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Conflict Risk Alert: DR Congo

Nairobi/Brussels, 27 January 2009: The Democratic Republic of Congo and Rwanda have struck a deal for military cooperation that risks a new escalation of combat in the eastern Congo and an even greater humanitarian crisis without assurances that it will solve the region's political and security problems. Kigali and Kinshasa should immediately suspend their joint military operations until they define clearer military and political objectives for their new cooperation, work with the UN peacekeeping mission (MONUC) and humanitarian agencies to minimise the risk to civilians of any combat and develop a comprehensive strategy to foster disarmament of the Rwandan Hutu insurgents (FDLR).

Normalisation of relations between Rwanda and Congo is essential if the eastern Congo and the Great Lakes region as a whole are to be stabilised. The agreement under which Rwanda accepted to withdraw its support from the CNDP insurgency of renegade general Laurent Nkunda, and simultaneously press it to accept integration into the national army, while Kinshasa agreed to a major military strike on its territory by the Rwandan army against the successors of the 1994 *genocidaires* is an attempt to address a problem that has poisoned bilateral relations for fifteen years. It has already produced one immediate and welcome result: Nkunda's replacement and subsequent arrest on 22 January. But the deal in its current form carries as many dangers as opportunities.

The deployment of up to 7,000 Rwandan troops in eastern Congo will not achieve its goals within two weeks, as claimed by the Congolese information minister. The FDLR has some 6,500 tough fighters spread over a territory four to five times the size of Rwanda itself. Rwandan and Congolese troops will have to track their enemy deep into North Kivu, far from their own bases, and rely on civilians for their daily supplies. The Rwandans will be viewed as an occupying force by communities that suffered atrocities in two regional wars in 1996-97 and 1998-2001.

Clear benchmarks have to be established for withdrawal of the Rwandan troops, as well as precise objectives to determine when the operation has succeeded or failed and needs to be stopped.

Like the joint military strike against the Lord's Resistance Army that Uganda, Congo and the South Sudan army launched in December, the operation is likely to achieve few concrete results other than to cause damage to civilians, in this case notably to Congolese Hutus, and to provoke the intended target into a new spasm of attacks on innocent communities. At the same time other armed groups and communities who resent Tutsi military domination may oppose the Rwandans and even collaborate with the FDLR. If there are ambushes by local armed groups and subsequent reprisals, already extremely tense inter-communal relations will worsen.

Further, the proposed formal integration of Tutsi insurgents into the Congolese national army (FARDC) is problematic. Bosco Ntaganda, who announced on 16 January that he and almost all top commanders of the CNDP insurgency were joining with FARDC to fight the FDLR, has a horrendous record of causing severe suffering to civilians during his operations.

The International Criminal Court has indicted him for war crimes committed in the Ituri district. The combatants he has brought to Kinshasa's side are stronger than FARDC in North Kivu, suggesting he will have substantial say in the operation. There are no reliable guarantees that Ntaganda and his men will accept integration into FARDC after the anti-FDLR operation has ended .

The joint military operations that are in an early stage against the Rwandan Hutu rebels are at best only two elements of what needs to be a much more comprehensive strategy for peace-building in North Kivu. Also required are improved political and economic governance in the province, guarantees for the return and resettlement of displaced persons, and genuine steps toward reconciliation between communities. A comprehensive peace-building strategy should include:

- In addition to military pressure on the hardcore FDLR armed leadership that refuses voluntary disarmament and increased outreach to the FDLR rank and file – most of whom had nothing to do with the Rwandan genocide – including incentives and offers of relocation for those who accept voluntary disarmament, the international community should initiate legal action against FDLR political leaders living in Europe and North America.
- Humanitarian organisations and MONUC should prepare contingency plans to protect civilian populations from violations of international humanitarian law, including FARDC/Rwandan army attacks and FDLR reprisals.
- Kinshasa should negotiate with the CNDP an integration plan that would also apply to other North Kivu Congolese armed groups, drawing on significant international support, including mentoring, training and financing; in view of the mass crimes and widespread sexual violence committed by the CNDP and FARDC in the province, a vetting mechanism should exclude significant human rights abusers from the national army and begin to address issues of accountability.
- The mediation led by UN Special Envoy Olusegun Obasanjo and African Union Special Envoy Mkapa should simultaneously craft a political process dealing with the other aspects of the North Kivu crisis, including inter-communal reconciliation; inclusive access to administrative positions in the province; return, with guaranteed security of tenure, of displaced persons and refugees from all communities; and conditions for the restoration of transparent and accountable state authority, including over mineral exploitation.

