

# ‘We are entirely exploitable’

## The lack of protection for civilians in eastern DRC

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One of the 1.7 million displaced people in DRC in front of her home at an IDP camp in Province Orientale. © Simon Rawles/Oxfam

Each year Oxfam undertakes a far-reaching survey of unheard, conflict-affected people in eastern Democratic Republic of Congo. Three-quarters of the 1,705 people polled in 2011 said that they felt their security had not improved since last year. In areas affected by the Lord's Resistance Army (LRA), this figure rose to 90 per cent, with communities telling Oxfam that they felt abandoned, isolated, and vulnerable. Communities everywhere painted a grim picture of continued abuse of power by militias, the Congolese army, and other government authorities, wearing away their livelihoods and ability to cope.

# Talking with communities: survey methodology

During April and May 2011, Oxfam and 15 local partner NGOs interviewed 1,705 people from 45 communities across the three eastern provinces of the Democratic Republic of Congo (DRC): Province Orientale, North Kivu, and South Kivu. The purpose of these interviews was to ascertain the views of conflict-affected communities on their security situation in a context of ongoing violence and the widespread presence of multiple armed actors. The interview team held 144 focus group discussions, as well as individual interviews; 49.5 per cent of interviewees were women, and the interviewees were from 45 different ethnic groups. Details of community names have been withheld to protect the anonymity of respondents.

The assessment focused specifically on areas affected by national and foreign, state and non-state armed actors. This is Oxfam's fifth such annual protection assessment in eastern Congo since 2007, but the first time that such a comprehensive survey has been conducted in the areas affected by the Lord's Resistance Army (LRA). The survey does not offer a fully representative dataset, but tries instead to provide a snapshot of people's personal experiences. It is important to note that, while there have been security improvements in some areas in eastern DRC, the survey focused exclusively on conflict-affected communities. This note summarises some of the key findings.

## Introduction

The protracted conflict in DRC affects a huge population across an enormous geographic area. The three eastern provinces of South Kivu, North Kivu, and Province Orientale cover more than 625,000 sq km, an area larger than France. Within this varied context, the shifting presence of armed groups, the Congolese army, and United Nations peacekeepers results in highly localised impacts on civilians. However, in Oxfam's survey of 1,705 people across these three provinces, several key themes emerged:

- The security situation is patchy, fluid, and fragile, and over three-quarters of respondents had seen no improvement compared with last year.
- Spikes in violent attacks on civilians continue, particularly in the LRA-affected areas.
- Abuses of power are pervasive at all levels and violent extortion and coercion are rife.
- Insecurity affects men, women, and children in different ways: for example, girls cited fear of sexual exploitation and violence, while boys talked of the risk of violence associated with forced labour and fear of recruitment.
- Coping mechanisms are strained; people are becoming more and more vulnerable and their livelihoods are seriously threatened.
- In the absence of effective authority, some people are taking justice into their own hands.

## Spikes in violence

The dynamics within and between the multiple armed actors have changed constantly over the past two years, with significant impacts on the communities living in the areas in which they operate. Armed groups have fragmented and reformed; military operations have stalled and restarted.

### Attacks in LRA-affected areas of Province Orientale

In eastern DRC, some of the most insecure and isolated communities are the 3.3 million people living in the Haut and Bas Uélé territories of Province Orientale, where the LRA has been operating since 2008. Even before the LRA arrived in the area, these were among the least developed parts of the country. Basic infrastructure such as roads, electricity supply, and telecommunications is almost non-existent across the vast area and almost 60 per cent of the population do not have access to clean drinking water.

Despite past military operations and some increase in international attention, including legislation in the USA,<sup>1</sup> the LRA retains sufficient capacity to wreak havoc on civilians and is responsible for widespread killings, abductions, and displacement. Small groups of hungry fighters constantly on the move continue to viciously target the most isolated and forgotten populations. Some 30,000 civilians fled the LRA in the first three months of 2011, bringing the total number of internally displaced persons (IDPs) in the area to 330,000.<sup>2</sup> Oxfam interviewed 322 people across nine communities in Haut Uélé and found that 62 per cent said that they felt less safe than last year. The vast majority of women and children reported feeling more insecure.

The lack of basic infrastructure, coupled with little effective army or police presence and the absence of peacekeepers, has created a desperate situation, making vulnerable people easy targets. Killings, abductions, looting, and ensuing mass displacements further entrench the poverty and vulnerability of these communities. The absence of effective state presence and protection, which attracted the LRA to this area in the first place, allows them to continue to operate freely.

Sentiments that came across strongly in interviews included overwhelming feelings of abandonment and the belief that the Congolese government does not care about communities' security. Many people even felt that the government deliberately sent poorly equipped and unruly troops to this historically marginalised region in order to punish them.

<b>Protection threats (in order of frequency)</b>	<b>Perpetrators of abuse (in order of importance)</b>
Extortion, kidnapping for ransom, illegal taxation, and arbitrary arrest	FARDC, LRA, Police Nationale Congolaise (PNC), local authorities
Killing, abductions, and death threats	LRA
Rape and other sexual violence	FARDC, civilians, LRA, Ugandan People's Defence Force (UPDF)
Looting and destruction of crops (during which rapes often take place)	LRA, FARDC, civilians, UPDF
Forced labour	FARDC, PNC

In the communities interviewed, the LRA was described as the main perpetrator of killings, torture, and abductions as well as of looting, destruction of crops and rape. However, the LRA was followed closely by the Forces Armées de la République Démocratique du Congo (FARDC), the Congolese army, which was described as the main perpetrator of the more frequent abuses of extortion and other economically driven protection violations, as well as the main perpetrator of sexual violence and forced labour (see Table 1).

The civilian population continues to be subject to abuses by the national troops deployed to the region to deal with the LRA. The soldiers who are there to escort farmers to their fields and protect them from the LRA are also the ones stealing their produce. However, faced with the stark choice between the LRA and the FARDC, communities often still preferred a FARDC presence to none at all, as the presence of soldiers was reported to have a deterrent effect on the LRA.

In two of the nine communities surveyed in Haut Uélé, the UN Stabilisation Mission to the DRC (MONUSCO) was considered to be a positive protection actor due to its presence and patrolling, which were perceived to have deterred the LRA. In the other seven communities, MONUSCO was considered to be ineffective because of its lack of patrolling and presence, particularly at the front lines, its lack of communication with the population, and perceptions that its personnel were collaborating with the LRA.<sup>3</sup> All nine communities are within MONUSCO's area of operations.

The Ugandan People's Defence Force (UPDF) was perceived as a positive protection actor by many interviewed, due, for example, to its joint patrols with the FARDC, its logistical capacity to fight the LRA, and its generally exemplary behaviour with regards to the population, showing the protective impact that a disciplined army can have. However, as indicated by Table 1, some abuses by the UPDF were also reported.

*'Our future is dark. We are scared all the time. The LRA continues to kill us and burn down our houses. We have a family that has been staying with us for a week, after they fled Doruma, where the LRA have been abducting day and night. We are not safe here.'*



**Martin is a fisherman from Dungu Territory, Haut Uélé. He and two friends were attacked by the LRA while fishing on a riverbank. Martin's friends were killed, but he managed to escape. Farmers, hunters, and fishermen are particularly vulnerable to attack. © Simon Rawles/Oxfam**

### *Impacts on livelihoods and longer-term development*

Fear of LRA brutality, or FARDC accusations of collaboration with the LRA, stop people from cultivating fields lying more than a few kilometres from village centres, leaving many unable to adequately feed themselves. In Haut Uélé, years of displacement are wearing away coping strategies and community solidarity. Displaced children in Dungu town, where many have fled, reported being paid 500 Congolese francs (CDF) (\$0.55) by members of the host community to cultivate 25 hectares of land. One said: 'They put us to work in their fields, and promise to pay us or give us food. In return they threaten us, injure us, and treat us like thieves and allies of the LRA.' Host communities also complained of theft by IDPs.

### **Attacks in the Kivus**

FARDC operations against rebel groups in the Kivus have been scaled down in certain areas, and the armed group the Democratic Forces for the Liberation of Rwanda (FDLR) is reported to be militarily weaker, with higher numbers of fighters demobilising. However, despite some gains in security in the Kivus, violence continues to be a reality in the form of militia attacks, sexual violence, torture, beatings, and abductions. Civilians often get caught in the middle as each side to the conflict withdraws from – or retakes – their villages.

As this assessment was being conducted, the FARDC was being restructured into regiments and it suddenly withdrew from key areas, including in South Lubero and Mwenga, allowing the FDLR to retake old positions. This created widespread displacement of – and reprisals against – local populations by both the outgoing and incoming armed actors. Armed groups that are fragmenting and losing cohesion commit violent and desperate attacks against the civilian population, often for survival, stealing food and clothing.

In North Kivu, for example, of the 350 people interviewed across ten communities, over half said that they felt less safe than last year, and the majority of communities highlighted murder and death threats as

the biggest threats to their safety. In South Kivu, most communities highlighted rape as a significant threat, with several in the south of the province noting an increase in rapes by elements of the FARDC and the FDLR since the beginning of 2011.

MONUSCO is seen in Masisi (North Kivu) as a positive protector on account of its engagement with the community, its market patrols, and its deterrent influence on FARDC soldiers holding people to ransom at illegal barriers. However, other communities interviewed either were not aware of MONUSCO's presence or felt that it should be reinforced. The FARDC is frequently both a positive and a negative influence on people's lives, its members being reported both as a protective presence and as abusers of power.

Community appreciation of the police is likewise mixed. In the north of South Kivu, seven of eight communities surveyed saw the Police Nationale Congolaise (PNC) as corrupt and inefficient, though in the Grand Nord one community described them as well trained, disciplined, and diligent in their job. As outlined below, the abuse of power by those who hold it was a major theme identified by all communities in the Kivus.

## Abuses of power: theft, extortion, and the destruction of livelihoods

### Types of abuse

The survey revealed coercion in all participating communities, with regular extortion by both state and non-state armed actors, resulting in debilitating restrictions on movement and the destruction of livelihoods. The common and frequent abuse of power by elements of the FARDC and by armed militias and rebel groups undermines already precarious livelihoods and survival strategies. Power dynamics are systematically exploited, putting vulnerable people – especially displaced people, women, and children – increasingly at risk. Secondary effects of this, such as child prostitution, inability to access schooling, and exploitative labour, contribute to trapping the weakest people in a cycle of poverty and insecurity.

Theft, looting, and extortion were reported in all communities surveyed and emerged as the most frequent types of abuse in the majority of communities surveyed. One community in South Kivu has paid CDF 300 (\$0.33) per household each week to the FDLR since 2008. Those who pay late pay double, and those who refuse are killed. In the Petit Nord in North Kivu, the FDLR demand a share of the harvest at barriers set up on the way to the fields. FDLR soldiers occupy the fields, and threaten to kill people who report them. In South Kivu, FDLR personnel arrive in the towns on market days and collect taxes. In the north of South Kivu, communities report regular abductions by the FDLR, and say that the ransoms paid are usually between \$100 and \$250. Given that almost 60 per cent of the population of DRC lives on less than \$1.25 a day,<sup>4</sup> this has a seriously detrimental effect on people's abilities to meet their basic needs.

*'Those who are in the forest, the FDLR, and those who are meant to protect us – the FARDC – are the same. They are twins. ... The operation to chase out the FDLR started by our military has ended to give way to an operation to chase away our wealth.'*

### *Looting and violent theft*

Several communities reported that elements of the FARDC and their wives stole crops from their fields at night, and in some cases even in broad daylight. Women in one community in South Kivu complained that they are forced to buy their own manioc back from soldiers' wives in the market. One community in South Kivu said, 'We are all going to flee from here. We are forced to sell to the FARDC on credit, and the day you dare to demand payment, they accuse you of being Mai Mai [self-defence groups/militia] and arrest you.' In Fizi (South Kivu), the population reported that the FDLR 'wait for us after the market to take everything we have, even the clothes we are wearing'.

In the Petit Nord, one community said that they are most at risk during FARDC patrols, when they are accused of being members of militias and have their belongings seized. Another community explained how looting by the FDLR and elements of the FARDC is used as cover to kill those thought to have collaborated with the other side. In the same area, the communities interviewed said that groups of armed men steal tin roofs from houses and plastic sheeting from emergency schools. One community in Lubero (North Kivu) reported 20 cases of looting by armed actors since the beginning of the year.

In Irumu (Province Orientale), villages are looted and individuals are targeted for rape, abduction, and murder by the local militia if they are thought to be collaborating with the FARDC. Youth in Ituri (Province Orientale) explained that if you do not pay the fines demanded, you are accused of being part of a militia and arrested. 'If you want to move, you'd better have money in your pocket; or not move at all.'

### *Forced labour and extortion*

Several communities reported men paying \$25–30 to avoid forced labour. A police commander in Niangara has earned the name 'Capitaine Cent Dollars' (Captain One Hundred Dollars), due to his habit of locking people up on any pretext, until they pay \$100 to be released. In the Petit Nord, local chiefs and the police collaborate to extort fines of up to \$100 for offences that neither of them is legally mandated to judge. In one community of the Grand Nord (North Kivu), each farmer is expected to pay \$10 a month to the FARDC, the same sum that used to be paid to the Mai Mai militias when they controlled the area. 'This situation will not change,' say local people. 'We are a source of revenue par excellence for the military. We are entirely exploitable.' In Haute Uélé and the Petit Nord, the population described how the FARDC visit after distributions of humanitarian assistance 'for their share'.

### *Illegal barriers*

The FARDC, the PNC, and the intelligence services set up and run the majority of the many illegal barriers. In South Kivu one community reported paying between CDF 300 and CDF 5,000 (\$5.50) at each of five barriers on the way to the market. In Haut Uélé, there are 25 barriers along a 100km stretch of road. Each one is manned by the FARDC and it costs a minimum of CDF 200 (\$0.22) to pass. In the Grand Nord two communities each reported nine barriers, where

CDF 200–500 is levied each time. In several areas, CDF 200 must be paid both when going to the fields and returning. Women in one community reported paying also for the babies on their backs. One woman told how her daughter died in her arms after all the money she had for treatment was extorted at a series of illegal barriers on the way to the hospital. She had nothing left to pay for medical care on arrival.

Extortion and illegal barriers are an important source of income for those with power, including civilians; it is not exclusively armed groups who 'live off the back' of the population in this way. Often powerful civilians, including local chiefs, exploit and abuse the people they are meant to be representing. Those who cannot pay up are often beaten, arbitrarily imprisoned, or used for forced labour until their families can save or borrow the money for bail. In Haut Uélé, some people reported family members being imprisoned by local chiefs for six months to a year, until their family had saved up the bail money.

### *Exploiting land conflicts*

The survey found that stress on livelihoods is giving rise to increased levels of intra- and inter-community tension. In Fizi, communities described increasing levels of land conflict between returnees and those who remained; in the Petit Nord communities talked about the illegal sale of land by local chiefs for personal profit, putting those who fled at odds with those who did not. Communities described how many authorities abuse their power and sell land they do not own, and then find ways to profit from the ensuing conflict. In the Grand Nord, one community linked 80 per cent of conflicts to land issues, including murders, beatings, and the destruction of crops. One man described how a field of crops that was ready to harvest was destroyed as a result of land conflict, leaving him with nothing and unable to send his children to school.

## **Barely coping: how people are dealing with the threats**

Across eastern DRC the resilience of communities, social cohesion, and the generosity of host families during this protracted conflict have been remarkable. In the absence of state-provided social safety nets, people find ways to look after themselves and others. However, as livelihoods are devastated, these coping mechanisms are under severe strain, further increasing people's vulnerability.

### **Dangerous coping practices**

Most strategies adopted to cope with the multiple protection abuses have highly negative consequences on people themselves. To cope with the destruction of livelihoods, children are pulled out of school and put to work.

In many of the communities surveyed, sexual exploitation of children is becoming increasingly the norm. In the north of South Kivu and in Haut Uélé, this was described as widely expected and even accepted. One 16-year-old girl in Dungu described how the LRA killed her



mother and father and then, in another attack, her brother. She survives through prostitution. She now knows that her 12-year-old sister is doing the same but is not able to stop her, even though she hates this situation.

In other areas, such as Uvira, early marriage is widely prevalent and is used as a survival strategy and for protection. In South Kivu, the bride price is sufficient inducement for parents to marry off their daughters. A survivor of rape is often forced to marry the perpetrator if she falls pregnant, as the stigma of rape means that no one else will marry her and the family cannot afford to keep her and her child. In the Petit Nord and in Haut Uélé, marrying a daughter to a soldier exempts families from forced labour and gives them relative impunity – their own position to exploit within the community.

In the Haut Plateau of Uvira, young people say that they join armed groups to avoid marriage: 'Once we are part of an armed group, even our parents start to be afraid of us and stop trying to impose their wishes.'

In Beni, communities report that the Ugandan rebel group the Allied Democratic Forces (ADF) regularly murders people trying to access fields. Too scared to cultivate their own land, some communities are employing displaced people, who are even more vulnerable, to do it for them in return for a tiny sum of money. Fear of violence results in exploitative practices.

### *Protest and 'popular justice'*

Communities described themselves as becoming increasingly disillusioned by the lack of justice and the inaction of authorities with regard to their plight. In Haut Uélé, the major complaint is that the government does not seem to care about the people's misery living with the LRA. *Villes mortes* (general strikes) and marches through the centre of towns are seen as a new phenomenon but are becoming increasingly frequent signs of protest. Three of the six communities surveyed in the Grand Nord mentioned recent cases, and reported demonstrations against administrative targets in neighbouring towns. However, communities in the Petit Nord also spoke of the threat of reprisals by authorities following such protests.

Elsewhere, the population is turning increasingly to popular justice or 'justice where the victim does not have to pay'. In Rutshuru, a thief was burned to death by local people in April, with the complicity of political and military authorities. In Beni, a soldier accused of rape was stoned to death by local people. In Uvira, 11 cases of violent popular justice were reported between January and April 2011.

### *Submission or flight*

In some areas people move to avoid abuses. In Kabare, one community described how they spent the day in a safer neighbouring town and then returned to their village during the night. In the Grand Nord, communities described spending the night in the bush to avoid attacks. Elsewhere, people have reduced their movement and stopped going to the market and to their fields, which further cripples

livelihoods. All communities described submission or flight as the first responses to abuse.

### *Proactive coping strategies*

Some people have attempted more proactive strategies for their own protection, but these again frequently have negative impacts. In Fizi, men described how they decided to accompany women to markets and to the fields to protect them, but now they themselves are raped as well: 'We don't know which god to turn to.' Unarmed night patrols have been tried by communities in Uvira, but were soon abandoned as being too risky. Likewise, a number of local defence groups have been established but these prey off the population, who fear they will turn into predatory Mai Mai groups. The most positive coping strategies that were reported involved negotiation with authorities or armed actors. For example, one community said that it decides each week who will do forced labour while others collect food for the FARDC.

## Conclusions and recommendations

Oxfam's 2011 protection survey reveals that some civilian populations in eastern DRC are entirely exploitable and vulnerable to abuses by anyone with a power advantage over them, military or civilian. The absence of state authority and the abuse of power keep them trapped in a cycle of poverty and insecurity. The vast majority of those interviewed felt that their situation was either not improving or worsening. Such communities are becoming victims of elements of the FARDC, other armed groups, and sometimes even their own local chiefs. Extortion, the most frequent abuse of power perpetrated by military and civilian actors, leads to impoverishment and further insecurity and devastates lives and livelihoods. This locks the neediest people into a downward spiral of vulnerability.

All communities surveyed wanted the Congolese government to improve the management of the army, including through a well-managed integration process; undertake vetting for human rights violations; and provide regular payment for soldiers, as well as holidays, barracks, medical support, and support for dependants. Despite the fact that the FARDC poses so many threats, in some areas its presence was seen as preferable to being abandoned to threats from armed groups. Where FARDC personnel were to be deployed to insecure areas, communities asked that their numbers should be sufficient to be effective and that the army be more responsive to the needs of communities, while abusers are punished for their crimes. Communities also wanted the international community and the Congolese government to put an end to armed militias. In addition, they said that their security would improve dramatically if barriers and illegal taxes were removed.

On the basis of the priorities identified by communities consulted to address the security threats that they face, Oxfam makes the following recommendations to the different actors involved.

## The Government of the DRC and international donor governments

- National and international efforts to implement the DRC government's plans **for security sector reform** should prioritise those changes that communities say will most directly improve their safety: **pay, welfare, garrisoning, and logistics support for FARDC and PNC personnel; discipline and justice; and training in human rights.**
- Military and civilian authorities should **address the extortion and violations** committed by the FARDC and the PNC as a priority, and should start **by removing checkpoints that serve no specific security purpose and by putting an end to protection abuses at illegal barriers.** This could secure an immediate improvement in people's safety.
- The Congolese military authorities should give clear directives to all personnel enforcing **respect for the status of all non-combatants**, especially minors, and monitor the application of these directives, with support from MONUSCO, to avoid civilians being targeted for abuse on the pretext that they are collaborating with the various militia groups.
- The **existing FARDC Zero Tolerance Policy for Human Rights Abuses must be put into practice to address the culture of impunity.** It will help to ensure that FARDC personnel who abuse their authority, violate codes of conduct, or otherwise fail to fulfil their obligations are investigated, in a transparent manner, and are appropriately disciplined and/or prosecuted. The long-demanded **vetting system for integration of other armed groups into the FARDC** must also be introduced.
- The Congolese government and its international partners should **step up the effective, accountable, and widespread deployment of military police and prosecution support.** Sustained monitoring of FARDC conduct by MONUSCO in line with its protection mandate remains essential, but for military justice to be established for the longer term, the Congolese government and its international partners should increase provision for military police and the capacity to prosecute.
- **The Congolese government and its international partners should support** relevant ministries in setting up a series of consultations and provincial-level debates in North Kivu **to discuss the current land regime with local communities and landholders.** Starting at a provincial level, outcomes of such consultations could be used at the national parliament as a basis for land reforms.

## International donors

- International donors must ensure that **detailed context and conflict analysis underpins their interventions** in order to respond to livelihoods and land issues in eastern DRC in a conflict-sensitive and sustainable manner.
- International donors, alongside the government, must prioritise

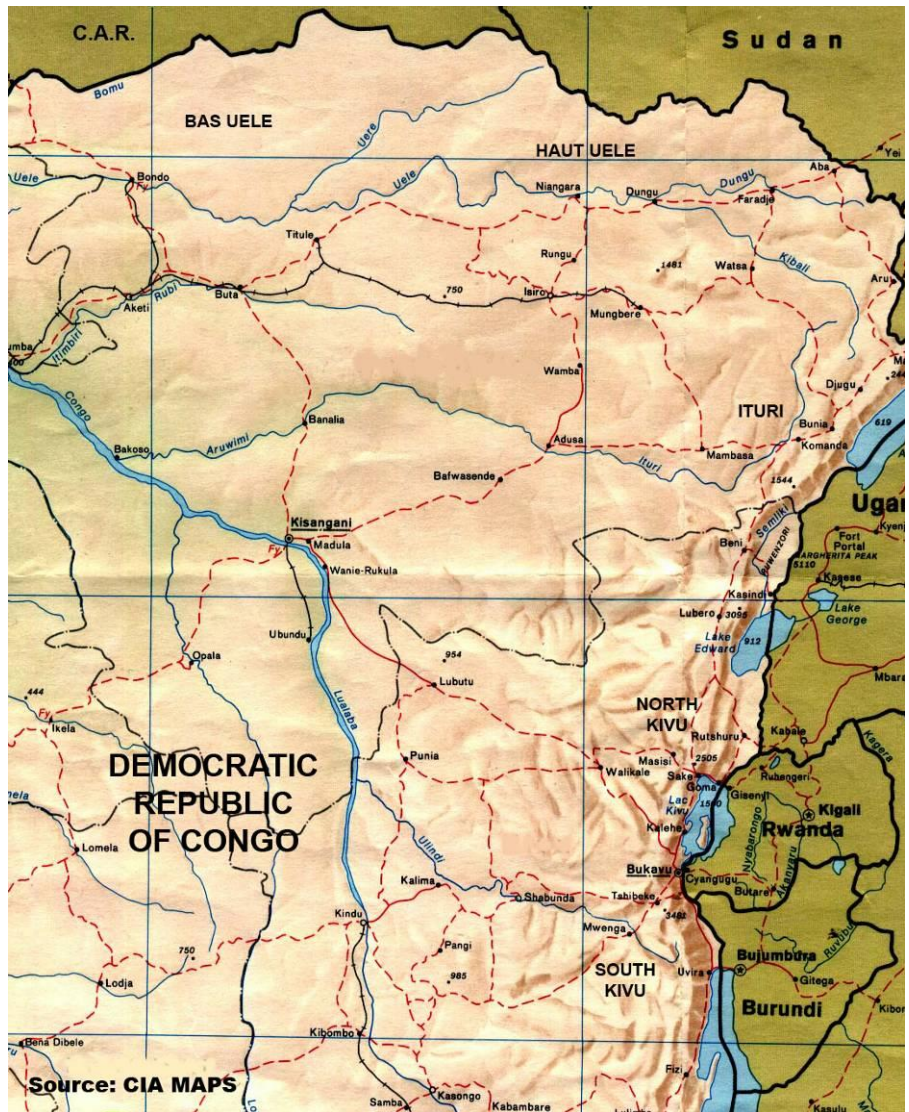
addressing **structural constraints in LRA-affected areas**, such as **through support for the expansion of telecommunications and road networks**, in the interest of making LRA-affected communities less vulnerable.

## MONUSCO

- **MONUSCO's deployment plans must reflect protection needs on the ground**, which need to be assessed through community consultation mechanisms and civil society engagement, as recommended by the DPKO-DFS Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations. The Framework requires missions to adopt a consultative process for developing a protection of civilians strategy, including through consultations with government, local communities, and UN and NGO humanitarian and protection actors.
- In line with UNSCR 1991 (2011), **MONUSCO deployment to LRA-affected areas should be reviewed and significantly increased**. Only 5 per cent of MONUSCO's total force is currently deployed to areas where the LRA operates, while 20 per cent of total displacements in the DRC are due to the LRA.
- **MONUSCO should continue to expand its communication with local people on the protection they need** and – based on the evidence presented here – should make particular efforts to listen to the needs of **women and young people**.
- Also in line with UNSCR 1991 (2011), which encourages the use of 'innovative measures', the mission should **increase foot patrols to fields and markets in flashpoint areas** so that civilians can access their means of livelihood. It should also **increase its monitoring presence at checkpoints** that are in effect illegal barriers in order to prevent extortion.
- MONUSCO should **prioritise the use of good practice tools to improve civilian/military dialogue at the local level**.
- MONUSCO should **improve its reporting on the protection of civilians**. Regular reports to the UN Secretary-General should include clear data on core categories of protection incidents, such as displacement and civilian casualties, as well as clear summaries of action taken to prevent, respond to, and mitigate threats and the impacts of these actions.

## The African Union

- **The AU should ensure effective co-ordination and joint planning** with MONUSCO in the anticipated deployment of a joint regional task force in the LRA-affected areas; this will be crucial in protecting civilians against the LRA threat in Haut and Bas Uélé.
- Any future AU (or other regional body) troops deployed **should have protection of civilians training. Appropriate accountability mechanisms should be in place** to ensure that troops contribute to better civilian protection in the areas where they are deployed.



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## Notes

- <sup>1</sup> Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (S.1067), signed into law by US President Obama in May 2010.
- <sup>2</sup> Source: UN OCHA.
- <sup>3</sup> There is no evidence to suggest this is true, however it could demonstrate poor knowledge by communities of the role of UN peacekeepers and poor communication between peacekeepers and communities.
- <sup>4</sup> Source: World Bank, World Development Indicators 2006 (at 2005 international prices).

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