
BACK TO THE BRINK IN THE CONGO

I. OVERVIEW

Both wars that devastated the Congo (Democratic Republic) in the past decade and led to some 3.8 million deaths¹ began when Rwandan troops crossed the border into that giant country's unstable eastern region, the Kivus. History may be repeating itself in recent weeks as a Rwandan incursion stirs fears of a third catastrophe, but the situation can still be saved. There is uncertainty about what is actually happening on the ground in the isolated and rugged border terrain -- including whether the Rwandans are holding territory -- but the strong government in Kigali appears to have limited aims, and the weak government in Kinshasa is unlikely to confront the invaders seriously. At the least, however, the crisis threatens the Congo's fragile political transition. At worst it could cause the Great Lakes region to go up in flames again. The international community, including the UN, whose peacekeeping mission (MONUC) has stood by ineffectively, needs to sit all parties down for urgent discussions, decide on a course of action and apply a mix of muscle and diplomacy to make a comprehensive solution possible.

Antagonism between the Kivus' ethnic groups has been steadily rising in the last few months. Increased Rwandan interference in the two eastern provinces will add to the resentment of inhabitants of other origins against those of Rwandan origin whom they tend to view as collaborators with a foreign aggressor. In the recent wars, many Congolese of Rwandan origin, and particularly Tutsis, actively cooperated with the Rwandans and their local allies, the RCD-Goma. They fear a repeat of past pogroms against their community by government soldiers sent from

Kinshasa to quell local rebellions or repel Rwandan incursions. Fighting in the past few days for control of Kanyabayonga between reinforcements sent by the government and the North Kivu-based segment of the army made up of former Rwanda-backed rebels and the resulting flight of civilians underscore the dangers of ethnic polarisation and inter-communal violence.

The crisis is rooted in both the failure to deal with security issues in the Kivus and the faltering political process in Kinshasa. Neither the 2002 Pretoria Agreement, which envisages a transition culminating in election of a Congo government in June 2005, nor subsequent bilateral and regional security agreements signed by the parties, have been implemented. A key bargain that remains unfulfilled is definitive Rwandan withdrawal in exchange for disarming of the Democratic Forces for the Liberation of Rwanda (FDLR), the insurgent force with strong links to the *génocidaires* of 1994. It is time to end the cycle of impunity: donors should link progress on these agreements directly to their aid and those who undermine the agreements need to be held personally responsible for their actions.

Rwanda's reckless decision to play with fire followed almost immediately the summit pledge of eleven regional leaders, including President Paul Kagame, to "fully support the national peace processes in the region and refrain from any acts, statements or attitudes likely to negatively impact them..."² It has multiple motivations. The 8,000 to 10,000 FDLR fighters in the Kivus are too few and disorganised to pose an imminent military or political threat to the country but they are a grave danger for civilians in the Kivus on whom they prey, including those of Rwandan origin. Kigali also wishes to maintain its political and economic influence over the two potentially rich provinces.

¹ This is the figure in a recent study by the International Rescue Committee, "Mortality Rates in the Democratic Republic of Congo: Results from a Nationwide Survey, Conducted April-July 2004", December 2004, available at http://www.theirc.org/pdf/DRC_MortalitySurvey2004_RB_8Dec04.pdf.

² "Dar-Es-Salaam Declaration on Peace, Security, Democracy, and Development in the Great Lakes Region", First Summit of Heads of State and Government, Dar-Es-Salaam, 19-20 November 2004, Ch. III, Article 17.

UN Secretary General Kofi Annan should convene an emergency meeting to develop a coherent strategy that addresses all aspects of the crisis: the continuing presence of armed FDLR, Rwandan security needs, and the endangered Congolese political transition. Congo and Rwanda should participate and voice their concerns and proposals.

On its past record, the international community will have no difficulty speaking strongly to the effect that any sign of continued support for the FDLR by the Congolese government, its continued failure to disarm those rebels, a renewed Rwandan incursion, and even continued dithering on the transition by Congolese politicians is unacceptable. More difficult, but necessary, will be to give teeth to those sentiments.

Should Congo or Rwanda fail to fulfil existing obligations or those assumed in the course of the new process that Crisis Group believes must be launched immediately, the Security Council, acting under Chapter VII of the UN Charter in response to the threat to international peace and security, should impose penalties on the culpable party, including a targeted suspension of international assistance (with care to minimise effects on the civilian population); an arms embargo; and an assets freeze and travel ban against high officials.

It will perhaps be even more difficult to reach agreement on realistic measures to deal with the FDLR. Insecurity in the Kivus is a fundamental source of tension and instability, crippling the Congolese transition and poisoning relations between Rwanda and the Congo. The FDLR presence there is a major element of the witches' brew. Unfortunately, the voluntary program of disarmament, demobilisation, repatriation, resettlement, and reintegration (DDR) has failed.³ Forcible disarmament is called for and has received some verbal support from the African Union (AU) and South Africa. But the Congo's own army (the FARDC) is too weak. MONUC is unwilling and in its present configuration perhaps incapable as well. Creative thinking is needed to devise a workable compromise combining more vigorous FARDC and MONUC steps, while MONUC and others redouble their efforts to establish a functioning national army

capable of meeting the Congo's security needs and responsibilities.

Donors should turn the coordination body they have in Kinshasa -- the International Committee in Support of the Transition (CIAT) -- into a much more proactive body to further progress in the politically deadlocked capital, including on the all important reform of the security sector.

Once a plan has been devised, the Security Council should endorse it and request that the Secretary General supervise its implementation through his Special Representative in the Congo and keep the Council closely advised.

If all this can be done, or at least set on its way, within the next few weeks, perhaps another collapse of the Congo and war for its riches can be headed off.⁴

II. THE CONGO: INSECURITY IN THE KIVUS

A. A FALTERING POLITICAL TRANSITION

The two-year political transition that began in July 2003 is being undermined by both Rwanda's continued efforts to protect its sphere of influence in the Kivus and the failure of the unwieldy provisional government of President Joseph Kabila and four vice presidents to create a unified national army and enact legislation crucial to rebuilding Africa's third-largest state. The president and his quartet of vice presidents, several of whom represent former rebel factions, spend most of their time jockeying for political -- and military -- advantage ahead of the June 2005 elections. Undiminished rivalries stymie integration of disparate groups of fighters into an efficient, integrated national army. The failure to create this new army -- the FARDC⁵ -- limits the government's options in responding to the Kivus crisis. It was able to wrest control of Bukavu, the capital of South Kivu, in June, but in the present uncertain situation in North Kivu, many unpaid soldiers from the old army (ex-FAC), and the former rebel movements (MLC, RCD-ML and RCD-Goma) have been unleashed on the civilian population, resulting in all-too-familiar looting, rape and destruction of villages.

³ "Third Special Report of the Secretary-General on the UN Organisation Mission in the DR Congo", S/2004/650, 16 August 2004. For simplicity, Crisis Group uses the short form abbreviation DDR in this briefing to cover the five concepts rather than DRRR.

⁴ Crisis Group plans to publish an extensive report on the situation in the Kivus early in 2005.

⁵ Armed Forces of the Democratic Republic of the Congo.

B. A REGION IN TURMOIL

The current crisis in North Kivu is the second in the region since February 2004, when President Kabila named new commanders for the country's ten military regions. RCD-Goma (the main faction of the Rwandan-backed rebel movement Congolese Rally for Democracy, which is now a transition partner and whose leader, Azarias Ruberwa, is a vice president), balked at change in the tenth military region, the headquarters of which is Bukavu in South Kivu. Dissident RCD commanders, who had at least rhetorical support from Rwanda, claimed the local population of Rwandan origin (the Banyamulenge) were under threat of genocidal attacks from the new FARDC. They seized Bukavu, held it from 2 June until 9 June and withdrew only after the UK and South Africa dismissed the genocide alarm as bogus, Belgian Foreign Minister Louis Michel threatened an EU intervention and, probably most significantly, large demonstrations were held in Bukavu and elsewhere in the country against the takeover. Rwanda backed off its threat to cross the border, and the RCD-Goma, fearing for its political position, withdrew its support. Nevertheless, several hundred people were killed, and the failure of MONUC to intervene to protect civilians damaged its credibility. Kinshasa retained the RCD governor of North Kivu, Eugene Serafuli, as well as the RCD commander of the eighth military region, in which the movement's former troops play a significant role.

North Kivu, especially its southern half, remains one of RCD-Goma's last bastions after the forced withdrawal from Bukavu. Retaining control of the province is of great strategic interest to the movement and its Rwandan allies. Important Congolese Hutu and Tutsi communities (Banyarwanda) there are organised in the paramilitary Local Defence Forces. The former brigades of the RCD-Goma's Armée Nationale Congolaise (ANC) are also led mainly led by Banyarwanda commanders.

Ethnic resentments run deep. The indigenous inhabitants -- "Kivutiens" -- resent their province's perceived status as a de facto annex of Rwanda. They form a strong lobby in Kinshasa that limits President Kabila's room for manoeuvre in compromising with Rwanda. Income from taxes on border trade and revenue from exploitation of coltan and diamond mines in the Walikale area primarily benefit trade

networks dominated by RCD-Goma and Rwandan agents.⁶

A weak national government and strong local proxies appear to suit Rwanda and its local allies, but RCD-Goma is not alone in resisting Kinshasa's authority. The northern districts of Beni and Lubero are controlled by the Congolese Rally for Democracy—Liberation Movement (RCD-ML), which broke away from the RCD and is also a member of the national transitional arrangements.⁷ It was backed by Uganda during the 1998-2002 war, and proceeds from timber, gold, diamonds, and coltan in areas it controlled, as well as taxes on border trade, primarily benefited Ugandan networks.⁸

C. THE FDLR: HOW BIG A THREAT?

Members of the predominantly Hutu former Armed Forces of Rwanda (Ex-FAR) and Interahamwe militia, the foot soldiers who carried out the 1994 genocide in Rwanda, fled to the Congo to avoid retribution from what were then the rebel and mainly Tutsi Rwandan Patriotic Front (RPF), which ousted the extremist Hutu government in July of that year. Between 1996 and 2002, the Ex-FAR and Interahamwe were greatly reduced in numbers and capabilities by the Rwandan army's search and destroy operations, first when it was in the Congo as a Kinshasa ally and later when it occupied the eastern half of the country. Surviving remnants joined the Democratic Forces for the Liberation of Rwanda (FDLR), which was founded in exile in 2000.

The FDLR opposes the present Rwandan government and says its objective is to return to its country through negotiations or force. It both denies there was genocide and claims responsibility rests with others. Nevertheless, though most of its present fighters were either born in exile or were too young to have taken part in the 1994 killings, a number of members have been indicted for genocide or crimes against humanity.

Even without having to cope with Rwandan troops on Congolese territory, the FDLR has weakened significantly in the past two years. While President

⁶ See "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo", UN document S/2003/1027, 23 October 2003.

⁷ Crisis Group interviews in Beni, Butembo, Lubero, October 2004.

⁸ "Final Report of the Panel of Experts", op. cit.

Kabila has not made good his promise to disarm the group, he has cut off its supplies since 2002, and no alternative allies have stepped forward. The break was dramatised when the old Congolese army (FAC) fought with FDLR troops in Kamina in November 2002 and pushed them out of Kinshasa-controlled territory to join the rest of the organisation in the Kivus. This fusion of its forces sparked a crisis within the FDLR, as hardliners from the west disputed leadership with the more moderate commanders in the east. In November 2003 the Force Commander, General Paul Rwawakabije, surrendered to the Rwandan army together with 100 soldiers, including a brigade commander and two former division commanders.

The FDLR's last significant attack on Rwanda, in early 2001 -- a fiasco from which it has never recovered -- left 1,000 of its fighters dead and more than 1,000 captured.⁹ According to deserting officers and soldiers, the FDLR has serious ammunition shortages and low morale.¹⁰

In addition, the new Congolese army (FARDC) began to conduct limited offensive operations against the FDLR in April 2004 in South Kivu. These were brought to a halt by the Bukavu events, however, and Rwanda's incursion seems to have turned the clock back. Kinshasa no longer talks about doing something about the FDLR; some hardliners in Kabila's camp even appear to have re-established contact with their enemy's enemy. FARDC troops originally sent to South Kivu to attack the FDLR have, following the Rwandan incursion, established an entente with the militia and even manned joint roadblocks with it.¹¹

III. RWANDA: ACTIONS AND MOTIVATIONS

Richard Sezibera, Rwanda's Special Envoy to the Great Lakes, acknowledged to Crisis Group that the FDLR "no longer constitute an immediate threat to government", but, he added, "they are a security problem to people's lives, property and our economic growth".¹² Earlier Rwandan interventions succeeded in reducing the insurgents from 125,000 to between

10,000 and 15,000, he said, which was their present strength, but he warned "if you ignore them, their number will grow in the long run".¹³

Sezibera defended the latest incursion to the annual meeting of Rwanda and its donors in Kigali on 11 December 2004 as prompted by eleven FDLR attacks on Rwandan territory in the last three months. Since there is no effective international mechanism to disarm the FDLR forcefully, he argued, Rwanda needed to cross the border to deal with the threat itself. While reports indicate that the FDLR attacks mainly consisted of random shelling from the Congolese side of the border that did little damage and produced very few casualties, Sezibera said:

We know that there is an argument that the FDLR does not constitute a threat to the Rwandan government and that in recent years, there are no reports of them killing Rwandans. Fine! But for us we start counting the dead from the 1 million plus in the 1994 genocide. In our view, even one death today caused by the FDLR is a continuation of the genocide.¹⁴

While Rwandan officials have articulated their rationale forcefully, they have provided few details about what actually has happened on the ground. President Kagame, in his 25 November letter to the African Union and his address to the Rwandan Senate on 30 November, and Rwanda's letter to the UN Security Council on the same day gave strong justifications for an incursion without actually acknowledging there had been one. Notwithstanding the ambiguity, the highly publicised statements appear to have achieved several objectives.

Political Benefits. The escalation of the Kivus crisis came at a critical time for RCD-Goma. Attempts to position itself aggressively ahead of the June 2005 elections have widened rifts between its "Banyarwanda" and "Kivutien" leaders. The movement's chairman, Vice President Ruberwa, was discredited and isolated after the withdrawal of RCD commanders from Bukavu, seen by Kinshasa hardliners as an agent of Rwandan interests and by some in his own camp as having compromised himself with President Kabila.

⁹ "Human Rights Watch World Report 2002 - Rwanda", at <http://hrw.org/wr2k2/africa9.html>.

¹⁰ Crisis Group electronic communication, December 2004.

¹¹ Ibid.

¹² Crisis Group interviews, Kigali, November/December 2004.

¹³ Ibid.

¹⁴ Crisis Group, interviews, Kigali, December 2004. For an account of the latest FDLR attack, on 15 November 2004, see "Congo-Rwanda dispute obscures complex undercurrents", VOA, 9 December 2004.

The successes Commander Mbuza Mabe and the tenth military region of Bukavu scored earlier in the year in regaining control of South Kivu for the government created uncertainty in RCD-Goma ranks about Kinshasa's intentions. Indeed, some hardliners around Kabila, especially his Katangan entourage, had begun to press for "reconquest" of Goma and North Kivu.

Such an undertaking would have profoundly disrupted the delicate balance of power and interests between Kinshasa and RCD-Goma that is a cornerstone of the political transition process. During the entire second war (1998-2002), RCD-Goma had remained secure in its provincial stronghold in the southern districts of North Kivu. However, the events of recent weeks have helped close the movement's fissures. Continuous warnings by RCD-Goma officials on local radio and in speeches about the imminent ethnic targeting of Banyarwanda helped restore unity. Local sources told Crisis Group that RCD-Goma distributed arms to its civilian supporters in Masisi and Rutshuru districts in mid-November.¹⁵ Rwanda's threatened invasion and the anticipation of Kinshasa counter-measures thus bolstered an important Kigali ally that had been loosing ground both politically and militarily.

Diplomatic Benefits. The 19-20 November 2004 summit in Dar-es-Salaam, whose declaration President Kagame signed, was meant to draw attention to the consolidation of peace and reconciliation processes in the Great Lakes Region. In his letter to the AU just days later, the Rwandan president made clear that he wanted the focus to shift to his country's security interests:

Rwanda has patiently awaited the reaction of the International Community, including the African Union, to the repeated attacks launched against her by these terrorist forces for ten years now. Clearly, simply waiting is not an option. It is an abdication of our responsibility.¹⁶

His notice of an imminent cross-border surgical strike against the FDLR achieved the desired effect.

¹⁵ Crisis Group interviews; also see "D.R. Congo: End Arms Flows as Ethnic Tensions Rise", Human Rights Watch backgrounder, available at http://hrw.org/english/docs/2004/11/19/congo9697_txt.htm.

¹⁶ "Letter from President Paul Kagame to His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria and Chairman of the African Union", Ref. RWA/01/AP04/435, 25 November 2004.

Rwanda is winning appreciation from the AU and the wider international community for its role as one of two leading contributors of troops to the AU protection force in Sudan's Darfur region.¹⁷ By interceding to protect civilians who are targets of on-going ethnic cleansing if not worse in a geographically and culturally distant African country, Kigali has gained leverage with which to pursue its interests more assertively in its immediate neighbourhood without risking serious censure. Rwanda relies on external financial aid for 90 per cent of its development budget and 50 per cent of its operating budget,¹⁸ but at the 11 December conference in Kigali, donors said "latest developments" would not affect relations.¹⁹

IV. ENHANCING SECURITY IN THE CONGO

A. MONUC'S ROLE

MONUC stood aside in Bukavu in June and has been remarkably quiescent since Rwanda first raised the spectre of a new Kivus invasion, not even able to state definitively what has been happening there. It needs to be better prepared to deal with a wide range of threats it was sent to guard against and the political transition it is mandated to advance.

UN Security Council Resolution 1565 (1 October 2004) authorised MONUC to increase its troop complement by about one third to 16,700. Although this was welcome and needed, it was well below the 23,900 level the Secretary General requested. The Security Council should grant the remainder of the Secretary General's request as outlined in his Third Special Report of 16 August 2004, at the latest when Resolution 1565 comes up for renewal in March

¹⁷ The other major contributor in Darfur is Nigeria. Rwanda has recently made support to and participation in the various AU institutions its main diplomatic focus. Patrick Mazimhaka, a former senior aide to President Kagame, is a deputy to AU Commission Chairman Alpha Konare. Rwanda has also signed on to the New Partnership for Africa's Development (NEPAD) "Peer Review Mechanism" and sent a strong delegation to the December 2004 session of the African Commission on Human and People's Rights in Dakar.

¹⁸ See "Donors Push Restraint on Congo", Reuters, 10 December 2004.

¹⁹ Ibid.

2005.²⁰ The immediate priority, however, is to bring MONUC up to the current approved level.²¹

Greater participation of countries with advanced military capabilities is needed, particularly in specialised areas. Contributions should include a strategic rapid reaction force as well as special forces capable of collecting information, performing reconnaissance and conducting electronic warfare. Improving MONUC's technical surveillance and intelligence capabilities is crucial, whether via contributions on the ground or by making available the product of national assets. A larger core of trained staff officers is also required to ensure processes are in place to make the revised structures and capability enhancements work.

Additional troops and better organisation are only part of the equation. The international community's increased investment should not be wasted on just doing much of the same in a few more places. It is vital that the Security Council also clarify and enhance MONUC's mandate in order, in the Secretary General's words, "to strengthen MONUC's capacity to deter spoilers, particularly in key areas of potential volatility". The prevailing concept of "deterrence through presence" has shown itself insufficient to achieve the mission's aims. MONUC must be prepared to take proactive measures -- to the maximum of its capacity -- to protect civilians and humanitarian workers under threat and the very political transition process itself and to counter threats to the peace process. To that end, the Council should authorise it to "respond robustly to any attack or threat of attack, including, if necessary, in a pre-emptive manner".²² An example of what MONUC should be doing even under its present mandate is

²⁰ The troops beyond those approved by the Security Council were to allow for the deployment of a brigade in Katanga and Kasai, where there are indications of a decline in the security environment. The most recent events suggest, however, that those troops would be better deployed to strengthen MONUC presence in Ituri and the Kivus, in particular to enhance border security and support efforts to disarm the FDLR.

²¹ For more detailed discussion of MONUC military capability issues, including matters of mandate and doctrine, see Crisis Group Africa Report N°84, *Maintaining Momentum in the Congo: The Ituri Problem*, 26 August 2004. The Secretary General's request is contained in his "Third Special Report on the UN Organisation Mission in the DR Congo", 16 August 2004, op. cit.

²² Secretary General Kofi Annan in his 9th report on Sierra Leone (14 March 2001), recommending a more robust approach after the UN Mission in that country suffered a "near death experience" at the hands of uncooperative armed groups.

seizing sites of known illegal exploitation, especially when it is evident they constitute a financial lifeline for armed groups.²³

B. THE TRANSITIONAL GOVERNMENT'S SECURITY NEEDS AND RESPONSIBILITIES

The requirement to disarm and demobilise many of more than 300,000 Congolese combatants who fought for the various groups within the transitional process and to integrate a smaller number into the new Congolese National Army (FARDC) and Police Force is central to not only increasing security in the country but also to the transitional process itself. There has been little progress, partly due to capacity but also because the issue has been politically manipulated in Kinshasa. While the DDR plan for the various Congolese forces seems sound and has funding to start, the parallel process of integrating and retraining the new army is unlikely to get under way soon. Without a coordinated international effort, including adequate funding, army integration is likely to fail, exacerbating tensions within the transitional process and within some of the parties themselves. The failure to create effective security forces would rob the national government of the means to assert sovereignty over the country and deal with the many security threats that only it can solve.

A major flaw exists in the DDR plan for the foreign armed groups in the country, which has no fallback if a significant element refuses to take part, as has happened with the FDLR. Whether that group has 10,000 to 15,000 fighters as Rwanda insists, or only 8,000 to 10,000 as MONUC estimates, its refusal to disarm, demobilise and accept repatriation, resettlement and reintegration (presumably in Rwanda) voluntarily and its persistent hostility to the Kigali government, makes it at least a lightning rod for the kind of dangerous manoeuvres witnessed in and around the Kivus this November and December.

Security Council Resolution 1565 raised unrealistic expectations that the FARDC could carry out forced disarmament.²⁴ The very attempt by such a disparate and unreliable body of soldiers carries much risk both politically for the transitional government and

²³ See "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources", op. cit.

²⁴ ICG interviews and some media reports indicate recent operations by the FARDC in the Walungu area, supported by MONUC, have accomplished little.

physically for Congolese civilians. FARDC has to be part of a solution but the process of army integration and wider security reform will take more than five years. For the new army to play a meaningful role in the FDLR problem, it will need priority, targeted assistance from the international community to create some units that are sufficiently trained and equipped.

This means an immediate investment from key bilateral partners in an International Military Assistance and Training Team (IMATT) to support the establishment and operations of a FARDC force of approximately 10,000, competent to undertake a range of tasks to disarm the FDLR. If priority is assigned, the first elements of such a force could be operational within three to six months. Once this process is underway, the transitional government would have a viable stick to use in conjunction with the various carrots it and others should be able to devise to solve the FDLR problem definitively, thereby removing one of Rwanda's key justifications for carrying out activities that have such a destabilising impact on the country.

Even a priority program, however, may allow the FDLR problem to fester too long. In theory MONUC, especially with the reinforcements coming on line, could and should make a start at forcible disarmament but Crisis Group judges there is not sufficient political will in the Security Council or among troop contributing states. Imaginative thinking is needed to devise a new approach to the problems that have been brought into stark relief in recent weeks.

V. THE WAY FORWARD: A COMPREHENSIVE APPROACH

Rwanda has legitimate concerns about the presence of the hostile FDLR in the Kivus but they do not justify its troops crossing the border, especially given consequences that could lead to a return of full scale regional conflict. A comprehensive solution, including sustained international commitment to deal with the FDLR in eastern Congo, is urgently needed.

As an immediate prophylactic measure, the Security Council should direct MONUC to secure the Congo-Rwanda borders at Rutshuru and Ruzizi, the locations most likely to be used by either the Rwandan army or the FDLR. This would give Rwanda more security pending efforts that are likely to take one to two years to disarm the FDLR. MONUC would need to conduct daily patrols and gather on-the-ground intelligence to

stop incursions from either side. The deployment could happen in less than a month if the political will is there to reassess significantly MONUC's priorities and concept of operations.

Within that same initial month, the Secretary General should convene an emergency meeting of all concerned parties: Congolese, Rwandan, regional, and friends of the Congo and Rwanda from the wider international community. The objective should be primarily to develop an international strategy to solve the problems of insecurity in eastern Congo, but there will be need also to address related problems with the political transition in Kinshasa. Elements might include:

With respect to the FDLR problem

Military-to-military negotiations should be opened dealing only with the possible integration into the Rwandan army of FDLR field commanders who did not participate in the 1994 genocide. These would be designed to induce elements of the FDLR to abandon and so weaken the main body and would not involve political negotiations with the movement.

Concurrent with these negotiations, the IMATT training team described above, led by South Africa and Belgium with participation from the U.S., UK and France, would begin to identify and train a FARDC force of some 10,000 that would ultimately be able to enforce disarmament if required.

Also concurrently, the FARDC, with close support including logistical assistance from MONUC, should to the extent practicable and on a rolling basis as its capacities improve, declare and enforce "weapons free zones" in Kivu population centres. The concept would be not to confront the FDLR directly but to isolate it increasingly from civilians, thus severing a lifeline to goods and services and adding to the pressure on it to disarm voluntarily. The FARDC should deny the FDLR access to important areas within the demilitarised zones such as roads, markets, bridges, mines and the like. This would not be easy, and would need to be carried out in stages as FARDC becomes more capable, but should be more feasible than searching out and fighting FDLR, particularly since MONUC could help secure the key areas.

The stages of disarmament and repatriation/reintegration should be de-linked to reduce FDLR fears of the process and allow for cantonment in the Congo while the circumstances necessary for repatriation are created.

Rwanda should open a political dialogue with its domestic opposition and exiled opponents to give the FDLR a last chance to demonstrate commitment to peace by acknowledging and repudiating the genocide and handing over indicted *génocidaires* within its ranks. At this point the FDLR would either be accepted as a partner and cooperate with the voluntary disarmament of its forces in eastern Congo or be subjected to forced disarmament operations as the new FADRC elements came on line, assisted by MONUC.

With respect to the political transition

Pressure should be applied to the transitional government to implement the reform program in the Pretoria Agreement. The International Committee in Support of the Transition (CIAT) established by key donors in Kinshasa has not been active enough in representing its views and providing a forum for cooperation by the Congo's major partners.²⁵ Greater overall coordination would have an exponential impact on the mechanism's effectiveness, especially on security sector reform, which is the subject of numerous uncoordinated bilateral initiatives. The three "joint commissions" authorised in Security Council Resolution 1565 can create momentum in the key areas of legislation, security sector reform and the electoral process only if there is concerted efforts by all CIAT members.

With respect to international supervision

Participants from beyond the region must make clear to Congo and Rwanda that continued flouting of agreements will have serious consequences. In particular, they need to be prepared to respond to actions that threaten international peace and security by suspending certain forms of aid; applying targeted sanctions against culpable senior leaders such as travel bans and assets freezes; and imposing new arms embargos on a state that fails to live up to the commitments it has already undertaken or accepts in the course of the new process that Crisis Group urges be set in motion immediately.²⁶

Nairobi/Brussels, 17 December 2004

²⁵ CIAT comprises ambassadors to the Congo of Angola, Canada, China, Belgium, France, Gabon, Russia, South Africa, the UK, the U.S., Zambia, the EU, and the African Union, in addition to MONUC.

²⁶ An embargo against the introduction of arms into the Congo provinces of North and South Kivu and Ituri was established in UN Security Council Resolution 1493 (2003), which also authorised MONUC to report on the movement of armed groups as well as arms supplies and the presence of foreign military. Resolution 1533 (2004) established a sanctions committee to gather and analyse information about violations of that embargo. The arms embargos envisaged above might be applied against states for violation of agreements.

APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF THE CONGO



APPENDIX B

CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2001

ALGERIA*

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N°36, 26 October 2001

CENTRAL AFRICA

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

International Criminal Tribunal for Rwanda: Justice Delayed, Africa Report N°30, 7 June 2001 (also available in French)

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

Burundi: 100 Days to Put the Peace Process Back on Track, Africa Report N°33, 14 August 2001 (also available in French)

"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff? Africa Report N°37, 16 November 2001 (also available in French)

Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War, Africa Report N°38, 14 December 2001

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