sector reforms** that will have the most direct impact on people’s safety;
- **Carry out its duty to protect civilians in line with the FARDC Code of Conduct**, ensuring that officers and soldiers adhere to and respect relevant bodies of law;
- **Give clear directives to all forces engaged in military operations to enforce respect for the status of all non-combatants**, and monitor their application, to avoid civilians being abused on the pretext that they are ‘collaborators’ with the various militia groups that may have occupied the area previously.

## To MONUSCO:

- **Effectively implement the UN's Human Rights Due Diligence Policy**, ensuring that any UN support to those elements of the FARDC is suspended on receiving reliable information providing substantial grounds to believe that the recipient is committing grave violations of international humanitarian, human rights or refugee law and when prior efforts with the relevant authorities have not resulted in an end to violations;
- **Use innovative measures to protect civilians** (in line with UN Security Council Resolution 2053 (2012)), including increasing night patrols and foot patrols to fields and markets in flashpoint areas so that civilians can earn a living. It should also increase its monitoring presence at checkpoints that are, in effect, illegal barriers.

## CONCERNING ABUSES BY STATE AGENTS

### The government of the DRC and international donors should:

- **Urgently address the extortion and violations committed by the FARDC and the PNC**, starting by removing checkpoints that serve no specific security purpose and putting an end to protection abuses at illegal barriers;
- **Ensure support to improving women's equal access to justice and basic services;**
- **Ensure continued support for 'stable' zones**, such as some areas of Ituri, which have successfully moved beyond the humanitarian emergency phase but have received little longer-term and development-oriented funding;
- **Ensure that aid programmes and policies are flexible** enough to respond to sudden changes in the security context, and address urgent humanitarian needs as well as longer-term structural needs, including through empowering women.

## ANNEX

### ARMED GROUPS ACTIVE IN THE DRC<sup>21</sup>

**ADF** (Allied Democratic Forces): Ugandan-led Islamist rebel group active in Beni territory near the Uganda border. This group was the target of military operations by the FARDC and MONUSCO, including during 'Operation Rwenzori', but is still active.

**APCLS** (*Alliance des Patriotes pour un Congo Libre et Souverain*): Mayi-Mayi group, led by 'General' Janvier, who refused integration into the FARDC. The group is predominantly Hunde and operates mainly in northern Masisi.

**FRPI** (*Forces de resistance patriotiques en Ituri*): Armed group with a presence in South Irumu, in the south of Ituri, Province Orientale, led by 'Colonel' Cobra Matata. After negotiations with the FARDC in August 2012, most fighters have gathered at three assembly points, awaiting integration into the army. By early November 2012, there were serious doubts over the future and success of such integration.

**FDLR** (Democratic Forces for the Liberation of Rwanda): Armed group, predominantly Hutu, with a presence throughout the Kivus, led by former *genocidaire* Rwandan (ex-FAR) military, claiming to fight for the liberation of Rwanda from its current regime. The group has been the target of joint FARDC–MONUSCO operations over recent years, but despite some weakening of their group, remains active.

**LRA** (Lord's Resistance Army): Armed group, originally from northern Uganda, led by Joseph Kony. The LRA is operational in Haut and Bas Uélé districts in DRC, as well as across South Sudan and the Central African Republic.

**M23** (23 March Movement): Armed group founded in May 2012, comprised mostly of ex-CNDP mutineers who left the FARDC at the beginning of April. Its stated aim is to fight for the full implementation of the 23 March 2009 agreements that included the integration of CNDP soldiers into the FARDC. The most recent report by the UN Panel of Experts suggests that Rwanda and Uganda are supporting the M23, whose leadership is predominantly Tutsi and is active in parts of Rutshuru territory (North Kivu).

**Nyatura**: Recently formed armed groups, mostly composed out of ex-PARECO integrated FARDC deserters, claiming to defend Hutu communities, mostly in Masisi in North Kivu and in Kalehe in South Kivu.

**Sheka**: Armed group led by Sheka, mainly composed of fighters from Nyange, who are most active in Walikale territory (North Kivu), including along border areas with Masisi.

**Mayi-Mayi Yakutumba**: Armed group led by 'General' Amuri, who controls large areas along the coast of Lake Tanganyika in Fizi territory, in the far south of South Kivu. He claims to defend the interests of the Babembe community (who supply most of his troops) against the Banyamulenge community, an ethnic Tutsi group of pastoralists living in the mountainous area bordering Babembe communities.

**Raïa Mutomboki**: Generic denomination of semi-autonomous militia that originated from Shabunda territory as a response to ongoing violence (mainly

perpetrated by the FDLR). Originally from the Rega community, this group has rapidly expanded and spread to the Tembo community living in the wider border dividing North and South Kivu since the beginning of 2012. 'Proclaiming to protect local populations against the predominantly Hutu FDLR, the Raïa Mutomboki are targeting civilians of Hutu ethnicity whom they consider to be foreigners and allies of the FDLR'.<sup>22</sup>

**UPCP** (*Union des Patriotes Congolais pour la Paix*): Coalition formed in 2012 between various smaller armed groups, including the FCP/AP armed groups of General' Lafontaine, the former Nande leader of PARECO and men led by 'Colonel' Kahasha, who deserted from the FARDC in January 2012. Mostly active in southern parts of Lubero (North Kivu).

## ANNEX: METHODOLOGY

Oxfam's 2012 protection assessment was conducted primarily through focus groups, supplemented by interviews with individuals. Training and debriefing workshops were held with civil society partners, which provided additional analysis of the security situation in different areas.

Oxfam chose to use focus groups rather than to conduct a survey for a number of reasons. First, qualitative data produced by focus groups can provide detail and contextual elements that surveys or polls cannot. Focus groups use primarily open-ended questions, allow moderators to ask follow-up questions and encourage discussion between focus group members, and follow a relatively unstructured format. Second, the informal conversational style of focus groups can help to build trust and elicit more forthright responses than a survey format. Third, surveys can pose significant logistical and budgetary challenges in conflict-affected areas like eastern DRC, because they require accurate demographic data (which are often not available) and a large, representative sample. Finally, focus groups have the potential to benefit communities by creating spaces for open dialogue about sensitive issues, in which people can safely express their fears. Creating this kind of space could lead to improved co-ordination on security matters within communities.

Oxfam's civil society partners also conducted a number of individual interviews with leading figures in the community. These included the village chief and senior members of the FARDC, the PNC, and the ANR. The individual interviews were important: to understand the perspectives of local leaders; to ensure that those conducting the research were accepted, thereby mitigating any potential risk either to the community or to the researchers; and to gather their views separately to avoid bias within the focus groups.

The selection of villages, and of focus group participants within each village, was decided on during a series of two-day workshops held with Oxfam's civil society partners. These workshops identified four categories of villages:

- villages controlled by the Congolese state administrative authorities;
- villages controlled by the FARDC;
- villages controlled by armed groups;
- villages where the group in control was constantly fluctuating.

Oxfam wanted to examine how different types of control might affect community

views of the security conditions. Within each category, some villages were selected because they were near a main road and some because they were more remote, to assess whether geographical remoteness might also affect people's perceptions of security. Some villages selected had a MONUSCO presence (a base nearby, regular patrols, etc.) and some had no MONUSCO presence. Finally, Oxfam worked with local civil society partners to ensure that each had some familiarity and an ongoing relationship with the selected villages and that each village could be accessed without putting partners at significant risk.

Oxfam then worked with the partners to select target demographics for the focus groups. The partners identified the most important threat that each village faced, and which group was most vulnerable to that threat. Oxfam worked with the partners to identify two focus groups – one of men and one of women – people who were most vulnerable to that threat (for example, displaced men and displaced women). Oxfam repeated this exercise with the groups identified as being most vulnerable to the second most important threat in each village. The aim was also to recruit a group of influential members of the community, men and women, provided that at least two such women could be found in each village. A total of five focus groups in each village participated in the assessment. The purpose of the assessment, the time required for taking part, and the measures that would be taken to protect their privacy were explained to each participant.

After the focus group discussions, civil society partners participated in a 'debriefing' workshop where they analysed initial findings, identified lessons learned, and made suggestions about the next steps. The insights and analysis of the security situation were captured and are included in the summary analysis contained in this report.



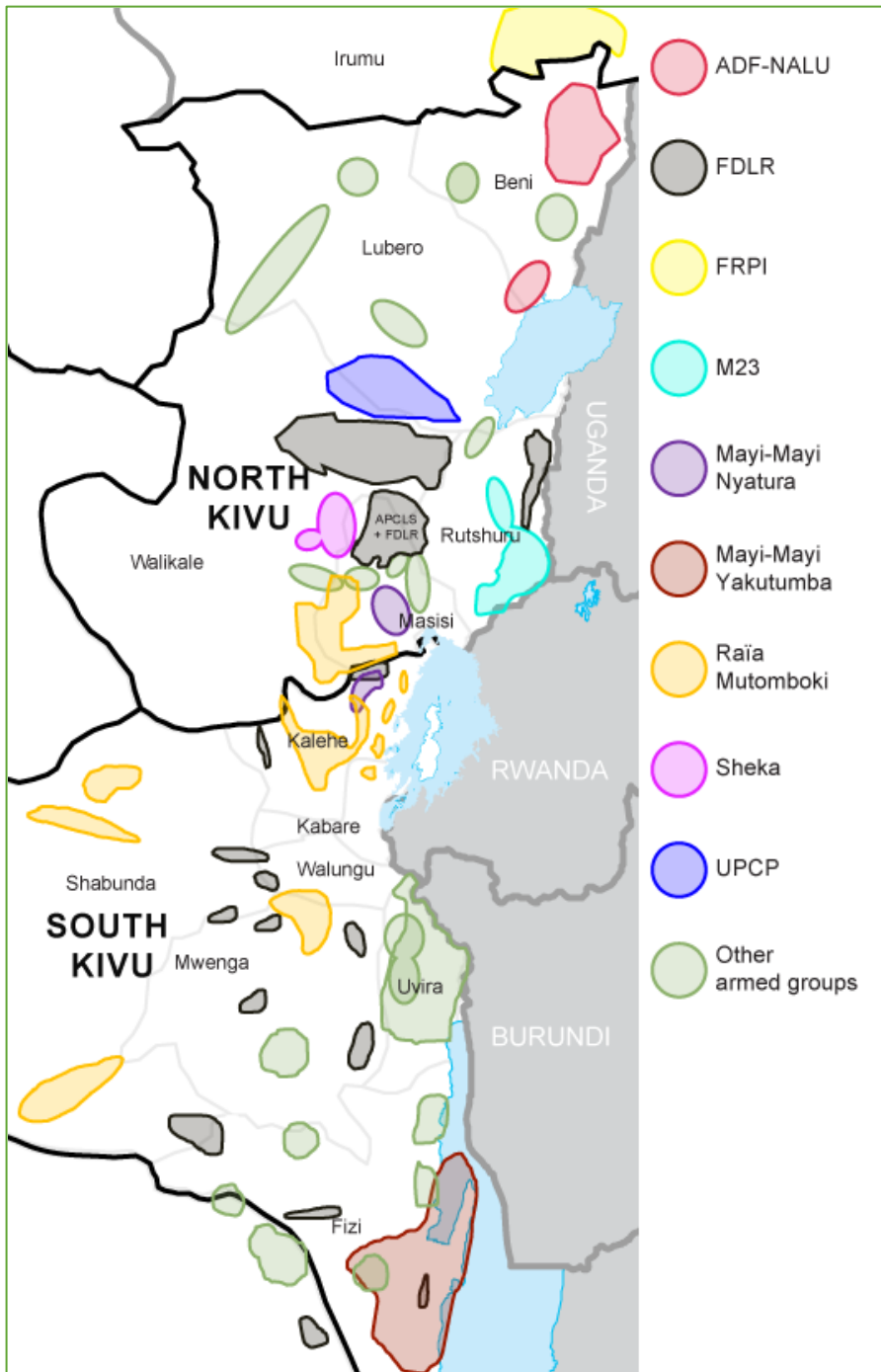
# ANNEX

Map of eastern DRC showing the areas in which Oxfam's 2012 protection assessment was carried out



Sources: Oxfam GB; USAID

**Map of North Kivu and South Kivu, eastern DRC, showing the approximate areas controlled by various armed groups and the FARDC as of August 2012.**



Sources: Protection Cluster South Kivu; MONUSCO; Oxfam GB.

# NOTES

- 1 UN Security Council resolution 1533.
- 2 Oxfam and its partners conducted both focus group discussions – with a modal value of eight participants – and individual interviews with 751 men and 577 women. Details of localities are withheld to protect the anonymity of respondents. The data collected are qualitative in nature and were not drawn from a representative sample of the population. As such, the data collected cannot be generalised across a broader population of eastern DRC or other conflict-affected areas. The data provide a rich account of personal experiences of individuals facing multiple and complex threats. For more detail on the research methodology, please see the Annex.  
  
The data collected from the 2012 protection assessment are supplemented by and triangulated against previous protection assessments conducted by Oxfam in the DRC, knowledge gleaned from Oxfam's operations on the ground in eastern DRC for 51 years, as well as reports and analysis from external organisations, including Oxfam's local civil society partners. Analyses and conclusions should be assumed to be based on a mixture of these sources unless we have specified that they are drawn from the 2012 assessment data.
- 3 For previous reports, see: 'We are entirely exploitable. The lack of protection for civilians in eastern DRC, Oxfam Briefing Paper, July 2011. <http://www.oxfam.org/en/policy/we-are-entirely-exploitable-drc-civilians-protection>. Women and children first: on the frontline of war in eastern DRC, Oxfam Briefing, June 2010. <http://www.oxfam.org/sites/www.oxfam.org/files/congo-protection-survey-2010-07.pdf>
- 4 See: '*In Search of an Army. How the Congolese army can improve civilians' safety*', Oxfam Briefing Paper, December 2012. (forthcoming)
- 5 Kemp, E., *Lessons from Oxfam's protection programme in Province Orientale and parts of South Kivu, Democratic Republic of Congo*, May 2012.
- 6 See: 'For me, but without me, is against me. Why efforts to stabilise the Democratic Republic of Congo are not working.' Oxfam Lobby Briefing, July 2012. [www.oxfamblogs.org/eastafrica/up-content/uploads/2010/09/DRC-stabilisation-brief.pdf](http://www.oxfamblogs.org/eastafrica/up-content/uploads/2010/09/DRC-stabilisation-brief.pdf)
- 7 Figures for August 2012. Source: OCHA, 'UN Humanitarian Chief Valeria Amos visits DR Congo to draw attention to the deteriorating situation', Kinshasa/New York, 7 August 2012.
- 8 UNOCHA figures for North Kivu (389 000 IDPs) South Kivu (378 000 IDPs), These figures include the people who were displaced since the beginning of January 2012, and remain displaced at the end of September 2012.
- 9 Source: UNHCR. <http://www.unhcr.org/5058439a6.html>
- 10 These themes are drawn from a combination of Oxfam's ongoing research and knowledge from operating on the ground as well as the 2012 assessment data.
- 11 During this assessment, the major armed groups cited were FDLR, LRA, ADF/Nalu, Nyatura, APCLS, M23, Mayi-Mayi Yakutumba, UPCP, FRPI, Raia Mutomboki.
- 12 Focus Group participant, Man, Fizi.
- 13 Sample of 794 respondents, with 5 per cent abstaining.
- 14 In general, such appreciation is highly localised and depends on the protective capacity of the troops, as well as the perception of their belonging to specific integrated armed groups. For more analysis on civil-military relations and the factors that influence them, See: '*In Search of an Army. How the Congolese army can improve civilians' safety*', Oxfam Briefing Paper, November 2012. (forthcoming)
- 15 While it is unclear why this has improved, some suggest it may be due to a number of factors, including better awareness and tougher laws.
- 16 Protection Cluster North Kivu, Report: 'Protection concerns in southern Masisi', 17 August 2012.
- 17 Sample of 784 respondents, with 8 per cent abstaining
- 18 Between mid-February and late August, many towns were controlled by the militia, who demanded that the population contribute goods to 'the war effort'
- 19 Sample of 782 respondents, with 8 per cent abstaining. MONUSCO had a presence in 86 per cent of the respondents' communities.
- 20 For more detailed recommendations, see: '*In Search of an Army. How the Congolese army can improve civilians' safety*', Oxfam Briefing Paper, November 2012. (forthcoming).
- 21 This glossary enumerates the main armed groups listed in this briefing paper and reflects the situation of the armed groups in June 2012, the time when the assessment was being carried out.
- 22 UN News Centre (2012) 'United Nations alarmed over reports of further massacres in eastern DR Congo', 29 August 2012.

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For further information on the issues raised in this paper please email [advocacy@oxfaminternational.org](mailto:advocacy@oxfaminternational.org)

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