

Testimony by Mark L. Schneider, Senior Vice President, International Crisis Group to the House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights on “Examining the Role of Rwanda in the DRC Insurgency”

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I want to express my appreciation to Chairman Smith, Ranking Member Bass, and the House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights for the opportunity to testify this morning. I want to commend the subcommittee for focusing its attention during this critical time.

Crisis Group is an independent, non-partisan, non-governmental organization that provides field-based analysis, policy advice and advocacy to governments, the United Nations, and other multilateral organizations on the prevention and resolution of deadly conflict. Crisis Group was founded in 1995 as an international non-governmental organisation by distinguished diplomats, statesmen and opinion leaders including Career Ambassador Mort Abramowitz, Nobel Prize winner and former Finland president Martti Ahtisaari, the late Congressman Stephen Solarz, and former UN and British diplomat Mark Malloch Brown who were deeply concerned at the international community’s failure to anticipate and respond effectively to mass atrocities in Rwanda and Bosnia. Senator George Mitchell was our first chairman; Ambassador Thomas Pickering is our current chairman. Louise Arbour, former chief prosecutor at the International Criminal Tribunal for Rwanda and at the International Criminal Tribunal for the former Yugoslavia and former UN High Commissioner for Human Rights, is our current president. In 2011, Crisis Group was awarded the Eisenhower Medal for Leadership and Service.

Crisis Group publishes annually around 90 reports and briefing papers, as well as the monthly **CrisisWatch** bulletin. Our staff are located on the ground in ten regional offices and sixteen other locations covering between them over 60 countries focused on conflict prevention and post-conflict stabilization. We maintain advocacy and research offices in Brussels (the global headquarters), Washington and New York and liaison and research presences in London, Moscow, and Beijing.

Crisis Group’s Africa program oversees four projects covering Central, Southern, and West Africa, and the Horn of Africa, reporting on 22 different countries within these regions. We have produced 35 reports/briefings on the DRC.

A rebellion in the Eastern Congo has exploded again with new reports of lives lost, armed violence against communities and threats to regional security. The seriously flawed 2011 presidential and legislative elections constituted a major step backward on the DRC path toward stability and democracy. We collectively deplored that situation. Today conditions are even worse.

Briefly are the following steps needed to be taken immediately:

- an immediate ceasefire to be monitored by the United Nations Stabilization Mission in the Congo (MONUSCO);
- the end of foreign support to armed groups, particularly an end to Rwandan support of M23 by expanding aid suspension if needed;
- the arrest of Bosco Ntaganda and his appearance before the International Criminal Court;
- implementation of the joint mechanism for border verification;
- the disarmament and demobilization of M23;
- assessment of the 23 March 2009 agreement between the CNDP and the government;
- include on the UN sanctions list all individuals and entities responsible for supporting the M23;
- request the ICC to start investigating the M23 and other armed groups, especially regarding child soldiers recruitment.

These measures are part of a conflict management approach but if only these immediate stop-gap actions are taken, it will not prevent the repetition of another Kivu crisis in one or two years. The only way to prevent it is to force the Congolese government to implement the peace framework defined in 2008 and to force the Rwanda government to end its policy of control by proxies in Eastern Congo. For a long-term conflict resolution, there is already a peace framework - the problem being the non-implementation of this peace framework. Only pressure on the stakeholders will force them to implement this peace framework.

In addition, I will discuss briefly four other key issues that remain crucial to stability in the Democratic Republic of the Congo: post-electoral dynamics; Security Sector Reform; conflict minerals and oil and natural resources; and the role of MONUSCO.

But first, let me return to describe Crisis Group's assessment of the Crisis in North Kivu—it is *Déjà vu all over again?*

If we had a time machine, we could go back to 2008 when the CNDP (the National Congress for the Defense of the People) led a rebellion against the government in North Kivu, defeated the Congolese army and made a mockery of a force of peace keepers with the support of a close neighbor. During that Goma crisis, Laurent Nkunda was running the CNDP. But in fact, we do not need a time machine because it is happening again in 2012. The current fighting in North Kivu bears many of the ethnic, political, economical and structural characteristics of the 2008 crisis.

In March 2012, Joseph Kabila ordered the arrest of General Bosco Ntaganda and wants to judge him in the Congolese justice system. The former CNDP rebel, who had been integrated into the Congolese armed forces (FARDC), defected from the army and took to the bush with several hundreds of his soldiers. The FARDC launched an offensive to capture Ntaganda. However, surprisingly, while they had surrounded him and were close to victory, President Kabila ordered his troops to halt their attack. This unexplained event allowed Bosco Ntaganda to flee and join renegade army officer colonel Sultani Makenga and reorganize in North Kivu's volcano area. The group took the name "M23" in reference to the March 23,

2009 agreement between the government and the CNDP armed group, which they claimed was not respected by Kinshasa. According to this agreement, the rebels were supposed to integrate the FARDC and end their struggle. However, the real motivations of M23 are more complex.

The group is an offshoot of a faction of the CNDP and is mainly Tutsi-based. However, it is not fighting to protect the interest of its community as the CNDP argued it in the past. Rather, its members defected from the FARDC in order to defend the business interests and networks established under the CNDP and perpetuated even after they integrated into the Congolese army. The failure to dismantle the CNDP command structure when the troops were incorporated into the FARDC allowed them to fester within the FARDC structure and also allowed them to continue illicit control over local resources. This pattern of exploitation and control of natural resources by armed groups, including the FARDC, is recurrent in the eastern DRC and very often one of the main sources of conflict. Rwanda is once more directly involved with the recent mutiny. According to the UN experts report annex, Kigali has supported the M23 not only because of the common ethnic identity, but also because it allows the country to freely exploit the DRC's natural riches through illegal mineral exploitation networks.

Rwanda has been more strongly condemned by the international community in 2012 than in 2008. In June, the UN group of expert issued a report accusing Rwanda of supporting the rebels on DRC's soil. The UK, the US, Holland, Germany and Sweden then cut or delayed aid to the central African nation, even though this will not do major damage to the Rwandan economy directly since that aid represents only 3% of state budget. After those sanctions on Rwanda, there were reports that new military attacks by M23 were stopped temporarily although they continue as a dangerous military force occupying key areas and have been accused of a range of serious human rights violations as well. Even more important is that the diplomatic message is strong, especially since it includes the US, Rwanda's strongest western ally, that continued cross-border support of illegal armed groups that threaten human life and regional security must cease.

Key sections from the addendum to the Group of Experts Interim Report (pages three and four) state:

“3. Over the course of its investigation since late 2011, the Group has found substantial evidence attesting to support from Rwandan officials to armed groups operating in the eastern Democratic Republic of the Congo. Initially the RDF appeared to establish these alliances to facilitate a wave of targeted assassinations against key officers of the Forces démocratique pour la libération du Rwanda (FDLR) thus significantly weakening the rebel movement (see S/2012/348, paras. 37 and 38). However, these activities quickly extended to support for a series of post-electoral mutinies within the FARDC and eventually included the direct facilitation, through the use of Rwandan territory, of the creation of the M23 rebellion. The latter is comprised of ex-CNDP officers integrated into the Congolese army (FARDC) in January 2009. Since M23 established itself in strategic positions along the Rwandan border in May 2012, **the Group has gathered overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the**

rebels through providing weapons, military supplies, and new recruits.

4. In turn, M23 continues to solidify alliances with many other armed groups and mutineer movements, including those previously benefiting from RDF support. This has created enormous security challenges, extending from Ituri district in the north to Fizi territory in the south, for the already overstretched Congolese army (FARDC). Through such arms embargo violations, Rwandan officials have also been in contravention of the sanctions regime's travel ban and assets freeze measures, by including three designated individuals among their direct allies.

5. In an attempt to solve the crisis which this Rwandan support to armed groups had exacerbated, the Governments of the Democratic Republic of the Congo and Rwanda have held a series of high-level bilateral meetings since early in April 2012. During these discussions, **Rwandan officials have insisted on impunity for their armed group and mutineer allies, including ex-CNDP General Bosco Ntaganda, and the deployment of additional RDF units to the Kivus to conduct large-scale joint operations against the FDLR.**

7. Since the earliest stages of its inception, the Group documented a systematic pattern of military and political support provided to the M23 rebellion by Rwandan authorities. Upon taking control over the strategic position of Runyoni, along the Rwandan border with the Democratic Republic of the Congo, M23 officers opened two supply routes going from Runyoni to Kinigi or Njerima in Rwanda, which RDF officers used to deliver such support as troops, recruits and weapons. The Group also found evidence that Rwandan officials mobilized ex-CNDP cadres and officers, North Kivu politicians, business leaders and youth in support of M23.

A. Direct assistance in the creation of M23 through Rwandan territory

8. Colonel Sultani Makenga deserted the FARDC in order to create the M23 rebellion using Rwandan territory and benefiting directly from RDF facilitation (see S/2012/348, para. 104). On 4 May, Makenga crossed the border from Goma into Gisenyi, Rwanda, and waited for his soldiers to join him from Goma and Bukavu.”

Another important and unfortunately repetitive element of the current crisis is the blatant military ineffectiveness of the Congolese army. Internal infighting, corruption, delinquency and the total lack of professionalism of the FARDC allowed 700 poorly armed and trained rebels to defeat for more than five months a government army of thousands of troops trained by several countries, including the US, and with a 18,000 UN force charged with backing the DRC army. Defections, human rights abuses and corruption

all too often have characterized FARDC behaviour, undermining the many who want to see a professional military capable of defending the population

MONUSCO has been totally incapable of engaging the rebels or defending civilian areas where interethnic fighting has broken out. MONUSCO has clear and adequate rules of engagement and the authority under its mandate to protect civilians. It has thousands of troops in the Kivus and the Indian army component that leads it is a professional force equipped with helicopters and armed vehicles. In the DRC people cannot understand why the most capable military force in their country is unwilling to use its firepower to implement its mandate. Far more active engagement by MONUSCO is required.

- Since April, the M23 has conquered large chunk of territory in North Kivu and is now administrating them. The fall of Bunagana on 5 July, 2012 was a serious warning. Following the Addis Ababa conference, the M23 rebellion increased its territorial control on 25 July by defeating FARDC in Rumangabo, 30 km north from Goma, the provincial capital. It has formed its own government and is now busy installing its administration in the Rutshuru area. As usual, the rebel movement is financing itself through coercive taxation of on any supply trucks going into Goma, which has sent food prices sky-rocketing. Like the CNDP in the past, the M23 wants talks with the government, which would be humiliating for Kinshasa.
- Given the government's weak response to the M23 challenge, FARDC officers are defecting in South Kivu but also in Province Oriental and Kasai Occidental. In the absence of a political response from DRC government, increasing its lack of legitimacy and weaken even more the institutions.
- Deep in the rural areas, other armed groups are taking advantage of the tactical situation and are expanding their territorial control by committing abuses against the civilian population and recruiting child soldiers. According to very credible sources, the Rayia Mutomboki group has committed killings in the Walikale and Kalehe territories and launched a policy of ethnic cleansing against the Kinyarwanda-speaking people.
- Despite calls from the EU and Belgium for dialogue and army reform, Kinshasa remains unwilling to reform the army and instead has sought to forge an alliance with some anti-Tutsi armed groups, has asked for more training and is busy recruiting youths to reinforce its troops in the Kivus. The government is already unable to manage and pay about 80,000 soldiers but it is presently recruiting new ones.
- Rwanda is denying any allegations of involvement and is trying to divert international community attention from mineral cross border illegal trade by elevating the threat of FDLR as the principal issue.

At the regional level, the International Conference on Great Lake Region (ICGLR) initiated talks between Rwanda and DRC but this initiative is not going to provide a rapid solution to the on-going upsurge of armed groups' activity in the Kivus. The ICGLR met several times in July, August and September (Khartoum 30 July-1 August, Kampala 6-8 August, Goma 16 August, Kampala 7-8 September) but failed to come up with innovative solution, except for a "neutral force" whose mandate would be 1) border control and 2) neutralizing the armed groups, but whose formation remains uncertain. ICGLR agreed to reactivate old mechanisms (mediation team, border verification mechanism, etc.) but failed to reach an agreement about the composition of a "neutral" force of 4,000 during the heads of state conference in Kampala.

These troops will add to 18,000 UN peacekeepers and about 30,000 Congolese soldiers. At best, this neutral ICGLR deployment is expected in December 2012 but the heads of state have not been able yet to agree on the composition and deployment of this African force. In addition to the fact that it is difficult to

understand what difference 4,000 untested additional soldiers will make, the ICGLR already made clear that it does not have the implementation capacity for such a plan and will turn to the AU and UN for support. The secretary general of the ICGLR has been tasked to contact donors to fund such a force. The people of the Kivus cannot afford a diplomatic ping-pong game between international organisations in the coming months. Unless Kinshasa and Kigali change their positions, prospects for a change in the status quo are slim. One can expect the current threat to civilian safety and public security to persist unless military operations change the reality on the ground.

The fact that the international community has for once taken measures against the rebel's foreign backer, Rwanda, is a good sign (but still not enough). However, the repetition of the Kivu crisis shows that the root causes of the conflict have not been addressed. Without significant security sector reform, public administration delivering basic services to the people, violators of human rights held accountable and serious regulation and control of natural resource exploitation, peace and stability will continue to elude the Eastern Congo. A clear framework for peace in the Kivu has existed since 2008: it is a peace package made of the Acts of engagement (January 2008), the 23 March 2009 agreement with the CNDP and the stabilization program called STAREC. This framework for peace needs to be implemented in order to move beyond conflict management to conflict resolution. It needs to be implemented.

Now let me turn briefly to other issues of governance that affect DRC stability.

Post-electoral Dynamics: The failure to see legitimate, credible governing institutions in place throughout the Eastern Congo and the country as a whole remains a core source of continued instability and lack of development. Our reports starting in 2010 documented the flaws leading up to presidential and legislative elections at the end of 2011. We cited the consequences of a hasty constitutional change in January 2011, flawed voter registration and voter roll issues, minimal outreach by Congo's Independent National Election Commission (CENI) to the political parties, lack of transparency, a sharp increase of political tension, incidents of violence, the general inadequate preparation of the elections, and the late design of an integrated electoral security plan. And we especially pressed unsuccessfully, given all of these suspect issues, on the CENI, the government, opposition parties, MONUSCO and the larger international community, including the U.S. and the EU, to develop a consensual Plan B if, despite all good faith efforts, the outlook for decent elections on 28 November appeared grim. Otherwise, we warned that without concerted and unified action by the DRC and committed international diplomacy, the November general elections, the second since the end to the Congo conflict, could result in massive irregularities if not massive fraud with the potential for widespread violence and the undermining of the legitimacy of any pronounced elections winner. We know the results.

The lack of credibility of the results sparked opposition protests that, in turn, prompted heavy-handed repression by Congolese security forces in Kinshasa. After refusing any external assessment of the electoral process, the electoral commission blamed the international community for the errors in its post elections evaluation report.

Congo's electoral woes reflected the country's broader lack of democratic and institutional development since 2006. But they also stem from weak international and continental engagement, from MONUSCO and the AU to donors— especially the EU and the UK, who partly funded the polls, and the U.S. All have been largely ineffective in preventing Kabila's consolidation of power and stacking the decks.

Despite the record of failed elections last year, the DRC government still has been unwilling to change CENI's members. The prospect of the provincial election is now very remote (2013 at best) and local elections remain very vague in the CENI's planning, thus demonstrating the lack of government's willingness to organize them.

Donors should condition support on fundamental electoral reforms, including the replacement of the CENI president and choose new members who reflect a consensus of parties and civil society.

Security Sector Reform:

For five years now, several countries, including the US, have provided support to the so-called army reform in the DRC. The result of this effort is the fact that the Congolese army has once again been easily defeated by a far less important force. For instance one brigade trained by Belgium fled to Uganda when the M23 launched its offensive. The training provided to an “army” that is not paid and not disciplined and does not have a decent logistical organization is a mere waste of money. The situation of the army is so bad that the North Kivu civil society suggested that it would pay for it and there are more and more voices in the DRC raising the essential issue of corruption within the army. In itself, training cannot lead to significant change in the army. Security sector reform (SSR) is vital to stability in the DRC, but the Congolese government just paid lip-service to it for five years and a corruption network has blocked virtually every serious reform effort. If the donors really think that SSR is vital for the stability of the DRC, they should put significant pressure on the authorities or stop wasting their money in ineffective training programs.

Conflict minerals and soon conflict oil:

On 22 August, the SEC voted (3-2) to adopt the rules regarding disclosure and reporting obligations required by the Dodd-Frank financial reform law (Section 1502) concerning conflict minerals. It is unfortunate that vote was delayed, even more that more specific penalties were not imposed and that companies, including the globe’s largest, were given a two-year grace period for reporting and allowed to assert an "undeterminable" origin option. As the new Kivu crisis demonstrates and unlike what opponents of this law said, the problem is not to impose new standards (origin certification) to the industry and the Congolese artisanal miners; the problem is the lawlessness of the mining sector in this part of the world.

The present crisis in the Kivu is strongly related to the minerals wealth of the Kivus. But other natural resources are being explored in the region and, if discoveries were confirmed, its impact on the Kivu conflict could be far greater. Oil companies are starting prospecting the Great Lakes region while borders are vaguely demarcated, natural resources illegal exploitation is rampant and distrust among the governments of the region is high. And as ICG has just warned in the report we issued last month, the rush for DRC oil and gas almost assuredly guarantees both future corruption and future violence.

On the oil issue, Crisis Group’s 11 July report warned that new oil reserves could create new centers of power and could exacerbate the conflict in Eastern Congo. Preventive action is needed to turn a real threat to stability into a genuine development opportunity. Donors should provide technical and financial assistance to the Congolese authorities for the border demarcation, the framework agreement for the exploration and development of cross-border reserves and oil governance reform, and support the Congolese civil society efforts to build a monitoring capacity in the oil sector. This challenge follows on-going unhappiness with the success of the Kimberley Process and with conflict minerals.

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The role of MONUSCO:

In Crisis Group's 11 June letter, we stated that the United Nations Stabilization Mission in the Congo (MONUSCO) was failing in its core mandate of stabilization and protection of civilians.

MONUSCO technical and logistical support to deeply flawed elections in 2011 and the inability to successfully promote dialogue between the parties has altered perceptions about the Mission's impartiality. Neither the Security Council nor MONUSCO articulated clear red lines for the credibility of the process, and the good offices role of the Mission appeared underutilized. With the failed decentralization agenda, constitutional reforms that further expanded the power of the Presidency and little accountability for violence and massive fraud associated with the elections, the evidence continues to mount of the potential for authoritarian drift. If not corrected, international involvement in the DRC, including through MONUSCO, risks entrenching an unaccountable government and undermining its own eventual rule of law and peacebuilding efforts.

Closing

A lack of clarity about the overall military strategy and articulation of an end state to the military operations against illegal armed groups also exists. What is required is actual implementation of the comprehensive strategy that exists as I have indicated with its strong political component, to address pervasive insecurity and the threat of illegal armed groups in eastern Congo. Key governance reforms—such as the holding credible provincial and local elections decentralization and progress in the fight against corruption—by updating operative paragraph four of Security Council resolution 1991 (2011) to include their achievement as one of the core objectives is essential. Clearly there is a need to address both local drivers of conflict between communities and the interplay with regional dynamics, including relations with Rwanda, and to break the cycle of impunity in this part of the world. If the western countries, including the US, want to move from crisis management to conflict resolution in the Great Lakes region, they should speak with a single clear voice and exert direct political pressure on both Kinshasa and Kigali.