Dealing with the fast-changing environment in the eastern DRC

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The split in the CNDP

At the beginning of January 2009, General Jean Bosco Ntaganda, the military chief of staff of the CNDP (Congrès National pour la Défense du Peuple), twice announced Laurent Nkunda’s dismissal as head of the rebel movement in eastern Congo, accusing him of mismanagement and obstructing peace. Ntaganda said that the CNDP’s leadership no longer accepted Nkunda as leader. This was quickly denied within the CNDP and several high-level representatives refused to recognise Ntaganda as their new leader. They accused him of high treason but did not question his current functions. This battle for leadership of the CNDP was not accompanied by armed clashes within the forces of the CNDP. Meanwhile, negotiations between the government and the CNDP were continuing in Nairobi, but little progress was made. This was soon to change with the Ihusi Declaration and the arrest of Nkunda by the Rwandan government, however.
The Nairobi talks

When negotiations between the Congolese government and the CNDP in Nairobi had no positive outcome, the government – which refuses to allow the Congolese parliamentarians to participate in the negotiations – at first accused the CNDP of sabotaging the negotiations. On his part, the mediator, former president of the Republic of Tanzania Benjamin Mkapa, called for a cessation of hostilities ahead of a summit of the heads of state from the region scheduled for 31 January 2009. Nkunda declared that he would not sign a ceasefire as long as the FARDC (Forces Armées de la République Démocratique du Congo, Armed Forces of the Democratic Republic of Congo) remained outside the buffer zones. All eyes were on a high-level meeting on this conflict that took place on 31 January in Addis Ababa, Ethiopia, ahead of the AU summit. The meeting was organised by the African Union and the International Conference on the Region of the African Great Lakes. The Ihusi Declaration and the arrest of General Nkunda have resulted in the suspension of the Nairobi talks, given developments on the ground. The CNDP have surrendered to the FARDC and have terminated the Nairobi process. The mediator, former Nigerian president Olusegun Abasanjo, had a different opinion and said the conference of 31 January 2009 would take place.

The Ihusi Declaration

Against the background of the ongoing Nairobi talks, a meeting was held on 16 January 2009 at the Ihusi Hotel in Goma between the CNDP, PARECO (Patriotes Résistants Congolais, Congolese Resistance Patriots), the DRC government and Rwanda. However, the direct participation of Jean Bosco Ntaganda in these consultations in a public place like Ihusi raises serious questions as to the intentions of the government of the DRC and MONUC to arrest him while there is an international ICC warrant out for his arrest.

The signatories to the Ihusi Declaration agreed to the following:

- CNDP and PARECO are to place their forces under the operational command of the FARDC
- The CNDP is ready for integration into the FARDC under the supervision of a joint commission
- The CNDP is committed to peace in the DRC
- The CNDP is ready to fight the FDLR (Forces Démocratiques pour la Libération du Rwanda, Democratic Forces for the Liberation of Rwanda)
The FARDC is to build confidence in the eastern DRC and ensure the return of peace to the region

The CNDP will immediately dismantle all roadblocks in North Kivu

The government of the DRC is to accelerate the implementation of the Goma Agreement and the implementation of the Amani process (the process ending the war with the CNDP and integrating the CNDP into the FARDC)

The announcement of a possible split in the CNDP came as a surprise and questions are being asked about the position of Nkunda and how serious the split between him and Jean Bosco Ntaganda was. It seems that Rwanda has lost confidence in Nkunda and has concerns that his political ambition has become too big. This also explains the split in the CNDP. That Jean Bosco was willing to negotiate with the DRC government, which is supported by Rwanda, has created the ideal scenario for the governments of Rwanda and the DRC to deal with the issue of the CNDP and FDLR.

This is all well and good, but there is concern about the process to be followed. According to the Uhusi agreement, the CNDP agrees to go into brassage but stated that the CNDP and PARECO would come under the command of the FARDC in operations against the FDLR. This is where the challenge will be should MONUC or a regional body such as SADC or the AU be allowed to observe these operations. The question raised by Congolese parties on political oversight has not been addressed by the Congolese government.

Rwanda back in the DRC and the arrest of Nkunda

On 4 December 2008 the representatives of the DRC and Rwanda signed the so-called ‘Four on Four Agreement’ that makes provision for the FARDC, supported by the Rwandan Defence Force (RDF), to forcefully disarm the FDLR. The idea of forcefully disarming the FDL has come a long way and even formed the basis of the Nairobi Agreement signed in 2007. Past operations against the FDLR have failed. The possibility of RDF involvement in the eastern DRC has already raised concern in the Kivus. After the Ihusui Declaration, the RDF was ready within days, indicating that the intervention was well planned.

Rwanda has undertaken to give logistical and intelligence support to the FARDC/ CNDP/PARECO force. This quickly changed when more than three thousand RDF troops with heavy military weaponry entered the DRC on 20 January 2009 to go after the FDLR. *Umoja Wetu* (Our unity) is the code name for the joint Rwanda-DRC military offensive against the FDLR. The force has been divided into two – one group linked up
with FARDC T55 tanks and infantry combat vehicles and deployed to Masisi. The other group deployed to Rutshuru, the headquarters of General Nkunda.

On 22 January FARDC elements were in combat with three battalions of General Nkunda. They failed to arrest him and General Nkunda fled to Rwanda where he was arrested by the Rwandan government. The capability of the combined FARDC/CNDP/PARECO force is suspect, however; even with RDF support a military solution may not be possible. Before 2002 the RDF had 20 000 soldiers in the Kivus and even they could not defeat the FDLR.

The possible outcome of such an operation is deeply concerning. We have already seen what the LRA did after being attacked by a combined FARDC, Ugandan and South Sudanese military – they dispersed into smaller groups and attacked civilians. Until now the operation in Ituri against the Lord’s Resistance Army (LRA) has not been successful and the rebels are continuing to attack civilians. The FDLR has in the past used the same tactics with great success. Maybe the government of the DRC should reconsider their modus operandi and rather brassage the CNDP, PARECO and other signatories to the Goma Agreement as part of the Amani process. Demobilisation and repatriation should be left to MONUC and the FARDC.

It is unfortunate that the DRC has returned to the 2002 situation with both the Ugandan Peoples’ Defence Force (UPDF) and RDF back in the eastern DRC. Ugandan and Rwandan armies backed several Congolese rebellions over the last 15 years under the pretext of hunting down their rebels in the DRC. In a worst-case scenario, after six months the FDLR, CNDP and LRA could all still be there, as well as the Rwandans and Ugandans!

**MONUC originally excluded**

MONUC was excluded from the negotiations of 4 December 2008 between the DRC government and Rwanda, as well as the talks that let to the Ihusi Declaration. We are seeing a repetition of what happened in 2007 when the mixage process between the CNDP and FARDC led to a humanitarian disaster. MONUC has in the interim put in place contingency plans to deal with the possible consequences. These include the following:

- Early identification of possible flashpoints
- Likely reaction of the FDLR
- Impact on civilians
- Possible attacks on IDP camps by the FDLR
- Possible tasks in support of the FARDC
- Protection of civilians
Ambassador Alan Doss, the Special Representative of the UN Secretary-General in the DRC, has already said that the Congolese government has the responsibility to protect its citizens against violence and that MONUC will do its best to execute its mandate to protect civilians. The Rwandan/Congolese military offensive started on 24 January and both sides declared that they had had successes.

Following a request from the DRC Minister of Defence after the operation has started, Mr Doss has put in place a MONUC team to work with the joint DRC/Rwanda operation in Goma. The goal for the group of six to eight staff military officers sent to assist with the operation is to boost the presence and gradual inclusion of UN civilian staff in planning the operation and to work on issues such as humanitarian coordination and the demobilisation of former Congolese or ethnic Rwandan Hutu fighters. MONUC underscored that it will not participate in any transaction in which Bosco Ntanganda, the leader of the predominantly Tutsi National Congress in the CNDP militia, will play a role.

Joint operations and possible reaction from the FDLR

While a plan bringing the FARDC and RDF together with a single objective is a positive development, the launch of an offensive against the FDLR holds many risks of collateral damage to civilians and of mass displacement. MONUC has been kept out of the decision-making process. The FARDC has not shared any inputs on the joint FARDC/RDF operations with MONUC so far. Conduct of joint operations against the FDLR is likely to invite reprisal killings in FDLR-dominated areas. Since MONUC has a mandate to protect the population, its exclusion from the planning process and denying it freedom of movement by the FARDC is likely to impair its capability to protect vulnerable sections of the population. It is improbable that the FARDC, which is already in a state of disarray, can be integrated with the CNDP to undertake any viable operation in the near future. Allegations of a first FARDC/RDF confrontation with the FDLR has already been denied, indicating that was in fact an incident between the FARDC and the Mayi-Mayi. It is foreseen that the FDLR will resist any such attacks in both North and South Kivu.

Conclusion

Recent developments present us with major opportunities, as well as risks. With the necessary political will of the governments of the region, fully backed by the international community, solutions could be found for issues that have remained unresolved for years. The significant reversal of the balance of power in the Kivus is remarkable – for the first time since 1999 there is a united force in place against the FDLR. There is now a
real opportunity for a fast-track implementation of the main objectives set out by the Nairobi Communiqué and the Goma Conference. The integration of the CNDP and other groups into the FARDC also opens up a unique opportunity for the international community and the AU to help the DRC to build a credible and professional security sector, especially its armed forces.

There are significant risks, however. In particular there are real concerns regarding the humanitarian consequences of operations against the FDLR. In addition to the risk of civilians being caught in the crossfire, the FDLR could launch violent attacks against civilians. Such attacks could escalate hostilities along ethnic lines. It is estimated that some 300 000 to 350 000 more people could be affected by operations against the FDLR in North Kivu alone. The situation is expected to be even more difficult in South Kivu, where the FDLR is deeply entrenched.