

Policy Briefing

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Congo: Ending the Status Quo

I. Overview

The November 2013 defeat of the M23 armed group raised the hope that, after almost two decades of conflict, fundamental change and stabilisation were possible in the Democratic Republic of Congo (DRC) and the region. This was the result of a rare convergence of interests between Kinshasa and major international and regional actors. However, the unity of vision and action that materialised in the February 2013 signing of the Peace, Security and Cooperation Framework (PSCF) agreement has now dissolved. It needs to be restored, if necessary through the UN Security Council (UNSC) convening a high-level meeting of DRC government, other key regional players and international actors to develop a shared and comprehensive strategy to deal with the armed groups still operating in eastern DRC. Failure to do so will prolong the tragic status quo of attacks and pillaging by armed groups against an already brutalised civilian population.

The dismantling of armed groups, the *raison d'être* of the UN mission's Intervention Brigade (FIB), as well as the DRC government's national reform agenda, have both stalled. The handling of the Democratic Forces for the Liberation of Rwanda (FDLR) has become the PSCF's symbolic stumbling block. As the region's 2 January 2015 deadline for their demobilisation nears, views between some of the regional stakeholders (including the main troop contributors to the UN's Intervention Brigade, South Africa and Tanzania), the DRC and the UN on what to do next clearly diverge. The failure to complete the demobilisation of the M23, which remains cantoned in Uganda and Rwanda, also demonstrates the disagreement and distrust among the PSCF signatories, and partly results from Rwanda's irritation that the Congolese army and UN are not putting military pressure on the FDLR. Initiatives to tackle other armed groups are piecemeal and opportunities for disarmament, demobilisation and reintegration (DDR) lost because Kinshasa and donors disagree. The entire stabilisation agenda for the eastern provinces is at risk.

The failure to deal with armed groups means continued, unacceptable exactions against the civilian population, in particular in large parts of eastern DRC (Ituri, North and South Kivu and Northern Katanga Province). It also contributes to regional tensions and undermines the credibility of the UN Organization Stabilization Mission in the DRC (MONUSCO), in particular regarding civilian protection.

To end the present stalemate and drift to the 2 January 2015 deadline, as well as to revive PSCF implementation, MONUSCO, the UN's envoy to the Great Lakes region and the UN Security Council (UNSC) should urgently:

- ❑ build consensus around a clear and comprehensive strategy to deal with the armed groups, based on lessons learned from earlier operations, with effective military pressure, built on intelligence-led operations including deployments of troops to disrupt the capacity of armed groups to collect revenue, as well as contingency plans to avoid civilian casualties; DDR; agreement about judicial treatment of groups' leaders; police action against local and international support networks; and third-country settlement options.

The governments of Rwanda and the DRC should:

- ❑ send a clear signal to returning former combatants that they will receive a fair and transparent treatment, while there should be full understanding that there cannot be political dialogue with "genocidaires". A monitoring mechanism, such as that established by the UN High Commissioner for Refugees (UNHCR) for returnees, could be established to build confidence among returning former combatants.

The Southern African Development Community (SADC) and International Conference on the Great Lakes Region (ICGLR) should:

- ❑ make a thorough and fair assessment of the progress in the voluntary disarmament process of the FDLR in January and abstain from a further extension.

The UN Security Council and the main funders of MONUSCO should:

- ❑ press the FIB troop contributors, in particular South Africa and Tanzania to make good on their commitment to carry out targeted operations against armed groups;
- ❑ if no action is taken against the FDLR in January, convene a special high-level meeting bringing together the DRC government, other key regional players – Angola, Burundi, Malawi, Rwanda, South Africa, Tanzania, Uganda – and international actors including the World Bank, SADC, ICGLR, European Union (EU), U.S., UK, Belgium and France to forge a new way forward. The meeting should focus on the causes of the present stalemate and outline the humanitarian, political and economic cost of the status quo and the risk of compromising future investment in the region as long as instability prevails; and
- ❑ consider ending the mandate of the FIB if the Congolese government and the troop contributors remain unwilling to take action, based on the measures outlined above, to help demobilise armed groups, particularly the FDLR.

II. The M23 Crisis – A Strategic or Temporary Shift?

A. *A Wake-Up Call in the Twenty-Year Conflict*

The 20 November 2012 fall of Goma to M23 rebels was a major humiliation for President Joseph Kabila's government with the Armed Forces of the DRC (FARDC) epitomising the crumbling state, as well as the lack of structural reform.¹ The defeat forced the president to accept regionally brokered negotiations with the M23.² MONUSCO was also badly bruised, its credibility already seriously tarnished by earlier impotence and inaction.³

For the M23, Goma was to be a Pyrrhic victory. After a brief occupation, international and regional pressure forced it to withdraw and agree to talks initiated by the ICGLR. Regional and international actors rallied to shore up the DRC government and Rwanda came under increased scrutiny by its donors.⁴ Furthermore, lack of unity within the M23 quickly resulted in debilitating infighting.⁵ The ICGLR talks in Kampala dragged on until after the M23 November 2013 military defeat. The December Nairobi declarations were followed by an amnesty law.⁶

B. *International Re-engagement and Commitment*

The crisis led to the most significant political re-engagement by donors since the transition (2003-2006), as well as a new peacekeeping strategy. The UN started to relaunch

¹ For background, see Crisis Group Africa Report N°165, *Congo: No Stability in Kivu despite Rapprochement with Rwanda*, 16 November 2010; Briefings N°93: *Eastern Congo: The ADF-Nalu's Lost Rebellion*, 19 December 2012; N°91, *Eastern Congo: Why Stabilisation Failed*, 4 October 2012. The fall of Goma came on the heels of the disputed 2011 elections, the February 2012 death of Augustin Katumba Mwanké and the unravelling of the dialogue with Rwanda established in late 2008, leading to regional tensions not seen since 2003. Katumba Mwanké was the central player both in the economic and political spheres. As an observer noted, "not only did the architect of the political system die, he disappeared with the blueprints". Crisis Group interview, diplomat, Kinshasa, March 2014.

² "RDC: Kabila rencontre Kagame à Kampala", Radio Okapi, 21 November 2012.

³ See "Open Letter to the United Nations Security Council on the Situation in the Democratic Republic of Congo", Crisis Group, 11 June 2012.

⁴ See, for example, "U.S. State Department statement on Rwanda, Bureau of African Affairs", 21 July 2012; and "Rébellion du M23: l'Union européenne suspend toute nouvelle aide budgétaire au Rwanda", Radio Okapi, 26 September 2012.

⁵ Fighting between the Sultani Makenga and Bosco Ntaganda factions erupted in March 2013, with the latter fleeing to Rwanda. On 18 March, Bosco turned himself in at the U.S. embassy in Kigali requesting to be handed over to the International Criminal Court (ICC). In June 2014, ICC war crimes and crimes against humanity charges were confirmed. "Situation in the Democratic Republic of Congo, the Prosecutor vs. Bosco Ntaganda, case n° ICC 01/04-02/06", Case Information Sheet, 3 July 2014.

⁶ The law, passed in early 2014, covers acts of insurrection, political crimes and acts of war, committed between 18 February 2006 and 20 December 2013 (final deadline to the armed groups to lay down their weapons). Amnesty is granted at the individual level, following a written declaration. The law has a six-month deadline following its publication (ending in August 2014). Genocide, war crimes, crimes against humanity, terrorism, torture and rape, among others crimes, are excluded. The agreement also included: elements regarding DDR, potential transformation of the M23 into a political party, return of refugees and internally displaced persons (IDPs), a commission for national reconciliation, governance and socio-economic reforms and implementation of the March 2009 agreement. "Communiqué final conjoint CIRGL-SADC sur les pourparlers de Kampala", Nairobi, 12 December 2013.

dialogue between the DRC and its neighbours, in particular Rwanda, as well as to press for much-needed reform. This resulted in the PSCF agreement and the subsequent appointment of Mary Robinson as UN special envoy.⁷ The PSCF contains national, regional and international commitments, as well as extensive benchmarking exercises and implementation mechanisms.⁸

In essence, the PSCF national commitments have been on the table for a decade. They include security sector reform (SSR), the consolidation of state authority, decentralisation, economic development and social service delivery, reform of government institutions, reconciliation and democratisation.⁹ In many ways the PSCF is reminiscent of the Lusaka (1999) and Pretoria (2002) agreements that laid the foundations for the DRC peace process and transition. It also strongly reflects the conflict's regional dimension.

The new military element was the reinforcement of MONUSCO with the FIB.¹⁰ Its deployment to “eradicate” the M23, the FDLR and “other ‘negative’ forces operating from eastern DRC, as well as assure the control and security of the border areas”, was first suggested by the ICGLR in July 2012 and picked by SADC.¹¹ In December 2012, SADC announced its decision to deploy its standby force. The regional body, lacking capacity to deploy such a force, discussed with the UN the merger of the intervention force with MONUSCO, which would avoid the coordination problems that may arise with separate military missions. UNSC Resolution 2098 (28 March 2013) strengthened MONUSCO's mandate to provide for the FIB to “carry out targeted offensive operations” focused on the neutralisation of armed groups. SADC's involvement further Africanised and regionalised peacemaking in the DRC.

Following a joint UN and World Bank visit to the region, the concerted effort was completed in May 2013 with the announcement of a \$1 billion World Bank “Great Lakes Regional Initiative” that aims to increase regional economic growth and interdependence.¹² The World Bank has also been involved in the PSCF's implementation, in particular commitment 4, “to strengthen regional cooperation including

⁷ Said Djinnit, new UN special envoy, took over from Mary Robinson in mid-2014.

⁸ There is the Regional Oversight Mechanism and National Follow-up Mechanism (MNS). The planning ministry is also working on the Integrated Program for the Reconstruction of Post-conflict Territories in the DRC (PIR-TPC), coordinating with the government's Stabilisation and Reconstruction Plan for War-Affected Areas (STAREC) and policies developed by other ministries and agencies such as the Pré-DDR and the new National Plan for DDR (PNDDRIII). There have also been efforts to coordinate various national programs, such as STAREC, and to connect them to international projects, in particular the revised International Security and Stabilization Support Strategy (ISSSS). Crisis Group interviews, MNS member, Kinshasa, July 2014; diplomats and development officials, Kinshasa and Nairobi, March-July 2014.

⁹ “Peace, Security and Cooperation Framework Agreement for the Democratic Republic of Congo and the Region”, Addis Ababa, 24 February 2013, p. 2.

¹⁰ It is composed of three battalions (Malawi, South Africa and Tanzania) reinforced with special forces, artillery and aviation assets. It is well above 3,000 troops – all deployed in North Kivu. Crisis Group interviews, UN and diplomatic officials, Kinshasa, March 2014.

¹¹ “Declaration of the Heads of State and Government of the ICGLR, 4th ICGLR extraordinary summit”, Kampala 8 October 2012.

¹² Many World Bank-funded projects focus on regional infrastructure. The initiative is linked to the PSCF and the ISSSS but does not involve fresh funding. Crisis Group interview, development official, Nairobi, August 2014. To improve implementation, the World Bank, with the Office of the Special Envoy, established a Great Lakes Region Conflict Facility (GLRCF) to support conflict sensitive program design and management. Crisis Group email correspondence, World Bank official, August 2014.

deepening economic integration with special consideration for the exploitation of natural resources”.¹³

C. *A Short-lived Convergence*

These three elements – a political process addressing the national and regional root causes of the continuing crisis, a reinvigorated military engagement and an effort to foster regional development – set the stage for what seemed to be a new phase in the Great Lakes region. It was built on a fresh convergence of interests between the DRC government, SADC, the UN and the major donors assembled in the contact group.¹⁴ The deployment of the FIB, new political and military leadership and the PSCF allowed the UN to regain political relevance in the DRC and the entire region.¹⁵ In the wake of the Goma debacle in November 2012, the government reshuffled the FARDC command and control structures. The reinvigorated army conducted operations against the M23 under the command of Colonel Mamadou Ndala.¹⁶ The FIB helped boost the FARDC, which did most of the fighting, and the rapid success restored some optimism.¹⁷

With Resolution 2098 (28 March 2013) and Resolution 2147 (28 March 2014), MONUSCO embraced a more assertive approach of its Chapter VII mandate. In his October 2013 and January 2014 statements to the UN Security Council, Special Representative of the UN Secretary-General (SRSG) and head of MONUSCO Martin Kobler articulated his vision and priorities, identifying drivers of change as guidance for the mission’s decision-making and planning.¹⁸ In his second statement, MONUSCO’s priorities were security and protection; stabilisation of conflict-affected areas, including a “credible electoral process”; and PSCF implementation. Deliberate, pro-active operations, based on the “shape-clear-hold-build” counter-insurgency doctrine, were subsequently announced.¹⁹ The mission also developed the concept of “Islands of Stability” (IoS) areas, cleared of armed groups, where it aims to assist the government in restoring state authority and stability.²⁰ By June MONUSCO had adapted its entire civilian and military structure to reinforce its operational presence in the east.²¹

¹³ “Peace, Security and Cooperation Framework Agreement”, op. cit., pp. 2-3.

¹⁴ For more on the contact group, see “The International Contact Group and Steps toward Stability in the Great Lakes”, Enough Project, 7 February 2012.

¹⁵ The new leadership includes SRSG Martin Kobler (Germany) and Force Commander Lieutenant-General Carlos Albert dos Santos Cruz (Brazil). An Al Jazeera documentary seemed to symbolise the new style of peacekeeping. “People & Power: Congo and the General”, 6 February 2014, video, YouTube, https://www.youtube.com/watch?v=Zo8sQo5g_Ik.

¹⁶ Ndala was killed in an ambush, near Beni, North Kivu, on 2 January 2014. His death symbolised the end of a short-lived dynamic. “Congo after M23: the prophet Mukungubila and the death of Colonel Mamadou”, African Arguments (www.africanarguments.org), 7 January 2014. The trial of the suspected assassins started in October 2014, the proceedings suggest FARDC officers collaborated with the Allied Democratic Forces (ADF). “RDC: affaire Ndala, peine de mort requise contre six prévenus”, RFI, 7 November 2014.

¹⁷ Crisis Group interviews, Congolese, MONUSCO and other military sources, Nairobi, Kinshasa, February-March 2014.

¹⁸ SRSG Martin Kobler, “Briefing to the Security Council”, 21 October 2013; “Statement to the Security Council”, 13 January 2014.

¹⁹ “Force Commanders Directive”, MONUSCO internal document, consulted by Crisis Group, 22 July 2013.

²⁰ “Briefing to the Security Council”, op. cit. The IoS approach is similar to the earlier ISSSS; see “Stratégie internationale de soutien à la sécurité et la stabilité de l’Est de la RDC I-SSSS”, Cadre

III. The End of the Honeymoon

The Congolese government achieved its objective: for the first time in more than a decade, the M23 defeat removed a Rwandan-backed group from eastern DRC. The partnership between the government, region and wider international community then quickly disappeared, as evidenced by the lack of a shared strategy against other armed groups, political frictions between the government and MONUSCO, the lack of implementation of the PSCF commitments, such as SSR and decentralisation, as well as strains over the upcoming elections.

The entire PSCF effort has bogged down in an endless series of technical matrixes and benchmarking exercises, while very little has actually been accomplished.²² Kinshasa and the region view the PSCF commitments as empty, negligible promises. Distrust is also slowing implementation of regional commitments, in particular on disarmament, demobilisation, repatriation, reintegration and resettlement (DDR/RR) of foreign armed groups, as well as on regional economic development and reconstruction.

A. *Lost Partnership*

The relationship between the DRC government and the international community, in particular with MONUSCO, has become more strained.²³ In May 2014, President Kabila voiced objections to the organisation of third-party-led roundtables in fulfilment of the SRSG's good offices mandate to facilitate dialogue between Congolese political actors.²⁴ The mission's biggest challenge followed in October, shortly after the publication of a UN report on human rights violations committed by the Congolese police in anti-crime operations in Kinshasa.²⁵ Interior Minister Richard Muej declared the head of the joint human rights office "persona non-grata".²⁶ Both Foreign Minister Raymond Tshibanda and Deputy Prime Minister and Defence Minister Alexandre Luba Ntambo have recently called for MONUSCO to downsize its forces.²⁷

Despite efforts to re-energise MONUSCO in eastern Congo, there is a strong sense of *déjà vu*. In practice, cooperation between the FIB and FARDC remains limited; a more proactive posture by MONUSCO is lacking; and the entire stabilisation strate-

programmatische intégré (IPF) 2009-2012. But, as Kobler emphasised: "The UN cannot and should not replace state functions. We need the firm and lasting commitment of the Congolese authorities". "Statement to the Security Council", op. cit.

²¹ Three quarters of the civilian staff is now concentrated in the east. "Report of the Secretary-General on the UN Stabilization Mission in the DRC", UNSC S/2014/450, 30 June 2014, p. 15.

²² "Statement by the President of the Security Council", UNSC S/PRST/2014/22, 5 November 2014.

²³ Crisis Group interview, diplomat, Nairobi, November 2014; "Kabila's show down with the UN", Congo Siasa (congosiasa.blogspot.com), 13 March 2010.

²⁴ "Kabila juge inacceptable la renaissance du défunt CIAT", *Le Potentiel*, 2 June 2014.

²⁵ "Rapport du bureau conjoint des Nations unies aux droits de l'homme sur les violations des droits de l'homme commises par des agents de la Police Nationale Congolaise dans le cadre de l'opération 'Likofi' à Kinshasa entre le 15 novembre 2013 et le 15 février 2014", October 2014.

²⁶ "Opération Likofi: Kinshasa dénonce la 'partialité' du rapport des Nations unies", Radio Okapi, 16 October 2014.

²⁷ "The situation concerning the Democratic Republic of Congo", UNSC S/PV.7237, 7 August 2014; "Le ministre de la Défense plaide pour la réduction des effectifs militaires de la MONUSCO", Agence congolaise de presse, 28 October 2014.

gy, including the revised International Security and Stabilization Support Strategy (ISSSS) and the IoS, is in slow motion.²⁸

Following the priorities set at the international and regional level, MONUSCO conducted a planning process to mount future operations, in support of FARDC, against two priority targets: FDLR and Allied Democratic Forces (ADF).²⁹ There was, however, only limited joint planning before the DRC unilaterally decided to focus on the ADF and (for a few months) on the Alliance of Patriots for a Free and Sovereign Congo (APCLS).³⁰

B. Robust Peacekeeping?

MONUSCO is struggling to implement its civilian protection mandate. The FIB's engagement has been rather limited and the so-called framework brigades (deployed before the adoption of UNSC Resolution 2098) have regularly been accused of passivity, as was the case in Beni, North Kivu, during attacks in October 2014 attributed to the ADF. More than 200 people have been killed in these attacks, demonstrating the limits of the FARDC/UN strategy.³¹ Popular opinion in and around Beni turned against MONUSCO and the DRC government, the latter in particular following President Kabila's visit a few days after the incident.³²

Despite the rhetoric of "one mandate, one mission, one force", the FIB is the only MONUSCO component (theoretically) willing to engage in offensive operations.³³ The other troop-contributing countries (TCCs) remain anxious about the risks FIB operations create for their contingents.³⁴ SRSG Kobler is trying to change this. Responding to the Beni situation, he wrote the new MONUSCO peacekeeping paradigm

²⁸ The new ISSSS is still in programming phase and is due to focus on local conflict dynamics. A basket fund is to be established. The IoS are more short-term interventions, part of the mission's strategy focusing on recently liberated areas. They are criticised by humanitarian actors. Crisis Group email correspondence, staff from international development and humanitarian organisations, July-August 2014; Hannah Cooper, "More harm than good? UN's Islands of Stability in DRC", Oxfam Policy and Practice Blog (policy-practice.oxfam.org.uk), 8 May 2014.

²⁹ MONUSCO operational orders focusing on both groups were drawn up by 31 December 2013. Crisis Group interview, diplomat, Kinshasa, March 2014. The ADF is of Ugandan origin, but is thought to be 40 per cent Congolese, with mainly ethnic Nande. Crisis Group Briefing, *Eastern Congo: The ADF-Nalu's Lost Rebellion*, op. cit.

³⁰ The FARDC military operation, "Sukola 1", launched in January 2014, received mainly logistical support from MONUSCO. It was also reported that the FARDC received intelligence support from the Ugandan army. Crisis Group interviews, UN and diplomatic staff, Kinshasa, March 2014. For an assessment of the anti-APCLS operations, see "What happened to the APCLS rebel group in 2014?", political analyst Timo Mueller's website (muellertimo.com), 12 September 2014.

³¹ On 6 June, 33 civilians were massacred around Mutarule, in South Kivu. "DR Congo: Army, UN failed to stop massacre", Human Rights Watch, 3 July 2014; "Massacre de Mutarule: 'Il faut identifier le problème et chercher une solution', préconise Martin Kobler", Radio Okapi, 20 June 2014. SRSG Kobler recognised the slow reaction by national and MONUSCO forces. He also ordered an internal investigation and relieved the commander of the nearest MONUSCO base in Sanga.

³² "Congo protests against UN peacekeepers", Deutsche Welle, 23 October 2014; "Photo's: Kabila flag set ablaze, statue smashed", The Insider (www.theinsider.ug), 3 November 2014. President Kabila asked MONUSCO to reinforce its presence in Beni area. "Renforcement de la MONUSCO à Beni: Kobler 'favorable' à la demande de Kabila", Radio Okapi, 2 November 2014.

³³ Crisis Group email correspondence, Kinshasa-based diplomat, March 2014.

³⁴ Crisis Group interview, MONUSCO official, Kinshasa, March 2014.

was, “action, not inaction! Proactive, not reactive! Mobile, not static! Feet, not wheels!”. How this will be achieved is another matter.³⁵

C. *The Stalled Neutralisation of Armed Groups*

1. Disagreements about the DDR/RR

In November 2013, attention started to shift to the large number of armed groups still active in eastern DRC, including Ituri, Katanga and the Kivu provinces.³⁶ They were called to join the DDR/RR.³⁷ However, there was no plan or funding of DDR for armed groups other than the FDLR. The response from these groups was nonetheless rapid and massive, taking the government by surprise and creating confusion from the start.³⁸

DDR has been one of the weakest links in attempts to stabilise the east. Previous programs were a “revolving door” allowing combatants to integrate and leave the FARDC almost at will, negotiating for better conditions, ranks, etc. when they return.³⁹ After the M23 defeat in November 2013, when thousands of combatants appeared ready to demobilise, the government developed the new national DDR plan (DDR III).

It targets the reintegration of an estimated 11,785 ex-combatants from the east.⁴⁰ The government intends to establish centres for triage and for preparation to socio-economic reintegration for these former combatants in distant parts of the country.⁴¹ For the government, it is necessary to break the hold of commanders on their former militia members and to move them out of their environment, and it should contribute to closing the revolving door.⁴² However, since community protection is a key motivation for militia mobilisation, moving these fighters with an uncertain return is a very sensitive issue.

Personal security and fear of prosecution also remain major concerns for militia leaders considering DDR, especially after the April 2014 suspicious death of “Mor-

³⁵ Somewhat unconvincingly he also stated: “The FDLR voluntary disarmament process has occupied the Mission possibly to the detriment of our focus on the ADF threat”. Tweet by SRSG Martin Kobler, @KoblerSrsg, 27 October 2014.

³⁶ For a regularly updated overview and mapping of armed groups in eastern DRC, see www.christophvogel.net.

³⁷ In particular the 30 November and 20 December 2014 deadlines – the latter the final date for the amnesty law. Crisis Group interview, MONUSCO official, Kinshasa, March 2014.

³⁸ Crisis Group interview, MONUSCO official, Kinshasa, March 2014.

³⁹ Hans Rouw, Rens Willems, “Connecting Community Security and DDR: Experiences from Eastern DRC”, Working Group Community Security and Community-based DDR in Fragile States, Peace Security and Development Network, April 2010, p. 24.

⁴⁰ “Plan global de désarmement, démobilisation et réintégration (DDR III)”, defence ministry, Kinshasa (undated); “Plan des opérations conjointes de désarmement et de démobilisation pour le DDR III”, December 2013.

⁴¹ In early August, there were 1,465 former combatants in Kitona, 1,044 in Kamina, 850 in Kotakoli and 640 in Kisangani. However, the regrouping centres in the east were empty at that time. The centre in Kisangani is the latest and is earmarked to receive the M23. Crisis Group email correspondence, Kinshasa-based official, March-August 2014. Living conditions in the Kotakoli site have been reported as particularly difficult. “DR Congo: Surrendered fighters starve in camp”, Human Rights Watch, 1 October 2014.

⁴² Crisis Group email correspondence, Congolese and UN staff involved in the DDR process, March-June 2014.

gan”, leader of the Mai-Mai Simba in the Orientale Province.⁴³ Armed groups in the east continue to mobilise and hope to cut deals to be integrated into the FARDC.⁴⁴ The nature of FARDC’s recent operations in North Kivu, however, and in particular its use of armed groups to fight its enemies, totally contradict the DDR program.⁴⁵

From the outset, DDR implementation was fraught due to the lack of resources and an effective planning capability. Former combatants were urgently transferred to triage centres away from their base partly because of the “desertion” of several hundred fighters from the regrouping centres in the east – as was the case in Katanga.⁴⁶ Thousands of demobilised combatants were transferred from the east to centres that have limited reception capability and have since reached maximum capacity. The next step, preparation for socio-economic reintegration, is not yet ready.⁴⁷ Also particularly worrying is the limited number of weapons surrendered.

While successful DDR requires sufficient resources and strong coordination, international reaction has been chilly. There was a lack of communication, with the government largely going it alone. Initial international concerns regarding the DDR III focused mostly on: (i) relocation of combatants, with some donors concerned about freedom of choice and movement and talk of “deportation”; (ii) the lack of pre-existing infrastructure and related cost; (iii) the lack of clarity and vision regarding reintegration; (iv) challenges regarding the budget and governance structure; and (v) lack of clarity regarding FARDC recruitment objectives.⁴⁸ Donors remained on the fence for a program that “doesn’t feel like it’s completely ready yet”,⁴⁹ “seems too vague” or is a “one-size-fits-all” approach.⁵⁰ Meanwhile, the government said it was “willing to discuss, but ... will decide”.⁵¹

These differences notwithstanding, the government presented a final version of the DDR III to potential donors on 11 July 2014. Established with World Bank support, it took into consideration some earlier donor criticism, but the government’s main strategic options remain unchanged.⁵² The total planned budget is \$85 million. A new trust fund is to be established and while some donors have already indicated a

⁴³ Morgan was reportedly connected to authorities in the province involved in gold and ivory smuggling. “Final Report of the Group of Experts on the DRC”, S/2014/42, 23 January 2014, pp. 18-19. Morgan was killed while being transported to Bunia by the FARDC after his rendition. An investigation, with MONUSCO support, is ongoing and an FARDC officer has been arrested. “Bunia: arrestation d’un militaire suspecté d’être impliqué dans la mort de Morgan”, Radio Okapi, 30 April 2014.

⁴⁴ The ten-year prison sentence of General Jerome Kakwavu, a former Ituri armed group leader, in November 2014 could make them reconsider their options. “Dispatches: First Congolese general convicted of rape”, Human Rights Watch, 10 November 2014.

⁴⁵ Crisis Group email correspondence, Goma-based civil society, February-July 2014.

⁴⁶ “RDC: des Bakata Katanga regagnent la brousse, deux mois après leur reddition”, Radio Okapi, 14 July 2014.

⁴⁷ “Compte rendu de la 13^{ème} réunion ordinaire du Conseil des Ministres”, 10 November 2014.

⁴⁸ Crisis Group interviews, diplomats, Kinshasa, March 2014.

⁴⁹ U.S. Special Envoy Russ Feingold quoted in “Briefing: DDR in Eastern DRC – try, try again”, Integrated Regional Information Networks (IRIN), 4 March 2014.

⁵⁰ Crisis Group interviews, diplomats, Kinshasa, July 2014.

⁵¹ “None of them can dictate to us what to do. They must support the programme, as we know what is necessary We shall implement this programme with the few resources we have if the agencies can’t accept to fund it”. Minister Lambert Mende, IRIN, op. cit., 2014.

⁵² Crisis Group email correspondence, Kinshasa-based official, March-August 2014. The World Bank is still administering the regional Transitional Demobilisation and Reintegration Program (TDRP), including its multi-donor trust fund (www.tdrp.net). Minutes, TDRP Trust Fund Committee Meeting, Berlin, 16-17 September 2014.

willingness to fund the program, its slow progress threatens the limited achievements in the field.⁵³

2. No closure yet for the M23

More than a year after its military defeat, demobilising the M23 is unfinished.⁵⁴ Implementation of the 12 December 2013 Nairobi declarations, which include transformation of the M23 into a political party, demobilisation, conditional amnesty and national reconciliation, has stalled. In particular the amnesty for former combatants, most of whom are cantoned in Rwanda and Uganda, remains a thorny issue. The process is made more complicated by mutual suspicions and a lack of clarity regarding the numbers remaining in Uganda and Rwanda. The UN group of experts reported some reshuffling within M23 ranks in Uganda. Other reports suggest there have been attempts to reconcile the group's Bosco and Makenga wings.⁵⁵ Meetings, including the latest on 7 November, of the follow-up mechanism in Kinshasa have failed as the M23 refused to participate, citing security concerns.⁵⁶ Furthermore, the Congolese government has been slow to identify potential sites for returning M23 fighters.⁵⁷

Different interpretations and the slow implementation of the amnesty law, adopted in February 2014, are the major blockages in the implementation of the Nairobi declarations.⁵⁸ In August, the M23 claimed not all of its members had been in a position to file an amnesty request by the 11 August deadline.⁵⁹ The Uganda group was regis-

⁵³ Crisis Group email correspondence, Kinshasa-based official, August 2014. The government contributed \$10 million, MONUSCO \$8 million and the World Bank \$15 million. Crisis Group interview, World Bank official, Nairobi, November 2014; email correspondence, Kinshasa-based official, August 2014; "Compte rendu de la 13ème réunion ordinaire du conseil des ministres", 10 November 2014.

⁵⁴ SRSF Martin Kobler, "Statement to the UN Security Council", 7 August 2014. M23 is currently composed of three groups, the "Congo-group", surrendered during and after the fight with FARDC and MONUSCO (369 Congolese and 49 foreigners); the "Rwanda-group", formed during the confrontation between the Bosco and Makenga factions (dropped from 682 to 453 combatants in August); and the "Uganda-group", the main body that retreated to Uganda after their military collapse (estimated at 1,300-1,400, but more than 1,600 requested amnesty). Crisis Group email correspondence, Congolese and international officials, February-August 2014. There may be a fourth group, as regional diplomats and sources in Uganda, Kenya and South Sudan allege M23 combatants are fighting with the Ugandan army in South Sudan. Crisis Group Africa Report N°217, *South Sudan: A Civil War by any Other Name*, 10 April 2014. Some M23 fighters in DRC are Rwandan, Ugandan and Burundian, and several have been repatriated.

⁵⁵ "Midterm Report of the Group of Experts on the Democratic Republic of Congo", S/2014/428, 25 June 2014, p. 14; "A year after its defeat, could the M23 make a comeback?", Congo Siasa, 9 November 2014.

⁵⁶ "RDC: le rapatriement des anciens rebelles du M23 piétine", Agence France-Presse, 9 November 2014.

⁵⁷ Initially Kisangani was identified as a potential site, but according to different sources it has been changed to Kamina. "Réunion d'évaluation de l'accord de Nairobi à Kinshasa. L'ex M23 pose de nouvelles conditions", Forum des As, 10 November 2014.

⁵⁸ "RDC: Kinshasa exclut une centaine de rebelles M23 de toute amnistie", RFI, 20 September 2013. M23 demands that the amnesty apply to all its members, without conditions. Bertrand Bisimwa, "M23 communiqué officiel", Kampala 20 April 2014; "The coordination report of the implementation of the Nairobi declarations", The M23 movement, 30 June 2014.

⁵⁹ "RDC: environ 1% des membres de l'ex-rébellion du M23 amnistiés", Radio Okapi, 12 August 2014.

tered in May.⁶⁰ The process in Rwanda was complicated by a lack of confidence and communication between both countries. After two failed attempts, a mission to Rwanda was finally authorised from 18 to 20 July.⁶¹ According to the DRC government 2,100 filed for amnesty, while the M23 says they were 4,500. By late October, only 193 M23 members had been granted amnesty.⁶²

There are increasing rumours that M23 members might be reorganising, preparing to infiltrate and some arrests were reported.⁶³ The lack of implementation of the Nairobi declarations, mutual accusations between Kinshasa and the M23 and regional mistrust create an explosive situation.⁶⁴

3. FDLR: Regional threat, regional disagreements

With the M23 defeat, the FDLR has resurfaced as the region's central concern.⁶⁵ For MONUSCO, pressured by the U.S., UNSC and special envoys, it is the military priority.⁶⁶ Participation in DDR/RR was encouraged to drive a wedge between "genocidaires" and the rank and file. The FDLR reacted by declaring a voluntary disarmament, involving SADC, while sticking to its demand for an inter-Rwandan dialogue as a precondition for a return to Rwanda.⁶⁷ This led to two weapon handovers, in North Kivu on 30 May 2014 and South Kivu on 8 June, in which a total of 181 FDLR fighters surrendered a small number of largely obsolete weapons.⁶⁸ MONUSCO cantoned

⁶⁰ "Midterm Report of the Group of Experts", op. cit. In December 2013, before the end of the M23 process in Nairobi, Uganda and the DRC concluded bilateral talks, which included the return of M23 combatants to the DRC. The talks also discussed anti-ADF operations. "Museveni, Kabila reach agreement on M23 rebels", *The Monitor*, 3 December 2013; "DRC team to travel to Uganda for M23 amnesty", *The New Vision*, 24 April 2014.

⁶¹ "Kigali freine le processus d'amnistie des ex-M23 réfugiés sur son sol, accuse Kinshasa", Radio Okapi, 3 June 2014. Crisis Group interview, UN official, Kinshasa, July 2014.

⁶² "Amnistie sélective en RDC", *Afrikarabia*, 20 April 2014; "Report of the Secretary-General on the UN Stabilization Mission in the DRC", op. cit., p. 2. Given hostile public opinion to talks or concessions to the M23, it is important for the government to spread the amnesty to other groups.

⁶³ "Réorganisation et infiltration des ex-M23: La société civile dénonce, la MONUSCO relativise", *Le Palmarès*, 15 October 2014.

⁶⁴ "A year after its defeat, could the M23 make a comeback?", *Congo Siasa*, 9 November 2014.

⁶⁵ The FDLR, currently estimated at 1,500 combatants and several thousand dependents, is divided in three groups; the most important is the FDLR-FOCA (Abachunguzi Armed Forces) and the two smaller are FDLR-RUD (Rally for Unity and Development) and FDLR-Soki (named after its former leader). "FDLR: Past, Present, and Policies", Social Science Research Council, March 2014.

⁶⁶ Tweet by US Special Envoy Russ Feingold, @US_SEGL, 11 March 2014. An internal MONUSCO document, dated 31 December 2013, stated, "The FDLR remains the Force's MAIN EFFORT to defeat". Document consulted by Crisis Group.

⁶⁷ Victor Byiringiro, "FDLR's response to the statement of the UN Security Council president", 30 November 2013; "FDLR press release", 30 December 2013. The group also allied with the diaspora Rwandan political opposition, the "Coalition of Rwandans Political Parties for Change". "Rwanda: quatre partis de l'opposition en exil forment une coalition", *RFI*, 1 March 2014. This alliance seems to be disintegrating. "Rwanda: les FDLR divisent une coalition de l'opposition", *RFI*, 10 October 2014.

⁶⁸ Crisis Group email correspondence, regional military expert, June 2014. The special envoys noted that an "insignificant number of low ranking combatants surrendered" and urged the complete surrender of all FDLR fighters and senior leaders in the coming days warning of "military action by FARDC and MONUSCO". "Joint statement by the Special Envoys for the Great Lakes on the FDLR", Brussels, 4 June 2014. Victor Byiringiro, "Invitation to witness the handing over of weaponry and relevant ex-combatants to SADC", FDLR letter, 18 April 2014; "Offering to disarm in Congo after 20 years of war", *The New York Times*, 28 June 2014. There is increasing concern the FDLR's coopera-

the two groups and their dependents and, in preparation for return to Rwanda or resettlement in a third country, it established with the DRC government an assembly site in Kisangani.⁶⁹

To Rwanda's annoyance, FDLR representatives met with special envoys in Rome on 26 June 2014. The EU and UN made clear that there would be no negotiations, warning the group to surrender or face military action.⁷⁰ At a 2 July joint ICGLR-SADC ministerial meeting in Luanda, a six-month deadline (with a review after three months) was recommended with military consequences should the group fail to comply.⁷¹ Over the past years, Rwanda has not changed its FDLR policy: combatants should come back through the existing DDR/RR mechanism.⁷² For Rwanda, "there is a tendency to create a false dichotomy between military operations against the FDLR and 'voluntary surrender'".⁷³

The SADC-ICGLR mid-term review discussed at the 20 October meeting in Luanda recognised the lack of progress. The 2014 mid-term report by the UN group of experts on the DRC found the FDLR continues its recruitment and reorganisation. MONUSCO and others also indicate that the group is not demobilising.⁷⁴ In early November, the FDLR finally allowed the two demobilised groups to be relocated to Kisangani, while maintaining its general attitude toward the process.⁷⁵ This indicates that combatants remain under their leaders' control. There has been no concrete

tion is a mere tactical ruse. For a comprehensive analysis of previous attempts, see Dominic Johnson, Simone Schlindwein, "Endgame or Bluff? The UN's dilemma with the FDLR militia in DRC", Briefing Paper, *Die Tageszeitung*, Berlin, August 2014.

⁶⁹ 97 were cantoned in Kanyabayonga (North Kivu) and 84 in Walungu (South Kivu). Because of the proximity with Rwanda, MONUSCO and the Congolese government decided for a temporary relocation in Kisangani, in Orientale Province. Local civil society and politicians mobilised against this move. "RDC-le gouvernement ne négociera pas la relocalisation des FDLR, affirme Lambert Mende", Radio Okapi, 27 July 2014; "RDC: les FDLR refusent de rejoindre le camp de transit de Kisangani", Radio Okapi, 13 August 2014; "RDC: les FDLR se déclarent disposés à se rendre à Kisangani pour y être cantonnées", *Jeune Afrique*, 6 November 2014.

⁷⁰ The meeting was facilitated by the Community of Sant'Egidio. Rwanda was especially vexed by the ill-considered attempt by the UN to include FDLR President Victor Byiringiro. "FDLR: l'UE s'explique après la réunion de Sant'Egidio", RFI, 1 July 2014. Interestingly, African representatives were invited but did not attend. Dominic Johnson, Simone Schlindwein, op. cit.

⁷¹ "Second Joint ICGLR-SADC Ministerial Meeting", communiqué, Luanda, 2 July 2014. Tanzania and South Africa sided with the DRC to set the deadline. Crisis Group interviews, diplomats, Kinshasa, July 2014; "Final Communiqué of the second mini summit of the ICGLR Heads of State and Government on the security situation in the DRC and the Great Lakes region", Luanda, 14 August 2014; "Communiqué of the 34th summit of SADC Heads of State and Government", Zimbabwe, 17-18 August 2014. SADC also discussed the DRC and the FDLR during a 15 September double troika summit of heads of state and government in Pretoria.

⁷² From 2002 to 31 May 2014, a total of 12,410 combatants (not all former FDLR) and 12,506 dependents returned to Rwanda through the DDR/RR. Given that the UN estimated the FDLR strength between 8,000 and 12,000 in 2002, this suggests the group has continued to recruit both within the Rwandan refugee community in eastern DRC and among the Congolese population. Figures from MONUSCO, document on file with Crisis Group.

⁷³ "Remarks by Minister of State in Charge of Cooperation, Eugene-Richard Gasana, at the UN Security Council debate on MONUSCO", Permanent Mission of Rwanda to the UN, 7 August 2014.

⁷⁴ "Third Joint ICGLR-SADC Ministerial Meeting", communiqué, Luanda, 20 October 2014; "Mid-term Report of the Group of Experts", op. cit., p. 14; weekly MONUSCO briefings and reporting by local NGO sources.

⁷⁵ "Les FDLR acceptent d'aller à Kisangani dans le cadre du processus de désarmement volontaire", Agence congolaise de presse, 5 November 2014.

progress on plans to offer third-country relocation for FDLR fighters who do not wish to return to Rwanda.⁷⁶ The lack of a comprehensive list of members suspected of participation in the 1994 Rwandan genocide also adds to the uncertainty.⁷⁷

While the region maintained the deadline it imposed, the UNSC and the international community continued to emphasise the importance of military pressure.⁷⁸ However, the region, in particular SADC, is now the main actor managing the FDLR issue. Three actors are in the lead: Angola, as ICGLR chair (and 2015-2016 UNSC member),⁷⁹ Tanzania⁸⁰ and South Africa, the latter two also as FIB troop contributors. A fourth is the DRC government, which has a largely passive attitude toward the FDLR.⁸¹ When MONUSCO placed the FDLR at the top of its priority list in late 2013, Kinshasa launched operations against the ADF. Key FIB troop contributors, South Africa and Tanzania, have been reluctant, if not unwilling, to launch operations against the FDLR.⁸² Regional diplomacy, particularly the tension between both countries and Rwanda, is an important factor.⁸³

The UNSC reminded MONUSCO and the TCCs that its mandate allows unilateral action.⁸⁴ In a clear expression of the UN mission's predicament, SRSG Kobler stated: "... if it was entirely up to us, we would be fulfilling our mandate to neutralize armed groups".⁸⁵ But neither MONUSCO TCCs nor the FARDC are willing to move.⁸⁶ There are also concerns that anti-FDLR operations would have considerable humanitarian consequences.⁸⁷ In August, SRSG Martin Kobler suggested joint military actions

⁷⁶ Crisis Group telephone interview, regional expert, Nairobi, November 2014.

⁷⁷ "How to Dismantle a Deadly Militia", op. cit. p. 10.

⁷⁸ "Remarks by Ambassador Samantha Power, U.S. Permanent Representative to the UN", press statement, U.S. Mission to the UN, 7 August 2014.

⁷⁹ Angolan Defence Minister João Manuel Gonçalves Lourenço expressed his concern. "Despite marked progress in Democratic Republic of Congo, conflict will persist if remaining armed groups do not lay down weapons, Security Council told", UN press statement, SC/11513, 7 August 2014.

⁸⁰ The FDLR felt empowered by Tanzanian President Jakaya Kikwete's remarks at the May 2013 AU summit, where he called on both Uganda and Rwanda to start negotiations with their respective opposition groups. This soured relations with Rwanda in particular. "Kikwete's remarks on FDLR shocking", *The New Times*, 29 May 2013. The Tanzanian foreign ministry went so far as to describe the FDLR as "freedom fighters from Rwanda settled in DRC". "SADC/ICGLR Ministerial meeting", press release, Ministry of Foreign Affairs and International Cooperation, Dar es Salaam, 3 July 2014.

⁸¹ Crisis Group telephone interviews, regional analyst, Nairobi, April-November 2014. The relationship between the group and Kinshasa has been complex since 2002. For more, see Hans Romkema, "Opportunities and Constraints for the Disarmament & Repatriation of Foreign Armed Groups in the DRC", report commissioned by the World Bank's Multi-Country Demobilisation and Reintegration Program (MDRP), June 2007, pp. 41-66. Another factor is the continued (local) collaboration between FARDC and FDLR. "Midterm Report of the Group of Experts", op. cit., pp. 16-17.

⁸² Crisis Group interviews, diplomats and UN officials in Kinshasa, Nairobi, Washington DC, March-November 2014.

⁸³ "African rivalries weaken U.N. hand against rebels in Congo", Reuters, 22 October 2014.

⁸⁴ "Security Council press statement on Democratic Republic of Congo, Great Lakes Region", UN, 26 August 2014.

⁸⁵ "African rivalries weaken U.N. hand against rebels in Congo", op. cit.

⁸⁶ Crisis Group interviews, MONUSCO officials, Kinshasa, March 2014.

⁸⁷ "Stabilizing the Democratic Republic of the Congo: MONUSCO priorities and the Nairobi Declaration", Africa Program Summary, Chatham House, 13 June 2014. In the past, anti-FDLR operations have triggered reprisals against civilians.

against FDLR factions not joining the process and those committing human rights violations.⁸⁸

One challenge remains the group's base, the large Rwandan refugee community and Congolese of Hutu origin living in eastern DRC.⁸⁹ The FDLR portrays itself as their protector, and large segments remain under its control, which allows it to withdraw into the civilian population making it difficult to identify members.⁹⁰ The group and the civilian refugees have also become part of the regional social and economic fabric. The DRC national commission for refugees' 2014 survey of Rwandan refugees in eastern DRC reported that there are more than 245,000, many more than previously thought; and a new survey is being conducted.⁹¹

Beyond a total military defeat, the little that is known about the group's internal dynamics indicate a generational split and suggests a more targeted approach could be a way forward.

IV. In the Background, a Battle of Economic Interests

As in 1998, Kinshasa could count on SADC when the M23 became a serious threat.⁹² In 2011, South Africa, Angola and Zimbabwe provided vital financial and logistical election support.⁹³ Zimbabwe, current SADC chair, has remained a staunch ally since 1998.⁹⁴ After high-profile Congolese government visits and lobbying in 2012-2013, involvement by SADC and in particular South Africa intensified to a level not seen in a decade.⁹⁵ Increasingly interested in economic partnership, Pretoria and Kinshasa signed during President Jacob Zuma's October 2013 state visit the "Grand Inga Project Treaty", a massive hydro-energy project supposed to solve South Africa's electricity

⁸⁸ "Statement to the UN Security Council", 7 August 2014, op. cit. Since January 2014, there have only been a few limited military operations against the FDLR, mostly in the Virunga national park and in North Katanga. Crisis Group interview, UN official, March 2014; weekly MONUSCO press briefings.

⁸⁹ "How to Dismantle a Deadly Militia", op. cit.

⁹⁰ Dominic Johnson, Simone Schlindwein, op. cit.

⁹¹ Crisis Group interview, regional analyst, Nairobi, November 2014. "RDC: Plus de 200.000 réfugiés rwandais refusent de retourner au Rwanda", CongoTimes, 24 August 2014. A large majority reside in North Kivu.

⁹² The DRC joined SADC in September 1997. In August 1998, despite a lack of consensus, SADC decided to intervene militarily in the second Congo war. Angolan, Namibian and Zimbabwean forces remained in DRC until October 2002. The 1999 Lusaka agreements were also launched by SADC. Crisis Group interview, regional expert, Nairobi, February 2014.

⁹³ All the African official observer missions – SADC, AU, Economic Community of Central African States (ECCAS), ICGLR, Common Market for Eastern and Southern Africa (COMESA) – "described the elections as successful, although acknowledging numerous technical and logistical problems, and regrettable incidents of electoral violence". The EU, civil society groups and the Carter Center expressed serious concerns. Nitambura Githaiga, "The 2011 DRC Elections Polls and Beyond", ISS Situation Report, 21 June 2012, p. 8.

⁹⁴ "All eyes on Mugabe as he takes SADC chair", *Business Day*, 15 August, 2015. He will also chair the AU from early 2015.

⁹⁵ In October 2012, President Kabila was in South Africa for the eighth session of the DRC-South African bilateral mixed commission. "Zuma, Kabila slam instability in east DRC", News 24, 23 October 2012. Improved relations between Angola and South Africa since President Jacob Zuma took office have also brought the foreign policy objectives of both countries closer on the Great Lakes region. Crisis Group interview, regional analyst, Nairobi, July 2014.

shortfalls.⁹⁶ A further show of support was the March 2013 establishment of the DRC-Angola-South Africa Tripartite Mechanism on Dialogue and Cooperation, which aims to strengthen the partnership and support the consolidation of peace and stability in the DRC.⁹⁷ It further tied the DRC in Southern Africa and was a clear sign of the two Southern African powerhouses' commitment.

However, SADC countries sometimes have diverging interests.⁹⁸ Tanzania has longstanding ties with the DRC, an increasingly insecure position in the East African Community (EAC) and a confrontational relationship with Rwanda.⁹⁹ Since 2013, the "coalition of the willing" (Kenya, Uganda and Rwanda) works increasingly in tandem, in particular on infrastructure development and customs regulations for the Northern Corridor.¹⁰⁰ This development centred on the Kenyan port of Mombasa competes with the Central Corridor, utilising the Tanzanian port of Dar es Salaam.¹⁰¹ Another transport project is the ongoing rehabilitation of the Benguela rail line (from Lobito, Angola) and its connection to the Katangan rail network.¹⁰² When achieved, this Western Corridor will be a third option for Katangan ore exports and will compete with the Central Corridor and the currently predominant Southern Corridor (Durban, South Africa).¹⁰³

⁹⁶ South Africa agreed to purchase 2,500 of the 4,800 MW to be generated in the first phase. "Concern over SA's billions in Grand Inga Project", *Business Day*, 24 March 2013; "Zuma calls for increased trade between SA, DRC", South African Government News Agency, Pretoria, 30 November 2013; "Cabinet approves ratification of Grand Inga Treaty", SAPA, 21 August 2014. About the Inga project, see François Misser, *La saga d'Inga* (Paris, 2014).

⁹⁷ "Final Communiqué: Tripartite Summit", Department for International Relations and Cooperation, Republic of South Africa, Luanda, 12 March 2013; "Memorandum of Understanding between the Government of the Republic of South Africa, the Government of the Republic of Angola and the Government of the DRC on the establishment of a Tripartite Mechanism on Dialogue and Cooperation", Luanda, 23 August 2013. A first ministerial-level meeting was held in Kinshasa on 28 October 2013 and a high-level meeting was held in Benguela, Angola in April 2014. "Angola, DRC and South Africa delegations meet in Benguela", Angola Press (ANGOP), 24 April 2014.

⁹⁸ Despite the trilateral partnership, the relation between Kinshasa and Luanda remains ambiguous. "Kinshasa challenges Luanda, Congo-Kinshasa is again raising the temperature over maritime rights", *Africa Confidential*, vol. 55, no. 11, 30 May 2014; Crisis Group Africa Report N°188, *Black Gold in the Congo: Threat to Stability or Development Opportunity*, 11 July 2012. Dimpho Motsamai, "SADC 2014-2015 are South Africa and Zimbabwe shaping the organisation?", ISS, Policy Brief 70, November 2014.

⁹⁹ Rwandan citizens were expelled from Tanzania without consultation with Kigali and a war of words developed in 2013. Crisis Group interview, Tanzanian academic, Paris, November 2014.

¹⁰⁰ "President Kagame chairs 6th Northern Corridor Integration Projects Summit", Ministry of Foreign Affairs and Cooperation, Republic of Rwanda, Kigali, 3 July 2014; "East-African Infrastructure Development – The Northern Corridor", Stratfor (stratfor.com), 15 November 2013; "After win in DRC, a confident new Tanzania appears on the East African stage", *The East African*, 9 November 2013.

¹⁰¹ "Corridor Diagnostic Study of the Northern and Central Corridors of East Africa", Draft Action Plan, Volume 1, Nathan Associates Inc. Arlington Virginia, January 2011.

¹⁰² "Lobito Corridor Project (Prefeasibility Study)", Regional Programme of Action for Economic Development and Regional Integration, ICGLR, March 2006 (amended August 2006), p. 23.

¹⁰³ "SADC Regional Transport and Development Corridors: Progress and Status Report", Meeting of the Committee of Ministers Responsible for Transport and Meteorology, Victoria Falls, Zimbabwe, 16 October, 2013; "Natural Resources and Trade Flows in the Great Lakes Region, Phase 1 Report", Initiative for Central Africa, 2007; "Congo rail seeks to link copper mines to Angola's Lobito port", Bloomberg News, 16 October 2013.

Rwanda and Uganda, heavily involved in regional infrastructure projects, have a huge stake in economic developments in eastern DRC. Efforts to improve coordination through organisations such as the Economic Community of the Great Lakes Countries (CEPGL) continue to face serious difficulties because of mistrust. This and the lack of political will contribute to the failure to establish a regional minerals certification mechanism.¹⁰⁴ Smuggling through neighbouring countries continues, as widely documented.¹⁰⁵ Tensions could be exacerbated by oil discoveries and exploitation.¹⁰⁶

V. Breaking the Deadlock

More than a year after the M23's defeat, excessive optimism has waned. The long series of repetitive international meetings and the absence of progress on the ground outline the lack of consensus among different national and regional PSCF actors. The status quo might be appealing in the short term, but it is unsustainable both for international actors and the Congolese government as well as countless civilians who remain caught in a vicious confrontation between armed groups.¹⁰⁷

The present situation will only further undermine MONUSCO and SADC, as well as deepen the security and political crisis in the DRC and the region. The lack of progress is already seriously affecting MONUSCO's credibility and SADC's ability to resolve the FDLR issue. Despite good intentions and the deployment of new technical and operational capabilities, MONUSCO's image remains tarnished. Its decision to tie itself to joint operations with the FARDC has largely made it a lame duck and most of its TCCs are unwilling to take risks to protect civilians. The policies of Tanzania and South Africa, as well as their tense relations with Rwanda, also affect the FIB. Kigali's frustration makes difficult the DDR/RR of M23 combatants, most of whom are currently in Uganda and Rwanda.¹⁰⁸ The failure to act against the FDLR could provide Rwanda with the perfect pretext to "do something" and strain relations between the UN and the FIB TCCs, depicted as reluctant to fulfil their mandate.¹⁰⁹

The persistent problem of transborder armed groups, in particular the FDLR, M23 and ADF, needs internationally supported, concerted action, but for this to happen, the interests of PSCF signatories must be realigned. If no action is taken against the FDLR after the January SADC-ICGLR conference, the UNSC should convene a meeting at the heads of state level with the DRC, key regional actors (Angola, Burundi, Malawi, Rwanda, South Africa, Tanzania, Uganda) and donors (the World Bank, SADC, ICGLR, EU, UK, U.S., Belgium and France). The meeting should focus on the causes of the present deadlock and the way forward, and highlight the consequences of the lack of PSCF roadmap progress, especially for future investment in the region.¹¹⁰ It should be an opportunity to generate a clear, consensus strategy to deal with the armed groups.

¹⁰⁴ "Midterm Report of the Group of Experts", op. cit., p. 21-22.

¹⁰⁵ Reports of the UN Groups of Experts; Anna Bulzomi, Peter Danssaert, Sergio Finardi, Ken Matthyssen, "Supply Chains and Transport Corridors in East Africa", IPIS and TransArms Research, 2014.

¹⁰⁶ Crisis Group Report, *Black Gold in the Congo*, op. cit.

¹⁰⁷ "Massacre highlight complexity of violence in DRC's Beni territory", IRIN, 10 December 2014.

¹⁰⁸ "Stabilizing the Democratic Republic of the Congo", op. cit.

¹⁰⁹ "African rivalries weaken U.N. hand against rebels in Congo", op. cit.

¹¹⁰ The status quo costs some \$1.4 billion for MONUSCO and \$1.5 billion for humanitarian and development aid per year. Crisis Group interview, development expert, Nairobi, November 2014. It

As tragically demonstrated by recent ADF attacks in Beni, a purely military approach is not sufficient. Lessons from the botched anti-ADF military offensive must be the basis for a serious collective brainstorming. The strategy to neutralise the armed groups should include:

- ❑ effective military pressure, built on intelligence-led operations including deployments of troops to disrupt the capacity of armed groups to collect revenue, as well as contingency plans to avoid civilian casualties;
- ❑ sensitisation of demobilisation and resettlement opportunities;
- ❑ clear agreement about which armed groups' leaders should be arrested and prosecuted, including by which jurisdiction (national or through the International Criminal Court);
- ❑ action against local and international support and economic networks, including investigations and prosecutions in foreign countries, especially as some of the armed groups' leaders may not be based in the DRC;¹¹¹ and
- ❑ concrete proposals for the FDLR for third-country relocation and police action against supporters and leaders not in the DRC.¹¹²

After the M23's fighters' recent refusal of forced repatriation,¹¹³ the governments of Rwanda and the DRC should send a clear signal to returning ex-combatants that they will receive a fair and transparent treatment, while there should be full understanding that there cannot be political dialogue with "genocidaires". A monitoring mechanism, such as that established by the UN High Commissioner for Refugees (UNHCR) for returnees, could be established to build confidence among returning ex-combatants.

The armed groups in the DRC do not constitute a military threat per se; rather, they should be regarded as a policing problem. Therefore, military pressure should be used as a deterrent tool but should not be the sole response. As outlined in the strategic framework above, a comprehensive approach is needed and, in addition to DDR for foot soldiers, leaders (in and outside the DRC) should be arrested. It goes without saying that before launching military operations in the Kivus, the leadership of MONUSCO should make sure that the FDLR leaders are present with the combatants.

The UNSC and the main funders of MONUSCO should press Tanzania and South Africa to carry out targeted operations against the FDLR and other armed groups as soon as there is a consensus about the strategic framework and all the elements of this strategy are in place. If an international and regional consensus proves impossible, the UNSC should consider ending the mandate of the FIB that was created on an exceptional basis.¹¹⁴ In the absence of agreement about implementation of UNSC Res-

should also remind regional states of the cost of the regional war in late 1990s and that rising tensions could jeopardise investments in key projects.

¹¹¹ Such a framework has been developed in Crisis Group Briefing, *Eastern Congo: The ADF-Nalu's Lost Rebellion*, op. cit.

¹¹² Most FDLR leaders probably do not live in the bush. Crisis Group interviews, security experts, Paris, November 2014.

¹¹³ "Uganda clashes as DR Congo's M23 ex-rebels refuse to go home", AFP, 16 December 2014.

¹¹⁴ This was outlined during the UNSC discussions leading to the approval of the FIB. "Intervention Brigade" authorized as Security Council grants mandate renewal for United Nations Mission in Democratic Republic of Congo", Security Council, 28 March 2013.

olution 2147 (2014) to neutralise the armed groups, the FIB has no *raison d'être*. The ongoing UN presence cannot continue to serve mainly as a safety net for the Congolese government and its allies while the very same government calls for MONUSCO's drawdown, the TCCs are reluctant to implement the mission's mandate and some regional and international actors favour the deadlocked status quo. Threatening to withdraw the FIB might also incentivise some of the regional players, particularly the FIB's troop contributors, to review their position.

VI. Conclusion

Despite renewed engagement by international partners in stabilisation and peace-building efforts in the DRC, progress since the February 2013 PSCF has at best been piecemeal. The political and security situation in the east is unstable and relations with Rwanda remain tense. In the past months the relationship between the Congolese government and the UN has soured, not dissimilar to the period before the 2011 elections. This does not bode well for a badly-needed consensus about implementation of the PSCF in general and neutralisation of the armed groups in particular. With the 2 January deadline, the moment of truth is coming. The UNSC has the responsibility to try to build this consensus, but if this proves impossible after fifteen years of failed peacekeeping in the DRC, it may be time to turn the page and put an end to the Congolese government's safety net.

Nairobi/Brussels, 17 December 2014

Appendix A: Map of the Democratic Republic of Congo



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