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AVERTING THE NIGHTMARE SCENARIO IN EASTERN CONGO

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Between 1996 and 2002, the two massive wars fought in the Democratic Republic of the Congo were arguably the world's deadliest since World War II. With almost no international fanfare, Congo is on the brink of its third major war in the last decade, and almost nothing is being done to stop it.

A dissident Congolese Tutsi General named Laurent Nkunda and at least 3,000 loyal forces have carved out control of parts of North Kivu Province. The Congolese government has responded by realigning itself with the FDLR—a militia composed of more than 6,000 Rwandan Hutu rebels, many with links to the 1994 genocide in their home country—to fight Nkunda's more effective force.

Fighting between the two sides has intensified in recent weeks. Troops are being deployed to the front line and more are being forcibly recruited, and the potential for Rwanda to be drawn back into Congo—as it was in the two previous wars—increases with each day the international community drags its feet.

War in the Great Lakes region has been in a state of suspension over the last few years, despite the Congolese peace deal, and it ominously appears that the conflict has not yet reached its conclusion. Despite a complex peace deal and successful Congolese elections in late 2006, Congo will head down the road to a third cataclysm if the international community does not take much more robust action.

Incredibly, the world's largest peacekeeping mission, the United Nations Mission in the Congo, or MONUC, is not engaging in any official dialogue with Nkunda, and there is no comprehensive diplomatic effort to head off what could return eastern Congo to the status it has held for much of the past decade as the world's deadliest war zone. And while the UN Security Council President issued a statement in July urging all actors in the conflict to use diplomatic and political means to resolve the

crisis, no one has stepped up to make that happen. The international community is not bringing strong pressure to bear on the Congolese government or Nkunda and his backers to negotiate. To arrest a bloody slide toward a catastrophic regional war, the international community must act quickly to implement a comprehensive political, economic, and military strategy, which involves launching negotiations between the Congolese government and Nkunda and dealing concurrently with the pretext for his rebellion—the FDLR.

Nkunda and the FDLR are inexorably entwined. The continued presence of the FDLR, the danger they pose to civilians, and the failure of the Congolese army to protect its citizens enables Nkunda to portray himself as a protector of his Tutsi community. At the same time, human rights abuses by Nkunda's forces reinforce anti-Tutsi and anti-Rwandan sentiment in the region, and bolster calls for a decisive military solution to his rebellion. "Nkunda is a pyromaniac masquerading as a firefighter", says Congo expert Jason Stearns. "The abuses committed by forces under his control fuel pervasive anti-Tutsi sentiment in the Kivus, yet he claims to be the only person who can protect his people."

Recent attempts by Kabila's government to co-opt Nkunda and his forces have backfired, strengthening Nkunda's hand and emboldening hardliners in the Presidential circle who prefer a military solution. Given the systemic weaknesses of the Congolese army, the Congolese government has allied itself with the FDLR for military operations against Nkunda.

In a true nightmare scenario, the Congolese alliance with the FDLR could draw Rwanda back into eastern Congo, and full-scale war could again engulf the Great Lakes. Rwandan President Paul Kagame recently told ENOUGH, "The FDLR is not a strategic threat as long as there is no one behind them, supporting them. They become a strategic threat only if someone uses them."

Inevitably, civilians are caught in the crossfire of military operations, and the prevailing climate of impunity allows all sides—Nkunda, the FDLR, the Congolese army, and local militias—to exploit the local population without fear of consequences.

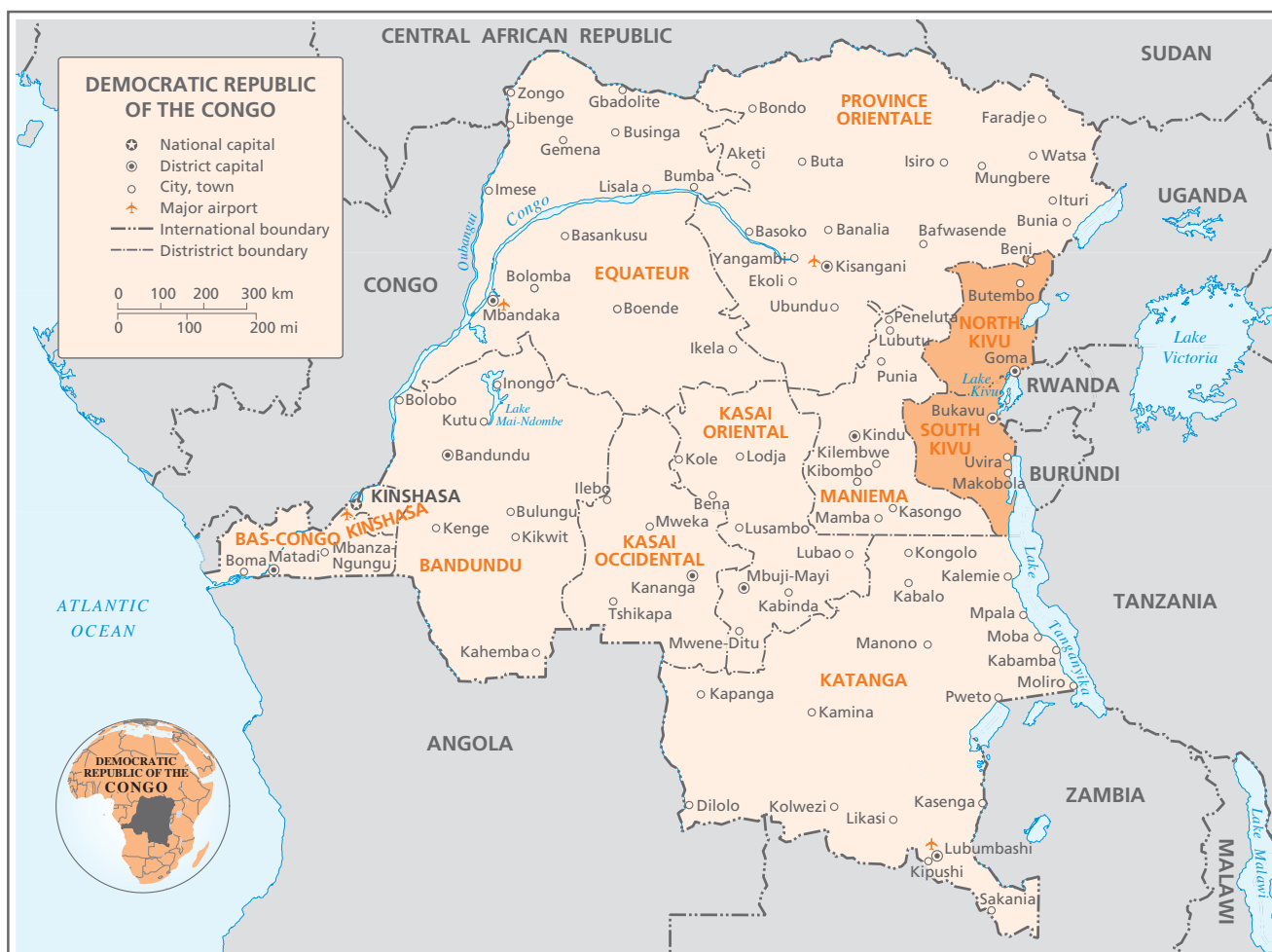
Within the context of the ENOUGH Project's 3P's of crisis response (Peacemaking, Protection, and Punishment), the international community must immediately develop a "carrots and sticks" approach to avoid the resumption of full-scale war and deal with the intertwined challenges of Nkunda and the FDLR.

Peacemaking: MONUC must enlist strong support from the United States, EU, and key African states such as Rwanda and South Africa for a diplomatic initiative that focuses on the carrots:

political negotiations to integrate Nkunda's forces into the Congolese army and a redoubled effort to demobilize willing FDLR forces.¹

Protection: While maintaining its focus on protecting civilians and humanitarian operations, MONUC must assume the lead in developing the military sticks necessary to concentrate minds on finding non-violent solutions to the crisis. These sticks include credible military threats both to deal with Nkunda if political talks fail and to go after FDLR units that refuse to demobilize.

Punishment: Non-military sticks are also needed. The international community must move aggressively on three fronts: cutting off supply lines to belligerent parties in eastern Congo; collecting



Source: Map adapted from United Nations Department of Peacekeeping Operations Cartographic Section, Map No. 4007 Rev. 8.

1 The U.S. is well positioned to support regional diplomacy through the "Tripartite Plus" mechanism, a U.S.-backed forum for the governments of Congo, Rwanda, Uganda, and Burundi to discuss common security concerns.

data on new crimes against humanity to support future prosecution by the International Criminal Court; and increasing support for military justice reform and capacity building to effectively punish crimes committed by the Congolese military and ensure that a responsible, professional, and capable military force emerges over time.

A CYCLE OF ATROCITIES IN EASTERN CONGO

The vast majority of eastern Congolese are ensnared in the criminal livelihoods of numerous predatory armed groups. They are suppliers of “wives” for the army and militia, labor for the landowners, and food producers for the combatants who loot their harvests. Because of the persistent violence and displacement caused by these armed groups, one of the highest excess death rates in the world—1,200 people per day by the last comprehensive mortality study—stubbornly persists.² Newly elected Congolese President Joseph Kabila’s government faces an uphill battle to establish security in the eastern Congolese regions of North Kivu, South Kivu, Katanga, Maniema, and Ituri.³

The Congolese army is the most guilty of human rights violations, but it is joined by roughly 8,000 to 9,000 Rwandan and Ugandan rebels (including the Lord’s Resistance Army) and 5,000 to 8,000 local militiamen that operate in the East.⁴ These armed groups clash with each other and with the Congolese army, and they target local villagers in a continuous cocktail of below-the-radar violence.

Heavier bouts of fighting occasionally burst onto the international radar screen. In November 2006,

for example, fighting in North Kivu—between government army forces and FDLR militia on the one hand and Nkunda’s forces on the other—displaced 120,000 civilians overnight. This recurring displacement experienced by civilian populations has left most communities on the knife-edge of survival.

Continued atrocities in the East have two underlying causes:

1. The long-standing structural weaknesses of the Congolese state, in particular the predatory nature of its armed forces and the general state of impunity and lawlessness across the country; and
2. The rise of parasitic armed groups—driven by competition for vast natural resources, struggle for political power, communal tensions, and legitimate security concerns—which fill the vacuum of the state and feed off its people.

Unsurprisingly, there is a very tight correlation between continued conflict and high death rates. According to the UN, at least 1.2 million people are displaced inside Congo, most of them in the East. In the western part of Congo, death rates are similar to those in other parts of sub-Saharan Africa. In the East, the rates are double. People die in eastern Congo in huge numbers, indirectly due to the ripple effects of violence: continuing attacks, ongoing rapes, and routine looting and forced labor all lead to waves of displacement, frequent epidemics, limited access to basic health services, persistent hunger and malnutrition, and spiraling impoverishment.⁵

A non-functioning state means that there is no recourse but to the slivers of international assis-

² Learn more about death rates in the Congo from the International Rescue Committee (www.theirc.org).

³ The root causes of crimes against humanity in eastern Congo are as complex as its land is vast. ENOUGH will release a series of papers and briefings to build understanding and awareness among policymakers and activists. This strategy paper provides analysis and policy recommendations for how to thwart the growing threat of a devastating new regional conflict.

⁴ To learn more about Uganda Lord’s Resistance Army rebels and how to achieve peace in northern Uganda, read ENOUGH’s most recent northern Uganda Strategy Paper at www.enoughproject.com.

⁵ The pervasiveness of sexual violence in eastern Congo is one of the most destructive legacies of the war. Kidnappings and sexual slavery are common, as armed groups continue to ravage communities already ripped apart by years of atrocities. Prof. Yakin Ertürk, Special Rapporteur of the UN Human Rights Council on violence against women, who visited Congo in July 2007, stated: “From the perspective of my mandate, which focuses on violence against women, the situation in the Kivus is the worst crisis I have encountered so far.”

tance that trickle in via heroic aid agency efforts, but the scale of the problems in the Congo dwarfs the response of donor governments. Moreover, humanitarian access to these vulnerable populations is under constant stress, and UN agencies and non-governmental organizations, or NGOs, are fighting an uphill battle to save lives. Where aid agencies do get involved, death rates go down. However, the humanitarian aid trickling through is a small drop in an ocean of need, and UN officials report they have less access now in parts of North Kivu than they did in the fall of 2006.

One of the most important regional developments of the last year was a thawing in relations between the Congolese and Rwandan governments, and the Ugandan and Rwandan governments. This helped the Congolese elections to occur without major incident and also de-escalated the regional confrontation between Rwanda and Uganda, which often played itself out on Congolese soil. This strategic decision by Rwanda to focus on becoming the “Singapore of Africa” and improving regional relations was perhaps the most important element in reducing large-scale conflict in Congo. All this is now put at risk because of the recent escalation between Nkunda and Kinshasa, particularly in light of the latter’s realignment with the FDLR.

Multiple motives are at play in Kinshasa and Kigali, some of which tend to reinforce some level of instability on the Congolese side of the border. Disturbingly, Nkunda has recruited from within Rwandan borders and, according to the more than 100 Rwandans who have deserted from Nkunda, Rwandan officials appear to have been complicit in this recruitment.

Their motives include protection of the Tutsi community, dealing with FDLR, but also possibly protecting remaining financial and resource extraction networks in North Kivu.

HOW SHOULD WE RESPOND TO SUCH A COMPLEX EMERGENCY?

What, then, is the required response to the potential for the resumption of full scale war overlaying the chronic low-grade violence in eastern Congo that leads to continued displacement and death?

The focus must be first on the proximate causes of the violence: the military elements—foreign and Congolese, state and non-state—that continue to prey upon the population of the East. The overarching objective must be to reduce the core level of violence through eroding the numbers of rogue armed elements and affecting the incentive structure of those that loot and kill with impunity. A successful strategy must balance a combination of diplomacy, disarmament, and reintegration of ex-combatants, military reform, international and domestic legal prosecution, and, as a last resort, military action.

TWO ACRONYMS—SSR AND DDR

Two acronyms familiar only in international diplomatic parlance are crucial to ending crimes against humanity in eastern Congo: DDR and SSR. Disarmament, demobilization and reintegration (DDR) of combatants is important after any war, to help turn former fighters into productive members of society. In Congo, it is a matter of life and death. And when the military and police represent a grave threat to the civilians they are supposed to protect, as they do in Congo, Security Sector Reform (SSR)—restructuring and training the military and police to more effectively secure the country—is fundamental to improving human security.

A major international role—in funding, monitoring, and evaluation—is a prerequisite for successful DDR and SSR. Thus far, the United States has been a minor player in coordinating with other key actors to help Congo to meet these objectives.

CARROTS AND STICKS TO AVERT FULL-SCALE WAR—ENOUGH'S PROPOSALS

Security in eastern Congo is the responsibility of the government, but there is no locus of responsibility for mediation. The government wants to make bilateral deals with various militia groups and keep outside entities like MONUC away during the critical follow-up period. Too often, these deals have merely sanctioned impunity and caused other militia to break off. The atrocities continue.

Negotiation can work in Congo, but only if the UN and key states, including the United States, commit themselves to an initiative with tangible carrots and sticks to deal concurrently with Nkunda and the FDLR.

1. Laurent Nkunda

Nkunda is a Congolese from the ethnic Tutsi community who, off and on, has been fighting against the national army for three years and leads a rebel operation in North Kivu. He emerged to protect the Tutsi community and its interests in the East when Rwandan-backed political structures in the Kivus collapsed. Nkunda is also driven by self-preservation. His forces have been responsible for grave human rights violations in the context of military engagements, such as the forced displacement of civilians, rape, looting, and extrajudicial killings (including the massacre of civilians in Kisangani in 2002). The Congolese government issued an international arrest warrant for him in September 2005.

In January 2007, Nkunda and the Congolese government reached a tenuous agreement to “mix” their troops. According to the regional army commander, “This ‘mixage’ process was supposed to dilute Nkunda’s control by breaking down his command structure.” He went on to explain that “every Nkunda commander would have one of my men as his deputy, and vice versa.” Unfortunately, by March 2007, these efforts had produced the opposite effect. Instead of diluting Nkunda’s

power and reining in his abuses, they reinforced his strength. His soldiers were all given new uniforms and received salaries, but they remained largely independent of the government army.

In April, with command over his forces more or less intact and with newly increased military capacity, Nkunda launched an offensive against the FDLR. Because the FDLR cohabitates with civilians in villages, Nkunda’s brutal counterinsurgency tactics displaced more than 200,000 people, the largest new displacement of Congolese since 2003. The “mixage” experiment collapsed, and the Congolese government has begun deploying two additional brigades to North Kivu in preparation for an attack on Nkunda while also using ethnic divide-and-conquer tactics to break down his forces from within.

We propose the following carrots and sticks strategy:

a) *The Carrots*

Carrot: MONUC, supported by partners in the donor community and key African states, should mediate a two-track political process.

- *The first track should be political negotiations between the Congolese government and Nkunda aimed at the full integration of Nkunda and his forces into the Congolese army.*
- *The second track should be discussions between the Congolese government, the Rwandan government, MONUC, and donors on how to jointly address the root causes of violence in the Kivus.*

The Congolese government sees Nkunda’s rebellion as a military problem that demands a military solution. Rwanda supports Nkunda’s political demands and evidence suggests that some Rwandan officials turn a blind eye to his recruitment of refugees, including children, inside Rwanda. Rwanda could easily be pulled into the conflict as evidence mounts of Congolese government support for the FDLR.

Unfortunately, MONUC has no official dialogue with Nkunda, and there is no formal mediation process focused on a solution. The Security Council must press MONUC to take a lead role in political talks, and member states must exert their leverage and press the Congolese government to back away from a military solution to Nkunda's rebellion. Member states must also press for dialogue and with the Rwandan government to end its support for Nkunda and encourage him to engage in talks with Kinshasa.

Nkunda's core political demands are the dismantling of the FDLR and the return of Congolese refugees in Rwanda back to Congo,⁶ and he hopes to link negotiations on military integration to these issues, and his own security, to larger reconciliation efforts with the Congolese Tutsi community. However, like the LRA in northern Uganda, because of the horrific human rights abuses for which he is responsible, Nkunda cannot be viewed as the sole representative to negotiate on behalf the community he claims to protect. The Congolese government must work with MONUC to establish a

parallel process to deal with root causes such as the one we propose above.

b) The Sticks

The international community must demonstrate that there will be clear consequences for Nkunda—or the government—if a political settlement cannot be achieved, both as leverage to push Nkunda to the negotiating table and as an assurance to pull the Congolese government back from the brink of renewed war.

Military Stick: MONUC should work with the Congolese army to develop a joint contingency military strategy to deal with Nkunda if political negotiations fail. This would require additional special forces units from MONUC to conduct offensive operations with the Congolese army as well as for an increased emphasis on protecting civilians from the fallout.

Economic Stick: The U.N. Security Council should authorize a panel of experts to investigate lines of support for Nkunda and recommend targeted sanctions.

A DAILY STRUGGLE IN NORTH KIVU

In February ENOUGH visited an IDP camp near Rutshuru in North Kivu that is a microcosm of the under-the-radar violence that marks today's post-election eastern Congo. The residents of the camp, mostly Congolese Hutus, had been there for nine months. The FDLR had occupied the area around their village of Binza. They had uneasily coexisted with village residents, occasionally coming into the village to forcibly take some of the young girls away to be their "wives." Thirty girls had been taken over the last couple of years.

The government army had attacked the area, failed to dislodge the FDLR, and then taken vengeance on the local population. Government forces accused villagers of collaborating with the FDLR and burned down their houses. Adding insult to injury, the FDLR then occupied the houses that remained standing.

The villagers could not return home, they had not received food from international agencies since October, and people were dying.

One 46-year-old woman lost two of her seven children during this attack. Her house was burned down by the Congolese army, and her fields have turned to bush. She had five goats and 16 chickens, but the Congolese army looted everything she owned.

"Some days we go without food," she said matter-of-factly. "Many of the women here have been raped." First they get raped by the FDLR, and then they are raped by the Congolese army, the force that is supposed to protect them from the FDLR. She earns 70 cents a day working other peoples' fields, not remotely enough to feed her family. "Peace is the only solution," she concluded.

⁶ The issues are closely linked. There are 45,000 Congolese Tutsi refugees still in Rwanda who cannot return home partly because the FDLR has occupied their lands.

Legal Stick: Donors should provide increased support through MONUC for military justice reform to effectively punish crimes committed by Congolese security forces, including those loyal to Nkunda.

2. The FDLR

The FDLR are Hutu rebels with links to the 1994 genocide in Rwanda. Their continued presence in the Kivus, which border Rwanda, undermines stability in the east and strains Rwandan relations with Joseph Kabila's government in Kinshasa. As one senior Rwandan official told ENOUGH, "A 6,000 to 7,000 force is always a threat. They have the numbers, sophistication, ideology and training, and can be a highly disruptive force when they target key infrastructure."

Many FDLR units are self-financing. The militia has control over mines in some areas, and local taxation of commercial routes in others. They are difficult to confront militarily because they do not stand and fight, but rather they retreat into the jungle and attack civilian populations. When they are attacked by MONUC, Nkunda's forces, or others, there are usually large numbers of revenge killings of civilians in the area, often forcing ever more people to flee their homes.

a) The Carrots

Carrot: The Rwandan government should publish a list of FDLR members suspected of involvement in the genocide who are most wanted and clearly state that others will not be prosecuted.

Carrot: The Rwandan government should offer positions in the Rwandan army to senior FDLR commanders not on the list.

Carrot: MONUC should step up information campaigns and sensitization initiatives that use demobilized FDLR to explain what happens to ex-combatants who return to Rwanda.

Carrot: Working through the United Nations, donors should significantly increase the reintegration packages offered to moderate FDLR as part of the DDR strategy.

Stated broadly, the carrot is an internationally backed, multi-faceted, incentive-laden DDR program to co-opt the moderate FDLR leadership, isolate the genocidaires, and induce the rank-and-file to leave the FDLR and either return to Rwanda or demobilize and resettle inside Congo, farther away from the Rwandan border.

ENOUGH spent considerable time interviewing former FDLR fighters who had returned to Rwanda. Many had experienced interference by the Congolese army when trying to escape.⁷ Some had friends who had tried to escape but were killed by the FDLR. All of them felt Radio Rwanda and Radio Okapi⁸ were important factors in giving them the confidence to escape. Through the broadcasts, they all knew that they would not be arrested by the Rwandan government if they were younger than 27 years old (and therefore minors during the genocide). Hearing people they knew on the radio who had already gone home was key in influencing their calculation to run away.

All ex-fighters felt that more people who had escaped should be sent back to eastern Congo with MONUC protection to demonstrate to those FDLR still in the bush who were not part of the genocide that it is safe to go home. Some of those we spoke to were willing to go back themselves and hand out photographs and letters to demonstrate that it is indeed safe to return to Rwanda. Not a single ex-combatant we interviewed had any regrets about escaping.

In the absence of any real economic opportunities, however, DDR is often a revolving door. FDLR who are demobilized will likely go right back to their

⁷ Some described being turned away by Congolese army units when they tried to turn themselves in. Others felt collaboration between Congolese army and FDLR soldiers at the local level jeopardized program security.

⁸ Radio Okapi is a joint project of MONUC and the Hirondelle Foundation.

previous militia employers. At present, a combatant who makes the decision to return to Rwanda will receive only \$300 with which to begin a new life. As one diplomat close to the process told ENOUGH, “A large percentage of FDLR militia would like to get out. They need to be given incentives and opportunities.”

b) The Sticks

The carrots are unlikely to work without effective sticks—military, economic, and legal.

Military Stick: MONUC should work with the Congolese army to develop a military strategy to attack FDLR who refuse demobilization.

Military Stick: MONUC should enhance its special forces capacities to carry out offensive operations, should they become necessary, in close coordination with Congolese forces.

Counterinsurgency operations are inevitably fraught with significant risk, and military action against the FDLR must only be used as a last resort. ENOUGH interviews with former militia found vast divisions over the efficacy of military attacks, but a credible military threat must remain on the table to create leverage for effective DDR.

There is much debate over the military strategy to deal with the FDLR, but the best option remains MONUC supporting Congolese army brigades (though not including Nkunda’s “mixed” brigades) against the FDLR. However, the Congolese army is too weak to take the lead and MONUC lacks both the capacity and the will to engage in counterinsurgency operations that could result in civilian casualties. Regardless of who takes the lead, MONUC must develop a more coherent strategy than we have seen in the past. There must be safe areas established for would-be FDLR defectors as military operations are launched against FDLR positions. MONUC must also establish a presence closer to those positions to facilitate such defections. And

escapees who flee to MONUC centers must be transferred out quickly to present a credible and safe-escape strategy.

Economic Stick: The U.N. Security Council should target the international support network for the FDLR by enforcing targeted sanctions against its diaspora leaders and others who violate the U.N. arms embargo.

Legal Stick: MONUC, the European Union, and capable states should collect data on new crimes against humanity to support prosecutions through the ICC.

CONCLUSION

What the U.S. Can Contribute

The United States should become more involved in eastern Congo now for four principal reasons.

First, the resumption of full-scale war in eastern Congo will catapult that region back to the top of the charts of human suffering. There is a humanitarian and moral imperative to prevent such a conflagration.

Second, the United States is providing nearly a third of the budget of the largest U.N. peacekeeping operation in the world, and is paying for the bulk of a massive relief operation. It is time to start investing in solutions rather than just the maintenance of an unstable status quo.

Third, consistent with the U.S. national security strategy, it is critical to not leave huge swathes of mineral-rich territory largely ungoverned and unstable. Terrorist organizations have a history of laundering money in the mineral sectors of such unstable regions.

Fourth, the United States has growing economic interests across Africa, and Congo has the potential to be a turbocharged engine for economic growth

across the entire continent. Diplomatic and economic investment in ending conflict in eastern Congo and helping the Congolese people build effective institutions would have a positive ripple effect on security and economic growth in the region.

But all of this is nothing new. Despite massive investment and international assistance, Congo's unrealized economic potential has gone unfulfilled for decades, and Congolese will not soon forget the unqualified and unconditional U.S. support for one of Africa's worst ever heads of state, the corrupt Cold War dictator Mobutu Sese Seko.

The U.S. government can help Congo escape the conflict trap and secure U.S. interests there (and across the continent) by taking a greater role in diplomacy to resolve the crisis in the East, providing more funding and technical assistance in DDR and SSR, maintaining strong support for MONUC, and increasing humanitarian assistance.⁹ As is the case with Darfur and northern Uganda, U.S. citizens who care about ending crimes against humanity must be the catalyst to press policymakers to take urgent action.

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⁹ In its budget request to Congress for 2008, the Bush administration asked for \$80.2 million in foreign assistance to the Congo, \$10 million less than the United States spent in 2006. Nearly half of this funding—\$39.9 million—is for humanitarian assistance programs, while only \$6.6 million is for a small military training program, with nothing given to support critical DDR programs that help prevent conflict from reigniting. Humanitarian aid is essential to deal with the immediate needs of Congolese, but humanitarian band-aids do not and will not address the root causes of their suffering.



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ENOUGH is a project founded by the International Crisis Group and the Center for American Progress to end genocide and crimes against humanity. With an initial focus on the crises in Darfur, eastern Congo, and northern Uganda, ENOUGH's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. ENOUGH works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about ENOUGH and what you can do to help, go to www.enoughproject.org.



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