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Four Steps for the U.S. and U.N. to Defuse Congo's Escalating Crisis

Preventing Wider Conflict

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The Problem

The war in eastern Congo is escalating and could soon intensify regional conflict. There is an opportunity, however, to bring the region back from the brink through urgent diplomacy aimed at addressing four key issues: clarifying the role of the United Nations Intervention Brigade, moving inter-Congolese consultations forward, keeping the Congo and Rwanda on track with their peace process obligations, and accelerating regional economic integration initiatives.

A new round of fighting between the Congolese army and the M23 rebel group over the past week threatens to derail the new peace process. The most urgent issue is a lack of agreement among the signatories of the 11+4 Peace, Security, and Cooperation Framework,¹ particularly the Democratic Republic of Congo, Rwanda, Tanzania, and South Africa, about the scope of the U.N. Brigade's offensive mandate. There is confusion concerning which armed groups it will target and how it will do so. As a high-level African diplomat told the Enough Project, "A regional war is a real possibility. If things don't calm down, and Rwanda and Tanzania fire shots and body bags come home," other countries could be pulled into the conflict.² Although a region-wide war might not be imminent, preventing a dangerous escalation as quickly as possible is essential.

Despite the tensions, the 11+4 Framework remains an opportunity for parties to work together to address the root causes of the conflict. In Enough Project interviews with senior officials from the Congo, Rwanda, and the region, all parties continue to express a desire to continue to use the Framework as a means of dialogue. If the immediate crisis is brought to a halt, it will be important for U.N. Special Envoy Mary Robinson and U.S. Special Envoy Russ Feingold to work together with Congo and its neighbors to focus on the sustainable solutions outlined in the Framework, including regional economic integration, security sector reform, and democratization.

The Four Steps

1. Clarify the role of the U.N. Brigade and addressing legitimate security interests.
2. Help move Congo's national consultations forward.
3. Ensure follow-through from Kinshasa.
4. Kick-start transparent regional economic integration.

The Key Issues

De-escalating regional tensions around the U.N. Brigade

When it was established by the U.N. Security Council, all parties agreed that the U.N. Intervention Brigade was intended to be a deterrent against armed groups in eastern Congo. The U.N., however, made a serious error by not clarifying and agreeing upon its strategy with leaders of the region to assure them that this would not threaten any national security interests. There has yet to be agreement on which armed groups it plans to deter, how, and the extent to which it will proactively use force.

On the Congolese side, M23 remains a menace, using heavy artillery and fighting over the past ten days north of Goma, the capital of Congo's North Kivu province. Congo has expressed concerns that Rwanda will significantly increase support to the group. The Rwandan government alleges that the FDLR, a Rwandan Hutu militia based in eastern Congo founded by some of the perpetrators of Rwanda's genocide, remains a security threat to Rwanda. Some FDLR units have been loosely cooperating with the Congolese army and some of its troops have launched three attacks inside Rwanda in 2012, according to the U.N. Group of Experts.³ The U.N. Intervention Brigade should address these security concerns. Most importantly, the Brigade should commit to targeting both the FDLR and M23, and be the deterrent against these major armed groups that it was intended to be.

Settling the struggle over Congo's Kivu provinces

Underlying the immediate tensions, there is a struggle for control of Congo's mineral-rich North and South Kivu provinces. The three key actors are Congo, Rwanda, and local Congolese people living in the Kivus. Kinshasa wants to lessen the influence of Rwanda in the provinces. Kigali wants to ensure that the Kivus will not be a launching pad for armed insurrection in Rwanda. Congolese people in the region want a peaceful environment where warlords above the law do not control their lives.

“A stable Kivu means a stable Rwanda,” a senior advisor to Rwandan President Paul Kagame told Enough. The Rwandan government currently perceives the FDLR as a security threat. Further, it fears an existential threat from Tutsi former Rwandan army officers teaming up with Congolese Tutsi in the lead-up to the 2017 Rwandan presidential election.

The M23 rebel group presents a clear and present danger to the Congo.

What can the two countries, as well as Congolese local leaders and civil society, agree on as to what will promote stability? Rwanda has suggested that stability can only be achieved through the re-integration of key M23 officers into Congo’s army in the Kivus, from which they mutinied in November 2012. Congo’s government wants to disband the M23, though it recognizes that some of its troops, vetted for human rights abuses and capability, could be reintegrated into the Congolese army.

There is likely some common ground available between these positions, but a peace process must include the Congolese government, local leaders, and civil society to address rule of law and inclusion issues. Further, regional negotiations are needed to address both the FDLR and M23 threats and negotiate legitimate regional economic integration. High-level officials from the Congo and Rwanda assert that their future prosperity will be dependent on collaborating together economically and socially. They also both recognize the legitimacy of each other’s regimes, and Congo recognizes that Congolese Tutsi are rightful citizens of the Congo.

Economic interests further inflame the situation. In the past, Congo-Rwanda deals were made at the impoverishment of Congolese people, such that natural resources could be illegally extracted and smuggled as heinous warlord commanders were integrated into Congo’s army with no accountability. The line must now be drawn on the basis of the rule of law. Reforms in Congo’s army that hold officers accountable for corruption and human rights abuse must take place. Transparent economic arrangements such as work through minerals certification and the Extractive Industries Transparency Initiative must go further.

Strengthening the political will for reform in Congo

One major obstacle to progress is Kinshasa's waning political will to hold up its end of the bargain. As the 11+4 Framework highlights and President Barack Obama echoed in his recent remarks in Tanzania, peace in eastern Congo can only be achieved when each of the three main actors follow through on real reforms. The Congo must seriously reform its army and government, neighboring countries must refrain from supporting armed groups, and the international community must support the implementation of agreements with long-term commitments. While Rwandan support for M23 appears to have decreased, and the international community has pledged \$1 billion to support a "peace dividend," Congo has made few concrete steps to implement its part of the reform package. Senior Congolese government officials acknowledge the need for reforms, but focus on Rwanda as the main cause of the conflict. They should be coming up with tangible plans for army, judicial, and democratization reforms.

The government has achieved some progress. Prime Minister Augustin Matata Ponyo has worked to reduce corruption in civil service payments and replaced corrupt officials in the Mining Ministry and Matadi Port, but there is a divide between his office and that of the President. The prime minister has not been given an operational budget for the government to implement the peace framework, and his government does not have a hand in critical reforms. Sticking points include the controversial nomination of the new electoral commission president, the promotion of 167 army officers, the appointment of magistrates, and the convening of national consultations. All of these are tightly controlled by Kabila and his inner circle of advisors.

Furthermore, there is a real possibility that President Kabila may seek a third term, in violation of the constitution. The 2011 elections were deeply flawed, and in order to build democratic legitimacy in Congo after years of war and transition, it is critical to have a peaceful transfer of power. Jockeying for the next elections has begun, and the international community should support Congolese civil society in urging President Kabila to stick to his constitutional obligation and not run for a third term.

If the government does not address the internal issues it has committed to and on which its neighbors and the international community depend on to move peace forward, frustrations on the ground are bound to boil over. M23 has used Kabila's lack of reforms as one of its justifications for fighting, and future rebel groups could do the same. Ensuring that Congo moves forward with real reforms is therefore a critical priority.

Resolving the political conflict in Kinshasa

Another key area in need of diplomatic attention is a political crisis that has been brewing in Kinshasa over national political dialogue that threatens to escalate instability. Enough Project interviews over the past ten days in Kinshasa reveal that there is common ground between the parties, but a targeted diplomatic intervention is needed to help bridge the gaps and move talks forward. An effective, transparent, and inclusive national discussion in Congo is an important tool for conflict prevention, as the political cleavages that have been exploited by neighboring countries to foment conflict are widening.

The concept of a national discussion of important issues in the country is a welcome idea among a wide swathe of Congolese people, from civil society, to opposition, to government. Congolese President Joseph Kabila's announcement of national consultations in December 2012 was met with hope among several Congolese groups, but his reference in June 2013 to more narrow, tightly controlled "consultations" have made many opposition and civil society leaders believe that he is not interested in discussing key issues. Publicly, the three sides – government, opposition, and civil society – are at loggerheads, but privately, they all express a willingness to negotiate and a strong desire to see talks go forward, if they are inclusive and genuine. For example, a leading opposition member told Enough, "We have many demands, but this is not an unchangeable position," showing they are willing to negotiate. "We do not want to revise the results of the 2011 election, neither do we want to share power, but instead talk about the reforms needed to make the next elections better."⁴ An influential advisor to President Kabila then told Enough, "We want political talks, because neighboring countries have liked to divide us before. So we need to strengthen national cohesion."⁵ Another leading Member of Parliament in President Kabila's ruling coalition who is involved in designing the consultations told Enough, "All Congolese should speak about their problems, because it will lay the groundwork for the future. Future elections, economic transparency rules, security reforms, and reconciliation should be discussed, and we need consensus. International community might be able to be brought on as observers."⁶

President Kabila may offer power-sharing in exchange for support for a third term, but such a deal would be detrimental to democracy. The key for U.N. Envoy Robinson, new U.N. Special Representative Kobler, and U.S. Envoy Feingold will be to emphasize that real reforms must be discussed in the consultations, with tangible commitments on issues such as security sector reform, the holding of provincial and local elections, and meaningful decentralization.

Achieving peace through regional economic integration

Finally, a critical solution to the conflict will be effective regional economic integration. Despite the current tensions and the urgent need to ease them first, parties on all sides express a willingness to cooperate on cross-border economic projects, which they believe can present win-win scenarios. Such projects must be done transparently and through the rule of law, as secret deals will only lead to corruption, smuggling, and misunderstandings later on. While there are many possible projects, several should be prioritized such that the region begins to see concrete benefits from cooperation.

- **Methane gas:** Rwanda and Congo have agreed to allow the company Contour Global to set up its first project on the Rwandan side of Lake Kivu, which straddles the two countries. In the world's first ever large-scale project to transform methane gas to electricity, it will provide 25MW of electricity to Rwanda at first. If successful, it could be replicated for both Congo and Rwanda, representing a shared, mutually beneficial resource that reportedly has a potential of 350MW for each country.⁷ While it is positive that Rwanda and Congo are negotiating, any deals should be made in a transparent manner.
- **Infrastructure:** The World Bank's announced \$1 billion for regional infrastructure projects could go to roads, railroads, hydroelectric dam upgrades at Ruzizi I and II, and a new, larger dam at Ruzizi III, ports on the Great Lakes, farming, and large-scale fishing. Parties on all sides express strong interest in these projects, as they can kick-start wider investment in natural resources. Some funding should also go to linking the Kivus to other provinces such as Orientale, Maniema, and Katanga, which would also help defer political costs in Kinshasa so that this work is not only increasing trade between the Kivus and Rwanda, but also within Congo.
- **Oil:** It will be important for Uganda and Congo to quickly agree on the border delimitation in Lake Albert and decide cooperatively and transparently which oil reserves belong to whom so that a mutually beneficial agreement can be reached.

- Minerals: Many mine concessions across eastern Congo currently have expired licenses, and title holders have declared force majeure in many mines. The Congolese government, through the licensing agency CAMI and the Mining Ministry should clean up the concessions and cancel expired contracts and/or withdraw force majeure from several mine concessions. It should quickly evaluate the potential of these mines and open them to investors through transparent and competitive bidding processes. International and regional investors are beginning to express interest.

- Certification: The regional governments should strongly urge the International Conference on the Great Lakes Region to rapidly set up the Audit Committee and Independent Mineral Chain Auditor. This will enable certificates for mines and exporters to be issued and allow certified, conflict-free companies to begin selling on international markets. This step has no parallel in terms of unlocking the potential for regional development and wealth creation. Rather than fighting over slices of a diminishing pie, as has been the case, the possibility exists to substantially increase that pie through transparent, larger-scale development in the context of the rule of law, from which all regional actors would benefit.

The Four Steps

1. Clarifying the role of the U.N. Brigade and addressing legitimate security interests.

Secretary of State John Kerry and U.S. Special Envoy Feingold, in partnership with U.N. Special Envoy Robinson, should focus the July 25, 2013 ministerial meeting in New York on bringing key parties to a common agreement on the mission and strategy of the U.N. Intervention Brigade. MONUSCO, Congo, Rwanda, Tanzania, and South Africa, in particular, should be involved, as well as Force Commander Carlos Albert dos Santos Cruz. When this diplomatic work is done, the U.S. should deploy Special Forces advisors to partner with the Brigade to target both the FDLR and M23 and address legitimate Congolese and Rwandan security interests, similar to the role of the U.S. advisors in the Ugandan-led counter-Lord's Resistance Army mission.

2. Helping move national consultations forward.

For an interim period before U.N. Special Representative Martin Kobler arrives in Congo, U.N. Special Envoy Robinson should help the Congolese government and opposition bridge outstanding gaps in preparation for national consultations, emphasizing expanded civil society participation and the implementation of real reforms. Following Kobler's arrival, Robinson should assist him in his mission.

3. Ensuring follow-through from Kinshasa.

U.S. Special Envoy Feingold should hold Congo and Rwanda to their Framework commitments through concrete steps that are backed by civil society, particularly on security sector reform and support to armed groups. For example, it would send a significant signal to the Congolese people and the region if Kinshasa were to begin prosecuting army generals involved in corruption and human rights abuses, such as the recently suspended Gen. Gabriel Amisi. Feingold should also emphasize to President Kabila that seeking a third term would greatly undermine his domestic and international legitimacy.

4. Kick-starting transparent regional economic integration.

The World Bank should prioritize the development of at least one regional economic integration project from the \$1 billion pledged by Bank President Jim Yong Kim in May, to help build trust in the region. This could include the Ruzizi dam projects or cross-border agriculture projects.

Endnotes

[1] Eleven countries (Congo, Rwanda, Burundi, the Central African Republic, Angola, Uganda, South Sudan, South Africa, Tanzania, and Congo-Brazzaville) and four organizations (the United Nations, African Union, Southern African Development Community, and International Conference on the Great Lakes Region) signed the accord. It calls for political reforms in Congo, neighbors to refrain from meddling in Congo's affairs, and the international community to assist Congo to reform. For more information, see Fidel Bafilemba, Sasha Lezhnev, and John Prendergast, "Mary Robinson's Next Steps to Help End Congo's Deadly War," (Washington: Enough Project, 2013), available at <http://www.enoughproject.org/reports/mary-robinsons-next-steps-help-end-congos-deadly-war>.

[2] Interview with high-level African diplomat, July 21, 2013.

[3] U.N. Group of Experts interim report for 2013. Available at <http://www.innercitypress.com/drcsanc0613repicp.html> (accessed July 2013).

[4] Interview with leading opposition member, Kinshasa, July 16, 2013.

[5] Interview with advisor to President Kabila, Kinshasa, July 16, 2013.

[6] Interview with Congolese MP, Kinshasa, July 15, 2013.

[7] "Methane, Peat and Waste-to-Power Projects in Rwanda: Opportunities for Investment in Rwanda," Energy Investment Forum, Kigali, Rwanda, February 29, 2012. Available at http://www.ewsa.rw/Docs/Methane_Peat_Waste_Breakout_session.pdf (accessed July 2013).