CONGO: A COMPREHENSIVE STRATEGY TO DISARM THE FDLR

Africa Report N°151 – 9 July 2009

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The joint Congo (DRC)-Rwanda military push against the Rwandan Hutu rebels has ended with scant results. Fifteen years after the Rwanda genocide and the establishment of those rebels in the eastern Congo, they have not yet been disarmed and remain a source of extreme violence against civilians. While they are militarily too weak to destabilise Rwanda, their 6,000 or more combatants, including a number of génocidaires, still present a major political challenge for consolidation of peace in the Great Lakes region. They must be disarmed and demobilised if the eastern Congo is to be stabilised.

That requires a new comprehensive strategy involving national, regional and international actors, with a clear division of labour and better coordination, so as to take advantage of the recent improvement of relations between the Congo and Rwanda, put an end to the enormous civilian suffering and restore state authority in the Congo's eastern provinces. Its prominent components include:

- civilian protection by responsible Congolese security forces and the UN peacekeeping mission (MONUC);
- a reformed disarmament and demobilisation program involving psychological operations and informational campaigns as well as options for return or resettlement (including in third countries);
- Rwanda's development of a list of FDLR génocidaires in eastern Congo and their subsequent isolation by sophisticated psychological operations, accompanied by talks with commanders not involved in the 1994 genocide;
- in due course, limited military actions by Congolese army units specifically trained to weaken the command and control structure of the rebels in coordination with Rwandan forces;
- legal initiatives in third countries to block propaganda and support from FDLR leaders outside the DRC;
- consolidation of Rwanda-Congo relations; and
- dividends to the people of the Great Lakes region through economic and social development.

Among the dozens of armed groups operating in the Kivus at the beginning of 2009, two had the highest military capabilities and caused the most civilian suffering: the Rwandan Hutus grouped under the Front démocratique pour la liberation du Rwanda (FDLR) and receiving some support from elements of the Congolese army, and Laurent Nkunda's Tutsi-dominated Congrès national du peuple (CNDP), benefiting from Rwanda's clandestine support. However, Nkunda's personal ambition had alienated his Rwandan backers, while the total collapse of the Congolese army in front of the CNDP insurgency forced President Joseph Kabila to cut a deal with Paul Kagame, his counterpart in Kigali.

Their agreement was a significant shift of alliances in the region. In exchange for the removal of Nkunda by Kigali, Kinshasa agreed to a joint military operation against the FDLR on Congolese territory and to give key positions in the political and security institutions of the Kivus to CNDP representatives, while keeping MONUC out of the planning and implementation.

Operation "Umoja Wetu" (Our Unity) got under way on 20 January 2009. Three columns of the Rwandan army moved through North Kivu, seeking to root the rebel militia out of its main strongholds. Simultaneously the Congolese army deployed in the villages freed from FDLR control and set about to integrate combatants from the CNDP and other armed groups into its ranks. The FDLR avoided direct confrontations and dispersed in the Kivu forests. After 35 days, the results of the operation were much more modest than officially celebrated. The FDLR was only marginally and temporarily weakened in North Kivu and remained intact in South Kivu. Less than 500 FDLR combatants surrendered to MONUC to be demobilised in the first three months of 2009. Barely a month after the end of the operation, the rebels had regrouped and started to retaliate against civilians they believed had collaborated with "Umoja Wetu".

Congo, Rwanda and MONUC have launched many initiatives for FDLR disarmament since 2002. On 9 November 2007, Kinshasa and Kigali started the Nairobi Communiqué Process, a framework for new bilateral collaboration backed by the international community that was to take care of the FDLR once and for all. But lack of goodwill and active collaboration as well as the resilience of the FDLR's chain of command proved that traditional approaches to disarmament – whether forced or voluntary – and unilateral attempts by Congo to negotiate with the rebels could not succeed. Another lesson that should have been learned was that military action, psychological operations and informational campaigns aimed at drawing away the rebel rank and file are unlikely to produce good results unless the FDLR's command and control structures can first be rendered ineffective, and all efforts are carefully coordinated and sequenced.

Since the Congolese national army and MONUC lack the capacity and political will to carry out an effective military operation to dismantle the FDLR chain of command, continuation of Congo-Rwanda military collaboration is also essential. The immediate priority is not a new military offensive, however – each military failure increases the suffering of ordinary Congolese. A new offensive – "Kimia II" – conducted by the Congolese national army and MONUC is currently underway. Far from disrupting the FDLR, it has failed to prevent FDLR retaliation against civilians and should be suspended. Containing, not overwhelming, the rebels and protecting civilians should be the priority, while additional resources are sought and coordination between willing partners is forged for a new kind of disarmament attempt.

A comprehensive strategy has to be developed, involving the Congo government, Rwanda, MONUC and the other international facilitators that joined in Nairobi declaration, including the African Union, the U.S. and the EU. Their political and operational inputs should be coordinated in a new FDLR disarmament mechanism that should plan both military measures and informational campaigns, as well as prepare the ground for judicial processes in the countries where FDLR political leaders have sought refuge and from which they spread the propaganda that is an important part of the hold they maintain over ordinary fighters. Without such additional efforts and new international momentum, the population of the Kivu will continue to bear the brunt of the FDLR's presence and of the failed attempts to disarm them, and the fragile Congolese state will remain at risk.

RECOMMENDATIONS

To the Government of Congo:

1. Suspend operation "Kimia II" and refrain from any further military offensive against the FDLR at this time, shifting priority to protecting the Kivu population against FDLR attacks and reprisals by establishing protected areas close to rebel-held territory and controlling major roads day and night.
2. Participate in the planning and implementation of a new FDLR disarmament strategy as described below.
3. Actively pursue normal relations with Rwanda, notably by establishing cross-border development projects within the framework of the Economic Community of the Great Lakes Countries and by jointly analysing the region's traumatic history within the framework of the International Conference on the Great Lakes Region (ICGLR), so as to foster reconciliation between Congolese and Rwandans.

To MONUC:

4. Reinforce the training given FARDC brigades and assign military mentors to Congolese units.
5. Insert civilian specialists into the joint FARDC-MONUC military planning unit and facilitate the design of civil-military cooperation projects aimed at protecting civilians and building confidence between civilians and Congolese security forces.
6. Ensure the 3,000 reinforcements authorised by UN Security Council Resolution 1853 are speedily deployed in eastern Congo.
7. Reinforce the Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR) section with specialists in intelligence and psychological operations, as well as legal experts who can develop cases for prosecution of crimes committed during the Congo's violent conflicts.

To the Members of the International Facilitation of the Nairobi Communiqué (AU, EU, U.S., UN):

8. Establish a mechanism for strategic management of FDLR disarmament and demobilisation composed of military and civilian MONUC personnel, Congolese and Rwandan officials, specialists from facilitation countries, and liaison officers with Interpol, the International Criminal Court and the World Bank, to formulate a new FDLR disarmament strategy and to coordinate the activities of all inter-

national entities – military and civilian – involved in its implementation. This strategy should include:

a) intensive counter-propaganda and other sophisticated psychological operations targeting the FDLR rank and file for voluntary disarmament;

b) offers of third country relocation to those who do not wish to return to Rwanda or settle in Congo;

c) action within the scope of national laws to limit the ability of the FDLR political leadership living in countries such as France, Belgium, Germany, the U.S., Canada, Cameroon, Zambia and Kenya to operate freely, including, where such a possibility exists under their domestic law, investigation and prosecution of leadership members for complicity in war crimes and crimes against humanity committed in eastern Congo;

d) selection and training of eight battalions of the Congolese national army (the FARDC) dedicated to cordon and search operations in support of special forces operations, with offensive military actions against the FDLR not to be undertaken before this training is completed and a clear military doctrine has been established for the force; and

e) operations by Rwandan special forces focusing on neutralising the FDLR command and control structure.

To the Government of Rwanda:

9. Participate in the planning and implementation of a new FDLR disarmament strategy as described above.

10. Submit a revised list of FDLR leaders suspected of participation in the 1994 genocide.

11. Take part in technical discussions under the auspices of UN Special Envoy Obasanjo with FDLR officers not included in the list with respect to the conditions of their repatriation or relocation under international supervision.

12. Actively pursue normal relations with the DRC, notably by establishing cross-border development projects within the framework of the Economic Community of the Great Lakes Countries and by jointly analysing the region's traumatic history within the framework of the International Conference on the Great Lakes Region (ICGLR), so as to foster reconciliation between Congolese and Rwandans.

Nairobi/Brussels, 9 July 2009

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I. INTRODUCTION

Twelve years after the end of the first Congolese war (1996-1997), the Rwandan Hutu rebels now known as the Forces démocratiques de libération du Rwanda (FDLR – Democratic Forces for the Liberation of Rwanda) have yet to be disarmed.[1] The presence of this movement in the east of the Democratic Republic of Congo (DRC) is a source of persistent political tension between the countries of the Great Lakes region. Moreover, this creates continuing conditions of insecurity which torment the lives of local people in the Kivu provinces.[2] Successful disarmament of the FDLR remains an essential precondition for ending the chronic instability that has plagued the eastern part of the DRC; it would also mark a decisive step towards consolidating the regional peace process that was begun with the signature of the Lusaka Accord in 1999.[3]

The FDLR are the most powerful and harmful political-military rebel organisation in Congo. This movement has a highly organised command structure and socio-economic base and a military force that, according to estimates by the United Nations Mission in DR Congo (MONUC), had 6,500-7000 fighters at the end of 2008.[4] These fighters are known for the serious human rights abuses they have committed against the Congolese population and for their illegal exploitation of the natural resources of the territories under their control. The FDLR have also been sustained by the ideological support and political leadership provided by a network of active overseas members, living mainly in Europe and North America. Among its commanders and leading members, the rebel group includes officers of the former Forces armées rwandaises (FAR – Rwanda Armed Forces) and former civilian officials of President Habyarimana's regime who took part in the 1994 genocide.[5]

The former FAR/Interahamwe[6] and their civilian associates represent an armed threat just a few dozen kilometres from Rwandan territory. Efforts to neutralise them were one of the main drivers of the two regional wars that brought Kinshasa and Kigali into conflict in 1996-1997 and 1998-2003. During these conflicts, the Congolese authorities made extensive use of

[1] For the history of the Rwandan Hutu rebel movement since its move into the DRC in 1994, see Crisis Group Africa Reports N°38, *Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War*, 14 December 2001; N°56, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January 2003; N°63, *Rwandan Hutu Rebels in the Congo: a New Approach to Disarmament and Reintegration*, 23 May 2003; Crisis Group Africa Briefing N°25, *Congo: Solving the FDLR Problem Once and for All*, 12 May 2005; Crisis Group Africa Reports N°128, *Congo: Consolidating the Peace*, 5 July 2007; N°133, *Congo: Bringing Peace to North Kivu*, 31 October 2007; and N°150, *Congo: Five Priorities for a Peacebuilding Strategy*, 11 May 2009. See also, "A Welcome Expression of Intent: The Nairobi Communiqué and the ex-FAR/Interahamwe", African Rights, 11 December 2007.

[2] Until a redrawing of administrative boundaries in 1986, Kivu was a single entity, comprising what are now the provinces of North Kivu, South Kivu and Maniema. Given that the FDLR are now mainly deployed in North Kivu and South Kivu, this report will follow the convention of using "Kivu" to refer to the geographic bloc constituted by the provinces of North Kivu and South Kivu.

[3] The Lusaka Accord signed on 10 July 1999 by Angola, the DRC, Namibia, Rwanda, Uganda and Zimbabwe was supposed to end the regional war that had begun in 1998 and which in fact formally ended only on 30 June 2003.

[4] Figures compiled by the DDRRR team at MONUC in October 2008; Crisis Group interview, former manager of the DDRRR unit of MONUC, Nairobi, January 2009.

[5] For example, the chief of staff of the FDLR's military wing, General Léodomir Mugaragu, as well as Colonel Idelphonse Nizeyimana, Lieutenant-Colonel Ezéchiel Gakwerere and Major Jean-Damascène Rutiganda played major roles in leading the 1994 genocide. Equally, the international community strongly suspects that the FDLR secretary general, Callixte Mbarushimana, and its chief of propaganda and mobilisation, Martin Gatabazi, alias Enock Dusabe, of participating in the 1994 massacres. And during the last few years the group has recruited a growing number of young Hutus from among the Rwandan refugee population in the DRC; they did not take part in the 1994 events or at least were not 16 years old at the time. (Kigali has set 16 as the minimum legal age limit for the subjects of legal proceedings in cases of suspected participation in the genocide.) The involvement of these FDLR officials in the events of 1994 is detailed in "A Welcome Expression of Intent", op. cit.

[6] The Interahamwe was the Rwandan Hutu militia that committed much of the 1994 genocide.

the Rwandan Hutu rebels who now constitute the FDLR leadership to fight Rwanda and the rebel movements supported by Kigali.[7] Since its creation in 2005 by the Tutsi general Laurent Nkunda, the Congolese armed group known as the National People's Congress (Congrès national du peuple – CNDP) has named the FDLR as its main enemy and has benefited from active Rwandan support.[8] The two governments have thus manipulated the two rebel movements as a means of defending various interests; Congo's civilian population has paid the price.

Following fresh clashes between the Congolese armed forces (Forces armées de la République démocratique du Congo – FARDC) and Laurent Nkunda's CNDP, Kigali and Kinshasa found themselves under renewed international pressure. This threatened them with heavy political costs and they eventually decided to change course and collaborate with efforts to eliminate both armed groups. On 20 January 2009, the Rwandan army entered Congo and, in collaboration with the FARDC, neutralised the main elements of the CNDP who had been opposed to integrating their forces into the Congolese army; they also launched a 35-day military offensive against the FDLR in North Kivu, Operation "Umoja Wetu" (Our Unity).[9]

This was an undoubted political success, but it produced only limited results in terms of disarmament: fewer than 500 former FDLR combatants were repatriated to Rwanda by MONUC between 1 January and 30 April 2009. Only a month after the end of this campaign, the FDLR – who had been temporarily scattered and disorganised – were already beginning to take back their positions in North Kivu province, and they were taking revenge against civilian inhabitants accused of collaborating with the Rwandan army. In reality, the problem posed by the FDLR has not been resolved; it still represents a daunting threat to the civilian Congolese population and to the prospects for success, both for the integration of CNDP fighters into the Congolese army and for the long-term stabilisation of Kivu and the region in general.

This new Crisis Group report on the disarmament of the FDLR sets out the building blocks of a new comprehensive strategy, learning from the failures of the past and seeking to make the most of the opportunities created by the change in Rwandan and Congolese policy at the regional level. It is an approach built around several key themes: the protection of civilians, the isolation of the most radical leaders of the FDLR, a peaceful demobilisation scheme for fighters who have not committed genocide and coordinated arrangements for both enforced and voluntary disarmament.

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[7] Over the years, the organisation that the former FAR/Interahamwe had created in the DRC had to repeatedly change its name, in an attempt to escape from its historical association with the 1994 genocide. Initially known as the Rassemblement démocratique pour le Rwanda (Rwanda Democratic Rally – RDR), and then the Armée pour la libération du Rwanda (Army for the liberation of Rwanda – AliR/PALiR), it adopted the current FDLR label in 1999 after the ALiR had been added to the US government's list of designated terrorist organisations because of the murder of Western tourists by Rwandan Hutu militia fighters in the Bwindi national park in Uganda. For more information about the successive changes of name, see "A Welcome Expression of Intent", op. cit.; for more information on the role of the ALiR and the FDLR during the wars of 1996-1997 and 1998-2003, and the relations that these groups maintained with the Kinshasa authorities, see Crisis Group Briefing, *Solving the FDLR Problem Once and for All*,; and Crisis Group Reports, *Rwandan Hutu Rebels in the Congo*;and *The Kivus*, all op. cit.

[8] See the final report of the UN Group of Experts on the Democratic Republic of Congo, S/2008/773, 12 December 2008.

[9] See Crisis Group Report, *Five Priorities*, op. cit., p. 7.

II. OPERATION "UMOJA WETU"

On 7 November 2008, Presidents Joseph Kabila (DRC) and Paul Kagame (Rwanda) both took part in an extraordinary regional summit in Nairobi,[10] to discuss the measures needed to bring an end to the persistent instability in Kivu. One month later, to guard against dangerous internationalisation – and regionalisation – of the new crisis that had seen the CNDP confronting the Kinshasa authorities since late August 2008,[11] Rwanda and the DRC took both the Congolese public and foreign observers by surprise. On 5 December 2008, the Congolese foreign minister, Alexis Thambwe Mwamba, and his Rwandan counterpart, Rosemary Museminali, issued a joint communiqué, announcing the impending launch of "Umoja Wetu", a joint military operation against the FDLR, and the opening of direct negotiations between the CNDP and the Kinshasa government.

A. SECRET AGREEMENT BETWEEN KABILA AND KAGAME

A continuous cycle of bilateral meetings between representatives of the Congolese and Rwandan governments had been launched in late October 2008 to seek a bilateral resolution of the crisis. A secret deal between the two presidents, finalised during November 2008, decided that Laurent Nkunda would be deposed at the same time as the FDLR was disarmed.[12] The spectacular reversal of alliances reflected a recognition of reality on the part of both men: President Paul Kagame was counting the growing political cost of his support for Laurent Nkunda; and President Kabila was coming to see that action to meet Rwandan concerns about the FDLR would offer him a unique opportunity to free himself from the problem posed by the CNDP, at a time when he was facing the almost total disintegration of his army in North Kivu.[13]

For in fact Laurent Nkunda had become a problem for both presidents. The animosity between the CNDP leader and Kabila had clearly been growing since 2004, when Nkunda first rebelled against Kinshasa and captured the town of Bukavu. And Kagame had seen how, since the summer of 2008, Nkunda had gradually abandoned his role as the protector of the Tutsi minority in Kivu and devoted increasing effort to developing his role in Congolese national politics.[14] A report by the UN Group of Experts on the DRC that was made public on 12 December 2008 revealed the extent of the clandestine support that Rwanda

[10] During this summit it was decided that the Special Representative of the Secretary-General, Olusegun Obasanjo (former president of Nigeria) and the Special Representative of the African Union, Benjamin Mkapa (former president of Tanzania) would lead a high level mediation initiative between the DRC government and the CNDP.

[11] From 28 August until late October 2008, Laurent Nkunda's forces launched a series of coordinated attacks in North Kivu which routed the FARDC, doubling the size of the territory under CNDP control. The town of Rutshuru, protected by MONUC, was captured and CNDP forces reached the outskirts of Goma, the provincial capital; they seemed set on taking it. The Congolese government and the international community realised that if the CNDP did take Goma this would have immediate and devastating consequences for the population, and deal a major blow both to President Kabila's authority and the credibility of MONUC. Outright victory for Laurent Nkunda might well destabilise the Kinshasa regime, provoking the resurgence of a bellicose hardline stance against Rwanda. African and European governments, and both the US and China, therefore launched a campaign of intense diplomatic activity directed at the governments of both Congo and Rwanda, to use every possible means to persuade Laurent Nkunda to halt his offensive. On 29 October 2008, the CNDP leader finally signed a unilateral ceasefire, pulling his front line troops back to 13km north of the city.

[12] Congo's foreign minister Alexis Thambwe Mwamba went to Kigali on 28 October 2008, while his Rwandan counterpart Rosemary Museminali came to Kinshasa on 30 October 2008; Mr Thambwe went back to Kigali on 14 November 2008. On 5 December 2008, in Goma, the two foreign ministers signed the joint plan, providing for a military operation against the FDLR. On 30 December 2008, Congo's defence minister, Charles Mwando, and the Rwandan defence minister, Marcellin Gapsinzi, met in Gisenyi, Rwanda, to discuss Rwanda's participation. Finally, on 8 January 2009, in Kinshasa, the Rwandan armed forces' chief of staff, James Kabarebe, met his Congolese counterpart, General Didier Etumba, and President Joseph Kabila, to set out the plan for the operation against the FDLR and review the steps taken by both governments to replace Laurent Nkunda with another senior CNDP figure, Bosco Ntaganda.

[13] See Crisis Group Report, *Congo: Five Priorities for a Peacebuilding Strategy*, op. cit., pp. 8-9.

[14] In October 2005, Laurent Nkunda called on the Congolese people to embark on a "national liberation" and general uprising against the Kinshasa regime. With these words he transformed himself into the number one political opponent of President Kabila in the DRC. In particular, in the manifesto of demands that he submitted to the international community's mediators, Olusegun Obasanjo and Benjamin Mkapa, the CNDP leader demanded the renegotiation of the $9 billion economic partnership accord that Beijing and Kinshasa had agreed in 2007. A Chinese special envoy, Mr Guojin Liu, went to see President Paul Kagame in Kigali on 5 December 2008, to discuss the problem that Laurent Nkunda now posed.

had given the CNDP.[15] Immediately, Sweden and the Netherlands halted the disbursement of some of their financial aid to Kigali, while the United Kingdom threatened to do the same. Thus, the Kigali regime was being punished for supporting an increasingly ambitious and independent player.

Kabila and Kagame managed to agree on a compromise that envisaged the participation of the Rwandan Defence Forces (RDF) in military action against the FDLR in return for a joint initiative to isolate Laurent Nkunda and offer the CNDP a new political role in the southern half of North Kivu.[16] On 16 January 2009, Nkunda's fate was decided when Bosco Ntaganda, his rival within the CNDP, managed to win over the majority of the movement's military commanders to his own camp. At a press conference staged in Goma that same day, Ntaganda promised to transform the CNDP into a political movement and to integrate its fighters into the Congolese national army. The new CNDP leader was accompanied by both Congo's interior minister, Célestin Mbuyu, and the Rwandan armed forces chief of staff, James Kabarebe, thus clearly confirming that Kinshasa and Kigali had actively collaborated in engineering the change of leadership in the CNDP.[17]

The representatives of the United Nations were deliberately kept away during the preparations for this operation. Presidents Kabila and Kagame sought to limit the involvement of the international community in the resolution of the crisis for several reasons. For one thing, this initiative implicitly revealed the true extent of Kigali's influence over the CNDP hierarchy – in complete contradiction with the official denials of the Rwandan regime; and it implied that Ntaganda had a central role in the strategy devised by the two presidents, despite the existence of a mandate for his arrest issued by the International Criminal Court.[18]

Moreover, the Rwandan government had remained deeply mistrustful of the United Nations ever since the genocide of 1994, while in the eyes of the Congolese MONUC's credibility had sunk to its lowest ever level during the final stages of the crisis of August-November 2008, because it had proved unable to resist the CNDP on the ground.[19] Indeed, MONUC was placed in a delicate position: its new mandate, conferred by Resolution 1856, of 22 December 2008, required it to protect the Congolese population against any armed threat, yet the force was being excluded from the planning of the new operations and kept in the dark about their implementation.[20]

Over just a few weeks, the strategic position of the FDLR worsened significantly. The unexpected rapprochement between Kabila and Kagame, together with the integration of the CNDP forces into the FARDC left the rebel group facing a highly threatening military alliance of the RDF, FARDC and CNDP. The reaction of the FDLR leaders to the announcement of operation Umoja Wetu was immediate. A statement drafted by the FDLR's executive secretary, Callixte Mbarushimana, and posted on the FDLR's website on 8 December 2008, denounced the joint plan devised by Kigali and Kinshasa,[21] while the spokesman on the ground for the FDLR/FOCA,[22] Lieutenant-Colonel Edmond Ngarambe,

[15] See the final report of the Group of Experts, of 12 December 2008, op. cit., p. 15: "The Group has investigated allegations that the Government of Rwanda is providing support to CNDP. It has found evidence that the Rwandan authorities have been complicit in the recruitment of soldiers, including children, have facilitated the supply of military equipment, and have sent officers and units from the Rwandan Defence Forces (RDF) to the Democratic Republic of Congo in support of CNDP."

[16] The outcome of the negotiations that followed the replacement of Laurent Nkunda by Bosco Ntaganda and the resulting integration of CNDP fighters into the national army gives the new political leadership of the CNDP the authority to substantially increase its influence in the provincial political and security institutions in charge of running the "Petit Nord" ("Little North"), the southern part of North Kivu, which includes the city of Goma and the territories of Rutshuru, Masisi and Walikale.

[17] For several weeks, the Congolese general John Numbi and the Rwandan general James Kabarebe had secretly collaborated with Bosco Ntaganda to implement a strategy aimed at isolating Laurent Nkunda.

[18] Bosco Ntaganda, popularly known as "Terminator", is the subject of an ICC arrest warrant. A sealed arrest warrant was issued on 22 August 2006, and made public on 28 April 2008, for crimes committed in Ituri province between 2000 and 2006. Closely associated at the time with Thomas Lubanga in the command of the Forces patriotiques pour la libération du Congo (Patriotic Forces for the Liberation of Congo – FPLC), he is accused by the ICC of recruiting child soldiers and the massacre of civilians. In April 2005, the DRC authorities had issued another arrest warrant against him. Bosco Ntaganda is also suspected of the murder of humanitarian and MONUC personnel. He joined Laurent Nkunda's CNDP in North Kivu in 2006, becoming the organisation's chief of military staff.

[19] Crisis Group Report, *Five Priorities*, op. cit., p. 3.

[20] Crisis Group interview, MONUC political officials, Goma, 17-18 February 2009.

[21] The FDLR's official external face is a website, www.fdlr.org. Based in France and Germany, the FDLR secretary general, Callixte Mbarushimana, and the group's president, Ignace Murwanashyaka, regularly post communiqués or open letters online.

[22] Over the life of the Rwandan Hutu military movements in Kivu, two different factions have emerged, both now absorbed into the FDLR. The "original" FDLR and its mili-

bombarded the media with phone calls, arguing that it was vital to appoint an international mediator to resolve the dispute with the Kigali regime.[23]

The 5 December 2008 communiqué of the Rwandan and Congolese foreign ministers, issued in Goma, announced that the joint offensive was set to begin in January and would have the support of "strong Rwandan involvement".[24] The original plan envisaged that the RDF would provide logistical, operational and intelligence support for the FARDC forces. The latter would have been reinforced by the integration into their ranks of those CNDP fighters who had defected to Kinshasa following Bosco Ntaganda's surprise announcement on 16 January 2009. In a subsequent televised statement, President Kabila made it clear that the operations of the FARDC-RDF coalition would not extend beyond February.[25]

The details of the Umoja Wetu campaign, handed over to MONUC's commanders at the end of January 2009, outlined a two-phase plan. During the first stage, military operations would primarily be confined to the province of North Kivu. The coalition would secure the frontiers between the DRC and Rwanda and the DRC and Uganda, before extending its operations into the rest of the province. But the description of the second phase was concise in the extreme: "after the success of the first phase, details will follow". The possibility that the involvement of the RDF might be extended to South Kivu was not specifically mentioned. Seven brigades of the FARDC and three Rwandan special intelligence units were set to participate in Umoja Wetu. From the start of the operation on 20 January 2009 through to its official conclusion on 25 February 2009, MONUC had only very limited access to the planning of offensive operations.[26]

In an interview with Crisis Group on 30 January 2009, President Kagame explained the mission that he had entrusted to his officers.[27] The RDF were tasked with leading a rapid intervention to destabilise the FDLR, arrest those who had committed genocide and reintegrate the remainder of the fighters back into Rwandan society. He recognised that the task would be complicated by the expected retreat of some FDLR elements into Kivu's forests, "but even if we do no more than reduce the FDLR's manpower from 6,500 to 3,000 soldiers, we shall have solved a large part of the problem.[28] In fact, the results of Umoja Wetu turned out to be far more modest.

B. THE OPERATION UNFOLDS

Before the intervention of the FARDC-RDF in North Kivu, MONUC estimated that the FDLR had a force of about 3,000 armed men in this province, divided into four battalions and a reserve brigade.[29] During December 2008, MONUC's Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR) unit had collected information indicating that the FDLR had stepped up its recruitment efforts and its training. At the same time, Rwandan Hutu rebel fighters were carrying out reconnaissance in Kivu's forests to prepare for a retreat into areas that would be difficult to penetrate, as the coalition forces approached. On 5 January, the FDLR's commanders gathered in their military headquarters at Kibua in North Kivu to devise a strategic response to Umoja Wetu. They opted for a strategy of dispersing their

tary wing, the Forces combattantes Abacunguzi (Abacunguzi Fighting Forces – FOCA) constitute the largest force of armed men operating on Congolese territory, with about 6,000-6,500 soldiers deployed in North Kivu and South Kivu. In 2004, a dissident faction broke away from the FDLR/FOCA. Calling itself the Rassemblement uni pour la démocratie (United Rally for Democracy – RUD-Urunana), it established itself in 2005 in the hills of the Lubero area in North Kivu, with the 400 fighters of its military wing AN-Imboneza. From then on RUD-Urunana was associated with a small group of exiled Rwandan Tutsi political dissidents, the Rassemblement du peuple rwandais (Rally for the Rwandan People – RPR-Inkeragutabara). Crisis Group interview, head of MONUC's DDRRR unit, Goma, March 2008.

[23] Lieutenant-Colonel Edmond Ngarambe was captured by the FARDC and immediately transferred to Rwanda in early February 2009. Plausible reports suggest that he may have been tricked into attending a meeting convened by General John Numbi in the Masisi area on a false pretext. Crisis Group interview, official in MONUC's DDRRR unit in Goma, 28 February 2009.

[24] Joint communiqué of 5 December 2008. www.province nordkivu.org/communiqu%E9_conjoint_goma.html.

[25] Press briefing given by President Joseph Kabila in Kinshasa, 31 January 2009. "Within a fortnight, the DRC and Rwanda will evaluate the operation launched on 20 January by the Congolese and Rwandan armies to hunt down the rebels of the Forces démocratiques de libération du Rwanda (FDLR); this will not be continuing beyond February," Mr Kabila insisted. He was making his first public remarks – at a press briefing – since the start of the operation on 20 January. "RDC: Kabila annonce l'arrêt de l'opération rwando-congolaise à fin février," Agence France-Presse, 31 January 2009, www.congovision.com/nouvelles2/kabila_presse1.html.

[26] Crisis Group interview, MONUC military officers, Goma, 26 February 2009.

[27] Crisis Group interview, Davos, 30 January 2009.

[28] The Rwandan government estimated the number of FDLR fighters at 12,500 in 2003, 10,700 in 2004, 8,500 in 2005, 6,300 in 2006, and 7,000 in 2007. Crisis Group interviews, Rwandan officials, Kigali, March-April 2008.

[29] See the map of Umoja Wetu in Appendix B.

fighters into scattered small groups, to avoid a frontal clash with the FARDC-RDF force.[30]

On 16 and 17 January 2009, the CNDP and the Congolese Hutu militia called the Patriotes résistants congolais (PARECO) agreed to integrate their fighters into units of the FARDC. The CNDP's defection to Kinshasa left the FDLR as the only armed group in Kivu still refusing to submit to the authority of the Congolese state. Isolated and targeted by both Rwanda and the DRC, the FDLR's commanders realised that their group had no hope of winning this conflict in military terms.[31]

1. The rapid advance of the RDF during the first week of the offensive

Initially two and then three RDF columns pushed quickly north and west from Goma, along the main routes to the Rutshuru and Masisi areas, without encountering resistance.[32] The first column headed for the border between Uganda and the DRC, after passing the town of Rutshuru some 60 kilometres north of Goma, to encircle and disarm the last loyalists of Laurent Nkunda, who were gathered with their leader at Jomba. Laurent Nkunda was arrested by the Rwandan security forces in the night of 22-23 January after making his way to the town of Gisenyi in Rwanda.

The second column also set out on the Goma-Rutshuru road, but swung west a little beyond Rumangabo and crossed the Virunga national park, using mountain tracks that had previously been used by the CNDP. It advanced towards Tongo, Bambu, and Kikuku, heading for Pinga. Two days into the operation, the final column that had set off westwards reached Sake and Mushaki, some 50 kilometres from Goma. It advanced towards Masisi and Rubaya, clashing with the forces of the FDLR's 1st reserve brigade, who were gathered around the village of Kibua, in Masisi district.[33] At the same time, in Rutshuru district, the FARDC brigades were moving into areas still controlled by CNDP fighters and retaking possession of the bases that they had lost during the crisis of the second half of 2008. Once the most senior CNDP and PARECO officers arrived at the Goma military headquarters, it was possible to launch the process of absorbing their men into the "new integrated brigades" of the FARDC.

Shortly after the operation was launched, RDF soldiers and CNDP troops who had just been integrated into the FARDC were flown to Walikale, some 150 kilometres west of Goma. Two days' march northwest of there is the Bisiye mining belt, the largest cassiterite deposit in the DRC, where many of the pits are controlled by the FDLR. It has been difficult for Crisis Group to collect detailed information about this because of the geographical remoteness of the area, the fraudulent exploitation of Bisiye's resources by the local authorities and the complicity between the FDLR and the non-integrated 85th brigade commanded by FARDC Lieutenant-Colonel Sammy Mutumo.

However, the Walikale region seems to have been brought under control from the very start of operation Umoja Wetu. In late January 2009, the FARDC command for the North Kivu military region obliged several battalions of the 85th brigade to return to Masisi district, to be replaced by the new 1st brigade just created from the integration of FARDC troops and former CNDP fighters. The FDLR was thus deprived of an important ally in this strategic area.[34]

The military spokesman for MONUC estimated the number of Rwandan soldiers in North Kivu by 21 January at 3,500-4 000. But on 24 January he revised his estimate to 5,000. The intervention of the RDF in Congolese territory aroused widespread suspicion: many Congolese wondered how long the Rwandans would stay in Kivu, and in what strength; the size of the force deployed by Kigali in Eastern DRC was becoming a sensitive political issue. The Rwandan president's special envoy for the Great Lakes region, Joseph Mutaboba, vehemently denied MONUC's estimate of troop strength, accusing the peacekeeping mission of manipulation.[35]

[30] Crisis Group interview, official in MONUC's DDRRR unit, Goma, 28 February 2009.
[31] Crisis Group interview, Rwandan officer, Rwanda, 23 February 2009.
[32] See the map in Appendix A.
[33] The FDLR's 1st reserve brigade is deployed around the village of Kibua in Masisi district. The high command of the FDLR/FOCA, headed by General Sylvestre Mudacumura, is based in another village called Kibua in Walikale district.

[34] Crisis Group interview, provincial political leaders, February 2008.
[35] In its Conflict Risk Alert of 27 January 2009, Crisis Group said that the deployment might be as large as 7,000 men. This figure was based on MONUC official communiqués concerning the deployment of forces in North Kivu and on the movements of Rwandan troops that had been observed along the frontier with South Kivu. Over the three days that followed the 25 February 2009 ceremony marking the end of the "Umoja Wetu" operation, MONUC's command team in Goma counted 4,500 RDF soldiers returning to Rwanda. Crisis Group interview, senior MONUC civilian official, Goma, 27 February 2009. See also "Twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo", 27 March

It was only on 25 January that General John Numbi, inspector general of the Congolese police and commander of the joint operation, gave MONUC the details of the offensive.[36] On 27 January, the UN force was permitted to second a liaison team to the joint RDF/ FARDC operations centre in Goma. Kept at a distance by the commanders of the coalition, the UN officials were forced to negotiate with their Congolese interlocutors to secure better access to information in return for MONUC logistical support to the FARDC.[37]

In spite of these communication difficulties, MONUC's North Kivu brigade managed to deploy blue helmets to 41 different positions close to potential points of contact between the FDLR and the FARDC-RDF forces. About ten of these positions were reinforced over the subsequent weeks with teams of civilian specialists in political affairs, human rights and civilian affairs. These "Joint Protection Teams" (JPT) were responsible for providing risk analysis and forecasting capacity to the UN troops – who had been criticised by NGOs some months earlier for their sluggishness in reacting to events.[38]

The inhabitants of North Kivu did not react in an openly hostile manner to the arrival of RDF troops in their province. However, back in Kinshasa, criticism of President Kabila's decision to authorise this intervention was growing. On 21 January, the Speaker of Congo's National Assembly, Vital Kamerhe – who comes from South Kivu – described Rwandan troops' move into North Kivu as a "serious" matter and warned the government of the dangers of collateral damage. He was voicing feelings of discomfort and concern felt widely among Congolese and members of the international community.

Since 14 December 2008, a joint Ugandan/DRC offensive had been underway in Congo's Orientale province aimed at capturing Joseph Kony, the leader of the Lord's Resistance Army (LRA). The massacres of civilians committed during this operation – which humanitarian organisations attributed to the LRA – stirred fears that a similar situation could arise in Kivu. At the start of February 2009, students demonstrated in the streets of Kinshasa and 260 National Assembly deputies signed a petition calling for a debate about operation Umoja Wetu and more openness about the contents of the agreement reached between President Kabila and his Rwandan counterpart.[39]

2. The FDLR fighters disperse

At the start of the second week of the operation, the RDF troops moved ahead on their own, advancing from east to west along the North Kivu roads, crossing Rutshuru and Masisi districts. The FARDC brigades followed the Rwandan soldiers at a distance and established positions in the villages, albeit with some difficulty, despite MONUC's provision of logistical support. Some of the FDLR fighters and their families anticipated the coalition advance and moved south, heading towards areas of South Kivu that their movement still controlled. Other units of the Rwandan Hutu militia abandoned their positions to take refuge further west in the Virunga park or forests on the boundaries of Maniema province and Orientale province. However, many FDLR fighters in the Masisi district of North Kivu chose to remain in territory that they knew well. The rebels dispersed in small groups, hiding in the wooded hills overlooking the villages in which they had been operating before the offensive began.[40]

The first clashes took place on 27 January 2009 when the Rwandan forces attacked Kibua camp in Masisi district, where the FDLR's 1st reserve brigade had established its command centre. This special unit of the Rwandan militia was a particular target. Located close to the boundary between North Kivu and South Kivu, it was responsible for protecting the FDLR high command and it was therefore able to deploy rapidly to either of the two provinces, as circumstances required. The FDLR troops rapidly abandoned the Kibua camp but on 28 January the brigade's second in command, Lieutenant-Colonel Anaclet Hitimana, alias Gasarasi Kabuyoya, was ambushed and killed by the RDF.[41] For several more days exchanges of gun-

2009, S/2009/160, p. 2. In this report the secretary-general returns to the initial estimates, according to which the RDF deployed 3,500-4 000 men.

[36] From November 2008 to January 2009, General John Numbi handled most of the contacts with Bosco Ntaganda, to implement the plan to isolate Laurent Nkunda and then integrate the CNDP forces into the FARDC. Crisis Group interview, CNDP official, 24 February 2008.

[37] Crisis Group interview, senior MONUC political officials, Goma, 16 February 2009.

[38] Crisis Group interview, MONUC official responsible for the JPT project, Goma, 17 February 2009.

[39] "260 signatures de députés pour la session extraordinaire" *Le Phare*, 11 February 2009.

[40] Witness accounts and observations collected by Crisis Group in Masisi, Nyabiondo and Kashebere, 18-22 February 2009.

[41] According to communiqués issued by the FARDC-RDF coalition and the FDLR, two senior FDLR officers were identified among the Rwandan Hutu combatants captured or killed during the "Umoja Wetu" operation: Lieutenant-Colonel Anaclet Hitimana and the military spokesman for FDLR/FOCA, Lieutenant-Colonel Edmond Ngarambe.

fire, interspersed with periods of calm, continued in the area between Kibua and the village of Katoyi.

On 10 February, the Rwandan defence minister, General Marcel Gatsinzi, told the Rwandan National Assembly that the coalition had destroyed the FDLR's main bases and general headquarters in Masisi district.[42] But the operation developed at some cost to the civilian population. On 13 February Human Rights Watch (HRW) issued a statement condemning the militia fighters' abduction and disappearance of dozens of local residents of places near Kibua; the militia appeared to have hopes of using them as human shields. HRW reported that "the FDLR hacked many civilians to death and others died in the crossfire".[43] According to this statement, FDLR men had been raping many women and practising forced marriage since the start of Umoja Wetu. Rwandan army soldiers were also accused of raping Congolese women.

The Rwandan army column that had previously neutralised Laurent Nkunda's remaining loyal supporters continued its advance into Rutshuru district. On 31 January, in the Virunga national park, Rwandan soldiers managed to push back the FDLR's "Bahamas" battalion, which had previously been deployed between Nyamilima and Ishasa. By taking control of the Mabenga area, near the road leading to Uganda, the coalition managed to secure the route from Goma to Rutshuru and Ishasha, which parallels the DRC's frontier with Rwanda and Uganda. This tactical success brought the first stage of the first phase of the operation to a close.

Further west, the second RDF column, which had turned away after Rumangabo to cross first Tongo and then Kikuku in Masisi district, came into contact with the FDLR's "Sabena" battalion near Pinga, 50 kilometres south west of the town of Kanyabayonga. On 12 February, after several skirmishes, the FDLR fighters retreated into the hills, leaving the RDF to occupy the village for two days. The MONUC JPT team deployed to Pinga reported that the Rwandan soldiers were no longer pursuing the rebels. Posted on the forest fringe, they were firing mortar shells in the direction of the rebels to disperse them further. Unsurprisingly, once the RDF column had left, the FDLR fighters came back to the edge of the village and embarked on a campaign of reprisals and intimidation against civilians.[44]

At the beginning of February, the coalition units that had been flown to Walikale set off by road towards the east, heading for Masisi; their aim was to occupy the North Kivu headquarters of the FDLR/FOCA at Kibua, in Walikale district. Information obtained by MONUC indicated that the headquarters team of General Sylvestre Mudacumura had already been evacuated and that his officers had gone to Bunyakiri, a town in South Kivu controlled by the FDLR. After seizing the military positions at Kibua on 13 February, this RDF-FARDC column continued its march towards another important objective. Indeed, RDF columns converged from four different directions on the strategic Nyabiondo-Kashebere-Kibati area. According to MONUC observers, the coalition was thus trying to force the FDLR into a trap, to force them into a mass surrender.[45]

It was probably in the Nyabiondo-Kashebere-Kibati area that the most intense fighting during Umoja Wetu took place. Kashebere, located 20 kilometres west of the town of Masisi, was seen as the fiefdom of the FDLR's "Montana" battalion, commanded by Colonel Sadiki. On 10 and 11 February the RDF and the FDLR exchanged fire on the road from Masisi to Nyabiondo. On 12 February an FARDC helicopter fired rockets near Kashebere.[46] On the morning of 13 February,

[42] Statement by Rwanda's defence minister, General Marcel Gatsinzi, to the Rwandan National Assembly, Kigali, 10 February 2009.

[43] "DR Congo: Rwandan rebels slaughter over 100 civilians", Human Rights Watch, 13 February 2009.

[44] Crisis Group interview, MONUC members of the JPT deployed to Pinga, Goma, 16 February 2009. The JPT discovered that Pinga hospital knew of 28 rapes of Congolese women, for which FDLR fighters were blamed, between 1 January and 14 February 2009. On 14 February, a civilian administrative official, the head of the Pinga unit, had been killed by the FDLR just one hour after taking part in a meeting with the JPT. On 19 February a villager was decapitated at Minova, 15 kilometres west of Pinga.

[45] Crisis Group interview, MONUC military officers, Goma, 26 February 2009.

[46] Speaking on Radio Okapi on 13 February, the spokesman for the coalition command said: "The air raid which on Thursday killed 40 Rwandan Hutu rebels from the Forces démocratiques de libération du Rwanda (FDLR) was led by the Congolese forces". Crisis Group interviews with MONUC officials in Goma on 16, 26 and 28 February 2009, and with inhabitants of Kashebere on 21 February 2009, suggest another scenario. The air strike took place after a mechanical noise had alerted the pilot of a MONUC helicopter flying over Kashebere. Suspecting that he had been hit by gunfire, the pilot landed his aircraft and reported his status and his location by radio. Shortly afterwards, after the MONUC helicopter had taken off again to return to Goma, an FARDC attack helicopter bombarded the position the UN pilot had reported, apparently without causing casualties on the ground. Questioned by Crisis Group in Goma on 26 February 2009, the military commanders of MONUC's

on the advice of civil members in a JPT team, blue helmet MONUC troops staged an emergency evacuation of the village's 4 000 inhabitants. By the middle of the day the clashes had spread to the fringes of Nyabiondo and Kashebere. Rwandan troops, supported by a Congolese attack helicopter, managed to gain control of both settlements on 15 February.[47] The following day the RDF advanced further west and also took control of the village of Kibati.

But once the fighting had ended it became clear that this attempt to surround the FDLR had produced only limited results. Despite concentrated fire from the RDF, the losses inflicted on the FDLR were limited.[48] The target date for ending the operation was approaching and the rebel fighters were still refusing to lay down their arms. The FARDC, delayed by a ceremony to mark the integration of CNDP and PARECO troops – held in Masisi on 18 February – only deployed the bulk of their forces into the area of confrontation from 21 February onwards. In the meantime, elements of the FARDC 81st brigade had looted the possessions of the villagers of Kashebere, after it had been evacuated by MONUC.[49] On 21 February, all the RDF troops present in North Kivu were ordered by radio to break off the offensive and return to Goma.[50] A symbolic ceremony and military parade in the North Kivu capital were planned for 25 February, to mark the end of the offensive and the withdrawal of Rwandan forces from Congolese territory. Operation Umoja Wetu had lasted just 35 days.

C. THE RESULTS OF THE OPERATION

On 25 February 2009, at the symbolic ceremony that brought together people from Goma and hundreds of soldiers from the national armies of Rwanda and the RDC, the coalition commanders and the foreign and defence ministers of the two countries announced the official assessment of the operation against the FDLR.[51] General John Numbi, commander of the joint operation, declared that Umoja Wetu had met 85 per cent of its objectives. He said that the coalition's mission had not been the destruction of the FDLR, but a reduction in its operational capacity in order to secure its surrender and the repatriation of its fighters to Rwanda. Phase I of the operation against the FDLR having been completed, the FARDC, supported by MONUC, would now have the task of expanding the military campaign to South Kivu.[52]

Addressing the international media, Rwanda's foreign minister, Rosemary Museminali, expressed the satisfaction of her country, which, she said, judged that the FDLR had been significantly weakened. Nevertheless, she said, the RDF remained available to participate in other operations if they were invited to do so by the Congolese government.[53]

MONUC took part in the celebrations. On the day after the departure ceremony it reported that it had repatriated 512 Rwandan former combatants and 805 members of their families between 1st January and 26

North Kivu brigade said they could not confirm any of the losses that the coalition command had told the press the FDLR had incurred since the beginning of Umoja Wetu.

[47] The FARDC had two operational Mi-24 combat helicopters stationed in Goma at the end of 2007, according to observations by Crisis Group in November and December 2007. In February 2009, at least one Mi-24 was used in operations against the FDLR, according to FARDC and MONUC officials questioned by Crisis Group while the "Umoja Wetu" campaign was underway.

[48] Press statement, RDF-FARDC command, 15 February: General John Numbi said that the losses amounted to one person dead, one personal weapon recovered, and four people captured including an officer and a 15-year old youth combatant.

[49] Crisis Group interviews, Congolese villager from Kashebere displaced to Nyabiondo, officers of the 14th brigade of FARDC, Nyabiondo, 20 February 2009; Congolese police commanders from Kashebere, Kashebere, 21 February 2009.

[50] Crisis Group observations, Nyabiondo, 21 February 2009.

[51] The official assessment of what the "Umoja Wetu" operation had achieved, as set out at the 25 February 2009 ceremony in Goma by General John Numbi: 1 – the elimination of the threat posed by armed Congolese groups, through the integration of their fighters into the FARDC; 2 – the destruction of the main bases and supply centres of the FDLR in North Kivu, the reduction of the group's capacity to fight, manoeuvre or gain access to DRC economic resources; 3 – the securing of the province's borders and communication routes; 4 – substantial losses for the FDLR, amounting to 153 dead fighters, with 13 wounded, 37 captured, and 103 deserting; (the FDLR killed 32 civilians and burnt down six villages); 5 – 1,300 FDLR fighters and their dependants repatriated to Rwanda, together with 5,000 civilians; and 6 – the re-establishment of confidence between Rwanda and the DRC. General John Numbi, "Discours officiel lors de la cérémonie de clôture de l'opération 'Umoja Wetu'", Goma, 25 February 2009.

[52] The Congolese foreign minister, Alexis Thambwe Mwamba, appealed strongly to MONUC to "unfailingly" apply Resolution 1856, which authorises it to use force to protect the population. He added that "since our children in the FARDC have proved that they are capable of being disciplined and effective when they are well organised, they – together with MONUC – will take up the challenge of disarming the FDLR in South Kivu". "Discours officiel lors de la cérémonie de clôture de l'opération 'Umoja Wetu'", Goma, 25 February 2009.

[53] Rosemary Museminali, "Discours officiel lors de la cérémonie de clôture de l'opération "Umoja Wetu'", Goma, 25 February 2009.

February 2009. During the same period the UN High Commissioner for Refugees (UNHCR) helped 3,689 civilians return to Rwanda, bringing to 5,006 the total number of Rwandans repatriated between the start of the year and the end of operation Umoja Wetu. Speaking to the media, MONUC's head of DDRRR estimated that the scale of his unit's activity had multiplied tenfold by comparison with what was being achieved a year earlier.

After the departure of the Rwandan troops from Congolese territory and in conformity with the commitments reiterated publicly during the ceremony of 25 February, the RDC and MONUC began the first phase of operation "Kimia II".[54] They organized sweep operations in North Kivu and extended anti-FDLR activities to South Kivu. The main responsibility for this new phase fell again on the commanders and soldiers of the FARDC.

1. Political success

The coalition certainly made tactical gains in February 2009. The FDLR temporarily abandoned their symbolic bases and pulled out of their positions within villages. The rebel group lost its access to markets, key communication routes and some mining areas. Dispersed in small groups and obliged to flee the coalition, the FDLR units temporarily lost cohesion and command capacity. Through the joint operation, Rwanda had managed to re-establish security for a period of several weeks in the part of North Kivu closest to its frontier and, in the Masisi district hills previously controlled by the CNDP, to prepare an area suitable for the return home of at least part of the 55,000-strong Congolese Tutsi refugee community currently living in Rwanda.[55] Less than ten days after the conclusion of the offensive, the international community symbolically imposed new individual sanctions on five senior political and military leaders of the FDLR, including Callixte Mbarushimana and General Sylvestre Mudacumura.[56]

In political terms, operation Umoja Wetu was a significant success for Presidents Joseph Kabila and Paul Kagame. The Congolese president obtained the overthrow of Laurent Nkunda, but also kept a politically risky personal commitment by allowing Rwandan troops to enter the DRC. The Congolese president's initiative provoked lively comment among parts of the political class in Kinshasa. Several weeks after the end of the military operation, parliamentarians in the Alliance pour la majorité présidentielle (Alliance for the Presidential Majority – AMP) criticised Vital Kamerhe, the speaker of the National Assembly, for his vigorous opposition to the Rwandan intervention; they succeeded in ejecting him from the post of speaker.

Strengthened by the apparent success of the joint military campaign, Kabila thus managed to marginalise a possible presidential contender who might seek to challenge him in 2011. March 2009 brought a string of arbitrary arrests, threats and intimidation against human rights activists, parliamentarians and journal-

[54] During 2008, the FARDC and MONUC planned and began implementing an operation in North and South Kivu called "Kimia", intended to increase military pressure on the FDLR. Following the resumption of fighting between government forces and the CNDP in August 2008, the operation was called off. For "Kimia II", a new operation which adapts the concepts of operation "Kimia" to the new situation of 2009, the agreement made by the commander of the MONUC troops and the FARDC command provides for logistical support consisting of 16,000 campaign rations equivalent to one dollar per man per day for the provinces of North and South Kivu, fuel supplies, medical evacuation of wounded personnel and supporting air and artillery fire upon request by the operational command, depending on MONUC capacity. Crisis Group interviews, FARDC officers, Goma and Bukavu, April-May 2009.

[55] In February 2009, the FDLR battalion that had previously been positioned east of Rutshuru, less than 15 kilometres from Rwandan territory, had been pushed back 50 kilometres, into the Virunga national park. Even so, from April 2009 onwards, the FDLR were back in the area, operating along the Ishasha-Nyamilima axis, where they faced the former 18th brigade of the FARDC, commanded by Colonels Philémon Yav and Eric Ruhorimbere. In May 2009, clashes between the FARDC and the FDLR around the settlement of Kinyandoni sparked movements of population and prevented humanitarian organisations from travelling northwards beyond Kiwanja, a municipality near the town of Rutshuru. On 31 May 2009, the Rwandan Hutu militia launched new attacks from the Virunga park and committed fresh abuses against the civilian population. Crisis Group interviews, FARDC officers, Goma, April-May 2009.

[56] On 3 March 2009, Belgium, the US, France and the UK submitted a list of four FDLR leaders to the UN Security Council so that they could be placed on the list of individuals targeted by the travel ban and assets freeze envisaged by Resolution 1857 (2008). These FDLR leaders were Callixte Mbarushimana, Stanislas Nzeyimana, Pacifique Ntawunguka and Leopold Mujyambere. That same day, Washington drew up an executive order that added the military commander of FDLR/FOCA, General Sylvestre Mudacumura, to this group, to impose sanctions on them on American territory. The international community's gesture remains essentially symbolic, insofar as most of these individuals live in Kivu, without a bank account or any possibility of travel; moreover, General Sylvestre Mudacumura was already on a similar list drawn up in 2005. Even so, it is remarkable that sanctions have now been imposed on Callixte Mbarushimana.

ists, jeopardising the assembly's independence from the government.[57]

Meanwhile, Rwanda's president restored his international credibility, which had been damaged by the revelations about his country's support for the CNDP. In contrast to his Ugandan counterpart, he managed to honour his commitments about the date for withdrawing his troops from Congo, while many international observers accepted that his army had proved itself capable of intervening in Kivu in a professional manner without antagonising the local population.[58] Kigali also succeeded in reinforcing the isolation of the FDLR. Between 5 December 2008, when Rwanda and the DRC announced Umoja Wetu, and 16 January 2009, the moment when the CNDP threw its support behind Kinshasa, the FDLR became the principal – and shared – enemy of both Rwanda and the DRC.

2. The failure of disarmament efforts and the huge cost to civilians

Still, these political gains did not deliver a lasting reduction in the FDLR's strength in Kivu. In surviving the joint offensive, the movement's political and military leaders once again demonstrated their capacity for resistance and strength of their opposition to the demobilisation of combatants. In late February 2009, the group's high command organised festivities at Bunyakiri and Hombo in South Kivu to celebrate the departure of the RDF troops and claim a "victory" for the FDLR.[59] Indeed, after a 35-day offensive conducted solely in North Kivu, the losses suffered by then had in fact been relatively limited.

MONUC officers question the official estimate of the number of rebel fighters killed, wounded or captured. United Nations peacekeepers and military observers were not able to confirm the scale of the rebel losses claimed by the FARDC in its statements to the press during the operation.[60] The advance of the various RDF columns in North Kivu was rapid, provoking few direct clashes. The rebels took refuge in the hills at the approach of Rwandan soldiers, who never stayed more than two days in the same village. The combined losses of the FDLR and coalition forces were probably fewer than several dozen killed and wounded.[61]

To escape the confrontation, many Rwandan civilians living in Kivu returned to their home country. UNHCR transported almost 4,000 civilians across the border during the first two months of 2009. However, relatively few FDLR fighters deserted the group to surrender to MONUC during Umoja Wetu. Of the 512 fighters repatriated to Rwanda by the DDRRR unit between 1 January and 26 February 2009, probably more than 100 were in fact Rwandan members of the CNDP who were unwilling to accept integration into the FARDC. The DDRRR unit's Congolese public awareness team reported that the majority of FDLR deserters who had gathered at their collection centres were very young and had not brought any weapons in with them.[62] After a sharp rise during the first two weeks of February, DDRRR unit activity sank back to the sort of levels seen during mid-2008.[63]

A DDRRR officer reckoned that the advance of the RDF had opened a brief window of opportunity for those FDLR fighters seeking to return home. DDRRR specialists already suspected that there was a conflict of interest between those of different generations within the FDLR, and the nature of the individuals who have come into the MONUC programme tends to confirm this analysis. The youngest members of the group, often recruited in recent years in camps of Rwandan refugees in the DRC or Uganda, no longer believe there

[57] See "Lettre ouverte des ONG de la société civile (nationales et internationales) au président de la République démocratique du Congo sur la crise institutionnelle au parlement", issued in the name of 210 Congolese NGOs and four international NGOs including Crisis Group, 23 March 2009.

[58] In a sign of returning confidence, on 10 March 2009 the European Commissioner Louis Michel announced the European Union's unblocking of a €175 million, six-year package of development assistance for Rwanda. "Europe gives Rwanda 175 mln euros for govt budgets", Reuters, 10 March 2009.

[59] Crisis Group interview, MONUC DDRRR official, Bukavu, 3 March 2009.

[60] Crisis Group interview, MONUC officers, Goma, 26 February 2009.

[61] Crisis Group observations and interviews, Masisi-Nyabiondo-Kashebere area, 18-22 February 2009; Crisis Group interview, MONUC staff officers, Goma, 26 February and 7 March 2009.

[62] Crisis Group interview, officials and members of the public awareness team, MONUC DDRRR unit, Nyabiondo, 20 and 21 February 2009, Goma, 28 February 2009. MONUC press statements commenting on the impact of Umoja Wetu on the disarmament of the FDLR did not distinguish between the Rwandan deserters from the CNDP and the FDLR deserters, and they did not report on the number of weapons collected.

[63] During January 2009, some 60 FDLR fighters and 24 from the CNDP had been repatriated. During the first two weeks of February 2009, the number of recorded deserters from the two groups jumped to 281. But the trend rapidly reversed during the second half of February, with only 157 engaging in the DDRRR process. Over the whole month of February 327 FDLR fighters and 111 from the CNDP were repatriated. And once Umoja Wetu had finished the DDRRR unit's level of activity sank rapidly back to normal levels. The DDRRR unit repatriated 86 FDLR combatants in March 2009, and 105 in April 2009, according to figures that it produced on 29 April 2009.

is any serious prospect of recapturing power in Kigali by force; they are thinking about their own prospects for a life in Rwanda. By contrast, the older generation, still enjoying the advantages attached to their position of authority within the FDLR hierarchy, benefit both financially and in terms of status from their position in Kivu. They are not tempted by the option of what would be a difficult reintegration in their country of origin.

During Umoja Wetu, in the first half of February the FDLR hierarchy's ability to control its soldiers was temporarily weakened. However, the rebel group's officers soon adapted to the pattern of coalition advance; they managed to reassert their authority over their troops and curb the number of defections.

Moreover, once again it was the civilian population who paid the price for the operation. During Umoja Wetu humanitarian workers noted movements of people away from North Kivu villages close to the FDLR positions. Fearful of the fighting, and of the vengeance promised by the Rwandan Hutu militia, civilians left their homes. Between 1st January and 20 February 2009, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) counted almost 30,000 newly displaced people in North Kivu, a movement clearly triggered by the joint offensive and acts of vengeance committed by the FDLR. [64] A further 18,000 people were displaced from villages in Lubero district, in the northern part of the province. The coalition did not intervene in this region; meanwhile, in early February 2009 the FDLR/FOCA and the RUD-Urunana embarked on a campaign of reprisals against the Congolese population, involving attacks, rapes and intimidation.[65] As the Umoja Wetu operation drew to a close, the Rwandan Hutu rebel fighters hiding in the hills and forests of North Kivu began to regroup and reorganise. During March 2009 the FDLR retook a number of FARDC positions in the Humbo, Pinga, Kibua, Kashebere and Ishasha areas.

It is difficult to make an accurate count of the precise number of attacks carried out by the FDLR against civilians in Eastern DRC. Still, on 6 March 2009, UNHCR publicly expressed its concern at the decline of security in North Kivu after the departure of the RDF and the widespread deployment of the new integrated FARDC brigades.

On 18 March 2009, civil society in Lubero district warned of a rising tide of violence and reprisal attacks carried out by the FDLR. About 15 villages west of Kanyabayonga were affected by clashes between the Rwandan Hutu militia and the FARDC; local media reported that 300 homes had been looted and then burnt. On 23 April 2009, the UN High Commissioner for Refugees (UNHCR) said that in March and April, following FDLR attacks on local communities, more than 100,000 people were displaced in Lubero district in North Kivu.

According to a report published by OCHA on 19 May 2009, at least 12 large-scale FDLR attacks against the population were recorded between March and mid-May in South Kivu and the adjacent North Kivu district of Walikale.[66] The most murderous attack took place at Busurungi, 40 kilometres north west of Hombo in Walikale: during the night of 10-11 May 2009, 77 people were killed with machetes, axes and knives or were burned alive, and 700 houses were burnt down. In South Kivu province, OCHA reported that 1,128 houses had been burnt down by the FDLR since mid-March, mainly in the villages of Chimiro, Chiriba and Kareho.

The OCHA report also pointed out that both FDLR fighters and FARDC soldiers had committed numerous rapes and engaged in racketeering and looting. During the first three months of 2009, the provincial campaign against sexual violence – la Coordination provinciale pour la lutte contre la violence sexuelle – recorded 463 cases of rape in one large section of South Kivu, equal to half the total for the entire province in 2008. OCHA said that the incidence of sexual

[64] Crisis Group interview, officials from humanitarian NGOs and OCHA, Goma, 27 February 2009. Between 1st January and 26 February 2009, MONUC's JPT teams on the ground identified 72 rapes specifically attributed to FDLR fighters. The new movements of displaced civilians were taking place in three of the four areas of North Kivu already identified by the humanitarian community as high risk: the displaced people were from the south of Masisi district, the Pinga-Kashebere-Nyamilima corridor and the south of Walikale district. The fourth high risk area, the Rutshuru-Nyamilima-Ishasha corridor, had stayed relatively calm, because the FDLR had retreated into the Virunga park before the RDF arrived. The displaced people were gathered at Romeka, in the south of Masisi district (3,000), at Hombo, in the south of Walikale (11,000), at Pinga, in the north of Masisi (5,000) and at Kalembé, also in northern Masisi (10,000).

[65] Crisis Group interview, senior official in MONUC's civil affairs bureau, Goma, 27 February 2009. These displaced people had come from Luofu-Bingi-Kasuo area in the south of Lubéro district. A huge number of rapes were reported around Bingi and Kashuga during February. Six houses were burnt at Luofu by the FDLR/FOCA on 17 February. A truck was attacked and burnt by the RUD-Urunana at Mohova, 30 kilometres north-west of Kanyabayonga. On 14 February at Kabasha, between Kanyabayonga and Rwindi, shots were fired at a civilian vehicle, killing three people.

[66] See "South Kivu OCHA Situation Report", no. 1, 19 May 2009.

violence had worsened following the deployment of the new integrated FARDC units, which were preparing to continue the campaign to combat the FDLR after the withdrawal of the RDF.

The FDLR chain of command is still intact and the movement remains highly capable of causing problems.[67] According to the information collected by Crisis Group in South Kivu during April and May 2009, the main base of the "Arc-en-ciel" ("Rainbow") battalion has been moved to Kigushu, 84 kilometres north west of Uvira; its troops have been deployed to the mid-altitude plateaux and the western part of the Ruzizi plain. The fighters live and operate alongside the Burundian Forces nationales de libération (National Liberation Forces – FNL) and the Zabuloni Mayi-Mayi, led by major Fudjo, the son of the historic Mayi-Mayi leader Zabuloni. This alliance led the 9 April attack on the town of Uvira, during which more than 200 detainees were freed from the prison, including a number of Burundians linked to the FNL.[68]

After Umoja Wetu, about 3,000 fighters and their dependants arrived in Kahilo, in Shabunda district. Significant reinforcements of FDLR manpower were also seen in Mwenga, along the Kirungute river. The Mibaraka training centre in North Kivu was destroyed by the RDF; but the two officers in charge of it, Colonel Bonaventure Bunani "Busogo" and Lieutenant-Colonel David Mberabahizi "Gicumba" are still busy with the recruitment and accelerated training of new fighters. These include many Mayi-Mayi who were angered by the agreement between Kinshasa and Kigali. The main base of the "Gorille" ("Gorilla") battalion is now at Makola, and its troops are deployed in Fizi and Baraka districts, under an arrangement with the Fulero Mayi-Mayi. The FDLR would give particular support to the new Mayi-Mayi "Baraka Force" movement, which is fiercely opposed to the Kimia II operation and is thought to have 2,000 heavily armed fighters.[69]

[67] Between the end of Umoja Wetu and 1st July 2009, MONUC only repatriated two majors and one captain from the FDLR/FOCA, as well as two majors from the RUD-Urunana; the other returnees were ordinary soldiers. Crisis Group interview, MONUC, 1 July 2009.
[68] "La ville d'Uvira attaquée par des assaillants venus du Burundi", Agence France-Presse, 10 April 2009.
[69] Jean Pierre Mbelu, "'Baraka-Force': Une résistance en gestation à Uvira", Beni-Lubero Online, 17 April 2009.

III. AFTER "UMOJA WETU" – THE ISSUES FACING FDLR DISARMAMENT

A. FOR THE RWANDAN REGIME

The authorities in Rwanda – whose capital is less than three hours' drive from Goma – regard the resilient survival of a rebel militia of several thousand close to their territory as a national security issue. The FDLR is viewed as a potential instigator of terrorist action that could imperil a social and communal equilibrium that is still fragile as a result of the 1994 genocide.

Indeed, the FDLR remains a protected refuge for a number of individuals who took part in the genocide.[70] Although the group's international propaganda seeks to promote its leaders' talk of national reconciliation, the FDLR hierarchy also continues to propagate a version of history that tends to play down the significance of the Rwandan genocide. The group has never handed over an individual who is suspected of participating in the massacres to international, Congolese or Rwandan justice.[71] Kigali feels that the very existence of the FDLR both blocks the path to a healing judicial process aimed at turning the page from the genocide and also prevents the simultaneous return home of 55,000 Tutsi Congolese refugees living in Rwanda.[72]

Many senior officials in Paul Kagame's regime draw a historical analogy in their efforts to convince foreign interlocutors of the legitimacy of action to dismantle the FDLR.[73] They argue that the international community would have appreciated the important moral issues at stake if the discussion had concerned a request for its support in 1960 to capture Nazi criminals living under the protection of an armed militia a few dozen kilometres outside Germany's borders.

However, the military threat that the FDLR poses to Kigali has to be seen in relative terms, given the imbalance of the forces involved – which is heavily in the favour of the powerful Rwandan national army. Ever since the fiasco of the "the Lord's Oracle" offensive against Rwandan territory in 2001, the FDLR has suffered gradual erosion in manpower and a weakening of its military capacity, to the point where it proved unable to organise any fresh attempt to invade Rwanda.[74] During the Umoja Wetu operation the rebel group failed to mount any countervailing destabilisation activity on Rwandan territory; this illustrates its limitations on the military front.

The problem that the FDLR poses for the Kigali authorities is essentially political. From the early 1960s to the fall of the regime of President Habyarimana, Rwanda's political struggles took place against a background of ethnic violence between the Hutu – the majority of the population – and the Tutsi minority. Today's president, Paul Kagame, is from the Tutsi, a community that accounts for less than a fifth of the population of his country. If he is to consolidate his power on an enduring basis, he needs to move the country away from the type of representative political system in which Rwandans would continue to define

[70] The origins of the FDLR lie in the Rwandan genocide of 1994. Following the organised massacre of Tutsis and moderate Hutus opposed to the Arusha peace process – launched two years earlier to negotiate a settlement of the civil war that had begun in 1990 – many radical Rwandan Hutus managed to flee the advancing rebel troops of Paul Kagame's Rwandan Patriotic Front (RPF). Taking advantage of the confused situation and the protection offered to millions of refugees fleeing to the camps hurriedly established on the Congolese side of the border, radical Hutus who had belonged to the government of the assassinated president Juvénal Habyarimana – together with members of the extremist Interahamwe militia and the Forces armées rwandaises (FAR), the national army defeated by the RPF – rapidly regrouped in the DRC. They reorganised themselves, creating a new politico-military force, with the aim of retaking power in Rwanda. Their organisation adopted the current FDLR name in 1999.

[71] For example, Colonel Ildephonse Nizeyimana, alias Sebisogo, who works closely with General Gaston Iyamuremye, the second vice president of the FDLR, is on the list of genocide suspects sought by the International Criminal Tribunal for Rwanda, Interpol, and the U.S. Rewards for Justice initiative. Colonel Jean-Damascene Rutiganda, an FDLR commander in North Kivu, and Damien Biniga – who was still a member of the FDLR's political commission in 2007 – are also sought by Interpol.

[72] The demographic balance of the dismantling of the FDLR should, in theory, favour Rwanda. The repatriation of 6,500-7,000 fighters and their dependants to this densely populated country could be offset by the return home of the 55,000 Congolese Tutsi refugees registered by the UNHCR in camps in Rwanda because of current ethnic tensions in certain parts of Kivu.

[73] Crisis Group interviews, Rwandan officials, Goma, March 2008.

[74] The Rwandan government estimated the number of FDLR fighters as 12,500 in 2003, 10,700 in 2004, 8,500 in 2005, 6,300 in 2006, and 7,000 in 2007. The "Lord's Oracle" operation launched by the FDLR in 2001 turned into a fiasco for the group. Of the 5,000 fighters involved in the campaign in Rwanda, 1,000 were killed and 1,000 were captured by the Rwandan army. See Crisis Group Briefing, *Solving the FDLR Problem Once and for All*, op. cit., p. 3.

their identity on the basis of their ethnicity. Kigali seeks to replace the culture of political mobilisation based on ethnicity – which typified the previous regimes and led directly to the genocide – with an agenda of unity and development; it promotes the idea of a new Rwanda, encouraging citizens to think beyond ethnic loyalties, and it condemns the expression of demands in sectarian terms.[75]

For this reason the domestic political arena will remain closed to the leaders of the FDLR in the short term. The reintegration of leading figures drawn exclusively from the Hutu majority, and espousing a revisionist ideology based on the idea of an intercommunal struggle that has yet to be completed, is in direct opposition to the ideological vision promoted by the Rwandan Patriotic Front (RPF); it would amount to a return to the type of politics that characterised the pre-1994 era. More generally, the RPF's vision of a Rwandan renaissance cannot accommodate real opposition, because this is based on the notion that the country should be entirely devoted to rebuilding its unity and to development.

The success of the Rwandan regime is strongly rooted in internal security and the inflow of financial investment from abroad. The vision of national unity and the economic development plan led by Paul Kagame are based on the "Singaporean model". Under this approach to governance, stability and development take priority, at the expense of political openness and freedom of expression and association.[76] Paul Kagame's regime is regularly challenged over its anti-democratic character and the lack of justice or freedom available to Rwandans.[77] Any serious opposition to the regime quickly finds itself accused of seeking to foster division and pushed into illegality.[78] The existence of the FDLR and the issue of genocide are sometimes exploited to justify authoritarian measures aimed at marginalising all opposition and justifying the concentration of power in the hands of the head of state.

The same arguments are deployed in foreign policy: the Rwandan authorities are fully aware of the feelings of guilt that have haunted the international community ever since its failure to prevent the 1994 genocide. Kigali exploits these feelings to put its interlocutors on the defensive, resist external criticism and strengthen its leverage in negotiating foreign aid or investment projects.[79] Kigali is equally aware of the difficulties and embarrassment that the issue of the FDLR poses for the international community. For, in the wake of the massacres carried out by the genocidal killers, the then Zaire found itself under very heavy European and American pressure to welcome all the Rwandans fleeing from the advancing RPF. These refugees included many Forces armées rwandaises (FAR) soldiers and many militia fighters, still carrying their military equipment. They had been able to cross the security zone controlled by the French forces of "Opération Turquoise" in western Rwanda without being disarmed.

The Kigali government has an obvious interest in the lasting destruction of the political and ideological heirs to the regimes that officially led the country to genocide. But the FDLR provides a convenient label under which any real opposition can, if necessary, be categorised. So the FDLR represents a problem for the current regime in Kigali, but a problem that is sometimes useful.

Strong support from the international community in meeting part of the cost of returning the 6,500-7 000 FDLR fighters and their families to Rwanda will be necessary if the process is to secure fully the cooperation of President Kagame. The challenge facing the international community is to demand an entirely coherent response from the Rwandan government, and an end to the political manipulation of the FDLR issue both at home and in its dealings with foreign partners. If Rwanda really wants to end the Hutu insurrection, as it claims, Kigali will have to show that it can actively

[75] See Crisis Group Africa Reports N°1, *Five Years After the Genocide in Rwanda: Justice in Question*, 7 April 1999, and N°34, *"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections*, 9 October 2001.

[76] For example, the expression "Singaporean model" was used in the Rwandan context by the journalist Patrick Smith, editor of the newsletter *Africa Confidential*, at the "Spotlight on Rwanda" organised by the Royal Commonwealth Society, 11 February 2009.

[77] "Rwanda has made technical improvements to the delivery of justice, but the system still does not live up to its commitments in some fundamental areas," said Alison Des Forges, principal adviser in the Africa division at Human Rights Watch. "We have identified serious problems in areas such as judicial independence, the right to present a defence and the principle of equal access to justice for all. In Rwanda today, defendants can find that they are denied the right to a fair trial." "Law and Reality", Human Rights Watch, 24 July 2008, available at: www.hrw.org/en/reports/2008/07/24/law-and-reality.

[78] "Divisionism" became a crime in Rwanda in 2002. According to Human Rights Watch, "the law prohibiting it offered only a broad and vague definition of the term … When asked to define "divisionism", not one judge interviewed by Human Rights Watch researchers was able to do so, despite each having adjudicated and convicted defendants on divisionism charges. See "Law and Reality", op. cit.

[79] See "The Power of Horror in Rwanda", Human Rights Watch, 11 April 2009.

support any operation that could lead to the ending of the rebellion, and to do so in a constructive and consistent manner. Any counterproductive policy pursued by Rwanda should be openly and publicly criticised as an unacceptable perpetuation of regional instability.

B. FOR THE CONGO

Today the demobilisation of the FDLR is an issue that extends beyond the internal Rwandan context because over the course of the recent years it has become an essentially Congolese problem. Contrary to the respectable image that that its Paris-based secretary general, Callixte Mbarushimana, seeks to promote through the movement's official website, the FDLR carries out large-scale violence against the population of Kivu. It is an obstacle to the Congolese state's efforts to reestablish its authority, a barrier to the transparent exploitation of the DRC's natural riches and an obstacle to regional economic integration. Originally the product of the dramatic events that took place within Rwanda, the FDLR has subsequently become a criminal group, dominating entire settlements in Congo, in violation of national and international laws.[80]

In spring 2008, MONUC produced a comprehensive assessment report on the activities of the FDLR in Kivu, drawing on information collected by its civilian and military units.[81] This document showed that although the cohesion of the FDLR was based on an ideology of opposition to the regime in Kigali, the movement's survival in Congo was based on a system of intimidation and criminal practice similar to those of mafia-type organised crime organisations. This assessment remains valid today.

1. Massive human rights violations

All the armed groups operating in the provinces of Eastern DRC, and the FARDC itself, are regularly accused of human rights violations. In the militarised environment of North and South Kivu, and the absence of effective state control, impunity and the law of the strongest prevail. However, Crisis Group research on the ground, enquiries by UN human rights specialists, and the statistics collected by United Nations agencies, health centres and non-governmental organisations (NGOs), show that the FDLR outstrips the other militias when it comes to the abuses committed against the population.

The UN High Commissioner for Refugees' report for the second half of 2006 revealed that a large part of South Kivu was totally controlled by the Rwandan Hutu forces, who were carrying out abductions, murders, rapes and other serious human rights abuses there.[82] In villages occupied by the FDLR in the two Kivu provinces, official Congolese police and administrative institutions are present, but are entirely dominated and prevented from exercising their authority.[83] Armed men operate with total impunity, and no individual who has broken national law has ever been handed over to Congolese justice by the FDLR.

The witness accounts of former child soldiers collected by the United Nations Group of Experts on the DRC show that since the summer of 2007, the FDLR has recruited children aged 10 and upwards by force, to make them follow a programme of military training at the Kilembwe camp in South Kivu.[84] The civilians, left without protection in these lawless areas, were subjected to continuous intimidation and at constant threat of being used as human shields if government or foreign forces attacked.[85]

The humiliation, trauma and stigmatisation endured by victims of sexual violence caused lasting damage to Congolese social structures, which are based on family networks. In five districts of North Kivu, members of the FDLR were directly responsible for a third of the violent sexual assaults reported to an independent health organisation in 2007.[86] The United Nations Population Fund (UNFPA) estimated this share at 12 per cent in 2008 across North Kivu as a whole.[87] The proportion of rapes committed by FDLR fighters appears to be

[80] The FDLR features on the "Terrorist Exclusion List" drawn up by the U.S. government.
[81] Internal report on the FDLR leadership, MONUC, April 2008.

[82] *La situation des droits de l'homme en République démocratique du Congo (RDC), au cours de la période de juillet à décembre 2006*, biennial report by the UN High Commissioner of Human Rights, Geneva, paragraph 72.
[83] "Analyse des dynamiques locales de cohabitation avec FDLR", *Life & Peace*, January 2007.
[84] See the final report of the UN Group of Experts on the Democratic Republic of Congo, S/2008/43, 13 February 2008.
[85] See "La situation des droits de l'homme en République démocratique du Congo (RDC) durant la période janvier à juin 2007", biannual report by the UN High Commissioner for Human Rights, Geneva, paragraph 62.
[86] See the 2007 annual report of the joint Sexual and Gender Based Violence (SGBV) project, implemented by Heal Africa with the support of UNICEF in Rutshuru, Masisi, Goma, Walikale and Lubero districts. Victims who received medical treatment from Heal Africa identified the FDLR in 881 of the 2,687 total of rape cases in 2007.
[87] "Cas incidents de violences sexuelles (viols) en 2008: Chiffres et tendances", United Nations Population Fund, document obtained by Crisis Group in March 2009.

higher in South Kivu, where the FARDC and other armed groups have a smaller presence.

Between January and September 2007, Panzi hospital in Bukavu, the capital of South Kivu, registered a total of 2,773 cases of rape, of which 2,447 were attributed to members of the FDLR or Interahamwe.[88] Assessments by United Nations investigators showed that in most cases of rape reported in the first half of 2007 in South Kivu the culprits were members of foreign armed groups. They specifically identified FDLR deserters from a semi-independent group known as Rasta.[89] Unless the FDLR threat is dealt with effectively abuse of the civilian population on this scale is certain to continue.

2. Predatory economic behaviour

Many leading members of the FDLR, who were once part of President Habyarimana's regime, the FAR or the Interahamwe militia, come from a socio-economic background that is quite different from that of Kivu's agrarian population. During the era when they held positions of responsibility in Rwanda they developed networks of contacts, subsequently complemented by the connections they have built up in Congo with the complicity of the DRC authorities. They have exploited these links to profitable ends, to supplement their traditional flows of revenue from farming and the illegal taxation of local communities. Over their 15 years of presence in the DRC, the FDLR leaders have diversified their sources of income by taking control of both legal and illicit commercial activities in the areas where they have real influence. The FDLR is particularly noted for its control of the illegal exploitation of rare mineral reserves and other natural resources. This highly remunerative predatory economic activity has enabled the FDLR hierarchy to sink deep and comfortable roots in the East of Congo.[90]

In South Kivu, the FDLR enjoys a comfortable dominance in Kabare and Walungu districts. Its headquarters in Kabare region is located close to the entrance to the town of Ninja, next to many opencast gold mines. In Walungu district, FDLR fighters are stationed in large numbers in the villages of Mulamba and Tondo, where they operate gold and cassiterite mines. FDLR troops from the "Rainbow" battalion based at Kigushu and Kilumbi control many mining sites where Congolese diggers are at work. According to the Congolese commissioners working with the FDLR, minerals produced in South Kivu are then transported via the town of Uvira to Burundi, Rwanda and Tanzania.[91]

In North Kivu, FDLR from the "Montana" and "Sabena" battalions monopolise production revenues from the Mundjuli, Tcharingwangwa, Iramaso Iyoya and Pinga mines in Walikale district. The Manguredjipa mines in Butembo district, and those at Miriki and Kasuo in Lubero district are controlled by the dissident RUD-Urunana faction of the FDLR, in association with the Nande wing of the armed Congolese Hutu group PARECO, led by the commander Kakule Lafontaine. The Maiko national park, which straddles the border between Lubero district and Orientale province, is also the site of illegal mineral production by the FDLR. The gold, cassiterite and coltan extracted from these areas is fed into the parallel market by Ugandan and Rwandan traffickers, with the complicity of Congolese Hutu dealers and some FARDC commanders.[92]

Meanwhile, the FDLR's predatory economic activities are not confined to minerals trafficking. The levies imposed on village markets and the trade in charcoal produced from wood cut in the Virunga national park, rare

[88] See "Données sur les cas de violences sexuelles par auteur de janvier à septembre 2007", report by the Panzi principal hospital, Bukavu, South Kivu. However, attempts to give an exact count of the cases of sexual violence attributed to the FDLR/Interahamwe in South Kivu should be treated with caution because it seems that in this province the use of the term "Interahamwe" has widened to encompass any armed men from outside the local community.

[89] See "La situation des droits de l'homme en République démocratique du Congo (RDC) durant la période janvier à juin 2007", op. cit., paragraph 88.

[90] See the final report of the Group of Experts, 13 February 2008, op. cit. Also, "Undermining Peace: Tin, the Explosive Trade in Cassiterite in Eastern DRC", Global Witness, 30 June 2005; and "The Emergence of a New Order? Resources and War in Eastern Congo", Koen Vlassenroot and Hans Romekema, *Journal of Humanitarian Assistance*, 28 October 2002, at www.jha.ac/articles/a111.htm.

[91] Crisis Group interviews, agents collaborating with the FDLR, transport companies and dealers, Goma and Bukavu, August 2008.

[92] There are no precise assessments of the revenues that the FDLR or the CNDP derive from these practices. However, the experts' report released in December 2008 provided some indications: p. 20: "The Group estimates that FDLR is reaping profits possibly worth millions of dollars a year from the trade of minerals in eastern Democratic Republic of the Congo, in particular cassiterite, gold, coltan and wolframite"; p. 22: [the following quote is a translation of the French language edition; the English language version is worded differently.] "The following companies have bought cassiterite and coltan from dealers recognised by the Group as linked to the FDLR. In 2007 Traxys bought 1,631 tonnes of cassiterite and 226 tonnes of coltan. Afrimex bought 832 tonnes of cassiterite in 2007". See the final report of the Group of Experts, 12 December 2008, op. cit.

timber species cut in Walikale district and cannabis produced in various areas in Kivu are all sources of valuable revenues for the group and its intermediaries. Thus, the bundles of hemp harvested in large plots at Lubero, Ikobo, Walikale, Lushamabo, Bushalingwa, Bunyatenge and Buleusa are transported by Congolese partners to Butembo, Goma and Uvira to be sold to traffickers from Uganda, Rwanda, Burundi and Tanzania.

3. Political destabilisation and threats to the cohesion of the Congolese military

Finally, even today, the Rwandan rebel group still remains a threat to Congo's institutions, the authority of the Congolese state, the prospects for successful reintegration of armed groups and the state of bilateral relations between Rwanda and the RDC.

In North Kivu and South Kivu FDLR fighters now face FARDC brigades reinforced with former members of Congolese armed groups. But these brigades have already demonstrated their fragility; operations have shown up their lack of cohesion and the weakness of their discipline, command structure and will to fight. The new integrated units are not solely composed of FARDC soldiers and former CNDP fighters; they also include Hutu former militiamen from the Mayi-Mayi and PARECO groups. Most of the latter, and many of the officers who have fought in the FARDC in the past, do not share the former CNDP leaders' hostility towards the FDLR. So each offensive against the FDLR – especially if it fails – risks fresh internal instability within the new integrated FARDC units.

The military branch of the CNDP was 85 per cent Hutu – the majority of the fighters – operating under the command of an essentially Tutsi command. From February 2009 onwards, a growing number of these CNDP-affiliated Hutu deserted the new integrated FARDC brigades, taking their weapons with them. Disillusioned by delays in receiving their pay, and the absence of any guarantee of a better future, these young men sometimes joined Hutu PARECO groups opposed to integration; in a few cases, they joined their former enemies in the FDLR. Until the FDLR is disarmed, the integration of former Tutsi members of the CNDP into the national army will remain an extremely fragile process; they will probably refuse to accept new postings outside Kivu. Moreover, the integration of other Congolese armed groups will also be jeopardised.

FDLR resistance to the various initiatives aimed at dismantling the group will also have a significant impact on national political dynamics. It undermines Kabila's presidential power, just as the CNDP's resistance did previously, by demonstrating the legitimate Congolese authorities' inability to control their own territory or even maintain order within the ranks of the army. This impact is magnified at the local level whenever the FDLR manages to govern some areas of South Kivu province, brutally but effectively. After Umoja Wetu, the FARDC and the CNDP reconquered the most economically valuable areas of North Kivu, but the Rwandan militia fighters continued to redeploy into other parts of the province.

The agreement between Kinshasa and Kigali that authorised intervention in DRC by the Rwandan army was a risky political gamble for President Kabila. The 24 March enforced resignation of the national assembly speaker Vital Kamerhe, who had criticised Joseph Kabila for failing to consult parliamentarians, sparked disputes in circles close to the regime. If the Congolese government appears too weak to effectively deal with the FDLR problem in the wake of the Rwandan intervention, Kabila's presidential standing will suffer serious damage. Other political figures, including Vital Kamerhe, might then put forward an alternative political strategy for tackling the situation in the East and begin preparing for a bid to win power as the next presidential elections, planned for 2011, approach.

The interests of Rwanda and Congo appear to coincide when it comes to the FDLR problem, but this convergence is precarious. If Kigali came to doubt Kinshasa's political will or ability to struggle against the FDLR, the Rwandan authorities could question the value of the new bilateral entente. And conversely, if the situation in the East worsened further, the DRC could accuse Rwanda of dragging it into an unsolvable intra-Rwandan conflict, at a heavy cost to the Congolese population. Today, a new disarmament strategy is needed. But in preparing this, it is vital to learn the lessons of past failures.

IV. THE LESSONS OF PAST ATTEMPTS TO DISARM THE FDLR

A. FORCED AND NEGOTIATED ATTEMPTS TO DISMANTLE THE GROUP

FARDC attempts to break down the FDLR over the past seven years, have proved a clear failure. Between 2002 and the end of 2007 the Congolese national army carried out a number of military campaigns against the FDLR in Kivu. Poorly conceived in operational terms, these sporadic offensives, interspersed with periods of peaceful coexistence, failed to significantly weaken the Rwandan militia. And its fighters hit back with reprisals against the local population. Villagers living near or within areas controlled by the FDLR have been deeply scarred by the memory of the violence meted out against the people of South Kivu by the Rwandan Hutu group in revenge for the FARDC campaign of July-August 2005 in Walungu district and the "Sentinelles du Sud" operation of October 2005-January 2006 around Bunyakiri. During the early years of campaigns against the FDLR, the Congolese government never managed to complement this resort to force with the use of other levers of influence as part of an effective comprehensive strategy.

Congo's presidency lacked the political will to make the disarmament of the FDLR a formally declared priority for its national army.[93] FARDC officers continued to collaborate with the FDLR and the Mayi-Mayi militia, to bolster their forces in the numerous phases of the confrontation with the troops of Laurent Nkunda.[94] No officers were disciplined for doing this. The use of rebel groups as a tool, to create a supplementary military force, had the effect of tying the disarmament of the FDLR to that of Laurent Nkunda's forces and the Mayi-Mayi groups.

At the same time, MONUC was becoming aware of the limitations of traditional public awareness campaigns as a means of persuading the FDLR fighters to disarm and return to Rwanda.[95] MONUC's DDRRR programme had been launched in 2002, to repatriate foreign militia fighters operating in the DRC on a voluntary basis. In late 2006, having persuaded almost 5,000 Rwandan fighters to disarm over five years through direct contacts, radio broadcasts and the distribution of information brochures, the DDRRR public educators seemed to have come up against a hard core, whom it was difficult to convince of the feasibility of returning in safety to Rwanda.

At the conclusion of these voluntary disarmament operations, the Congolese government, the UN, the African Union and the other members of the international community involved in the efforts to stabilise the DRC reached the conclusion that, on the ground, the most effective strategy would have to combine a vigorous public awareness campaign and credible military pressure. This principle of carrot and stick aimed to maximise the complementary effects of both voluntary and enforced disarmament.[96]

In February 2005, an attempt was made to reach a negotiated settlement with the FDLR. Under the patronage of the Community of Sant'Egidio, a Congolese government delegation met in Rome with senior military figures of the FDLR and the group's political leader, Ignace Murwanashyaka.[97] Hope of success emerged on 31 March 2005, when the rebel group issued a communiqué announcing that it had decided to demobilise unilaterally. This document indicated that the FDLR was ready to abandon the military struggle in favour of political campaigning in Rwanda, provided that the Kigali regime agreed to unspecified "accompanying measures". Under this vague formula Ignace Murwanashyaka was in fact making the disarmament of the FDLR conditional upon the agreement of Rwanda's president Paul Kagame to an "inclusive inter-Rwandan political dialogue" and the opening of a route into politics for the leading members of the rebel group.

Over the months that followed this announcement, no significant disarmament steps were observed and there was no improvement in the security of the population on the ground. In August 2005, UN Secretary-General, Kofi Annan was forced to accept that the Rome talks had been a failure. In a public statement he firmly criticised Ignace Murwanashyaka for having refused to order his fighters to demobilise. The FDLR chairman, for his part, accused the DRC and the international community of having failied to persuade Rwanda to embark on an inclusive political dialogue.[98]

[93] See Crisis Group Briefing, *Solving the FDLR Problem Once and for All*, op. cit., p. 3.
[94] See the final report of the Group of Experts, 12 December 2008, op. cit.
[95] Third special report of the Secretary-General on MONUC, S/2004/650, 16 August 2004, p. 20.
[96] Crisis Group interview, former DDRRR public awareness officer, Nairobi, March 2009. The figure of 5,000 Rwandan fighters repatriated since 2002 is provided by MONUC's Public Information bureau.
[97] See Crisis Group Briefing, *Solving the FDLR Problem Once and for All*, op. cit.
[98] Ibid.

The opening of talks between Kinshasa and the FDLR to find a peaceful route to disarmament and the repatriation of Rwandan militia fighters amounted to a positive development, but one that carried risks. Influential members of the rebel group have been engaged in genocide in the past, and no representative of the Rwandan government attended the talks. The principal condition set, in vague terms, by Ignace Murwanashyaka in the 31 March communiqué amounted to a demand that President Kagame install a power-sharing government in partnership with the leaders of the FDLR. The concept of "inclusive political dialogue" to which the leader of the FDLR referred had already been applied in the DRC itself, and other African countries, during periods of post-conflict transition.[99] In these preceding cases, the participants in the dialogues agreed on formulas for power sharing, based on the political and demographic weight of the communities that each claimed to represent.

B. INITIAL DRC-RWANDA COOPERATION FOLLOWING THE NAIROBI COMMUNIQUÉ

After the failure of the Rome talks, the Congolese political class and the international community switched their attention to the organisation of the first democratic presidential election in the DRC, in 2006. In this distinctive context, the greatest threat of destabilisation in the east of the country came not so much from the continuing presence of the FDLR in Congo as from the potential reaction of Laurent Nkunda's CNDP to an electoral defeat for the Rassemblement congolais pour la démocratie (RCD – Congolese Democratic Rally), its main political supporter. So the success of the elections led many within MONUC to believe that the security problems in the East could henceforth be resolved through programmes to dismantle the Congolese militias and that it would soon be possible to start withdrawing the peacekeeping troops. The resumption of fighting between the CNDP and the FARDC, Mayi-Mayi and FDLR in late 2006, followed by the failure of the mid-2007 attempt to integrate Laurent Nkunda's forces into the national army ("*mixage*"), punctured this optimism.

Faced with the risk of a slide into regional conflict, Washington intensified its diplomatic pressure for the relaunch of dialogue between Rwanda and the DRC to establish a political framework for bilateral cooperation. On 9 November 2007, this effort led to the two countries' signature of the Nairobi Communiqué in the presence of the UN, the African Union, the European Union, the US and representatives of South Africa.[100]

1. The implementation of the Nairobi Communiqué

The Nairobi declaration was based on a compromise agreement between the DRC and Rwanda over a joint strategy for dismantling armed groups, and the FDLR in particular. Within the framework of this new cooperation, which aimed to be pragmatic and active, the two countries committed themselves to preventing any direct or indirect support for Congolese and foreign armed groups. Kinshasa would work with MONUC to develop a detailed plan for the disarmament of the FDLR and the rapid launch of military operations in North Kivu and South Kivu. The main strategic innovation accepted by the representatives of President Kagame was to offer those Rwandan Hutu fighters who voluntarily handed over their weapons the option of resettlement within Congo itself, albeit far from the border with Rwanda.

This offer was subject to one key condition: individuals wanted for genocide by Rwanda itself or by the International Criminal Tribunal for Rwanda (ICTR) did not have the right to apply for settlement in the DRC. For its part, Kigali's main promise was to close its borders to the networks of support for Laurent Nkunda's rebel militia, and to provide Kinshasa with a full list of the individuals who were wanted for genocide. The international community was also asked to make commitments. Besides the adoption of a UN Security Council resolution condemning the former FAR and Interahamwe, both countries called

[99] The Lusaka accord signed in July 1999 to bring an end to the regional war that had broken out in 1998 included among its provisions the opening of an "inter-Congolese dialogue". In December 2002, the participants in the inter-Congolese dialogue – the national government, the MLC, the RCD, the RCD-ML, the RCD-N, the local political opposition, representatives of civil society and the Mayi-Mayi – adopted plans for the creation of a transitional government and the holding of presidential and legislative elections, to be organised with the help of the international community. The MLC (Mouvement de libération du Congo – Movement for the Liberation of Congo) was led by Jean-Pierre Bemba, the future vice president of the transitional government; the RCD (Rassemblement congolais pour la démocratie – Congolese Rally for Democracy) had been set up with the support of Rwanda to challenge the Congolese president, Laurent-Désiré Kabila. Because of internal disagreements and its inability to achieve its political goals, the RCD split into several groups, including the RCD-ML and the RCD-N, both supported by Uganda.

[100] "Communiqué conjoint du gouvernement de la RDC et du gouvernement du Rwanda sur une approche commune pour mettre fin à la menace pour la paix et la stabilité des deux pays et de la région des Grands Lacs du 9 novembre 2007 à Nairobi".

on UN member states to take action against the FDLR's fundraising and propaganda activities.

However, the implementation of these commitments did not live up to initial hopes. It was only in mid-2008, and with some difficulty, that MONUC and the FARDC began to deploy the eight Congolese battalions that had been trained by the blue helmets to step up the military pressure on the FDLR.[101] When fighting between Laurent Nkunda's CNDP and the FARDC resumed in August 2008, these units were very quickly redeployed by the commanders of the North Kivu military region to support the other FARDC forces involved in the crisis. A report by the Group of Experts on the DRC mandated by the United Nations Security Council showed that during this episode the Rwandan authorities had provided direct support to the CNDP. The same report described how senior FARDC figures collaborated with elements of the FDLR to counter the CNDP's October 2008 offensive.[102]

Kigali's submission of a list of those accused of genocide proved counterproductive, undermining efforts to persuade fighters to join the programme of voluntary disarmament, a campaign mainly undertaken by MONUC. The latter's DDRRR unit had hoped to use this list as the basis for winning over those FDLR officers who were not named in the document. It hoped to persuade them that, contrary to the message of internal FDLR propaganda, they would not automatically be thrown into prison once they had been repatriated to Rwanda. However, the list of named suspects numbered more than 6,800 – a figure close to the estimated total strength of the Hutu militia. The FDLR leadership was quick to take advantage of the fact that the figures were so similar in order to persuade its troops that the officials promoting the case for voluntary and return to Rwanda were not telling the truth.[103]

A bilateral mechanism for following up the Nairobi Communiqué had been put in place at the same time. The "Joint Monitoring Group" (JMG) was made up of representatives from Rwanda, the DRC and the countries and organisations of the international facilitation group.[104] It met regularly, at varying levels of seniority, to assess the state of progress. From November 2007 onwards, MONUC's DDRRR unit had – within the resources already available – taken steps to reorganise its public education strategy and to increase the number of reception centres for FDLR fighters.

At the weekly meetings of the JMG held in Goma, it rapidly became clear that the Congolese – upon whom the heaviest workload fell – did not have many new initiatives or new progress to report to the other participants. The DDRRR unit tried to sustain the confidence of the participants and to show that activities were indeed underway on the ground. However, as the meetings went by, the Rwandan delegation appeared to become deeply sceptical about both the strength of Kinshasa's commitment and MONUC's capacities. The JMG was never an operational vehicle for working together to prepare joint initiatives for the dismantling of the FDLR.

During April 2008, the Congolese presidency became involved in efforts to renew contact with the political leadership of the FDLR, to relaunch efforts to reach a negotiated settlement within the framework of the terms of the Nairobi Communiqué. Once again it called on the Sant'Egidio community's mediators, to organise a series of meetings in Pisa and Rome. From his base in Germany, the FDLR president, Ignace Murwanashyaka, refused to consider any participation by the FDLR/FOCA in talks unless the agenda for the meetings was limited solely to "the evaluation of the [2005] Rome process".[105] In making this demand, Ignace Murwanashyaka was making the start of talks about voluntary disarmament conditional on Congo's support for an insistence that Kigali accept the concept of an "inclusive inter-Rwandan political dialogue".

The political leaders of the RUD-Urunana agreed to meet the Kinshasa government's envoys in Italy in early May 2008. They showed interest in the proposal for the resettlement of their fighters on Congolese territory. On 26 May 2008 in Kisangani in front of the television cameras of the national and international media, with much ceremony, representatives of the Congolese presidency and a delegation from the RUD-Urunana presented a roadmap for the disarma-

[101] The eight integrated FARDC battalions assigned to lead this operation – "Kimia" – in North Kivu and South Kivu had been given several weeks extra training by MONUC soldiers at bases at Nyaleke in North Kivu and Luberizi in South Kivu. They were redeployed into areas under the influence of the FDLR and the RUD, with a mission to gradually restore the state's authority there. MONUC was supposed to provide them with logistical and tactical support.

[102] See the final report of the Group of Experts, 12 December 2008, op. cit.

[103] Crisis Group interview, official in MONUC's DDRRR unit, Goma, 12 January 2009.

[104] The international facilitation group includes the United Nations, the African Union, the Great Lakes Conference, the European Union and the United States.

[105] See "Note des FDLR à Don Matteo, Médiateur entre le Gouvernement Congolais et les FDLR", Ignace Murwanashyaka, Mannheim, 10 May 2008. Letter delivered to the Sant'Egidio Community several days before the meetings in Pisa and Rome.

ment and resettlement of members of this armed group.[106] Ignace Murwanashyaka reacted to the news with fury; he regarded the leaders of this dissident FDLR faction as usurpers. MONUC estimated that the agreement would lead to the disarmament of 400 fighters, and the need to provide for 3, 200 dependants. It was also counting on the psychological impact pf this operation upon FDLR/FOCA soldiers to spark further defections.

However, once again, the progress made on paper translated into minimal results on the ground. The RUD-Urunana's military chief, Major General Jean-Damascène Ndidabaje (alias Musaré), had not taken part in the Pisa and Rome talks, and he also knew that he was personally suspected of genocide by the Rwandan authorities. Faced with the prospect of losing the personal protection that his armed guards provided at his Mbwavinywa base,[107] Musaré worked to slow down the implementation of the roadmap announced at Kisangani. In July 2008 an initial group of 74 fighters and 94 dependants was installed in a camp guarded by Congolese soldiers, but set up in the village of Kasiki, at the heart of the main area defended by the RUD. The Kisangani initiative suffered an embarrassing collapse after just seven months after it had been announced when 168 people from this precursor group evaded their Congolese guards and slipped away during the night of 10 February 2009.

2. An assessment of the implementation of the Nairobi Communiqué

The November 2007 Nairobi Communiqué represented significant political progress towards disarmament. However, in the absence of a genuinely honest collaborative partnership between the Congolese and Rwandan governments, the joint effort to implement strategies for disarming the FDLR was undermined by a growing number of misunderstandings, frustrations and mistakes. Faced with the difficulties sparked by Kigali's list of 6,800 Rwandan genocide suspects, the Rwandan delegation attending JMG meetings in Goma did come up with a response;[108] but this was framed in terms that suggested the Rwandan and DRC authorities had interpreted the contents of the Nairobi Communiqué in different ways. According to Kigali, Rwanda had promised to provide a document listing "all" the genocide suspects who had lived in the DRC, and not just a list of those involved in the FDLR.[109]

Several months later, Rwandan officials were shocked to learn that the Congolese foreign minister had called on the assistance of Hyacinthe Nsengiyumwa (*alias* Rafiki or John Muhindo) in setting up the May 2008 meetings in Italy in May with the leaders of RUD-Urunana. Nsengiyumwa was at the top of the list of the most sought after genocide suspects which had been published in May 2006 by the Rwandan judicial authorities.[110] On 31 July 2008, he was invited by the Kinshasa authorities to attend the disarmament ceremony for the initial group of RUD members at Kasiki, alongside the Rwandan delegation to the JMG.

Even so, some tangible results had been achieved. Thanks to the threat of FARDC military action, and intensified public awareness campaigning by MONUC, working with the World Bank's "Multi-Country Demobilization and Reinsertion Program" (MDRP) and the North Kivu provincial authorities, the number of FDLR deserters repatriated by the DDRRR unit to Rwanda each month gradually rose from 30 in November 2007 to more than 120 in July 2008.[111] From the signature of the Nairobi Communiqué and August 2008, close to 500 Rwandan FDLR fighters and child soldiers handed themselves in to MONUC.[112]

However, this positive trend came to a halt in mid-2008 with the return of tension and then fighting be-

[106] At Kisangani, the RUD delegation was led by its spokesman, Augustin Dukuze, who lives in Canada; the RPR was represented by its president, Gérard Ntashmaje, who lives in Belgium, and Musaré was represented by his deputy, Colonel Jean-Michel Afrique. Other lower-ranking delegates, who had come from Belgium and Congo-Brazzaville, were present.

[107] Mbwavinywa is located 40 kilometres north west of the town of Kanyabayonga in Lubero district in North Kivu.

[108] Some of the individuals named on this list had died years earlier or lived in countries other that the DRC. Others had not maintained any known links with the FDLR.

[109] Crisis Group interview, MONUC official who took part in the weekly meetings of the JMG, Goma, May 2008.

[110] See "Report on the Leadership of the FDLR & RUD-Urunana", Rwanda Demobilisation and Reintegration Commission, 11 December 2008.

[111] Figures confirmed by the DDRRR unit on 30 July 2008.

[112] During this period, the DDRRR unit systematically interviewed each former FDLR fighter who reached its transit camps in Goma and Bukavu. But the unit lacked sufficient resources to analyse the information these former fighters were able to provide. So it was difficult for MONUC to gauge the impact of the loss of 500 soldiers – the equivalent of one or two FDLR battalions – on the overall manpower or military strength of the movement. Senior officials at MONUC and the MDRP believed the impact of these defections was partly offset by an influx of new voluntary or forced recruits. Crisis Group interviews, former MONUC DDRRR official, Nairobi, January 2009.

tween the FARDC and Laurent Nkunda's CNDP in North Kivu. This had an immediate impact on the DDRRR programme. All the armed groups in North Kivu remobilised, in preparation for a new round of warfare, and the military operations against the FDLR that the FARDC and MONUC had planned were put on hold. During the last three months of 2008, in much of the province, FDLR candidates for repatriation could no longer reach the reception centres operated by MONUC. And at the same time, the deployment of DDRRR personnel outside Goma itself, was sharply cut back because of the insecurity on the ground.

C. THE LESSONS OF THE EFFORTS TO DISARM THE FDLR

1. Impossibility of achieving voluntary disarmament through political negotiation or public awareness campaigns

There is no prospect in the short term of any negotiated agreement between the leaders of the FDLR and President Kagame. The FDLR's official political message aimed at the international community is based on arguing that the rebel group was born out of a "counter-genocide" against the Hutu community: it claims that the "tyrannical, oligarchic, unpopular, bloody, warlike usurper regime" of President Kagame organised the extermination of the FDLR and its people.[113] The significance of the organised massacre of 800 000 Tutsis and moderate Hutus in 1994 is played down and portrayed as set in a wider context of political conflict that had developed during the early 1990s.[114] This account is neither credible nor acceptable in political terms, and the relative strength of the two sides is too unequal to suggest that Kigali would be prepared to give any ground over this. For Kigali, it would be impossible to hold an inclusive inter-Rwandan political dialogue and grant political space to the leaders of the FDLR – some of whom, such as its secretary general, Callixte Mbarushimana, are suspected of genocide.

From 2002 to July 2008, MONUC estimates that it took responsibility for 6,000 Rwandan ex-combatants and an equivalent number of dependants.[115] The 6,500-7,000 FDLR fighters still in DRC at the moment Umoja Wetu was launched have thus spurned many years of awareness campaigns promoting the case for a peaceful return home.[116] Interviews with fighters who have just been disarmed by MONUC's DDRRR unit and demobilised by the Rwanda Demobilisation and Reintegration Commission (RDRC) give an idea of the problems.[117] According to these accounts, the great majority of FDLR soldiers wish to return to Rwanda. But the group's commanders have taken care to put a

[113] See the heading "Présentation des FDLR" on the group's website, www.fdlr.org, March 2009. The theory of the counter-genocide is based on a particular event that supposedly illustrates the anti-Hutu character of the current Rwandan government. In November 1996, the Rwandan Patriotic Army (RPA) of General Paul Kagame intervened in DRC to forcibly close the Mugunga and Lac Vert Hutu refugee camps set up on the outskirts of Goma and drive out the former FAR and Interahamwe members who had made the camps their base and the launching pad for their attacks on Rwanda. According to the report of a UN commission of enquiry, this operation – in which Laurent-Desiré Kabila's Congolese rebels had also participated – led to the deaths of several thousand civilians among the Hutu refugees in the Kivu provinces.

[114] Crisis Group interviews, FDLR political officials, January-July 2008.

[115] The DDRRR unit's statistics show that from 1 December 2002 to 30 June 2008, it handled 6,047 Rwandan ex-combatants and 5,532 dependants. Those repatriated were largely members of the FDLR, but they also included several dozen Rwandan CNDP members and some Rwandan child soldiers.

[116] "Besides numerous meetings on the ground with combatants, the public awareness campaign uses a wide range of tools: these include broadcasts by mobile radio stations sent into the areas under the influence of armed forces in the two Kivu provinces and by Radio Okapi's "Gutahuka" programme, video products and brochures dealing with the questions most often raised by many of the fighters hesitating over whether to join the DDRRR process. These education products contain details of the real social and economic opportunities which are offered to former fighters; the latter are treated with proper personal respect and after their repatriation they benefit from Rwanda's National Programme of demobilisation and reintegration. These public awareness products are a powerful tool for countering the mendacious propaganda of the FDLR's hardline wing concerning the treatment of former fighters repatriated to Rwanda on a voluntary basis under the MONUC DDRRR programme. Brochures, videos and radio broadcasts aimed at fighters also contain many accounts from former combatants – both those repatriated recently and those who have been in Rwanda for some time – and from the families of those who remain in Congo. They provide further irrefutable proof that the information given to the troops by the hardline FDLR military and political leaders about the fate of former colleagues and current living conditions in Rwanda FDLR are erroneous and are aimed solely at dissuading them from returning to their homeland, so that they and their dependants can continue to be used as 'human shields'". "DDRRR: Des résultats tangibles depuis le lancement de la mise en œuvre du Plan de Nairobi", statement by the press office at MONUC's Goma office describing the public awareness campaign, 5 June 2008.

[117] Crisis Group interviews, FDLR ex-combatants in MONUC's DDRRR camps at Goma and in the Rwandan reintegration camp at Mutobo, 2008.

system of monitoring and control in place, to dissuade would-be deserters.[118] Fighters are deliberately kept at a distance from their families, and deprived of information; this makes it highly risky for members of the armed group to attempt to reach the reception centres set up by the DDRRR unit.

After 12 months focused on encouraging and facilitating the voluntary disarmament of members of foreign armed groups in the DRC – from October 2007 to October 2008 – the former head of the DDRRR unit gave a downbeat assessment of prospects for further progress by MONUC in this area.[119] Historically, the MONUC voluntary disarmament programme run by the DDRRR unit has suffered from being seen as a technical issue; little allowance has been made for the political, diplomatic, legal and media aspects of dismantling the FDLR. Although the United Nations mission mandate set the dismantling of the armed foreign groups operating in the DRC as its second priority – the first being the protection of the population[120] – the unit was constantly under-staffed and hamstrung by bureaucratic constraints.[121] In spite of the importance for DDRRR of rapidly collecting and analysing sensitive information about the FDLR, MONUC lacked the appropriate resources and skills.

The success of the DDRRR programme required powerful counter-propaganda activities, the agreement of the military and civilian parts of MONUC on a strategy for disarming the FDLR and a highly integrated approach to planning and carrying out this strategy. According to this former senior DDRRR official, the appropriate solution would have been to set up an integrated structure that combined civilian and military resources and skills to implement voluntary disarmament and enforced disarmament activities in a consistent manner.[122]

Many members of the FDLR had not participated in the 1994 genocide and they did constitute a coherent politicised group. While the leadership of the FDLR developed an extremist political agenda and a revisionist account of Rwanda's tragic history, the majority of the group's fighters were the victims of an indoctrination that increased the risks of returning to their country and overstated the levels of discrimination that reintegrated former FDLR members would face. The FDLR's active political leaders in Europe and North America regularly told their soldiers of the progress that they claimed was being made in persuading Western governments to force President Kagame to agree to an inclusive inter-Rwandan dialogue. The biggest obstacle to the dismantling of the FDLR lies in the determination of its ideological and military leaders and in their control over their fighters. The group's disarmament programme cannot succeed until its leadership has been put out of action.

2. The difficulties and dangers of enforced disarmament

Military pressure is essential in order to break down the FDLR's command and support structures, cut off the group's sources of revenue and encourage a collapse in morale. There is no doubt that their offensive capacity has been weakened since President Kabila's 2002 decision to halt Kinshasa's supplies to the group.[123] The combat effectiveness of the FDLR forces would probably be limited if they were faced with a determined military force. However, the group has flourished in the Kivu provinces over the past 15 years, thanks to the tolerance, collaboration and even active complicity of certain FARDC officers. The indiscipline, poor training and lack of operational capacity of the

[118] Crisis Group interviews, MONUC officers, Bukavu, December 2004. See Crisis Group briefing, *Congo: Solving the FDLR Problem Once and for All*, op. cit., p. 3.

[119] Crisis Group interview, January 2009. This MONUC employee was able to draw on long experience in the region, starting in 1994 in Rwanda as military assistant to the Canadian general Roméo Dallaire, commander of the MINUAR peacekeeping mission. Dallaire's desperate attempts from his Kigali HQ to mobilise international action to end the genocide have been the subject of numerous written accounts, films and reports.

[120] MONUC's mandate is based on United Nations Security Council Resolutions 1291 (2000) and 1565 (2004).

[121] At the moment when the Umoja Wetu operation was launched, the multidisciplinary team in charge of implementing the DDRRR programme for the FDLR/FOCA, the RUD-Urunana and the Ugandan LRA and Army Defence Force/Nalu armed groups consisted of 15 international staff under contract to MONUC, 12 military observers, 10 United nations volunteers and about 100 Congolese public awareness personnel, divided between North and South Kivu, Ituri province and Kinshasa. The burdensome administrative procedures applied by the human resources office at the Department of Peacekeeping Operations (DPKO) in New York certainly hampered the operational results of the DDRRR unit. Following the August 2008 departure of the section's only political affairs specialist, seven months passed before a successor reached Goma. Over this same period it proved institutionally impossible for the managers of the DDRRR unit to obtain the transfer elsewhere of an international employee guilty of serious misconduct. Crisis Group interview, MONUC DDRRR official, Bukavu, 31 February 2009.

[122] Crisis Group interview, former head of the MONUC DDRRR unit, Nairobi, January 2009.

[123] Crisis Group Briefing, *Solving the FDLR Problem Once and for All*, op. cit., p. 3.

soldiers of the Congolese national army creates poor conditions for any military attempt at effective enforced disarmament, including the vital need to protect the civilian population.[124]

MONUC's planning and logistical support for the many operations launched over recent years has never been able to fully compensate for the ineffectiveness of the FARDC brigades. The MONUC troops have neither the skills nor the resources to embark on an autonomous offensive campaign alongside Congolese troops.[125] The nature of the chain of responsibility linking the UN Department of Peacekeeping Operations (DPKO), the UN Security Council and the main countries contributing troops to Kivu, together with the lack of military equipment suited to counter-insurgency operations, prevent MONUC from extending its main mission beyond the protection of civilians and support for the FARDC.

The logic behind the Kimia II operation being carried out by FARDC and MONUC is based on the idea that the FDLR is strategically dependant on its sources of revenue. The main military tactic in this operation is to weaken the FDLR by pushing the group out of Kivu's centres of economic activity and out of areas of natural resource extraction. No action is envisaged specifically to reduce their commanders' ability to exert control and authority. By early July 2009, Kimia II had produced negligible results in the demobilisation of FDLR fighters, particularly in light of the resources deployed and the impact of this military campaign on civilians.[126] A massive effort to disrupt FDLR supply networks is needed; but on its own this will not be enough to create the conditions for voluntary or enforced disarmament on a substantial scale.

Since 2002 a number of enforced disarmament initiatives have failed to secure the FDLR's capitulation. The systematic response to all these operations was reprisal campaigns against the Congolese population. The group's efforts to reassert its command of its environment were reflected in an exponential growth in then number of cases of murder and sexual violence committed against civilians.[127] Pushed out of their habitual areas of control, FDLR elements tried to re-establish their supply chain by engaging in looting and racketeering. Civilians' access to humanitarian aid was also reduced as the FDLR adopted a strategy of road blockades in order to isolate certain areas. The deployment of FARDC troops, with logistical support from MONUC, had only a marginal impact in limiting what was a predictable decline in security for civilians. Any new strategy will have to take account of the issues outlined above and offer a comprehensive response.

[124] See "La situation des droits de l'homme en République démocratique du Congo (RDC) durant la période janvier à juin 2007", op. cit., paragraph 60.

[125] Crisis Group interview, MONUC military officers, Goma, 26 February 2009.

[126] While the Kimia II offensive operations were underway in North and South Kivu, the DDRRR unit repatriated 81 FDLR fighters in May 2009 and 84 in June 2009. Figures confirmed by the DDRRR unit on 29 June 2009.

[127] A MONUC officer told the press that the FDLR had reportedly drawn up a list of assassination "targets" who were suspected of having collaborated with coalition forces during Umoja Wetu. "Hutu rebel 'hit list' in DR Congo", BBC News, 14 April 2009.

V. THE ELEMENTS OF A NEW STRATEGY

Lasting peace can only be established in Eastern Congo if we learn the lessons of past failures. Any new strategy should also give priority to the protection of the civilian population. Once the security situation in Kivu has been stabilised, the core objective should be to free the FDLR fighters from the ideological and physical control of their political and military leaders, to weaken the armed group's chain of command and facilitate disarmament.

A. STABILISING THE SECURITY SITUATION IN KIVU IN THE SHORT TERM

Through their joint operation to disarm the FDLR, Joseph Kabila and Paul Kagame have been able to notch up a political success; but progress on the ground has been limited. Moreover, the immediate consequences of this approach were damaging for the local population, both in North Kivu and in South Kivu. There was a significant worsening of the security situation, while the beleaguered FDLR combatants became more aggressive – problems that threatened to offset any temporary benefits. MONUC is not a combat force, while the FARDC is still suffering from serious operational weaknesses; but, from now on they are the forces in the front line who must deal with any new security crisis. This is not the time for new military offensives against the FDLR: their immediate task is to implement measures to lower tension.

The political and military authorities in Kinshasa should focus the FARDC and the national police on the immediate priority of protecting the population against reprisals by the Rwandan Hutu militia. In practical terms, this policy means creating safe areas and taking permanent control of the main communication routes. In the short term, it will be necessary to install new surveillance equipment and overhaul the missions and the pattern of deployment of the security forces in Kivu. The establishment of zones protected by Congolese troops and MONUC near the pockets of territory controlled by the FDLR should provide persecuted populations with a temporary refuge and easy access to humanitarian assistance from NGOs and UN agencies.

The success of this initiative will essentially depend on the confidence that local communities and the humanitarian operators place in the FARDC. To mitigate, at least temporarily, the impact of shortcomings of the Congolese military forces in terms of discipline and efficiency, MONUC should revise and reinforce the accelerated training programme that it is already providing to these forces. Training in respect for human rights and basic military techniques should be complemented with the integration into FARDC brigades and battalions of training teams drawn from MONUC's blue helmets and military observers.

The format and practical implementation of these teams should follow the example set by the "Operational Mentoring and Liaison Teams" (OMLT) used with success in Afghanistan.[128] The international mentors would be integrated into the Congolese units on a permanent basis and would collaborate closely with the JPTs deployed in MONUC's mobile bases; they would report to the joint FARDC-MONUC command established in April 2009 to run the "Kimia II" operation.

This military command centre should immediately be reinforced with MONUC's civilian specialists to transform it into an integrated tool for crisis management. The skills of the civilian personnel would make it possible to integrate DDRRR, political and humanitarian work into decisions on security. This would support the FARDC in carrying out operations to rebuild confidence, based on civilian-military cooperation projects designed to bring immediate benefits to the population ("Quick Impact Projects", QIPs).

For many years MONUC has been working on a plan to stabilise the region. Building on the work that has already been done, the proposed security measures are achievable in the short term – subject to two conditions. Kinshasa and MONUC have to show real willing and extra resources need to be made available rapidly. MONUC's military and civilian presence in Kivu needs to be quickly consolidated, taking advantage of the UN Security Council's authorisation for a 3,000-man reinforcement of the force, approved in Resolution 1853 on 20 November 2008.

It is equally necessary to temporarily increase the number of MONUC personnel assigned to participate in JPT actions and the joint command. The international partners of the UN force – France, Belgium, the UK and the European Union – should provide it with theatre intelligence tools such as drones, equipment for intercepting communications and night vision equipment, to reinforce patrols along key roads and ensure access to protected areas.

[128] See Crisis Group Asia Report N°145, *Afghanistan: The Need for International Resolve*, 6 February 2008, p. 13; and Crisis Group Asia Briefing N°89, *Afghanistan*: *New U.S. Administration, New Directions*, 13 March 2009, p. 11.

The illusion of entrusting security in Kivu to the national army – supported, "within its means", by MONUC – should be replaced by the principle of joint responsibility, shared between the DRC government and the United Nations. For, in reality, MONUC has more trained troops at its disposal in Eastern DRC than the FARDC. Even so, the number of blue helmets remains small when compared with the scale of other peacekeeping missions in European countries that are of a similar scale to the mission in Kivu. Shared responsibility may compromise the principle of the DRC's sovereignty but it would have the advantage of establishing the extent of the means and the reciprocal obligations of each of the parties in realistic terms.

B. Preparing a Comprehensive Initiative to Disarm and Repatriate the FDLR

Initiatives to bring security to North and South Kivu in the short term will not resolve the problem posed by the FDLR. It is essential that, from here on, the DRC, Rwanda and their international facilitators take a fresh strategic approach to the problem of the FDLR, in a collective and pragmatic manner. A new structure for strategic DDRRR coordination would provide the formal framework for developing this comprehensive strategy, in particularly close coordination with MONUC's military command and its DDRRR unit.

1. Creating a new structure for the strategic coordination of DDRRR

The design and implementation of a comprehensive strategy cannot happen in the absence of a strategic coordination body. At present, forcible disarmament activity is the responsibility of the FARDC and MONUC military arm, while the promotion of voluntary disarmament is the responsibility of the DDRRR section of the United Nations mission and the World Bank's MDRP. At the same time, responsibility for overseeing progress lies with the Joint Monitoring Group (JMG); information obtained by the intelligence services of various countries is not shared and no one has responsibility for assembly the legal dossier required for the judicial pursuit of the FDLR leaders.

A new integrated team, of less than ten specialists, will be involved in the development of a comprehensive approach to DDRRR. It will have both the authority and the resources to coordinate the strategic activities of the various international civil and military structures involved in both the voluntary and the forcible disarmament of the FDLR. It will also be responsible for maintaining a constant flow of information between the intelligence services, judicial and political authorities of the DRC, Rwanda and the countries named as partners in international facilitation by the Nairobi Communiqué of 9 November 2007.

The make-up of this structure should reflect the strong commitment of the international community, Rwanda and the RDC to definitively resolve the problem posed by the FDLR. Senior Congolese and Rwandan leaders will participate in its management. Its members will be drawn from specialists in disarmament and demobilisation, political affairs, international law, intelligence and military issues. They will be seconded from the ministries of foreign affairs, defence and justice of the countries associated with the international facilitation process or from MONUC, Interpol, the World Bank or the International Criminal Court. In the selection of the team, technical competence and motivation should take precedence over bureaucratic logic.

2. Developing a new strategy of carrot and stick

A multi-pronged plan for forcible and voluntary disarmament, based on a realistic timetable, should be developed before the end of 2009. This new strategy would bring together the application of gradual military pressure on the FDLR, judicial action to deal with political leaders based abroad, the dismantling by special forces of command and control systems on the ground, with action to win over officers willing to break with the current leadership and a much enhanced drive to educate fighters and the wider population about the exercise. The principal objective would be to shatter the authority that the old generation of leaders associated with the ex-FAR/Interahamwe or the former Rwandan regime currently exercise over the generation of new recruits who have joined since the movement was established within the DRC.

This new strategy requires Rwanda to establish and hand over a definitive new list of FDLR members who are still active and suspected of genocide or participating in the development of the FDLR's ideological agenda. This list will not have obligatory judicial status. Nevertheless, on the basis of its content and the information provided by the Rwandan intelligence services it will be possible to engage in a technical dialogue with those FDLR officers not on the list, under the aegis of United Nations Special Envoy Olusegun Obasanjo supported by guarantees provided by the members of the international facilitation.

These talks should deal with the procedures for the disarmament and reintegration of individuals. They should be offered a clear choice: they could continue to be involved in the FDLR's long-term drive to take power by force of arms – and thus face an international coalition committed to use force – or they could

break with the ideological leadership of the FDLR and obtain the reward of a return to Rwanda on favourable terms or settlement as individuals in western Congo or an African third country. Such discussions would offer these FDLR officers a real alternative to radical behaviour, thus fostering and exploiting tensions and divisions within the movement's hierarchy.

From now on, it is essential that the political and judicial authorities in France, Belgium, Germany, the US, Canada, Cameroon, Zambia and Kenya remain committed to fighting against the fundraising and propaganda activities carried out by FDLR leaders living in their territory through the internet and the international media. The legal rights to express views on behalf of the FDLR that they currently enjoy should be revised, following the steps taken in Europe by the EU representative in the Great Lakes, Roeland van de Geer. Where national legislation permits, the prosecuting authorities in these countries should launch investigations and legal action against the FDLR leaders for complicity in war crimes and crimes against humanity committed in Eastern Congo.

This initiative will not be driven by a search to establish individual participation in the 1994 genocide or an examination into whether political demands are compatible with local laws. The task of the countries involved will be to show that in agreeing to represent the FDLR/FOCA or the RUD-Urunana, these individuals are associating themselves with criminal activity and violations of human rights that are currently being carried out in the DRC. Successful prosecutions of the main leaders of the FDLR would have a major impact on the morale of their fighters, demonstrating their lack of legitimacy in the eyes of the international community and the armed struggle's failure to win political gains.

3. Reinforcing MONUC's DDRRR team

Based in Goma and Bukavu, MONUC's DDRRR unit lacks the personnel resources that it needs to substantially intensify its promotion of voluntary disarmament. It should be rapidly reinforced by with outside technical support teams equipped to operate in the two Kivu provinces and in Rwanda. The strategic coordination unit could organise the recruitment of specialists from outside MONUC under short-term contracts or seek the secondment of officials from countries participating in the international facilitation.

Technical and human intelligence resources will be needed to prepare and manage military or psychological operations against FDLR officers. A team of intelligence specialists will organise the collection and processing of the large volumes of information available from former combatants passing through the DDRRR reception camps. Through their contacts with MONUC's other civilian units and its military arm, these experts will build up a database of the latest information available on the military, economic and ideological condition of the FDLR.

Through their collaboration with this intelligence section of the DDRRR unit, and as a complement to the work of MONUC's human rights specialists, international jurists and investigators should be able to work on the ground and in Kinshasa with Congo's judicial services, to prepare case dossiers that would meet the requirements of Congolese and foreign courts. These dossiers would permit the rapid launch of legal cases against those who commit crimes in the Kivu provinces in the name of the FDLR. They would also help to establish the legal responsibility of the leaders of the Rwandan militia, so that they could be arrested by the authorities in the European, North American and African countries where they live.

MONUC's public education unit should be supplemented with a team of specialists in communications and counter-propaganda, in a real effort to reduce the ideological hold that the FDLR hierarchy exerts over its fighters. This team would work closely with Rwanda to identify FDLR figures with family contacts in Rwanda or relations with former FDLR members who have already been reintegrated into civilian life. It would develop individual methods for winning over opinion, based on information voluntarily provided through these networks of acquaintances, and would prepare personalised audio and video communication tools. Equipment for the electronic interception of communications, made available by the international facilitation partners, would also play an important role in strengthening the counter-propaganda operations carried out by this team of specialists.

4. Training a FARDC force specifically assigned to the forcible disarmament of the FDLR

The international efforts devoted to the programme for the reform of the Congolese security system (Security System Reform, SSR) have not so far succeeded in equipping the DRC with military forces that are effective and disciplined and respect the law. The aim of transforming tens of thousands of Congolese personnel into a satisfactory army and police, deployed across the whole of the country's territory, is certainly beyond reach in the medium term. However, the new DDRRR strategy, prepared collectively and coordinated by the strategic coordination unit, depends on the ability to deploy a national security force that can replace the traditional recourse to local armed groups.

During Umoja Wetu, the staff commanders of the Rwanda-DRC coalition opted to divide operational tasks between the RDF and the FARDC. The Rwandan soldiers were tasked with provoking "contacts" with FDLR fighters, while the Congolese troops were supposed to protect the villages that these same combatants had abandoned. If it is to be effective, any new campaign of forcible disarmament will have to provide for the simultaneous deployment of special forces to destroy FDLR command and communication structures, of elite battalions to carry out operations to encircle the most radical rebel units ("cordon and search") and of conventional FARDC troops. The latter, together with MONUC, would be responsible for maintaining control of territory, securely gathering in deserters from the FDLR and protecting the population.

Objectively, only Rwanda has the military intelligence services and special forces equipped for such a mission or the serious motivation to carry out the task. For various reasons, Western countries have said they are unable or unwilling to commit their soldiers in sufficient numbers to enforce the dismantling of the FDLR. However, they do have strategic and tactical intelligence capacity which would substantially bolster prospects for the success of the efforts to forcibly and voluntarily disarm the FDLR fighters. These intelligence resources should be devoted to stabilising Kivu and their results made available to the strategic coordination cell.

It is equally essential that the FARDC are rapidly equipped with their own elite battalions so that they are not obliged to rely on the more numerous Rwandan forces – which would intervene to support special forces activity and to carry out encirclement operations.

The Kinshasa authorities should therefore take urgent steps to equip the national army with a hard core of well-trained troops – who would be the precursors of a reformed future national force – and to remove FARDC officers who have collaborated in the past with the FDLR. In 2004, for a year, the Belgian army trained an FARDC brigade; the results were positive and encouraging. This initiative was not adequately extended beyond the first twelve months and the progress that had been made was soon lost. Still, this experience shows that it is possible to successfully overhaul a substantial Congolese unit if it undergoes an appropriately thorough training programme. The units selected to constitute this hardcore elite force should undergo a specific training programme designed to equip them, over the course of a realistic timescale, with a shared doctrine, an effective command structure and superior military capacity.

In 2008, to carry out the military operations announced by the Nairobi Communiqué of 9 November 2007, MONUC and the FARDC calculated that there was a need to deploy eight integrated battalions in North and South Kivu. Within a year, eight FARDC battalions could be trained in two training centres, to form two rapid intervention brigades. This new and ambitious programme would be organised by a coalition of partner countries; this would mean involving the US army's AFRICOM command, European armies or the European Union. Having long experience of military cooperation with Kinshasa, Angolan officers could also be involved in the training.

The new DDRRR strategic coordination unit would be very closely associated with the training and operational establishment of this force. The eventual participation of this Congolese force and units of Rwandan special forces in common training modules should be on the planning agenda. Through concerted training during preparations for a new joint operation Rwandan and Congolese soldiers would learn from each other and contribute to the building of confidence between the two nations.

The inability of the FARDC to assume its responsibilities in an anti-FDLR campaign, combined with the Congolese state's inability to re-establish its authority in areas liberated from have been the two Gordian knots of instability in Kivu. The commanders of the 8th and 10th military regions have been implicated in the illegal exploitation exploitation of mineral resources and an often lucrative collaboration with the FDLR, while the FARDC are also accused of serious human rights violations.

The poor management of the Congolese army has systematically undermined the performance of its units after they have been trained and equipped. The lack of provisions and munitions, the theft of salaries and an absence of trust between the FARDC and the Congolese population have combined to ruin previous attempts to restore the authority of the state in the two Kivu provinces. Coordinated and renewed efforts to reform the security system are key to the development of peace; they remain essential to any fresh effort to disarm the FDLR, as set out in the priorities already identified by Crisis Group in its previous report on Congo.[129]

[129] See Crisis Group Report, *Five Priorities*, op. cit., p. 14.

C. CONSOLIDATING THE NEW RELATIONSHIP BETWEEN RWANDA AND THE DRC

During November and December 2008, major political decisions were taken by Presidents Kabila and Kagame to bring their two countries closer together. The restoration of diplomatic relations, the relaunch of the Communauté économique des pays des Grands Lacs (CEPGL – Great Lakes Countries Economic Community), and the concrete implementation of the commitments made in the Nairobi Communiqué of 9 November 2007 laid the formal foundations for a new bilateral relationship. However, this rapprochement was only made possible by a secret political deal under which the two heads of state agreed on the possibility of neutralising their reciprocal enemies, Laurent Nkunda and the FDLR.

Three months after completing operation Umoja Wetu, Laurent Nkunda had not been handed over to the Congolese judicial authorities, while the FDLR had begun to reorganise. New frustrations and misunderstandings could still occur as these two issues are dealt with. The relationship between Rwanda and the DRC cannot continue to depend exclusively on the manner in which the problem of armed groups in the provinces of North Kivu and South Kivu is handled. Nor can it depend solely on the commitment of two presidents without enjoying genuine national support. It is therefore necessary to transform today's political choices of the moment into a genuine and durable reconciliation.

The people of Kivu should be able to see the positive benefits of this reconciliation on their daily lives. Common cross-border socio-economic programmes should be established, financed by the international community within the CEPGL framework, to improve the lives of the people of Kivu and Rwanda and to promote a spirit of mutual dependence – the key to the future peaceful economic development of the region.

The route to a genuine reconciliation between the two countries will also require a concerted and actively managed policy for the return home of displaced people and refugees. On 15 and 16 April 2009 the DRC, Rwanda and UNHCR held tripartite talks to pave the way for the return home of people who have been displaced or become refugees in the region since 1994. These negotiations should be followed by others at the provincial level, to guard against any destabilising impact from changes to the balance of populations within communities. Eastern Congo needs to be protected from sliding into a new cycle of violence resulting from the new balance of populations of Rwandan and Congolese origin.

The Conférence internationale sur la région des Grands Lacs (CIGL – International Conference on the Great Lakes Region) can serve as a complement to the regional economic structures of the CEPGL. It provides a forum for dialogue where a wide range of political, humanitarian, security and economic issues can be addressed; this could promote a gradual and lasting improvement in the relations between Congo and Rwanda. In such a context, for example, the two countries could face up to the history of the region, to develop mechanisms to promote reconciliation between their people, including arrangements for compensation for crimes committed during the various regional wars.[130] Two other complementary initiatives that might symbolically epitomise lasting reconciliation between the DRC and Rwanda would be to seal the agreement between the two countries at a special summit bringing together the heads of state of the Tripartite Plus One negotiating structure (Rwanda, Uganda, the DRC and Burundi) and to organise a popular reconciliation ceremony of young Rwandans and Congolese.

[130] Ibid.

VI. CONCLUSION

Despite the DRC-Rwanda coalition's proclamations of victory, operation Umoja Wetu failed to achieve the objectives it had been given by President Kagame. The FDLR has not suffered long-term damage. Once the RDF had pulled out of Congolese territory, the rebel Rwandan Hutu fighters hidden in the hills and forests of North Kivu began to regroup and reorganise. The Congolese population now faces an FDLR reprisal campaign, while Congo's national army prepares to extend its offensive operations into South Kivu.

The mainly military strategy adopted for Umoja Wetu failed to exploit the advantages that could have been achieved through the simultaneous use of the full range of instruments available to undermine the cohesion of the FDLR. The operation's timetable was restrictive and did not correlate with practical realities. Presented in summary form on 5 December 2008, implementation of the plan for the joint offensive was launched on 20 January 2009 and sustained for just 35 days. A window of opportunity for mobilising the combined efforts of Rwanda, the DRC and the international community against the FDLR to deepen the isolation of the Rwandan rebel group was opened in February 2009 by the rapprochement between Kinshasa and Kigali. On the ground, there were some tactical successes. But because the overall strategy for disarming the FDLR and marginalising its leaders had not been revised, the benefits of Umoja Wetu proved to be merely temporary.

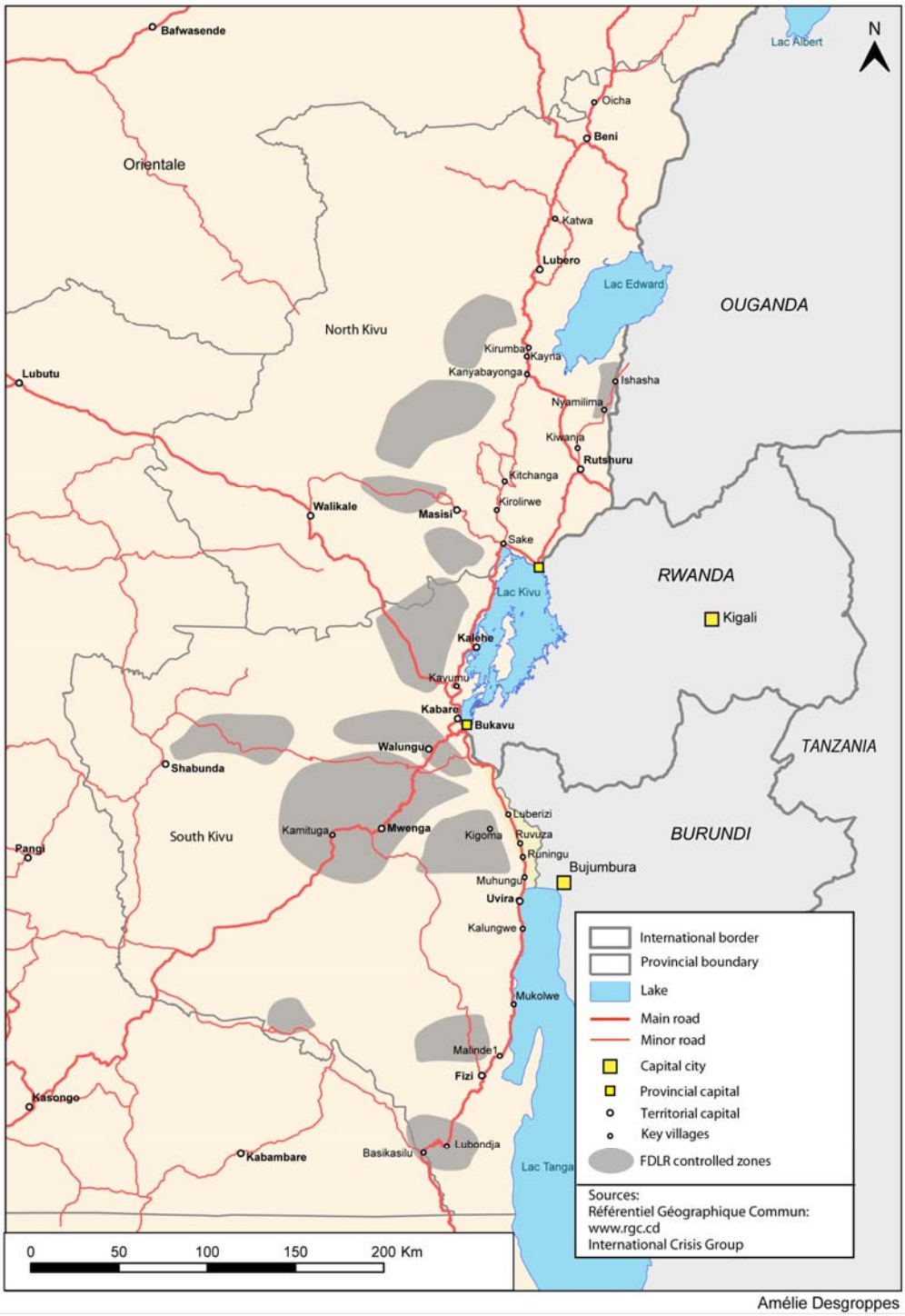
Henceforth, it is the responsibility of Presidents Kabila and Kagame, together with MONUC, to devise a new strategy that learns the lessons of past attempts to secure disarmament. The position of the international community – and North America and Europe in particular – is also on the line. Decisions taken in New York, Paris, Washington and Brussels in the 1990s allowed the founders of the FDLR to flee Rwanda with their weapons and to regroup in the refugee camps in the DRC. For many years efforts to disarm the FDLR have been implemented only to a minimal extent. This is thanks to a range of factors, including the ease with which FDLR political leaders currently peddle their propaganda from abroad, the failure to reinforce MONUC on a lasting basis with military units suited to the challenges of the mission, the international community's lack of confidence in the Congolese authorities and the favour shown to President Kagame by certain countries.

In the absence of a new strategy and the means to put it into effect, the offensive operations planned within the framework of operation Kimia II should be halted or postponed.

Nairobi/Brussels, 9 July 2009

APPENDIX A

ZONES UNDER FDLR CONTROL IN KIVU – 20 JANUARY 2009



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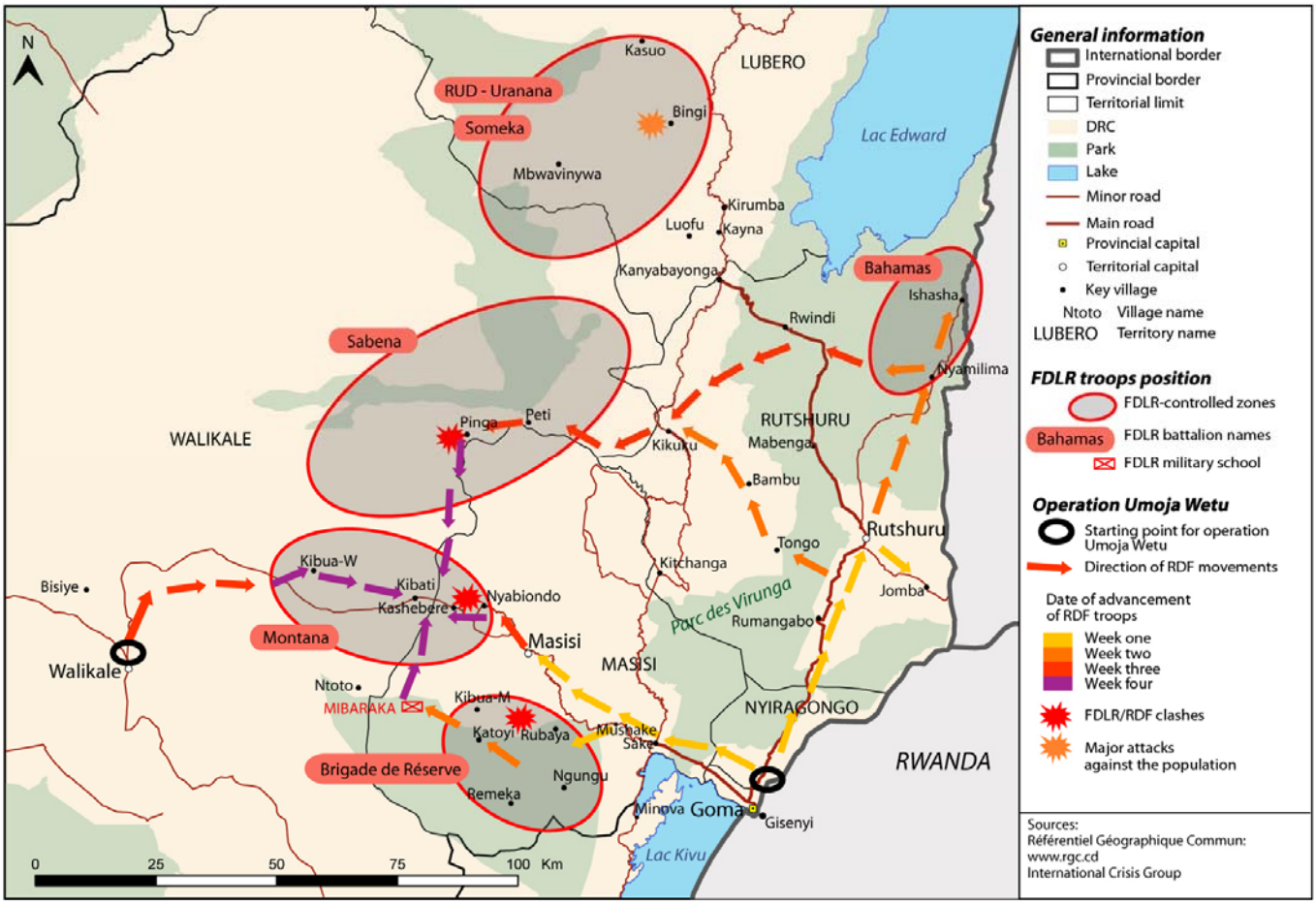
APPENDIX B

OPERATION "UMOJA WETU" IN NORTH KIVU – 20 JANUARY TO 25 FEBRUARY 2009



Amélie Desgroppes

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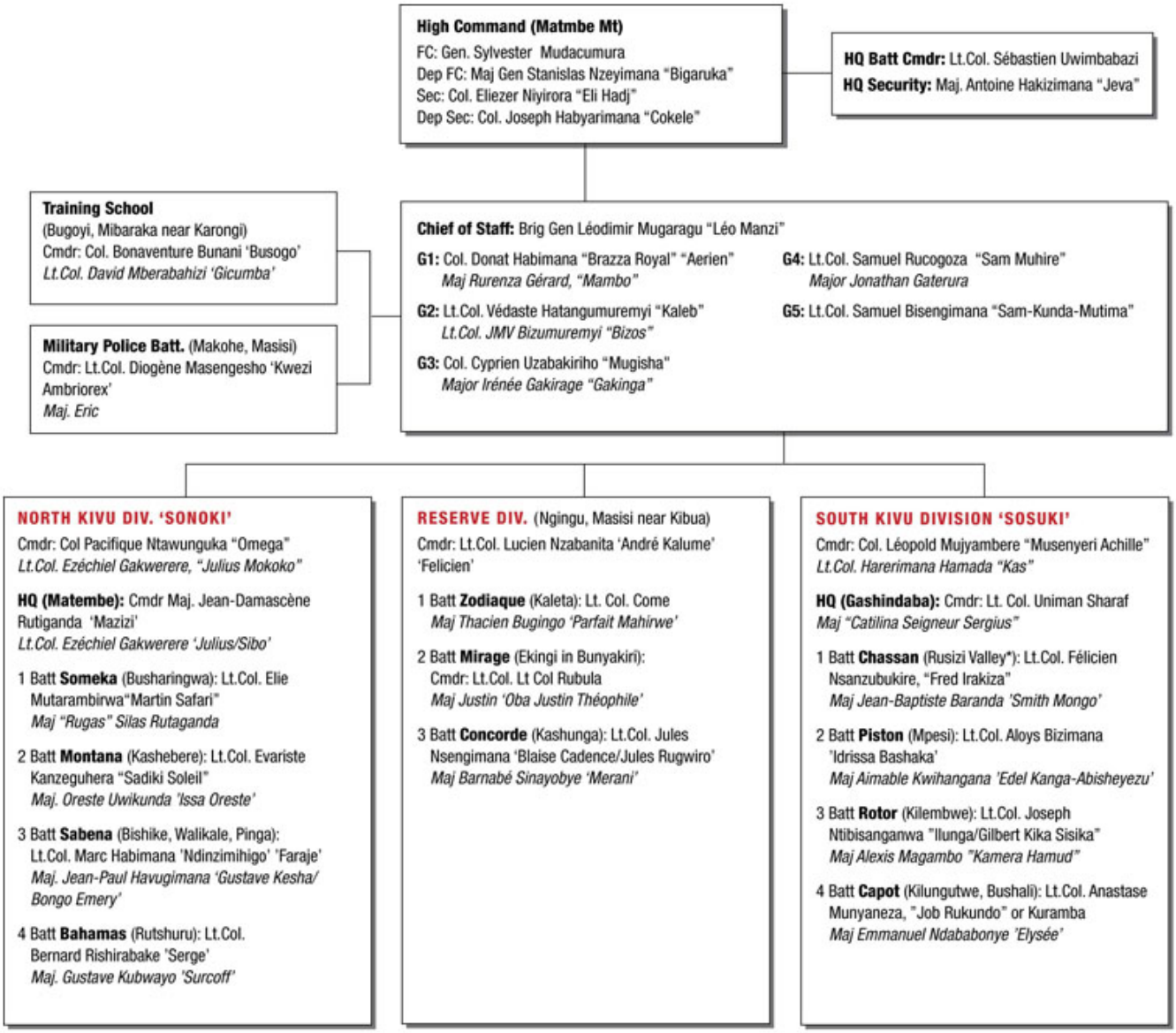
APPENDIX C

FOCA COMMAND STRUCTURE – 27 MARCH 2009



APPENDIX D

GLOSSARY OF TERMS AND ABBREVIATIONS

ADF/NALU Allied Democratic Forces/National Army for the Liberation of Uganda, Ugandan rebel group present in North Kivu province

ALiR Armée de libération du Rwanda (Rwanda Liberation Army), Hutu rebel group formed from ex-FAR and Interahamwe members, later integrated into the FDLR

AN-Imboneza Armée Nationale-Imboneza, military wing of RUD-Urunana under the command of General Musaré, deployed in the Lubero district in North Kivu

CEPGL Communauté économique des pays des Grands Lacs (Great Lakes Countries Economic Community), regional organisation created in 1976 for the economic integration of the DRC, Rwanda and Burundi

CIGL Conférence internationale sur la région des Grands Lacs (International Conference on the Great Lakes Region), forum for political dialogue launched in 2000 and comprising Angola, Burundi, the Central African Republic, the Republic of Congo, the DRC, Kenya, Rwanda, Sudan, Uganda, Tanzania and Zambia

CNDP Congrès national pour la défense du peuple (National Congress for the Defence of the People), political movement set up by Laurent Nkunda in July 2006

DDR Disarmament, Demobilisation and Reintegration, exclusively concerns ex-combatants from Congolese armed groups

DDRRR MONUC has a unit in charge of setting up the Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement program for ex-combatants from foreign armed groups operating on DRC territory. During the first half of 2008 this unit was also in charge of DDR activities.

DPKO Department of Peacekeeping Operations, department of the United Nations secretariat in charge of managing peacekeeping operations

International facilitation

Group of countries and international organisations overseeing the process laid out in the Nairobi Communique of 9 November 2007. It is comprised of the UN, the African Union, Great Lakes conference, the EU and the U.S.

FARDC Forces armées de la République démocratique du Congo (Armed Forces of the Democratic Republic of Congo), name used to refer to the Congolese national army after the start of the transition (2003)

FAR, ex-FAR Former Forces armées rwandaises (Rwandan Armed Forces), who fled to Congo after the 1994 genocide and subsequently regrouped in the ALiR and FDLR

FDLR Forces démocratiques pour la libération du Rwanda (Democratic Forces for the Liberation of Rwanda), a Hutu rebel group set up in 2000 and mainly formed of members of the AliR and other Hutu armed rebel groups. Its two main political leaders are Ignace Murwanashyaka and Callixte Mbarushimana

FOCA Forces combattantes Abacunguzi (Abacunguzi Combatant Forces), the FDLR's military wing

FNL Forces nationales de libération (National Liberation Forces), the armed wing of the last Burundian rebel movement, the Parti pour la Libération du Peuple Hutu (PALIPEHUTU – Party for the Liberation of the Hutu People.)

JMG Joint Monitoring Group, body for the operational supervision of the implementation of the Nairobi Communiqué of 9 November 2007 made up of delegates from the DRC, Rwanda and the international facilitation

Interahamwe Rwandan Hutu militia largely responsible for the genocide of 1994.

Mayi-Mayi Local militias recruited on a tribal basis, mainly in eastern Congo

mixage	Process begun in January 2007 merging Nkunda's battalions with FARDC battalions in order to create six new brigades
MINUAR	Mission de l'Organisation des Nations unies au Rwanda (United Nations Mission in Rwanda)
MONUC	Mission de l'Organisation des Nations unies en République démocratique du Congo (United Nations Mission in the Democratic Republic of Congo)
PARECO	Patriotes résistants congolais (Congolese Patriotic Resistance), anti-Tutsi militia led by Colonel Mugabo and formed in March 2007, largely as a reaction to the *mixage* process
RCD	Rassemblement congolais pour la démocratie (Congolese Rally for Democracy), former rebel movement set up in 1998, backed by Rwanda and Uganda and led by former vice president Azarias Ruberwa
RDF	Rwandan Defence Forces, name used for the Rwandan national army since the RPF victory in 1994
RPF	Rwandan Patriotic Front, former rebel movement which became the ruling party after 1994 under the leadership of President Paul Kagame.
SRSG	Special Representative of the Secretary-General and head of MONUC, position held by Alan Doss (UK) since October 2007
RUD-Urunana	Rassemblement uni pour la démocratie (United Rally for Democracy), led by Jean-Marie Vianney Higiro and Félicien Kanyamibwa, former FDLR leaders who seceded in 2004 to set up their own group
SSR	Security System Reform
Tripartite +1	Negotiation mechanism for dealing with securit problems bringing together Rwanda, Uganda, the DRC and Burundi, initiated by the U.S.
UNHCR	United Nations High Commissioner for Refugees

APPENDIX E

ABOUT THE INTERNATIONAL CRISIS GROUP

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in eighteen additional locations (Abuja, Baku, Bangkok, Beirut, Cairo, Colombo, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Ouagadougou, Port-au-Prince, Pretoria, Sarajevo, Seoul and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia, Turkey and Ukraine; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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