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The project to end genocide and crimes against humanity

# A Diplomatic Gambit: A Proposal for Moving Peace Talks Forward in Eastern Congo

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The ongoing conflict in eastern Congo is at a critical turning point, and the risk of renewed international war hangs in the balance. At stake in this struggle between the Congo and the Rwanda-backed M23 rebels is control of the resource-rich provinces of eastern Congo, the survival of the Congolese state, the relationship between Rwanda and its principal donors, and the stability of the entire Great Lakes Region of Africa. A June 2012 United Nations Group of Experts report laid responsibility for the intensification of fighting at Rwanda's doorstep by demonstrating direct links between the highest levels of government in Rwanda and the M23. Since then, several western governments including the United States have publicly condemned the rebellion and cut or suspended economic assistance to the Rwandan government. However, those cuts have not yet had the intended effect.

As the international community works to defuse the crisis in Congo, the U.S. and its allies must begin to work towards a sustainable peace with accountability for those who have committed serious crimes. There will be opportunities to achieve this in the coming months. Notably, the meeting between Congolese President Joseph Kabila, Rwandan President Paul Kagame, and other world leaders at the United Nations on Thursday offers a chance at transforming the current regional talks into a more robust peace process that addresses the key security, economic, and political issues. At that meeting, as well as in other subsequent forums, the U.S. and its allies must convey strong messages to both Congo and Rwanda about a cessation of hostilities, the protection of civilians, and the establishment of a roadmap towards a sustainable political solution to the crisis. In addition to diplomatic pressures, the U.S. and others can be very helpful in imagining political and economic endgames that begin to address the core agendas of the warring parties so that sustainable peace becomes a real possibility.

Meanwhile, regional organizations and the international community have been searching for answers. The 12-state International Conference on the Great Lakes Region, or ICGLR, has mediated talks since June focused on security issues. Congo has pushed

for the creation of an international neutral force to eradicate “negative forces” in eastern Congo including M23 and the Rwandan Hutu-led Forces for the Democratic Liberation of Rwanda, or FDLR. Tanzania has offered troops for the force, and South Africa and Angola may as well, but its funding and full mandate is still unclear, and it has little chance of success as currently formulated. Meanwhile, the Rwandan proposal of a Joint Verification Mechanism to monitor the border between Congo and Rwanda is already being implemented but is unlikely to succeed, given its very limited scope and maneuverability. Finally, a military assessment team comprised of 22 experts to survey the negative forces’ locations, strength, weapons, and logistics has been deployed since mid-September, and has aimed at laying the groundwork for the neutral force. The international community has given tepid endorsements to these solutions yet highlighted that there are still many more questions than answers about their viability.

The reality, however, is that it will be impossible to resolve the conflict without addressing the critical underlying political and economic issues, which the ICGLR talks have not touched. On the ground, the Congolese state continues to demonstrate that it has neither the will nor capability to govern or provide services in its restive east, as corruption in the army and government remain very high. Even if M23 pulled out of eastern Congo, a massive resource-rich territory would remain ungoverned and underserved.

On economic issues, illegal minerals smuggling continues between armed groups and traders in Congo, Rwanda, and Uganda – particularly of gold and tantalum – and threatens to increase if M23 captures more territory. Internationally, the U.S. and European governments remain divided internally on measures that should be taken to respond to M23. While the U.N. Experts, governmental, and human rights reports show overwhelming evidence of Rwandan support to M23, some policy makers continue to drag their feet on how to respond. This division is hindering the U.S. government’s ability to act quickly and decisively at a time when it is critically needed.

The ICGLR has done a laudable job in a difficult situation, but the talks as currently constituted lack the carrots, sticks, and muscle to move the parties toward peace. The history of strained and complicated relations between Congo, Uganda, and Rwanda are difficult to overcome. Therefore, a revitalized peace process is needed that addresses critical outstanding political and economic issues that lie underneath the parties’ actions. A former African head of state or senior African mediator should be appointed to the ICGLR process. The process should be backed by strong regional and international incentives and disincentives from Uganda, Angola, other ICGLR states, as well as the U.S., U.K., France, and Belgium, in order to enable greater progress in the talks. Military solutions alone will fail, and historical precedence shows not only the failure of military intervention as a tool towards peace, but that it is the communities of innocent civilians who bear the biggest burden. If political and economic grievances are not addressed, the scenario that exists today will only continue in various iterations just as it did in 1996, 1998, 2006, and 2008. What is needed above

all else are substantive ideas that begin to address the core strategic and economic concerns of the main combatants, and provide protections for the vulnerable civilian populations that do not factor in the combatants' calculations.

The talks must also address accountability, as a solution to the problem with no justice measures will fail. The talks must ensure that M23 and FDLR leaders are brought to justice for their culpability in the crimes committed during the rebellion. The U.S. should continue to demand the arrest of Bosco Ntaganda and that he is delivered to the International Criminal Court, or ICC. The Congolese authorities should also be supported in their efforts to arrest the indicted war criminals involved in M23 and the FDLR, including Bosco Ntaganda and Sylvester Mudacumura.

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### Recommendations:

1. The ICGLR talks should be revitalized into a peace process that is mediated by an African former head of state or senior African leader whom both Congo and Rwanda will accept. The US should engage actively behind the scenes at the negotiations and state publicly that political and economic issues should be addressed in the talks.
2. The U.S., U.K., and other key donors should use available levers to incentivize Rwanda to begin dismantling M23. The U.S. and other donors should condition approval for the \$135 million World Bank general budget support to Rwanda on its cutoff of support to and dismantling of M23. The U.S. should delay the vote on this package until these conditions are met. The U.S. should work closely with African states with influence in Congo to envision and encourage creative solutions to the problems of eastern Congo. Congolese political and civil society actors should also be included as extensively as possible.
3. The Obama administration and U.N. Security Council should place targeted sanctions on Rwandan and any other officials identified by the U.N. Group of Experts as aiding M23, as this constitutes a violation of the U.N. arms embargo and sanctions regime on Congo. The U.N. Security Council should also sanction anyone found aiding and abetting the FDLR. The U.S. and U.N. Security Council should also place sanctions against the four main owners of conflict gold smuggling operations documented by the U.N. Group of Experts.
4. The mediation team should ensure that political, economic, and security issues are placed on the agenda:
  - a. **Security:** The dismantling of M23 and reintegration of its rank and file fighters, and defeat of the FDLR.

- b. **Humanitarian:** Return of refugees from Rwanda to Congo and return of all displaced persons to their homes.
  - c. **Economic:** Stopping minerals smuggling and enabling a fair concession granting process for mines that would enable legitimate, transparent business in the minerals and hydrocarbons trade that helps communities.
  - d. **Human security:** Protection of Tutsi and other vulnerable communities in Congo.
  - e. **Justice:** Accountability for M23, FDLR, and other wanted leaders of rebel forces who have committed or ordered atrocities.
  - f. **Aid:** Reconstruction package for eastern Congo.
5. **Security:** The U.S. should push for the United Nations Mission to Congo, or MONUSCO, to turn the neutral force concept into a realistic security option within MONUSCO as a special counter-insurgency unit to deal with “negative forces.” MONUSCO should fill the 2,000 troop gap that exists between its current levels and maximum mandated levels, in order to support regional efforts to dismantle core elements of both the FDLR and M23. This would allow for neutral international support to the objectives put forward by the ICGLR within an already existing framework that allows for greater expediency and international financial and logistical support. This element of the strategy should go hand in hand with the political negotiations that are essential to addressing root causes of ongoing violence.
6. **Accountability:** The Office of the Prosecutor of the International Criminal Court should warn of the possibility of investigations of those involved in this conflict for war crimes and crimes against humanity under the Rome Statute.