



Transcript

What Next for the Democratic Republic of the Congo?

Anneke Van Woudenberg

Senior Researcher, Africa Division, Human Rights Watch

Ben Shepherd

Associate Fellow, Africa Programme, Chatham House

Chair: Dr Knox Chitiyo

Associate Fellow, Africa Programme, Chatham House

20 February 2013

The views expressed in this document are the sole responsibility of the author(s) and do not necessarily reflect the view of Chatham House, its staff, associates or Council. Chatham House is independent and owes no allegiance to any government or to any political body. It does not take institutional positions on policy issues. This document is issued on the understanding that if any extract is used, the author(s)/ speaker(s) and Chatham House should be credited, preferably with the date of the publication or details of the event. Where this document refers to or reports statements made by speakers at an event every effort has been made to provide a fair representation of their views and opinions, but the ultimate responsibility for accuracy lies with this document's author(s). The published text of speeches and presentations may differ from delivery.

Knox Chitiyo:

Good afternoon everybody and welcome to our Chatham House discussion on 'What Next for the Democratic Republic of the Congo?' I think we're all aware that there are a lot of new developments that have been happening in the Congo. Last year, as we know, the M23 rebels overran parts of eastern Congo. They took Goma and have since withdrawn. Currently there's an uneasy truce between the government forces and the M23. There hasn't been a peace deal as yet but there's talk that something may happen at some point.

In addition – also of interest – is that there is an expectation of a framework peace agreement between Congo's neighbours with regard to the Congo. And this, potentially, could be quite transformative and we'll hear more from our speakers on that. This could be quite a big moment. We know the Congo has had quite a lot of potentially big moments but this one might just be the real thing.

There is also going to be a review of the UN peacekeeping forces, and there is a discussion going on about a regional neutral peacekeeping force. No one really knows, apart from the people directly concerned, if and when that is going to happen, when there will be a neutral force. But there's a lot of discussion around that.

There's also a discussion internally within the Congo between the government and civil society about governance issues. So there is an awful lot happening on the Congo at the moment and it is well worth hearing from our eminent speakers their take about what is happening.

I'd like to introduce Ms Anneke Van Woudenberg who is a senior researcher on the Democratic Republic of the Congo at Human Rights Watch. Anneke has been there since 2002. Anneke has focused on humanitarian and human rights issues in the DRC and has commented for a wide range of publications including the *Guardian* and the *Independent*. Anneke also provides regular briefings on the DRC to the UN Security Council, US Congress, the EU and a wide range of other institutions.

On my right here we have Ben Shepherd, a colleague of ours as well. Ben is an associate fellow here at Chatham House with particular expertise in African conflict and the politics of the Great Lakes region. Ben has written widely on the DR Congo. If you see on the Chatham House website, you will see a lot of his publications there. Prior to joining Chatham House, Ben was the Great Lakes course director at the Rift Valley Institute. You've also been at the FCO on the research group there as well as at the LSE.

Without further ado I would like to hand us over to Anneke who will start the proceedings.

Anneke Van Woudenberg:

Thank you very much. It's a pleasure to be here and a pleasure to see such interest in Congo, which always tends to happen when we're in a crisis. And of course Congo, eastern Congo, is again in a crisis. I've worked on Congo now for – this year it's now 14 years. So this crisis I find interesting because it feels like déjà vu for me. We kind of feel like we lurch from crisis to crisis to crisis in eastern Congo, and perhaps more broadly in Congo, but I'm going to focus on the east today and particularly the crisis in North Kivu. It has been one that has constantly bedevilled Congo and its politics and Congo's future and stability in the region.

I think to kind of understand where we're at today it's important to know where we came from. So what I want to lay out a bit today is what I think are – at least from my perspective where I sit – 10 lessons learned of what I hope policy-makers won't do this time around that they have seem to have done in many other past crises, which means we repeat this cycle over and over and over again. I've picked a nice round number, 10. Frankly, I could have done 20 or 30 but then we'd all be very bored, so let's stick with the round number of 10.

In order to do that I just want to go back to where the M23 came from. And anyone who's followed Congo, even if it's only for a few years, would have seen that this comes out of past rebel groups. I would take this as far back as the RCD-Goma (Rally for Congolese Democracy-Goma) although you could even go back to the AFDL (Alliance of Democratic Forces for the Liberation of Congo-Zaire). Rebel groups originating in the east of the country are nearly always backed by Rwanda and/or Uganda who have created quite a significant military and sometimes a political threat to the powers that be in Kinshasa. The M23 are a much, much smaller group of what once was a much bigger phenomenon. They are much smaller, which is something we can talk about at the end which should give us some degree of hope: that the numbers of these rebel groups that are constantly backed by Rwanda, who threaten stability in eastern Congo, their numbers are in fact, if we look back over the last 15 years, decreasing.

I would also say that one thing that is really important to notice here when we talk about where we're going with the M23 is that in part this comes out of a political failure by the RCD-Goma – who were one of these forerunners of

what is today the M23 – in the 2006 national elections. And some of you may recall that these were the first elections in Congo in more than 40 years. Many groups stood for election, including President Joseph Kabila and many of the other rebel groups. But one group was largely politically wiped off the map, and that was the Rwandan-backed RCD-Goma. They did not do well in those elections; they lost significant power and instead resorted to military power. Out of those failed elections came a group called the CNDP (National Congress for the Defence of the People) – the acronyms, right, Congo's just filled with them; we all love them but they confuse us endlessly. The CNDP are very much something that came out of a failed election crisis of their bigger political partner, the RCD-Goma, who had done very badly. Out pops a 'warlord', if you want to call him that, a new upstart called Laurent Nkunda who was the forerunner to Sultani Makenga and Bosco Ntaganda, who are currently at the core of the M23.

So there's a direct line from those past groups to the groups today and we can talk about that more if that interests people. The politics of that are complicated; what I find interesting for someone who has watched this for so long is the characters are almost always the same. The guys negotiating in Kampala today were the same people who negotiated previous agreements in 2007, 2008 and 2009, and were the beginners of the CNDP group back in 2006. Many of them were active members of the RCD-Goma. So the acronym changes but, frankly, the players don't.

Let me get on to what I think are the 10 lessons learned. They are in no particular order of priority; they are how they came to mind last night and this morning.

One is: secret deals don't work. One thing that has been repeated time and time again in each of the crises as we lurch from one to the other in eastern Congo is that there has frequently been a secret deal struck between President Kabila and [Rwandan] President [Paul] Kagame and their representatives. The first one was in 2007, a deal struck behind closed doors between those two presidents and their representatives, which in effect tried to integrate these renegades into the Congolese army. No piece of paper was ever written. James Kabarebe, the current minister of defence of Rwanda, played a huge role in negotiating those deals and once both parties left the room each one had a different interpretation of what it was that they had agreed to. Inevitably, in the months that followed, it collapsed.

It was exactly the same with the second secret deal that was struck a couple of years later in early 2009, where Laurent Nkunda, who had been this big

head of the rebel group, was arrested. Bosco Ntaganda was his replacement, and again a secret deal done to attempt to bring these rebels into the Congolese army. Every time this happens there are different interpretations of the deals, and in effect they don't work and they fall apart. For international diplomats, what it does do is it gets you out of the immediate crisis but it doesn't actually solve the problem. I would say for anyone hoping for a secret deal again, all I think that will lead to is another crisis down the road. I'm a firm believer that secret deals don't work, especially when in both cases the result was an army within an army.

Secondly: don't believe Rwandan denials. This has been a consistent theme over the past 15 years, which is that rebel groups in eastern Congo are frequently – not all of them but especially these Tutsi-led rebel groups – are nearly always backed by Rwanda and senior Rwandan military officials. In nearly every case, even if we go back to the AFDL – so this is 1986 – what you first get from the Rwandan government are blanket and vigorous denials. It happened again in 1998 when they backed the RCD-Goma, it happened again in 2004 when the beginning of the CNDP was happening, it happened again in 2006, it happened again in 2008, it happened again in 2011 and 2012: blanket denials from the Rwandan government that any kind of support was coming from their side of the border for these rebels. In each case the evidence was overwhelming that it was happening and in a number of the early cases, eventually President Kagame came out quite publicly and said, 'Yeah, we lied.' I mean that's very interesting to look back to 1996 and 1998 now, where we can see that President Kagame in the years that followed said, 'Yeah, we said we didn't support them, but we did.' So my lesson learned in this is let's not fall into that trap again and let's not believe the Rwandan denials when the evidence is overwhelming, as it is in this case, that Rwanda is backing the M23.

Third lesson learned for me, having watched this consistently over the years, is the lack of consistent international engagement. One of the things I think that allows this repeat of going from crisis to crisis is that the international community engages at the moment of the crisis and all of a sudden there's lots of diplomatic visits and [UN Secretary General] Ban Ki-moon or, previous to him, Kofi Annan gets involved and we have this flurry of diplomatic activity for a couple of months until the crisis subsides, and then the diplomatic engagement subsides and it picks up again at the next crisis. We don't have consistent international engagement to really tackle the underlying issues and so I think that has contributed to us lurching from crisis to crisis over the past decade.

Fourth lesson learned: when peace deals have been struck, and there have been a number, there has been a consistent lack of follow up on those deals. Usually that is because the politics is complicated. When a peace deal is struck – as one was in Goma, what became known as the Goma peace deal of 2008 – quite a lot of grievances and issues came out that were underlying causes of the conflict. They needed to be tackled. Anything from – this included return of Congolese Tutsi refugees who were in Rwanda coming back to the Congo, economic issues, cultural issues, land rights in particular, economic land holdings and mineral issues. The list is long but a number of those things came out very clearly. But again, there was a lack of follow-up on those peace agreements, as much by the Congolese government as by the international community. I think if we're going to get a peace agreement this time around – and that is still a big if – there will need to be consistent follow-up. That goes back to my earlier point about consistent international engagement. We often see that diplomats are willing to engage when things are in the newspapers and the press and all of a sudden it's headlines, but all that attention disappears afterwards. I think that has been one of the tricky areas for Congo: the peace deals are not followed up on.

Linked to that, I would say one of the key faults has been time and time again permitting what these days are called 'stabilization programmes', so programmes where there are peace dividends, benefits: a police station, a better hospital, a better school – something where people see that peace is beginning to take hold. Those have frequently either not been funded or not followed up on. And again this has been a pattern in Congo consistently over time: a peace deal is struck, everyone's kind of happy momentarily, everyone goes home, pats themselves on the back, never look at it again, don't put the money in that's needed to make stabilization happen, and low and behold, we're back in a crisis months or a year later.

Sixth lesson learned – a big one for me who works on human rights issues: I would say the failure to apply justice. And boy this one has been so flagrant. The best example – though he by no means is the only example – is of course the ICC indicted war criminal Bosco Ntaganda, who is one of the key leaders of the M23 today but who has been in many of these previous rebel groups, whose track record is extremely well known, who's probably one of the most abusive and vicious warlords that I have come across, and I've documented his crimes for a long, long time. This is a man who constantly re-emerges as a senior government, usually military, official, who was made a general in 2009, and who lived not more than a hundred metres from a UN peacekeeping base despite the fact he was wanted on an ICC arrest warrant. I think looking back

now, frankly, had action been taken to arrest him much earlier we'd be in a very different situation today – if the robust and gutsy action by both the Congolese government and international community had been different.

That's just one example, I can name numerous others. But what we see of course in Congo is the cycle of: armed group leader, warlord, peace negotiations, demands for amnesty, demands for release of all their political prisoner friends who probably have committed horrific human rights abuses, and then demands for integration at a very senior level into either the Congolese government or the Congolese military and often being successful at that. So it's this constant vicious circle of killer-to-general that I think really needs to be nipped in the bud. And I think even the Congolese government recognizes that now. But the failure to bring justice, I think, aggravates the crisis. That was number six.

Number seven: repeated what I would call UN military and political failures. We've got to remember that Congo continues to have the largest UN peacekeeping mission in the world. It is extremely expensive. It's now been going on for – what are we now in, year 12? This has been a peacekeeping mission that is a heavy weight on the United Nations, and that has had some successes – I don't want to focus on those at the moment but I also don't want to undermine those – but also repeated failures. The particular failure is the one that we saw again most recently, where the UN beat their chest in Goma and said, 'There is no way we're letting Goma fall to the M23; we've got it under control, we've got our forces there.' Three days later Goma falls and the UN is left looking, as per usual, inept and having to face a very angry Congolese public, and constantly setting themselves up for failure. I think the M23 taking Goma was the latest example of that but that had happened many, many times before, where the UN said that they would protect civilians in particular places and was unable to do so.

In part those military failings are a decision made by the UN to become an auxiliary arm of the Congolese army – doing joint operations together and being a support of the Congolese army. The Congolese [army] remains inept, corrupt, inefficient and loses nearly every battle. So at a certain stage I think that strategy of continuing to support such a weak, corrupt and abusive army needs to be rethought. It has led the UN into so many difficult situations over the past decade in Congo, most recently over the past five or six years. I think there is a real reason to rethink that. I know there are now lots of discussions about a new mandate for the UN, but remember they have actually quite a strong mandate already to use force to protect civilians. They don't have to do

that with the Congolese army but that is the practice that has developed. And so I do think a re-looking at the mandate is important.

Part of that number seven for me is also political failings of the UN. It's one thing that has become very clear in the past couple of years, the ability of the UN to engage politically in these crises has diminished hugely, in part because their whole political affairs division has been hollowed out over the past few years. I think that has really left the UN much weaker than it could otherwise have been.

Okay my last few lessons learned then I'll wrap up. Number eight: not tackling governance issues in Congo. If only the international community's response to the flawed elections of 2011–12 had been different, we would be in a very different situation. This again has been a regular theme.

Whizzing quickly through my last two – number nine of lessons learned is the constant failure of security sector reform. One of the big problems in Congo is the inept, corrupt, abusive Congolese army, and the need for serious reform at that level has just never been tackled and never been done.

And lastly is, I think, a failure by both the international community and the Congolese government to really adequately tackle the issue of anti-Tutsi sentiment, both in terms of the rhetoric used – especially during elections but at other times as well – against the small minority in Congo, but also not adequately tackling attacks on Tutsi when they do happen. Now this is a very manipulated part of Congolese politics. We're seeing it again in the latest discussions with the M23 where they claim, for example, that many of their fellow soldiers – in fact they claim that over 40 of their fellow soldiers were killed in northern Congo a couple of years ago and that nobody did anything. I actually think there is no evidence to back them up on this. I myself have been to northern Congo numerous times and I have not seen 40 Congolese Tutsi soldiers being killed up there. But there's no doubt that in the past there have been instances like that. So it's manipulated by all sides, but I think this is an issue that also needs to be tackled and dealt with if we're not going to repeat the mistakes of the past.

Those are my top ten. We can certainly talk about any of those in the discussions if it's interesting to people. There are some signs of hope and I won't go into those now but I do think there are some signs that maybe this time around we're not going to lurch to the next crisis. But I can tell you that if we're going to do those ten things again, we'll be back sitting here in a year and a half, two years from now, back in the same crisis again. And I'd love to see that not be the case. Thank you.

Ben Shepherd:

Thank you very much. I don't disagree with any of those ten points. As Anneke said, following events in the DRC over the years you do get a recurring sense of *déjà vu*, both from what happens on the ground and the reactions that the international community put in place.

I'm going to be slightly foolhardy here and actually make a prediction that I know will come back to haunt me. My sense is that the iteration of the conflict dynamic in eastern DRC that Anneke referred to, that goes back to the AFDL, through the RCD-G, through the CNDP to the M23, won't repeat itself. I say that because I think both the local military balance and the regional political balance have shifted in fairly fundamental ways. For me, one of the central problems to finding a sustainable peace in the east over the post-war period – the post-transition period from 2006 – has been an imbalance between the military power of the CNDP and its lack of political legitimacy. As Anneke said, the RCD-G was wiped out in the elections in 2006 and the CNDP didn't do much better in 2011. But they always had the military weight to essentially refuse to negotiate seriously. They didn't have to engage in meaningful negotiation. They never had to be clear about what their real demands were because they always had a military fallback and the understanding that the FARDC (Armed Forces of the Democratic Republic of Congo), as Anneke said, was and remains dysfunctional. There was no real challenge to them. A big part of that came from consistent Rwandan backing.

What I found striking about the events of last year was, first, how small the M23 was. From the CNDP having something like 6,000 men under arms, the M23 had in the region of 600 – I don't have the precise figures. But when the rebellion was first launched it looked like they were going to lose. They were pushed back by the FARDC, which for the first time fought relatively adequately. They were only saved by what turned out to be a fairly large-scale Rwandan intervention in their defence. That came with costs to Rwanda, both reputationally [*sic*] in terms of their aid budget and their diplomatic relationships. It's very difficult to see now, with the level of scrutiny that there is on the eastern DRC, how the level of Rwandan support can be repeated.

So it leaves the M23 in a precarious position. They now don't have the military weight to refuse to enter into negotiations. I feel that they will need to come to a meaningful dialogue with the government. I don't think the Kampala negotiations are probably going to be it. They're grandstanding there, and as we were discussing earlier, the demands that the M23 have put out are carbon copies of the demands they made in 2008 at the Goma peace conference. It's not, to me, credible that they try and extend their demands out

to the renegotiation of the Congolese state. I think there will have to be a negotiated process that brings the M23 and government together. I don't know what form that will take but my prediction is that they won't be able to go back into the field and upset the apple cart in eastern DRC again.

I think the regional framework agreement, if it happens, which is due to be signed on 24 February, is a very important part of that. Whether the SADC (Southern African Development Community) forces ever arrive – you know the promised 4,000 troops – is almost less important to me than the political commitment of South Africa, Angola and Tanzania. They've turned a blind eye, in some senses, to events in eastern DRC for a long time, that they are prepared to engage – and hopefully the battle between SADC and the UN over the state of the forces will be overcome and an agreement will be consigned. And it raises the stakes even further for the DRC's neighbours, notably Rwanda. We're used to somehow watching Congolese and UN troops being humiliated by Rwandan-backed rebel groups and it doesn't surprise anybody. But I think the cost of humiliating Tanzanian or South African troops are significantly higher. And the costs politically of going against the grain of what South Africa and the region seem to be wanting I think are very high.

So a chance for change. I think there is possibly a window that's going to open. If I'm right in thinking the M23 won't be a central actor over the next 12 months, I'm not going to make a prediction about what is going to be left. The east of the DRC is a horrendous mess. I don't know how many rebel groups there are – 20, 30? It will take an enormous amount of will to start to drain some of that sort of septic stuff from the east. It will be messy but I think there is an opportunity to put in place some of the post-conflict policies – stabilization, DDR (disarmament, demobilization and reintegration) – that have been tried and failed over the post-transition period and during the transition. They may have some more traction now.

That's the optimistic side; the pessimistic side is the overall picture of Congolese politics, and I think that's one of continuity. I made a sort of fairly lazy remark at a seminar on the DRC last year that actually what had emerged after the decades of war was that this sort of huge seismic stuff that is shaking Congo looked very much like the Zaire of Mobutu [Sese Seko]. And a Congolese participant at the seminar actually took me up on it and said to me: that's not true. The difference is that under the Kabila administration that that centre of power has wanted everything. Mobutu's model was working through provincial barons and involved the sharing out of the Congolese cake. Under the current administration, that centralization had become even more marked and that people were angry because they weren't getting their fair share.

I don't know if the proposed national dialogue will happen. If it does happen I don't know what it will mean. But I think there are some important shifts afoot in terms of the way that the Katanga clan that people have always assumed really run things behind the scenes in Kinshasa – they may have to renegotiate their relationship with the rest of Congolese polity to some degree or other. I think Katumba Mwanke's death last year, following Samba Kaputo's death a few years ago, is emblematic, possibly, of a changing of the guard. It's been one of the interesting conversations over the years, of speculating on how much room to manoeuvre Kabila really had during all his years in power; it may be that he has a little bit more space now.

So that will be interesting to watch, but for me the likely outcome is the bones of the Mobutu state being revealed and re-emerging. There was a piece I read this morning published by the Pole Institute that talked about Mobutu's 'peace in the east', and I think that's possibly fairly accurate – that if we see a resolution to some of the headline conflicts, the day-to-day reality of what the state can and can't do in the Congo is unlikely to change very much. That presents an enormous challenge.

That brings me on to my third and final point which I'll race through. In terms of what this means for international politics and the role of the international community, the first point: I think it's interesting that SADC is more visible on this than it has been in the time that I've worked on it. We tend to slip into thinking that the real nexus of power is in Washington or London or Brussels or Paris on this. I've felt for a long while that it's actually for the region, who have both the levers and the need to intervene effectively in the DRC – the South African economic implication in the Congo, for instance, not to mention Angolan security issues and so forth are absolutely enormous. It may be that actually the traditional donors have less of a role to play and that wouldn't necessarily be a bad thing.

As I said, I think there may be a window to revisit some of the post-conflict policies that were erroneously put in place following the 2006 election, from stabilization to DDR to some attempt at SSR (security sector reform). I think the fight will be against Congo fatigue. I think there have been a lot of people burnt by attempted reform efforts in the DRC who may be reluctant politically and financially to having another go.

The fundamental issue will be this one about how we deal with and understand the fundamentals of the Congolese state, the government and what it does. For instance, I completely agree with Anneke that one of the huge problems has been the failure of SSR – it's not been done seriously, it's

not been done well, the FARDC reforms absolutely appallingly badly. But in conversation about why that's so, we often reach the point where people say there's no political will from government to do this properly. For me that is half the story but it doesn't go far enough. What does political will mean? It means that the status quo serves people's interest very well and the political will is to keep things going as they have been. That's part of the instincts and structural pressures acting on leaders in the DRC in terms of how they make their money, what money they have to feed down to their patronage networks. It's a very stable system so I think that's going to be a huge challenge.

And the second is about how we define peace in the eastern DRC, bringing it back to the east. Part of the problem I think for the UN and for MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo) has been a real nervousness in New York and in capitals that if MONUSCO is seen to fail, it will have enormous knock-on impacts on the credibility of peacekeeping, full stop. You know, it's hugely expensive, it's the biggest mission. If they can't find a way to withdraw with honour, if you like, I think the consequences could be quite severe. But the question then becomes how we define peace, in the context where the government doesn't do very much and probably isn't going to do very much. At what point can you withdraw peacekeeping troops when the state isn't doing anything, when people are still suffering enormously badly. I think that's a challenge for the international community and for all of us. I'll stop there.