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BEYOND CRISIS MANAGEMENT IN EASTERN CONGO

By Rebecca Feeley and Colin Thomas-Jensen

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The beleaguered people of North Kivu province in the eastern Democratic Republic of the Congo are justifiably angry. Despite the international community's \$500 million investment in 2006 elections and the world's largest U.N. peacekeeping mission (costing more than \$1 billion per year), the current round of fighting is the most destructive since 2005 and is the latest chapter in more than 12 years of near-continuous warfare.

For civilians ensnared by violence, the recent announcement of 3,000 additional U.N. peacekeepers is cold comfort, and high-profile stopovers by international diplomats and front-page headlines have changed few of the facts on the ground. The belated appointment of former Nigerian President Olesgun Obasanjo as U.N. special envoy and former Tanzanian President Benjamin Mkapa as Great Lakes mediator are positive steps, as both bring the necessary gravitas to energize a moribund peace process. For Obasanjo and Mkapa to succeed, however, the United States, the United Kingdom, and the European Union (among others) must deploy full-time, field-based senior envoys to support mediation efforts and muster the political will and resources to support a sustained and comprehensive effort to secure a lasting political solution to local, national, and international dimensions of the crisis.

The world's response to the crisis in eastern Congo, the deadliest conflict since World War II, remains largely reactive and offers civilians little evidence that their suffering will ease. The stakes right now could not be higher. A miscalculation by any of the actors involved—the Congolese government and its army; rebel leader Laurent Nkunda and the National Congress for the Defense of People, or the CNDP; regional governments involved in the conflict; and the U.N. Peacekeeping Force, or MONUC—could

increase the fighting by an order of magnitude. The CNDP's late October 2008 military advance on Goma, the capital of North Kivu, grabbed international attention, but the roots of the crisis are deeper. The 14-year presence in eastern Congo of the predatory Rwandan rebel group called the Democratic Forces for the Liberation of Rwanda, or FDLR, is one of many the many drivers of regional conflict. The FDLR high command includes many perpetrators of the 1994 Rwanda genocide, and the threat they pose to civilians is Nkunda's oft-stated *raison d'être* for the CNDP rebellion.¹

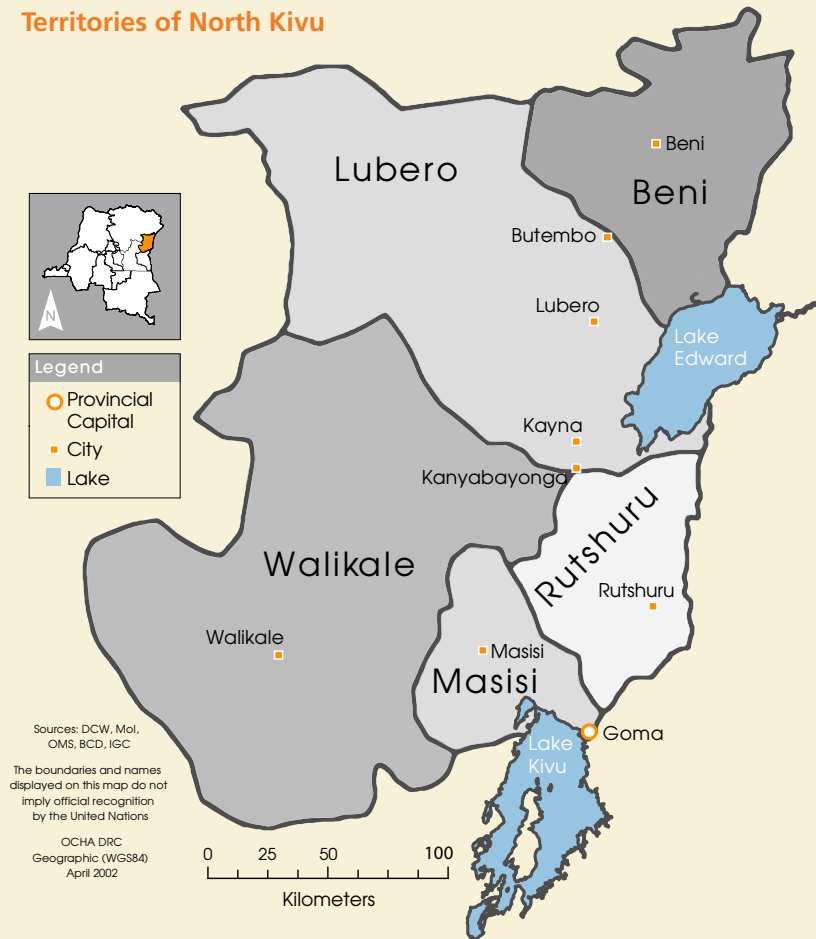
An effective international strategy to apprehend the FDLR leadership and dismantle their militia is a critical step toward a lasting peace. Dismantling the FDLR would force the CNDP, the Congolese government, and the Rwandan government to negotiate solutions to the other major tensions driving the conflict. These include access to land, economic and physical security of ethnic minorities (particularly Tutsis), and contentious debates over citizenship, resources, and identity. All parties hold deeply entrenched positions on these issues, based on various communities' legitimate and pervasive fears of subjugation. Sustained diplomacy and creative thinking are required to end the CNDP's rebellion and achieve a lasting *détente* between Congo and Rwanda that will assuage these fears and allow people to feel secure. Warring parties continue to reap enormous profit from the illicit trade in minerals, and international actors with an interest in Congo's future (and the stability of the Great Lakes region more broadly) must finally commit to work with the Congolese government, governments in the region (particularly Rwanda), and multinational corporations to shut down the war economy, recognizing that this may entail some tough choices and equally tough diplomacy.

NIGHTMARE IN KIWANJA

On November 4 and 5, as people all over the world witnessed the historic victory of President-elect Barack Obama, Congolese civilians in Rutshuru territory, North Kivu, were running for their lives. CNDP forces had taken control of the key towns of Kiwanja and Rutshuru on October 28, securing the strategic Rutshuru axis, the major road in Rutshuru territory. But on November 4, pro-government militias, also known as the Mai Mai, re-entered the town of Kiwanja and challenged the CNDP for control, killing several civilians in the process. During the battles that ensued, the CNDP suffered major losses but maintained their hold on Kiwanja.

What happened next is a chilling example of what war means for civilians in eastern Congo. The CNDP ordered the town's population of roughly 30,000 to leave. However, as the population fled, many men were not allowed to cross roadblocks and were forced to return to Kiwanja. Then on November 5, in what is perceived as retaliation for its losses, the CNDP allegedly sought out and killed civilians, particularly young men who it accused of being members of or providing support to the Mai Mai militias. It remains unclear as to how many civilians were executed by the CNDP or caught in the cross-fire, and the CNDP officially denies deliberate attacks against civilians. When confronted by the Enough Project, one CNDP major stated, "Killing civilians is not in our vision." At least 50 civilians were killed on November 4 and 5, and perhaps scores more.

Territories of North Kivu



Bosco Ntaganda: Nkunda's chief of staff and indicted war criminal.

Disturbingly, Bosco "The Terminator" Ntaganda, a known hardliner within the CNDP and a wanted war criminal, was filmed by international news crews in Kiwanja on November 5. Ntaganda, Nkunda's chief of staff, has kept a low profile since April 2008, when the International Criminal Court, or ICC, unsealed an arrest warrant for alleged conscription of child soldiers in Ituri Province. However, a few days after his appearance in Kiwanja, Ntaganda was reportedly seen crossing the border from Rwanda into Congo. He was also present in Rwanguba when the Enough Project visited with Nkunda and other CNDP officials on November 27. The conspicuous presence of an indicted war criminal in North Kivu is another grim reminder of the state of impunity that fuels the conflict and casts serious doubts on the CNDP's commitment to a political solution.

WHAT DO THEY WANT? CALCULATIONS OF THE PARTIES

The CNDP

The January 2008 Goma ceasefire agreement and subsequent implementation plan (known as the “Amani Program”) did not satisfy CNDP’s long-stated demand for genuine political dialogue with the Congolese government. Laurent Nkunda’s 6,000-strong force has consistently demonstrated its military superiority over the Congolese army, and MONUC has not proven a deterrent. The CNDP’s late October push toward Goma was a deliberate message to the Congolese government: negotiate on political issues or else. The CNDP has also attacked MONUC peacekeepers, and Nkunda told the Enough Project that international forces siding with the government to block his advance were acceptable targets.² By stopping his southward push before what would almost certainly have been a bloody siege of Goma and declaring a unilateral ceasefire on October 29, the CNDP has cornered the Congolese government and forced international diplomats to go further than simply brokering a new ceasefire.

So what does the CNDP want? Nkunda has always emphasized two main demands: the removal of the FDLR from eastern Congo and the return of 45,000 Congolese Tutsi refugees from Rwanda to North Kivu. It is also clear that economic factors have played an important part in his strategic calculations as well. Whether it was bravado, gamesmanship, or a genuine change in the CNDP’s political agenda, at the start of October Nkunda declared the CNDP’s intention to liberate the country from what he calls Congolese President Joseph Kabila’s “government of lies” with the announcement of the Movement for the Total Liberation of Congo.

Speaking in Rwanguba on November 27, 2008, Nkunda told the Enough Project that he wants U.N. Special Envoy Obasanjo to mediate talks between

the Congolese government, the CNDP, and other opposition political parties throughout the country (he cited the Union for Democracy and Social Progress, or UPDS, and Movement for the Liberation of Congo, or MLC, as examples) over national issues such as democratization, reform of the army, and the status of mineral concessions granted to Chinese companies. “Kabila needs to tell us where he is bringing Congo,” Nkunda told the Enough Project. However, other Congolese political parties participated in the transitional government and in the 2006 national elections. The CNDP did not, and most Congolese consider the group illegitimate. Yet, the CNDP has significant leverage and Nkunda knows it. Having established a foothold over a broad swathe of North Kivu, Nkunda continues to acquire new territory and is taking steps to set up a public administration in areas under his control. The CNDP will continue to press the Congolese government to come to the negotiating table while consolidating control in North Kivu.

The Congolese government

Having won Congo’s first democratic elections in 40 years, President Joseph Kabila and his government want international respect and affirmation of Congolese sovereignty. But with the Congolese army in shambles, Kabila has been forced to rely on others to fend off the CNDP and other rebel threats that arise. Nevertheless, Kinshasa frequently rejects the counsel of donor governments and the United Nations to negotiate with its enemies, and instead sends its poorly trained and ill-disciplined army into battles it has little chance of winning. The U.N. Security Council’s decision to send 3,000 additional peacekeepers, although a much-needed effort, could unintentionally reinforce Kinshasa’s belief that Nkunda can and should be dealt with militarily.³

After repeated battlefield humiliations at the hands of the CNDP, Kinshasa has requested military assistance from regional ally Angola and pressed

the Southern African Development Community, or SADC, to explore options to support the Congolese army in eastern Congo.⁴ Indeed, despite Kinshasa's stated commitment to a ceasefire with the CNDP and a process to dismantle the FDLR, Kabila's government appears intent on a military solution and has continued its alliance with the FDLR and other militia elements in the east. Absent external intervention on its behalf, the army will continue to align itself with the FDLR and Mai Mai militias, a move that lends credence to CNDP complaints and raises tensions with neighboring Rwanda.

The Rwandan government

The precise nature of Rwanda's direct involvement in eastern Congo is the subject of intense debate. Rwanda has acknowledged that demobilized Rwandan soldiers may be fighting with the CNDP, and that many within the Rwandan business community have interests in North Kivu for which they believe Nkunda provides protection. Moreover, Rwanda has major security and economic interests in eastern Congo. Congo's continued failure to dismantle the FDLR provides Rwanda with sufficient grounds to justify its continued strategic involvement in eastern Congo. Several key suspects in the 1994 Rwandan genocide remain at large as members of the FDLR, and the Congolese army's cooperation with the FDLR against the CNDP is seen as a provocation by Kigali. Rwandan President Paul Kagame has frequently asserted his right to go after the FDLR in Congo if the militia receives state support from the Congolese government. For Rwanda, there can simply be no substantive dialogue with the Congolese government on major issues—particularly the security, economic, and political fate of the Tutsi minority in eastern Congo—until they demonstrate serious intent to dismantle the FDLR. This should also serve as a powerful reminder to the international community that the failure to hold the perpetrators of the 1994 Rwandan genocide to account has only spawned further violence.

MOPPING UP THE BLOOD: THE INTERNATIONAL RESPONSE

The intense fighting in North Kivu throughout September and October merited little attention from international diplomats and media outlets. Only when the CNDP directly threatened Goma did journalists and senior diplomats from the United States, France, the United Kingdom, and others hastily descend on Goma to survey the suffering and press the Congolese government and the CNDP to respect the terms of the Goma ceasefire (despite regular violations since it was signed in January 2008). Predictably, the debate over additional peacekeeping forces quickly took precedence over the need for a political solution. The international community has persistently opted for "parachute diplomacy" and peacekeeping quick-fixes over sustained high-level pressure on the CNDP, the Congolese government, the Rwandan government, and others to settle their differences at the negotiating table and to establish an environment of accountability. Obasanjo's and Mkapa's appointments are a welcome development. However, their efforts will falter without coordinated support of the international community.

United Nations, African Union, and Southern African Development Community

Although U.N. Secretary General Ban Ki-moon waited until Goma was about to fall before taking decisive action, he sent the right signal in early November by appointing a former African head of state to lead mediation efforts. On paper at least, Obasanjo's dual mandate to concentrate on resolving Kinshasa's conflict with the CNDP and working to remove the FDLR threat from eastern Congo is appropriate. However, Obasanjo lacks experience in the Great Lakes region, and he needs help getting up to speed quickly on one of the world's most complex conflicts.

At a high-level summit meeting hosted by the U.N. secretary general in Nairobi, Kenya on November 7, the African Union followed the United Nations' lead and appointed former Tanzanian President Benjamin Mkapa as Great Lakes mediator. Mkapa has considerable experience in the region and is a good complement to Obasanjo.⁵ The two form a strong foundation for the mediation team, which will be based in Nairobi.⁶

Two days later, on November 9, the SADC Heads of State (including SADC Deputy Chairperson Joseph Kabila) met in South Africa. Although the group called on all parties to return to the Goma peace process and announced plans to have a representative based in Nairobi who would serve as part of the mediation team, it also approved a statement that placed the blame for the current crisis firmly on the CNDP: "Many agreements entered into regarding peace and security in the Great Lakes Region were not implemented because of the intransigence of Laurent Nkunda."⁷ Most worrisome, SADC sent a team of military experts to Goma to assess the possibility of a military deployment to support the Congolese army against the CNDP, signaling its support for a military solution and heightening regional tensions.⁸

MONUC

MONUC's current status is untenable. The force neither effectively protects civilians nor projects a credible military deterrent to armed groups committing atrocities. MONUC responded to recent violence by redeploying additional battalions to North Kivu from other hotspots (including Ituri Province to the north), reconfiguring its forces within the province, and requesting additional troops. However, the fact remains that even with enhanced capacity many U.N. forces on the ground are either unclear about the rules of engagement or, more frequently, simply unwilling to use deadly force to protect Congolese civilians and humanitarian workers. Further, even if U.N. peacekeepers had

the political will to fulfill their protection mandate, there is an alarming lack of clarity within MONUC on its relationship with the Congolese army, particularly how to ensure it respects its commitments (e.g. ceasefires) and how to protect civilians from the army's persistent human rights abuses. The 3,000 additional forces authorized by the security council will have little impact until these obstacles are overcome.

United Kingdom. and the European Union

The British and French foreign ministers signaled a strong level of interest by visiting Goma in the wake of the CNDP's offensive. The European Union's Brussels-based special envoy, Roland Van der Geer, continues to support peacemaking efforts, but the prospect of a meltdown in eastern Congo, the fall of Goma, and a further blow to MONUC's diminishing credibility have not compelled European nations to significantly ramp up their diplomatic presence in the region. Moreover, the United Kingdom and German governments pushed back hard against MONUC's calls for an EU force to buttress its forces in the east, despite considerable evidence that MONUC will continue to struggle unless it has a very robust modern military backbone.

German involvement in an EU deployment to Congo during the 2006 elections was deeply unpopular at home, and the German government, the United Kingdom, and France would be the most likely candidates to lead a European force in eastern Congo. Despite some support from the U.K. Foreign Office, the Defense Ministry rejected the notion of putting British boots on the ground, particularly with the looming prospect of additional European commitments to the war in Afghanistan. France's relations with neighboring Rwanda reached a new low with the arrest in Germany and extradition to France of Kagame's chief of protocol, Rose Kabuye, on November 9 on extraordinarily controversial charges that she helped orchestrate the downing of the plane carrying the Rwandan

and Burundian presidents in 1994. French troops would find it nearly impossible to appear impartial in Kinshasa's war with the CNDP. The United Kingdom and France helped push the authorization of 3,000 new U.N. forces through the security council and reacted favorably to SADC's proposal to send forces to support the Congolese government.

United States

From late 2007 until mid-2008, U.S. diplomat Tim Shortley spent considerable time in eastern Congo and played a critical role in obtaining the agreements at Goma and Nairobi. The U.S. government has also established a permanent office in Goma to support peacebuilding efforts. However, sustained high-level U.S. engagement to press for implementation of these two agreements coupled with a coordinated multilateral effort to address root causes (including ending the world's support for the Congo's illicit mineral trade) have been sorely lacking. The Bush administration supports the deployment of additional peacekeepers, but has squandered a diplomatic opportunity to finally bring stability to eastern Congo. The incoming Obama administration will have to do much better.

BREAKING THE CYCLE OF CONFLICT: TOWARD A COMPREHENSIVE POLICY

To break the cycle of conflict in eastern Congo, the international community must make three significant shifts in policy. First, it must abandon its reactive posture, begin anticipating crises before they fully erupt, and devote substantial diplomatic capital to averting or resolving them. The Enough Project and other non-governmental organizations warned of an upsurge in violence and deteriorating humanitarian conditions for months, yet most governments seemed caught completely off guard by the CNDP's advance on Goma and the ensuing humanitarian crisis. Second, the international community must stop putting the demands of

politicians and rebels ahead of the needs of the Congolese people. Protection of civilians, accountability for crimes against humanity, good governance, and other basic demands have too often taken a back seat to efforts not to upset corrupt government officials, thuggish rebel groups, and other destabilizing influences in the region. Third, the international community needs to make hard choices and not simply hope the situation will resolve itself. For example, while it would have been difficult to assist in apprehending Hutu militia leaders in the wake of the Rwandan genocide, this would have proved far easier over the long term than dealing with the current protracted crisis that has stretched on for years and cost billions of dollars in aid. Similarly, the international community needs to today take a tougher line with Kabila's government on its support for the FDLR while making equally clear to Kagame's government in Rwanda that the economic exploitation of the east is unacceptable.

Give MONUC explicit directions to use force to protect civilians from attack by all armed groups

Additional U.N. peacekeepers will likely take months to arrive, but MONUC's failure to protect civilians and provide a credible deterrence to military offensives by either the CNDP or the Congolese government is due less to inadequate force levels and more to a glaring lack of political will. As the security council prepares to renew MONUC's mandate this month, it must review the rules of engagement and make explicit that peacekeepers can and should use deadly force to defend civilians and humanitarian workers from attack by armed groups—including the Congolese army—and to contain the military situation. The security council should urge troop-contributing countries to make clear to their commanders on the ground that failure to execute the new mandate will not be tolerated and specific reports of poor performance could result in disciplinary action. Finally, the security council should strongly urge SADC

and neighboring countries not to deploy forces in support of the Congolese army against the CNDP, as such deployments would be in support of the Congolese government's military strategy and not an effort to enhance civilian protection.

Develop a structure and strategy for sustained diplomacy

Despite their high profile, Special Envoy Obasanjo and Great Lakes Mediator Benjamin Mkapa will need high-level backing from the United States, United Kingdom, European Union, and other outside actors with leverage. Obasanjo and Mkapa should establish a clear division of labor between themselves and with MONUC, and be staffed by regional specialists and technical experts.

As discussed above, the CNDP and Kinshasa have dug in their heels, but the CNDP has a clear military advantage. The CNDP also has a gravitational pull on some communities—most notably Tutsis—in North Kivu who feel physically and economically threatened by the FLDR and the Congolese government. And though most communities in the east have been victimized by Nkunda's forces over the years, some actually feel safer behind CNDP lines when fighting breaks out. Thus, the short-term diplomatic strategy must be to contain the CNDP while eroding its base of support. The mediation can begin to level the playing field for direct talks between the Congolese government and the CNDP by urging Kinshasa to put its citizens' interests first by taking steps that make vulnerable communities feel more secure. Access to land remains one of the most volatile issues, and a guarantee against government land seizures would be a good first step.

Although the CNDP has declared a unilateral ceasefire, Nkunda has stated that the ceasefire does not apply to non-government militias, and he is using provocations by the FDLR and Mai Mai groups as justification for offensive operations aimed at expanding his territory. Neither MONUC nor the Congolese

army is able to halt Nkunda's advances, though he is constrained by the CNDP's relatively small force size. To remove Nkunda's pretext for attacks and increase security for its citizens, the government must cease all support to the FDLR and reach an agreement with MONUC on a joint approach to preventing the movement of these militias into CNDP areas. These steps must not be viewed as concessions by Kinshasa, but rather as necessary actions to improve security for its citizens.

Pressure on the CNDP must come from two directions. First, the international community must make clear to the CNDP that it will not be viewed as a legitimate political party so long as it maintains an armed wing and espouses a "liberation" agenda. If the CNDP wants to contest local elections in 2009, it must lay down its arms, or at the very least store them under U.N. supervision. Second, the international community is long overdue in applying focused pressure on the Rwandan government to publically denounce Nkunda's rebellion and use every available tool to end cross-border support for the CNDP. The United States and the United Kingdom in particular need to press Kigali in this regard.

Introduce accountability for atrocities committed by all parties to the conflict

The glaring absence of accountability for crimes against humanity continues to fuel conflict in eastern Congo, yet the international community has still not tackled impunity head on. First, and at the most basic level, MONUC must raise the profile of its reporting on human rights abuses in the east and forcefully denounce ongoing atrocities. Despite overwhelming evidence of abuses, all sides routinely maintain that their forces are not responsible. With eyes and ears on the ground, MONUC should provide facts and firmly and consistently refute the Congolese government and the CNDP's assertions of innocence. Second, the International Criminal Court should investigate crimes committed during the most recent round of fighting,

including the killings of civilians in Kiwanja and the continued epidemic of violence against women. The presence of ICC indictee Bosco Ntaganda in Kiwanja on November 5 only further signals the need for expanded investigations into the conflict in North Kivu and South Kivu. To lend greater credibility to the ICC and step up the pressure on the CNDP, the international community must develop a credible apprehension strategy for Ntaganda.

Plan a credible counterinsurgency strategy to remove the FDLR from eastern Congo

As discussed above, removing the FDLR from eastern Congo is a prerequisite for a lasting diplomatic solution to the crisis. However, the Congolese government and MONUC are neither willing nor able to put genuine pressure on the FDLR, particularly its leadership. The international community must provide a credible alternative. Specifically, the United States and European countries should pressure the FDLR leadership, in Congo and overseas, through financial, diplomatic, and judicial channels, and explore options for a military deployment to eastern Congo to apprehend FDLR leadership on the ground. Previous Congolese or MONUC-led military operations against the FDLR have proven disastrous, as FDLR fighters have melted into the forest only to return and target civilians. An effective

military strategy must not only go after the FDLR high command, but take and hold FDLR-held territory and prevent retaliatory attacks on Congolese civilians. The international community must also pressure the Rwandan and Congolese governments to support an enhanced demobilization and reintegration package to encourage rank-and-file fighters to lay down their arms and either return to Rwanda or settle elsewhere in Congo.

Lay the ground work for long-term follow through

Finally, steps to resolve this latest cycle in eastern Congo's chronic 12-year conflict must be accompanied by a long-term strategy to deal with the drivers of endemic insecurity and mass atrocities. Decisive steps to staunch the demand for and illegal exploitation of Congo's vast natural resources, a sustained diplomatic effort to normalize relations between Congo and Rwanda, a multilateral effort to establish a capable and professional Congolese army, a sustained effort to promote accountability for human rights abuses past and present, and a greater investment in Congolese civil society and local peacebuilding initiatives are the most critical challenges. In short, anything less than a comprehensive policy and the commitment to follow it through will simply sustain human misery and further prolong one of the world's most desperate crises.

ENDNOTES

- 1 See the Enough strategy paper by Rebecca Feeley and Colin Thomas-Jensen, "Past Due: Remove the FDLR from Eastern Congo" (June 2008), available at http://www.americanprogress.org/issues/2008/06/past_due.html.
- 2 Enough Project Interviews in Rwanguba, North Kivu, on November 27, 2008.
- 3 Although the government signed the Goma ceasefire agreement with CNDP (and other armed groups in North and South Kivu) in January 2008, Congolese forces later embarked on a cynical strategy to attack CNDP, retreat, and press MONUC to hold the line against CNDP counterattacks. See Enough statement "Peace Process near collapse in eastern Congo," October 1, 2008, available at <http://www.enoughproject.org/node/1235>.
- 4 Despite numerous rumors about the presence of Angolans and Zimbabweans in Rutshuru at the start of November, all reports have been left unconfirmed.
- 5 Mkapa was heavily involved in Burundi's peace process and helped bring many armed groups to the negotiating table.
- 6 The mediation mechanism was agreed upon at a summit meeting in Nairobi on November 7, 2008.
- 7 Communiqué of the Extra-Ordinary Summit of the SADC Heads of States and Government, November 9, 2008.
- 8 Diplomatically backing Laurent Kabila at the start of Congo's 1998 war, SADC agreed to provide peacekeeping forces to the Congo. Angola and Zimbabwe took advantage of SADC's decision and, against objections from South Africa, sent forces purportedly under the SADC umbrella. However, their involvement was not impartial. Driven by economic self-interest and regional power politics, their involvement only exacerbated the conflict further. Because of the number of countries with troops fighting on Congolese soil, the 1998-2002 war in Congo has been nicknamed Africa's First World War.



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1225 Eye Street, NW, Suite 307
Washington, DC 20005
Phone: 202-682-1611 Fax: 202-682-6140
www.enoughproject.org