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Coordinated International Leverage

The Missing Element from Congo's Peace Process

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Editor's note: This paper is the final installment in the Enough Project's three-part series on the process, substance, and leverage necessary to create a path toward a viable peace in eastern Congo and the wider region.

Introduction

Without coordinated international leverage, the talks underway between the Congolese government and the M23 rebels in Kampala, Uganda, will not resolve the conflict in eastern Congo. The current process, under the auspices of the International Conference on the Great Lakes Region, or ICGLR, and chaired by Uganda, has neither the necessary parties at the table nor sufficient international involvement to give it any chance of success.

Deep-rooted mistrust permeates the Great Lakes region and has poisoned the ongoing peace process. As a result, Rwanda and Uganda—key supporters of the M23 rebellion—are not participating in the talks as acknowledged parties to the conflict.¹ Unfortunately, the M23 has gained stature and legitimacy from its presence at the negotiating table, but is under no pressure to make meaningful concessions. Congo, unable to deal with the war raging in its eastern provinces, agreed to participate in talks under the duress of the siege of Goma. Civil society stakeholders in eastern Congo do not have a way to make their views known. As a result, the process lacks players with an interest in ensuring that a final agreement actually addresses the region's chronic drivers of conflict: poor governance and inadequate political representation.

A workable process would require an effective mechanism for mediation, an invested international community, and stakeholders who see the practical and pragmatic costs and benefits of participating. A calibrated package of incentives and deterrents could help get the right parties to the table.

The United States and the United Nations should use their diplomatic and economic weight and legitimacy to induce regional stakeholders, including the governments of

Rwanda and Uganda, to join the process, and once there, provide incentives for them to participate constructively. Coercive measures could include the threat of U.S. sanctions on Rwandan and Ugandan officials aiding the M23, as well as supporting the continued delay and potential cancellation of World Bank funds to Rwanda. Positive incentives from the international community could include signaling a willingness to address Rwanda and Uganda's security and economic concerns in eastern Congo and a commitment to facilitate increased international investment in the region and assistance for regional economic integration. Building collaborative economic ties between Congo, Rwanda, and Uganda will help create mutual interest in forging and maintaining peace in the Great Lakes region.

Both the United States and the United Nations should start to do this by appointing senior-level envoys. The United States must appoint a presidential envoy, supported by adequate staff and dedicated to the Great Lakes peace process. As a component of its role, that office can work to marshal political will within the international community for a coordinated approach to applying both the constructive and coercive leverage necessary to engage all regional stakeholders.² The envoy would need the backing of the White House to be able to fully explore available diplomatic and economic tools. At the same time, the U.N. secretary-general should appoint a high-level U.N. envoy to serve as the mediator for the process. Ideally, the U.N. envoy would work in conjunction with regional multilateral bodies, including the African Union, or A.U., and the ICGLR to bring the parties to the table and keep them there using the international community's package of constructive and coercive incentives.

Background

Eastern Congo has once again been hijacked by competing regional interests using proxies to jockey for control over the region's abundant natural resources.³ As has been the case too often in the past, the people of the region are again paying a terrible price as a result of the conflict. Since the spring of 2012, the M23 rebel group has been terrorizing the population of eastern Congo and perpetrating grave human rights abuses across Congo's provinces of North and South Kivu.⁴ Successors of the brutal National Congress for the Defense of the People, the M23 are just the latest reincarnation of Rwandan-backed insurgents in eastern Congo.⁵ The militia's aggressive tactics, particularly its brazen November 20 assault on Goma, the provincial capital of North Kivu, have caused a humanitarian crisis.⁶ Almost a million people are internally displaced in North Kivu—half of them driven from their homes as a result of the latest round of fighting.⁷

After spending eight months unsuccessfully trying to quell the insurgent movement, Congolese President Joseph Kabila agreed to directly meet with the M23's leadership in exchange for its withdrawal from Goma.⁸ Unfortunately, the regionally mediated talks being conducted in Kampala by the ICGLR have been an exercise in futility, character-

ized by delaying tactics and political theater.⁹ The talks began in November, resumed in the first week of January, and have since progressed at a crawl.¹⁰

The lack of direct participation by Rwanda and Uganda—the two countries implicated by the U.N. Group of Experts,¹¹ Human Rights Watch,¹² and Western intelligence as the M23’s financial and logistical backers and the key protagonists of the conflict—is worrisome and risks derailing the talks. Rwanda’s absence from the negotiation table means that any agreement reached there will not have the direct agreement of a key instigator of the conflict. The credibility of the process has been further undermined by the Ugandan mediation.¹³ As a result, the talks underway in Kampala between Kinshasa and the M23 are severely lacking in credibility.

Calibrating coercive and constructive leverage

A balanced application of coercive and constructive leverage is imperative to get the parties to make good faith efforts toward the development of a durable and long-term solution. Coercive leverage could effectively secure important concessions. Constructive leverage could motivate stubborn parties to participate by recognizing long-term benefits that outweigh the costs of continued conflict. For the international community, it will be essential to craft and sustain a package that contains the right combination of carrots and sticks.

The government of Rwanda has consistently demonstrated that it will not acknowledge its role in eastern Congo solely in response to coercive measures.¹⁴ Therefore, the international community should offer long-term security, economic, and political incentives to secure its engagement in any process. For Congo, the very act of international intervention in the peace process could be interpreted as constructive, because of President Kabila’s weak negotiating position and domestic lack of legitimacy. He would not want to be left to broker a deal for his political survival on his own. In addition to getting the major parties to the table in a mindset for constructive negotiations, a sustainable long-term solution to the cyclical violence in eastern Congo requires the participation of traditionally marginalized groups, including civil society leaders, religious leaders, women, and minorities.¹⁵

Economic and diplomatic tools to get the essential parties to the table

As the U.S. government and the United Nations consider appointing special envoys, it is worth reviewing the mechanisms for leveraging the participation of the main parties to the conflict. Although there are many other stakeholders who will play a role in forging a long-term regional peace in eastern Congo, the four most difficult entities to induce to engage constructively are Rwanda, the M23, Congo, and eastern Congo’s local leader-

ship. Below, we identify the range of options available to the international community as it seeks to influence these actors.

Rwanda

Publicly, Rwanda's interest in the ongoing conflict in eastern Congo is focused on security concerns. Ostensibly, the continued operation of remnants of the Hutu militia known as the Democratic Forces for the Liberation of Rwanda, or FDLR, drives Rwandan security policy in the region.¹⁶ Nevertheless, the magnitude of Rwandan economic interest in eastern Congo is undeniable.¹⁷ Both sides of Rwanda's motivations—its economic and security concerns—must be acknowledged and addressed in any credible negotiations.

To ensure optimal political buy-in from Rwanda's political leadership and business elites, the international community could help Rwanda and Congo negotiate a joint economic framework for long-term investment in a responsible minerals trade, and facilitate cross-border shared resources management projects in the Great Lakes region, like the joint hydroelectric and methane gas projects in Lake Kivu.¹⁸ Quantifying the peace dividend by promising increased tax revenues from trade and international investment could also motivate Rwandan leadership to engage.¹⁹ Additionally, security assurances on the fight against the FDLR could ease concerns about the threat that the Hutu rebel group poses to Rwanda. Assurances related to land tenure, border controls, and refugee returns will also positively motivate the Kigali government. In light of the impending June 2013 expiration of refugee protection for many Rwandans under the terms of the cessation clause in the 1951 refugee convention, a regional agreement addressing the looming refugee issue could serve as a strong "win" for the Rwandan government to take back home to its constituents.²⁰ Finally, since the emergence of evidence showing military, political, and economic support for the M23, Rwanda has suffered significant political and economic damage in its relations with Western nations. The potential for renewed international political capital garnered by constructive participation in the peace process should not be overlooked as a motivator for Rwandan leaders, particularly as they begin their two-year tenure on the U.N. Security Council.

On the other hand, the international community also holds a number of coercive tools in its arsenal. The credible threat of individual sanctions on Rwandan and Ugandan officials supporting the M23 movement remains the most potent leverage the United States has, and if evidence of support continues, the Obama administration should not hesitate to enact those sanctions. Additionally, cuts in non-humanitarian assistance including military aid could sway Rwanda's political leadership, particularly since 48 percent of the government's operating budget is supplied by international actors.²¹ If the United States, the European Union, and the United Nations threatened a coordinated package of increased military aid cuts, coupled with targeted economic sanctions and travel

bans against individual political leaders from Rwanda and Uganda, Rwanda's leadership might be pushed to make concessions.

The Rwandan government also puts a high premium on its expanding mining sector and revenues generated from the extraction, transport, and export of tin, tantalum, and gold. Smuggling of minerals from eastern Congo, however, continues to bolster mafia-like systems in both Congo and Rwanda.²² The threat of an embargo of Rwandan minerals from international buyers—if Rwanda does not allow for independent monitoring of its mines and trading routes—could have a chilling effect.

Finally, if international financial institutions like the World Bank continue to withhold loans from the Rwandan government,²³ its politicians might be forced to act to protect their enviable economic growth.²⁴

In 2013 further damage to Rwanda's international image might be one of the most powerful tools in the arsenal of the international community, particularly if the situation deteriorates to the point that major powers reevaluate their interests in bilateral relations. Indeed, as evidence emerged that the government of Rwanda created and continued to provide military support to the M23 insurgency, the United States withheld \$200,000 of military spending as a symbolic signal to Rwanda,²⁵ and the United Kingdom responded by cutting more than \$33.7 million of development aid to Rwanda.²⁶ On December 18 U.S. President Barack Obama called Rwanda's president, Paul Kagame, to personally emphasize the "importance of permanently ending all support to armed groups in the DRC."²⁷ An engaged Rwanda is the centerpiece of any credible attempt to resolve the conflict in eastern Congo. Without its inclusion, any political process will simply scratch the surface of the deeper drivers of conflict in the region.

The M23 movement

Simply including the M23 in a legitimate and internationally mediated peace process would be a huge victory for the movement. Participation in the ICGLR process in Kampala has already given the insurgency a degree of legitimacy as they raise their grievances with Kinshasa.²⁸ But inclusion must be accompanied by coercive preconditions. Additionally, offering rank-and-file M23 soldiers the opportunity to reintegrate into the Congolese national army might provide an added spur toward sustained peace. This reintegration, however, should be conditional on a screening based on troops' human rights records, and should not be offered to senior M23 leadership, particularly those wanted for national and international war crimes.²⁹ Similarly, assurances for the protection and political representation of Rwandophone communities in eastern Congo could be used as a constructive incentive, particularly within the broader context of discussions around governance reform at the provincial level.

Coercive leverage against the M23 will also be indispensable. In addition to existing targeted U.S. and U.N. sanctions against the M23 and its leadership, aggressive enforcement actions could magnify marginalization of the group.³⁰ In particular, U.S. sanctions extend to Americans with business connections to the M23 or even those who provide material support to the group. Given the group's aggressive social media and Western-facing Internet presence,³¹ an aggressive enforcement posture on these sanctions could squeeze the group further. After controversy over the group's Facebook page, the militia was designated as violating the website's terms of use due to its record of "violent criminal activity."³² Similarly, the threat of local and international law enforcement action and prosecution for war crimes and crimes against humanity might also motivate the M23's leadership toward concessions. This threat is particularly credible given comments from the International Criminal Court, or ICC, prosecutor regarding her ongoing investigation into M23 war crimes.³³ Additionally, the ICC has already indicted the group's leader, Bosco Ntaganda, twice on different sets of war crimes.³⁴ In the absence of concessions from the M23, the international community might even threaten military action and forced disarmament through a regional coalition or the neutral international force as currently envisioned by the African Union.³⁵ Finally, if pressure on Rwanda becomes effective, the withdrawal of foreign political, economic, and military support would likely be the key coercive tool against the M23 militia as well.

Congo

Continued international support to preserve Congolese institutions and state mechanisms is essential to Congolese sovereignty. While most analysts agree that the Congolese government is interested in securing a comprehensive peace deal, offers of regional economic integration, increased international investment, and security assurances on land, border, and refugee issues in the east might help build the necessary internal political capital for additional concessions.

This constructive leverage, however, must be accompanied by coercive preconditions on institutional reform, extended to democratic transformation as well as the justice and security sectors. In the event that Kabila remains reluctant to commit to reforms, the threat of decreased international support, which is necessary to preserve Congolese institutions, will be incredibly powerful.

Given a lack of legitimacy due to botched elections in 2011,³⁶ the rise of the M23, and the fall of Goma in November 2012, President Kabila and the ruling coalition in Congo have a very weak hand.³⁷ In order to survive politically, it is likely that President Kabila must concede some elements of sovereignty over critical state institutions. The task of creating stability and long-term institutional gains in eastern Congo or nationwide is of Herculean proportions, and both local leaders and the international community will have to be able to have some autonomy in operations in partnership with the govern-

ment of Congo. Similar to the process under the International Committee for Support of the Transition, or CIAT, the government of Congo will have to allow international stakeholders autonomy in coordinating a transitional strategy that includes economic diversification, infrastructural development, security reform, and political reform.³⁸ Furthermore, Congo will have to demonstrate political buy-in to reform initiatives and demonstrate an understanding of long-term economic and developmental gains necessary for regional stability. In this case, the bitter pill of partnering with international stakeholders to engage in long-term reforms should be swallowed with the understanding that the alternatives could be losing a war, being deposed through a military coup,³⁹ or potentially suffering a state collapse.

Local leaders in eastern Congo

Eastern Congo is composed of myriad communities with heterogeneous interests and backgrounds. Without a deliberate attempt to consider and accommodate these diverse interests, a peace deal between the biggest guns could implode due to the actions of spoilers.

Constructively, offering leaders of local communities an opportunity to participate in negotiations and discuss increased autonomy in political and economic affairs represents a key point of leverage for the international community. Participation would provide a voice to historically marginalized segments of the eastern Congolese population and give them a chance to push for increased livelihood, economic, and infrastructural development in their respective communities. Additionally, the international community could offer security assurances on land rights and civilian protection for communities in the Kivus. Coercively, in the absence of robust cooperation, the negotiations might impose concessions on local groups including forced disarmament of non-state armed groups.

Conclusion

It is critical to get the right parties to the negotiating table and persuade them to willingly forge a lasting peace. A solution that addresses the long-term drivers of conflict in eastern Congo will require concessions from all sides. Nevertheless, all sides stand to benefit from a stable and developing eastern Congo. A calibrated package of constructive and coercive measures tailored to each key actor is essential to lay the groundwork for good faith negotiations.

The United States could play the role of consensus-maker and lead the international community by garnering the political will necessary for the application of a balanced leverage package. If appointed, a presidential envoy would have the access and contacts necessary to build this consensus.

A U.N. mediator should serve as the deal maker between the stakeholders. Working in conjunction with regional multilateral bodies, the U.N. envoy will use coercive and constructive leverage to bring the parties to agreement. The U.N. envoy should also ensure the inclusion of multiple stakeholders in the peace process. While women, civil society groups, local leaders, and religious leaders may not have the political clout to demand a role in negotiations, an internationally leveraged process will allow for their participation in efforts to find a comprehensive solution.

For decades, eastern Congo has been a proxy battleground for regional interests. A peace process that focuses on the root causes of the conflict in the region is the only viable solution to forging lasting peace. Ensuring the representation and honest dialogue of all necessary parties for peace in the region is an enormous task, but one worth undertaking. If increased commitment to long-term solutions is not brought to bear locally and internationally, then the cycle of violence in eastern Congo is bound to continue.

Endnotes

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