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The project to end genocide and crimes against humanity

At The Hague: Great Lakes Contact Group Discusses Justice and Accountability

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This week the International Contact Group on the Great Lakes Region will meet in The Hague, Netherlands. This body, consisting of the United States, the United Kingdom, France, Belgium, the European Union, and the United Nations, aims to meet on a regular basis and has been convened since the early 2000s. The contact group was created to address political, diplomatic, security, and development issues in the Great Lakes region of Africa. The objective of the group is to act as a convener for the regular exchange of information, the harmonization of messaging, and the identification and discussion of gaps that exist in regional foreign policy among the member states. The group originally included countries such as Angola and South Africa but over the years has slimmed down to its current membership. The group now functions as a North American-European alliance on assistance, development, security, and economic diversification in the Great Lakes region.

Once again, the upcoming contact group meeting has significant implications for regional stability, security, and economic development in the Great Lakes. With the recent turmoil in eastern Congo in the wake of the Bosco Ntaganda mutiny, increasing tensions between the Rwandan and Congolese militaries, uncertainty around necessary provincial elections in Congo, the continued efforts to regulate the conflict mineral sector in Congo and Rwanda, the deployment of U.S. military advisors to the region to pursue the Lord's Resistance Army, or LRA, and the recent capture of senior LRA commander Caesar Acellam, the Great Lakes nations are at a critical turning point with regards to regional security and multilateral relations with donor states. The very disturbing rebellion orchestrated by Ntaganda and senior elements of the ex-CNDP, coupled with growing suspicion of material and political support from the government of Rwanda, should give contact group members great pause. They must reassess their relationship with Rwanda in regards to assistance, development, and investment unless very deliberate and transparent steps are taken to defuse the security and humanitarian crisis in eastern Congo.

The upcoming meeting at The Hague will likely focus on four urgent subject areas: security reform and civilian protection in eastern Congo, continued irregularities in the

Congolese political process and the upcoming provincial elections, continued reform in the conflict minerals sector, and armed groups and regional dynamics including the FDLR and LRA. As a whole, these areas represent core impediments to peace, stability, and development in the Great Lakes. The following are recommendations to the group on specific elements of each subject area where this body can act to create real progress to mitigate conflict and fill critical gaps in cross-border coordination and communication.

1. Security in Eastern Congo

The recent rebellion of Rwandan-linked rebel forces from the Congolese military led by indicted war criminal and rebel leader turned Congolese General Bosco Ntaganda has created tremendous instability in the region and renewed serious questions about the government of Rwanda's involvement in de-stabilizing eastern Congo for state profit and power. The Congolese national army, or FARDC, is now actively pursuing Ntaganda for arrest and making efforts to eliminate the parallel chain of command created by Ntaganda and the CNDP in Congo's Kivu provinces. Ntaganda's continued presence as a warlord or general in either Congo or Rwanda is a fundamental impediment to progress on the interconnected issues of democratization, security sector reform, justice sector reform, and mineral sector reform in Congo.

The focus on Ntaganda has also left a security vacuum in other areas of eastern Congo, which has led to increased attacks by other armed groups, particularly the Rwandan Hutu-linked Democratic Forces for the Liberation of Rwanda, or FDLR, which in May of this year was responsible for the massacre of over 200 civilians in South Kivu Province. This is particularly disturbing given that recent pressure on the FDLR prior to the Ntaganda rebellion significantly diminished the group's influence in the region. In light of these recent events, the contact group should:

- Support and pressure to the fullest extent possible the government of Congo to arrest Bosco Ntaganda and the senior commanders who defected with him and deliver them to justice.
- Press the government of Rwanda, which has backed Ntaganda in the past, to support the lawful arrest of Ntaganda and his senior leadership by the Congolese government and not provide them with sanctuary.
- Maximize donor diplomatic and economic leverage to push both Congo and Rwanda to establish a durable peace agreement that focuses on three critical issues: the elimination of parallel political and military structures in eastern Congo linked to the Rwandan state, settling refugee right of return issues between both countries, and addressing the dismantling of the Hutu-based Rwandan linked FDLR rebel group.

- Pressure the government of Congo to implement security sector reform. This should include a focus on increasing civilian protection in areas most vulnerable to local militia movements and military operations, eliminating divisions in the command-and-control structure based on ethnicity or region, supporting the professionalization of Congolese troops, and establishing a credible method for payment for troops.
- Assert to the governments of Congo and Rwanda that Bosco Ntaganda is bad for business. Significant progress has been made in the region over the past three years in transforming the conflict minerals trade, as Rwanda and Congo have recognized that they benefit from a stable and legitimate minerals business. Ntaganda now threatens to put this progress at risk, as no company will invest in minerals from rebel-held territories.

2. Continued Electoral Irregularities and Provincial Elections

Plans are being put in place for the long overdue nationwide provincial elections in Congo. However, the democratic process remains a farce. It continues to draw legitimate criticism from members of the Congolese civil society and members of the international community due to persistent irregularities, willful manipulation of results and process by the ruling party, and continued oppression of non-violent opposition movements throughout the country. The contact group should:

- Immediately call for the resignation and reconstitution of the Congolese National Electoral Commission, or CENI, into a more equitable and representative body as a precondition for all continued assistance to the government of Congo. Allowing the CENI chairman, Pastor Ngoy Mulunda, to continue to govern the body or attempting to build the capacity of the CENI in its current state will be counterproductive. It must be reformed so that it consists of new members that equitably represent the different parties. This is the only first step to restore the integrity of the electoral process in Congo.
- Enact strong consequences and accountability measures for electoral fraud and manipulation by the current government. Donor nations within the contact group must indicate publicly that they will not support a Congolese government that denies the will and right of the Congolese people to elect their own leaders. If those most responsible for electoral fraud and violent repression of the opposition refuse to move forward and respect democracy, the U.S. should work with other donor nations to coordinate a set of consequences, potentially including reconfiguration of World Bank and IMF aid agreements, security assistance, individual sanctions, and travel restrictions.
- Coordinate statements that strongly and publicly condemn all state-led efforts to suppress citizens' rights. Congo remains in a post-election crisis. The exercise of fundamental rights and freedoms, including the freedom of expression, the freedom

of assembly, and free movement of people and goods, have been systematically violated by the police and other security forces in an effort to stifle peaceful protest provoked by the controversial elections.

3. Conflict Minerals

Underneath the deeper social fissures, the conflict in eastern Congo continues to be fueled by the battle for strategic mineral reserves. Congo and the international community have made progressive steps toward ensuring improved due diligence on tantalum, tin, and tungsten, or the 3 Ts, though gold remains a major gap. Furthermore, recent instability due to the Ntaganda mutiny has thrown security in the region into flux, in turn affecting progress on mineral extraction, tracing, and export. When the insecurity settles progress will continue, but a process leading to a certification scheme is the missing link to ending mineral-driven violence. The contact group should:

- Join the burgeoning Public Private Alliance, or PPA, to support traceable and clean minerals trade from Congo. The group should work with the PPA to begin a multilateral negotiation process on an internationally agreed upon certification scheme. This negotiation process would include up to 20 members, including representatives from regional governments, industry (key electronics companies and smelters), faith leaders, Congolese civil society, and NGOs, to broker agreement on the four critical issues that plague the current set of initiatives: transparency standards, existing loopholes, security, and incentives for a clean trade. The myriad of existing projects requires a diplomatic process at a high level to bridge the gaps and mistrust that currently exist among stakeholders. A coordinated process will provide assurances to industry that the donor countries are committed to opening markets for access to Congolese materials.
- Establish a robust working group on conflict gold within the PPA, to include Congo's Ministry of Mines. Contact group members should first reach out to key gold companies—jewelers, refiners, mining companies, artisanal miner groups – to join the PPA. The group should then begin substantive work on conflict gold, including a drive to register gold miners, establish trading centers much closer to gold mines in the East, and crack down on conflict gold smuggling.
- Support the establishment of a regional monitoring mechanism, such as the International Conference on the Great Lakes Region, or ICGLR's, Independent Mineral Chain Auditor, to verify whether mines and traders are conflict-free. This mechanism should include a team of 20 to 30 international and local experts to monitor mines, trading routes, and traders in the region. The experts should be credible and independent and must receive access all mines, trading routes, and minerals data. The first monitors should be deployed immediately, so that companies may begin responsible, verifiable sourcing as soon as possible. Independent monitoring will

allow for increased development, investment, and security in the most affected mining areas. The system has an estimated cost of between three to five million USD per year, according to experts at Partnership Africa Canada, the U.N., and the ICGLR.

4. Armed Group and Regional Dynamics, including the LRA

Efforts to bring an end to the 25 year-old LRA crisis have been boosted by the recent capture of LRA senior commander Caesar Acellam and by President Obama's announcement that the U.S. military advisors will remain deployed in the region. However, the overall picture is bleak. Reports have emerged that LRA leader Joseph Kony and his group are in or near the Darfur region of Sudan. The military operations aiming to apprehend the LRA's top leaders and protect civilians are severely under-resourced and unlikely to succeed without additional support. Chief among these gaps are the lack of a sufficient number of capable and committed troops, robust intelligence, and logistical capabilities. An additional threat to the operations is that Congo, parts of the Central African Republic, and Sudan are inaccessible to the most capable army in the loose regional coalition pursuing the LRA, the Ugandan army. Meanwhile, initiatives to encourage LRA commanders and rank-and-file fighters to leave the group have been underinvested in and stymied by confusion surrounding the application of the Amnesty Act in Uganda, limiting the effectiveness of the U.S. military advisors and the regional military operations. The contact group should:

- Engage with governments in and outside the region and the African Union, or A.U., to rapidly secure a sufficient number of capable and committed troops to cover the vast area where the LRA operates. These troops should include highly trained special forces for conducting apprehension operations as well as conventional forces for protecting civilians. If the Ugandan and the other regional armies are unable to provide them, other countries such as South Africa should be approached. The contact group should work with the governments of the affected countries, the A.U. special envoy on the LRA, and the U.N. to urgently broker an agreement between Kampala and Kinshasa, Bangui, Juba, and Khartoum that allows the Ugandan army and other forces to operate in all LRA-affected areas, while ensuring accountability for any human rights and other violations committed.
- Provide enhanced intelligence and transport capabilities vital to enabling the troops to locate key LRA commanders, analyze LRA activity, identify threats to civilians, and act quickly on information. This should include additional helicopters and other air transport, ground transport, surveillance aircraft, night flights, and sophisticated infrared technology. The contact group should secure support from other countries where gaps remain.

- Maximize opportunities to encourage LRA commanders and rank-and-file fighters to leave the group, in conjunction with the ongoing military operations. An initiative that reaches out to commanders should be combined with a substantial aid package to increase radio programming to LRA members and sensitize communities in affected areas to accept ex-combatants peacefully as well as the creation of a physical and legal infrastructure to receive them in Congo, the Central African Republic, and South Sudan. In particular, the contact group should work with the regional governments to develop a robust initiative targeting commanders, fund the establishment of additional assembly points where LRA fighters can safely surrender and increased radio and sensitization programs, and create and adhere to amnesty laws. Additionally, Acellam should be granted amnesty and be included in 'come home' messaging for radio programming targeting current LRA members.