

## Eastern Congo: Why Stabilisation Failed

### I. OVERVIEW

Since Bosco Ntaganda's mutiny in April 2012 and the subsequent creation of the 23 March rebel movement (M23), violence has returned to the Kivus. However today's crisis bears the same hallmarks as yesterday's, a consequence of the failure to implement the 2008 framework for resolution of the conflict. Rather than effectively implementing the 23 March 2009 peace agreement signed by the government and the CNDP (National Council for the Defence of the People), the Congolese authorities have instead only feigned the integration of the CNDP into political institutions, and likewise the group appears to have only pretended to integrate into the Congolese army. Furthermore in the absence of the agreed army reform, military pressure on armed groups had only a temporary effect and, moreover, post-conflict reconstruction has not been accompanied by essential governance reforms and political dialogue. To move away from crisis management and truly resolve this two-decade-old conflict, donors should put pressure on both Kigali and Kinshasa.

The M23 is behaving in a similar fashion to previous rebel movements by creating its own administration and its own financing system in parts of North Kivu. Meanwhile, Mai-Mai groups are expanding in rural areas where they commit atrocities that exacerbate inter-ethnic tensions. In July this year, in accordance with the peace and security architecture, the International Conference on the Great Lakes Region (ICGLR) organised a regional dialogue to avoid conflict between Rwanda and the DRC. Unfortunately, the outcome of this was an unrealistic and ineffective solution: the deployment of a 4,000-strong neutral force at the border between Rwanda and the DRC. If international donors and African mediators persist in managing the crisis rather than solving it, it will be impossible to avoid such repetitive cycles of rebellions in the Kivus and the risk of large-scale violence will remain. Instead, to finally resolve this conflict, it is essential that Rwanda ends its involvement in Congolese affairs and that the reconstruction plan and the political agreements signed in the Kivus are properly implemented. For these things to happen Western donors should maintain aid suspension against Rwanda until the release of the next report of the UN group of experts, in addition to issuing a clear warning to the Congolese authorities that they will not provide funding for stabilisation and institutional support until the

government improves political dialogue and governance in both the administration and in the army in the east, as recommended by Crisis Group on several previous occasions.

In the short term, this crisis can be dealt with through the following initiatives:

- ❑ the negotiation and monitoring of a ceasefire between the Congolese authorities and the M23 by the UN;
- ❑ the reactivation of an effective and permanent joint verification mechanism for the DRC and Rwandan border, as envisaged by the ICGLR, which should be provided with the necessary technical and human resources;
- ❑ the addition of the individuals and entities that supported the M23 and other armed groups to the UN sanctions list and the consideration of an embargo on weapons sales to Rwanda;
- ❑ the joint evaluation of the 23 March 2009 agreement in the framework of the international follow-up committee it established and this assessment should be the basis for resumption of dialogue between the government and the CNDP;
- ❑ the launch of local peace initiatives in Walikale, Masisi, Shabunda and Kalehe areas where ethnic tension is high by MONUSCO and the government;
- ❑ the arrest and handover of Bosco Ntaganda to the International Criminal Court (ICC); and
- ❑ the launch of an investigation by the ICC into the actions of M23 and new armed groups, and the request by the ICC that MONUSCO transfer to it its files concerning M23 leaders.

After analysing the failure of the stabilisation of the Kivus in the report *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, this new Crisis Group briefing explains the surge of violence and underlines that the Kivus do not need a new strategic approach; rather, the peace agreements and stabilisation plans should no longer remain empty promises. To achieve this, coordinated and unequivocal pressure is required from the donors that help fund the Rwandan and Congolese regimes.

## II. THE STABILISATION PLAN FOR THE KIVUS: A DEAD END

In 2008, the crisis in Goma, when the CNDP almost took over North Kivu's capital, was resolved by the replacement of its leader<sup>1</sup> and the signing of a peace agreement between the government and the CNDP on 23 March 2009. Secret negotiations between Kinshasa and Kigali and more or less discreet mediation initiatives conducted by some members of the international community created a framework for resolving conflict, as described in a previous Crisis Group report.<sup>2</sup> That framework had three components: the political and military integration of Congolese armed groups in the Kivus; military action against militias, notably the Democratic Forces for the Liberation of Rwanda (FDLR); a reconstruction and stabilisation strategy to restore state authority and provide services to the communities living in zones previously controlled by militias. This plan seemed relevant in 2008. However, four years later, with the emergence of a new rebellion that still threatens Goma and the recapturing of territory by some armed groups, it now seems to have reached a dead end.

### A. IMPLEMENTATION OF THE 23 MARCH AGREEMENT: LITTLE MORE THAN A CHARADE

As with previous Congolese armed movements,<sup>3</sup> the government's solution to the challenge posed by the CNDP in 2009 was political and military integration. On 23 March 2009, in an agreement facilitated by Olusegun Obasanjo and Benjamin Mkapa, the CNDP and the Congolese government agreed on arrangements for the CNDP's integration into the institutions in exchange for an end to the rebellion.<sup>4</sup> This agreement was based on the integration of

CNDP soldiers into the DRC's armed forces (FARDC) and conversion of the CNDP into a political party authorised to participate in the country's political life.<sup>5</sup> It also provided for the release of political prisoners, amnesty, reconciliation, care for the war-wounded, widows and orphans, etc.<sup>6</sup> The agreement was a strange mixture of clear commitments and promises to consider the CNDP's concerns.<sup>7</sup> As indicated in 2010, its implementation proved to be "a fool's game". The Congolese authorities pretended to integrate the CNDP into the political system, while the latter pretended to be integrated into the FARDC.

### 1. Political, administrative and military integration

According to the M23, the main reason for their mutiny is the government's non-compliance with the 23 March agreement.<sup>8</sup> In fact, the two years following the signing of the agreement showed that the government and the CNDP have both tried to use it to their advantage and both have acted in bad faith.

#### *Political and administrative integration: Kinshasa retains control*

Although the CNDP was granted the status of political party, as stipulated by the agreement, political integration has remained at provincial level. The Congolese government has taken only two steps to promote political integration: it appointed François Ruchogoza as provincial minister of justice, human rights and community rehabilitation on 22 December 2009 and co-opted the traditional leaders nominated by the CNDP into the provincial assembly. Despite two ministerial reshuffles since March 2009<sup>9</sup> and formal support for Joseph Kabila's political platform, the CNDP never entered the national government. The movement's secretary general described this as a "deliberate violation of the peace agreement".<sup>10</sup> In addition, the 2011

<sup>1</sup> Bosco Ntaganda removed Laurent Nkunda from his position as CNDP leader on 5 January 2009. Nkunda was arrested in Rwanda on 21 January 2009 but has never been convicted.

<sup>2</sup> Crisis Group Africa Report N°165, *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, 16 November 2010. For more on this plan's approach, also see Rapport final des travaux, Bureau de la conférence sur la paix, la sécurité et le développement des provinces du Nord et Sud Kivu, Goma, 28 January 2008.

<sup>3</sup> The end of the war and the political transition (2003-2006) were based on the political and military integration of other armed groups, for example, the Congolese Rally for Democracy (Rassemblement congolais pour la démocratie, RCD) and the Movement for the Liberation of Congo (Mouvement de libération du Congo, MLC).

<sup>4</sup> The agreement stated that "the CNDP confirms the irreversible nature of its decision to cease its existence as a politico-military movement" and "from now on, seeks solutions to its concerns strictly through political means and in accordance

with the institutional order and laws of the Republic". "Peace Agreement between the Government and the National Council for the Defence of the People (CNDP)", 23 March 2009, Article 1. The full text of the agreement (in French) is available at <http://afrikarabia2.blogs.courrierinternational.com/media/02/01/2360797318.pdf>.

<sup>5</sup> Ibid, Article 1.

<sup>6</sup> Ibid, Articles 2, 3, 4.

<sup>7</sup> For example, the government was supposed to consider CNDP proposals for an amnesty law, territorial divisions and the reform of the administration, army and electoral law. Ibid, Articles 3, 8, 10, 11.

<sup>8</sup> Crisis Group interview, M23 members, Bunagana, 15 July 2012.

<sup>9</sup> The second Muzito government was formed on 20 February 2010 and the third Muzito government was formed in March 2011. The CNDP joined the Alliance for a Presidential Majority (Alliance pour la majorité présidentielle, AMP) in 2010.

<sup>10</sup> "RDC: Le CNDP regrette de n'avoir aucun représentant dans le nouveau gouvernement", Xinhua, 23 February 2010.

legislative elections that were to seal the CNDP's entry into the national assembly were annulled in Masisi territory, which is considered to be its stronghold.<sup>11</sup>

Resolution of the problem posed by the CNDP's parallel administration in Rutshuru, Masisi and Nyiragango territories was to take place through the integration of CNDP administrative personnel into the state administration in exchange for the government's reinstatement "of territory administrators and assistant territory administrators". Other staff were to remain in place "until further notice".<sup>12</sup> However, the CNDP waited until the appointment of five territory administrators from its ranks on 14 June 2010 before it officially ended its parallel administration.<sup>13</sup> Moreover, although an amnesty law was quickly voted,<sup>14</sup> no steps were taken to implement reconciliation measures.<sup>15</sup>

#### *Military integration: the CNDP retains control*

Although the 23 March agreement included only one condition for the integration of CNDP combatants into the army and police (ie, formal recognition of ranks),<sup>16</sup> integra-

tion proved to be extremely difficult and came up against three issues: recognition of rank, allocation of posts and location of deployment.

The process of integrating CNDP troops began promptly but immediately ran into issues caused by a lack of transparency regarding the number of CNDP combatants. In 2008, the CNDP said it had 5,276 soldiers; in January 2009, during negotiations with the government, it claimed 11,080.<sup>17</sup> During the census conducted in 2008, 2010 and 2011, the European Union (EU) Advisory and Assistance Mission for Army Reform in the DRC (EUSEC) identified 8,000 men as CNDP combatants.<sup>18</sup> Meanwhile, Kinshasa was in no hurry to recognise the ranks of CNDP soldiers. On 10 December 2010, CNDP officers refused to wear their new uniforms because their ranks had not yet been formally recognised.<sup>19</sup> The recognition of CNDP and PARECO ranks finally happened on 31 December 2010 through a presidential decree.<sup>20</sup>

CNDP combatants who integrated into the army were also concerned about where they would be deployed. Following Joseph Kabila's announcement on 10 September 2010 of the redeployment of FARDC battalions from the Kivus to other provinces, former CNDP officers publicly refused on 23 September to be deployed outside the Kivus<sup>21</sup> on the grounds that they were engaged in the Amani Leo operation. Military officers based in the Kivus who are not from the CNDP also refuse to be deployed outside their province of origin.<sup>22</sup>

Another source of tension was the allocation of officer posts. In August 2011, FARDC members who were not former members of armed groups expressed their discontent about the priority granted to Rwandophones for command

<sup>11</sup> The electoral commission annulled the results of the November 2011 legislative elections in Masisi on the grounds of fraud. The M23 did not accept these accusations and argued that if fraud was committed during the legislative elections, the electoral commission should also have annulled the results of the presidential election, as they took place at the same time. Crisis Group interviews, M23 members, Bunagana, 15 July 2012.

<sup>12</sup> "Peace Agreement", 23 March 2009, op. cit., Article 12, paragraph 12.1, p. 8.

<sup>13</sup> For more details, see Crisis Group Report, *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, op. cit., p. 15.

<sup>14</sup> Law 09/003 of 7 May 2009 introduced an amnesty for acts of war and insurrection committed in the provinces of North and South Kivu, *Official Gazette*, 9 May 2009. This law only covered acts of war and insurrection. Perpetrators of war crimes, genocide and crimes against humanity were excluded. Bosco Ntaganda was accused of these crimes and has been wanted by the International Criminal Court (ICC) since 22 August 2006 to answer charges of war crimes, enlistment, conscription and active participation in the hostilities of children under the age of fifteen. "The Prosecutor v. Bosco Ntaganda", ICC, Pre-Trial Chamber I, ICC-01/04-02/06, 22 August 2006. On 13 July 2012, an arrest warrant was issued for Bosco Ntaganda on seven counts of war crimes (enlistment and conscription of children under the age of fifteen, using children under the age of fifteen to participate actively in hostilities, murder, attacks against the civilian population, rape and sexual slavery, and pillage) and three counts of crimes against humanity (murder, rape and sexual slavery, and persecution). "The Prosecutor v. Bosco Ntaganda", ICC, Pre-Trial Chamber II, ICC-01/04-02/06, 13 July 2012.

<sup>15</sup> The aim was to create "a national mechanism in charge of defining and leading a policy of reconciliation", "to fight against xenophobia" and "to create a ministerial structure responsible for national security, local affairs and reconciliation". "Peace Agreement", 23 March 2009, op. cit., Article 4.

<sup>16</sup> "Peace Agreement", 23 March 2009, op. cit., Article 12-8.

<sup>17</sup> "Letter dated 15 November 2010 from the Chair of the Security Council Committee established pursuant to Resolution 1533 (2004) concerning the Democratic Republic of Congo addressed to the President of the Security Council", UN Security Council S/2010/596, 29 November 2010, paragraph 151, p. 44.

<sup>18</sup> Crisis Group telephone interview, EUSEC representative, 23 August 2012.

<sup>19</sup> "Goma: les ex officiers CNDP réclament des grades avant les uniformes", Radio Okapi, 10 December 2010.

<sup>20</sup> "Des officiers Fardc et Pnc promus", Presidential Cabinet of the Democratic Republic of Congo (presidentrdc.cd), January 2011.

<sup>21</sup> "Mémorandum à l'intention de son excellence le Président de la République", integrated FARDC officers, 23 September 2010; "Nord-Kivu: les soldats issus du CNDP refusent la permutation", Radio Okapi, 30 September 2010. Operation Amani Leo ("Peace Now" in Kiswahili) is an intervention from the Congolese military from January 2010 to April 2012 that aims at eradicating armed groups in eastern DRC.

<sup>22</sup> Crisis Group interview, FARDC officers, Goma, 15 July 2012.

posts.<sup>23</sup> In September 2011, they published a memorandum against Tutsi and Hutu domination of FARDC high-level posts in South and North Kivu<sup>24</sup> and on 12 September 2011, they threatened to mutiny.

Bosco Ntaganda took advantage of his appointment as commander of the Amani Leo operation to place men loyal to him in officer posts and extend his influence from Fizi, in the south of South Kivu, to Beni in the north of North Kivu. The extent of this gave the appearance that it was the CNDP that had absorbed the Congolese army and not the other way round. There was also friction between officers and a dual chain of command in North Kivu – Bosco Ntaganda on the one hand, and the general commanding this military region, Vainqueur Mayala, on the other.

Aware of this role reversal, the chief of staff tried to break the CNDP chain of command within the army by reorganising the armed forces into regiments in the Kivus.<sup>25</sup> However, this “regimentation” failed to end the military influence of Bosco Ntaganda, who ordered ex-CNDP soldiers to refuse biometric registration, which would allow identification of ex-CNDP soldiers and non-integrated CNDP recruits.<sup>26</sup> As integration was not accompanied by profound reform of the Congolese armed forces, the CNDP managed to maintain control over much of the military apparatus in the Kivus, which continued to generate strong resentment among the rank and file.<sup>27</sup>

## 2. Return of the refugees: Total impasse on a major issue

The 23 March agreement put an emphasis on the refugees and displaced populations. It provided for mechanisms “to encourage and facilitate” their return and for “quick implementation”. Local conflicts were to be managed by “Permanent Local Arbitration Committees (CLPCs)” and

security was to be ensured by “community police” who would be “at the service of the people”.<sup>28</sup> Unfortunately, while returns were organised from the DRC to Rwanda, returns from Rwanda to the DRC were generally “spontaneous” and, in some cases, masterminded by the CNDP.

On 17 February 2010, in Kigali, Rwanda, the DRC and the UNHCR signed tripartite agreements on repatriation. Practical arrangements for the return of the refugees were finalised on 31 July 2010 in Goma.<sup>29</sup> According to the UNHCR, there were 55,000 Congolese refugees living in Rwanda and 69,800 Rwandan refugees in the Kivus in 2010.<sup>30</sup> In order to promote peaceful coexistence between local communities and repatriated refugees from Rwanda, CLPCs were launched on 13 May 2011 at Binza, in Masisi, as part of the Stabilisation and Reconstruction Plan for War-Affected Areas (STAREC). Initially, seven CLPCs were envisaged in North Kivu (Masisi, Rutshuru and Nyiragongo territories).<sup>31</sup>

The negotiated arrangements for the return of refugees were soon disrupted by the problem of “spontaneous returns”. On 2 February 2011, following the unplanned return of Rwandophones to southern Lubero in December 2010, the governor of North Kivu asked the provincial assembly to create a commission of inquiry.<sup>32</sup> In March 2011, the administrator of Rutshuru became alarmed at the return of 400 undocumented families from Rwanda who were unable to prove their nationality or refugee status.<sup>33</sup> On 18 April 2011, the provincial parliamentary commission of inquiry proposed the creation of identification committees, within the framework of the 23 March agreement.<sup>34</sup>

However, in July 2011, General Bosco Ntaganda and Erasto Ntibaturana<sup>35</sup> imposed the resettlement of 2,400 families

<sup>23</sup> “Processus d’intégration des ex-groupes armés: le CNDP se taille la part du lion”, *Le Potentiel*, 30 August 2011.

<sup>24</sup> These ethnic terms were used to designate FARDC officers who are former CNDP or PARECO members as well as officers from the Federalist Republican Forces (Forces républicaines fédéralistes, FRF) integrated in February 2011.

<sup>25</sup> In April 2011, the battalions stationed in Masisi, Rutshuru and Lubero were told to report to their training centres for reorganisation into regiments. The aim was to change brigades of 3,000 men into regiments of 1,000 to 1,400 men. This operation aimed to dilute CNDP forces by creating mixed ex-CNDP and FARDC units. The chains of command were duplicated with FARDC and ex-CNDP officers at every level of command.

<sup>26</sup> Approximately 20 per cent of former CNDP members in the FARDC refused biometric registration. Crisis Group interviews, EUSEC and international community representatives, Goma, 20 and 23 July 2012.

<sup>27</sup> Crisis Group interview, Congolese army officer, Goma, 28 June 2012.

<sup>28</sup> “Peace Agreement”, 23 March 2009, op. cit., Article 5, p. 5 and Article 6, p. 6. The CLPCs are composed of 50 per cent of representatives of Congolese local and administrative authorities and 50 per cent of representatives of the Rwandan authorities.

<sup>29</sup> “Rencontre tripartite RDC-Rwanda-UNHCR: Adoption des modalités pratiques de rapatriement des réfugiés”, Stabilisation and Reconstruction Plan for War-Affected Areas (STAREC), www.amanileo.net, 4 August 2010.

<sup>30</sup> UNHCR Global Report, 2010 June 2011, pp. 30-41.

<sup>31</sup> “RDC: début de l’installation des comités de conciliation dans le Nord-Kivu”, Xinhua, 14 May 2011.

<sup>32</sup> Lettre du gouverneur du Nord Kivu, adressée à l’Honorable président de l’Assemblée provinciale du Nord Kivu, n°1/134/CAB/GP-NK/2011, 2 February 2011.

<sup>33</sup> “De vrai-faux réfugiés à l’Est”, *Le Potentiel*, 17 March 2011.

<sup>34</sup> “Peace Agreement”, 23 March 2009, op. cit., Article 5, paragraph 5.2 and Article 12, paragraph 12.5, pp. 5-9.

<sup>35</sup> Erasto Ntibaturana is a traditional leader of the Hutu community in Masisi. He is in dispute with the traditional leader of the Hunde ethnic group. Openly pro-Kigali, he was involved in Eugène Serufuli’s NGO, *Tous pour la Paix et le Développement*. In 2011, Erasto Ntibaturana, at the head of a private mili-

from Rwanda at Bibwe, in Masisi.<sup>36</sup> The CNDP's involvement in these spontaneous returns was denounced on several occasions as well as its interference in land disputes involving some of its senior figures.<sup>37</sup> Such practices resulted in the militarisation of land disputes, contrary to the provisions of the 23 March agreement.<sup>38</sup>

While local communities denounced the arrival of groups of Rwandans,<sup>39</sup> the flow of refugees from Rwanda was officially stalled. Despite the tripartite agreement, the UNHCR has not repatriated a single Congolese refugee from Rwanda to the DRC since 2009.<sup>40</sup> Officially, it says this is due to recurring insecurity in eastern DRC. Indeed, the fact that the community police provided for in the 23 March agreement were never deployed impedes security improvements.<sup>41</sup> However, the UNHCR deplores above all the impossibility of identifying with any degree of certainty the individuals whom the Rwandan authorities present as refugees.<sup>42</sup> Meanwhile, around 35,000 Rwandan refugees have been repatriated to their country from the DRC since 2009.<sup>43</sup>

---

tia, led a campaign of intimidation and forced land sales in Masisi. During the November 2011 legislative elections, his son, Gacheri Musanga, an ex-CNDP lieutenant colonel who commanded the 811th battalion, intimidated the population of Masisi into voting for his brother, Erasto Bahati Musanga, the CNDP candidate. Crisis Group email correspondence, civil society representative, Goma, January 2012.

<sup>36</sup> "Letter dated 29 November 2011, from the Chair of the Security Council Committee established pursuant to Resolution 1533 (2004) concerning the Democratic Republic of Congo addressed to the President of the Security Council", UN Security Council, S/2011/738, 2 December 2011, paragraph 316, p. 87.

<sup>37</sup> "Quel avenir pour les personnes déplacées vivant dans les camps de Masisi centre? Retour, intégration locale et réinstallation ailleurs dans le pays", International Displacement Monitoring Centre, February 2012 ; "Land, power and identity. Roots of violent conflict in Eastern DRC", International Alert, 15 November 2010.

<sup>38</sup> In July 2010, in order to resolve a conflict with communities of the Hunde ethnic group living on one of his properties in Masisi, the then CNDP president, Edouard Mwangachuchu, organised mediation in which General Bosco Ntaganda participated. Following acceptance of the proposed solution, he deployed ex-CNDP soldiers to guard these lands. Crisis Group correspondence, civil society member, July 2012.

<sup>39</sup> Crisis Group interview, civil society members, Beni and Goma, 14 April and 20 July 2012.

<sup>40</sup> Global Report, 2009, 2010 and 2011, UN High Commission for Refugees, June 2010, August 2011 and June 2012.

<sup>41</sup> "Peace Agreement", 23 March 2009, op. cit., Article 5, paragraph 5-2. UNHCR 2011 Global Report, June 2012, p. 39.

<sup>42</sup> Crisis Group interview, member of UNHCR, Goma, 20 July 2012.

<sup>43</sup> Crisis Group interview, member of UNHCR, Goma, 23 July 2012.

## B. MILITARY OPERATIONS AGAINST ARMED GROUPS

The CNDP's integration into the FARDC was the prelude to a series of military operations against armed groups in the Kivus, in particular against the FDLR, which are perceived as the heart of the problem.<sup>44</sup> Facilitators and observers of negotiations in Goma believed that peace in the Kivus required military pressure against recalcitrant armed groups. CNDP forces regrouped for the Amani Leo operation under the command of Bosco Ntaganda, who was the military coordinator.

Although the struggle against armed groups was entrusted to an ICC-indicted former warlord whose forces are mainly former members of these groups, this operation had the conditional support of MONUSCO and allowed the FARDC to extend their predatory behaviour further afield.<sup>45</sup> Two years after it started,<sup>46</sup> this operation has failed to have the intended impact on the armed groups, which have increased in number, regained territory and continue in their oppression of the civilian population.

### 1. Lack of strategy

In theory, the FARDC's military operations, with logistical support from MONUSCO, should have eliminated the threat posed by the FDLR and the Mai-Mai. However, in practice, these operations had only a temporary effect on an enemy which had both time and space at its advantage.

At the end of 2010, Operation Amani Leo recorded an initial success by expelling the FDLR from some territories, notably in the mining areas, in order to neutralise one of their funding sources. However, the operation's success was short-lived. First, far from being defeated, the armed groups simply relocated. They withdrew a little further into the depths of Congolese territory with each military operation. Second, the FARDC were incapable of capitalising on its "victory" and holding the territory gained.<sup>47</sup>

---

<sup>44</sup> "Amani Leo" (meaning "Peace Now" in Kiswahili) was preceded by "Umoja Wetu" (a Rwandan-Congolese operation from 20 January to 27 February 2009) and "Kimia II". For more details, see Crisis Group Report, *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, op. cit., p. 6.

<sup>45</sup> The policy of conditional support from MONUSCO to the FARDC was introduced at the request of the UN Security Council. Resolution 1906, UN Security Council, S/2009/1906, 23 December 2009, paragraph 22, p. 6.

<sup>46</sup> Amani Leo lasted from 1 January 2010 to 11 April 2012, on which day President Kabila announced the suspension of all military operations in the east. "Joseph Kabila suspend toutes les opérations militaires au Nord-Kivu", Radio Okapi, 12 April 2012.

<sup>47</sup> Following these military operations, the FDLR in South Kivu "withdrew" and reappeared in neighbouring provinces (north-

In April 2011, Operation Amani Leo stalled while the FARDC were reorganised into regiments. This allowed the FDLR, PARECO, APCLS (Alliance of Patriots for a Free and Sovereign Congo) and Mai-Mai Cheka armed groups to regain control of the positions that they occupied in 2010, two years earlier,<sup>48</sup> as the constant movements of Congolese troops created security vacuums. In other words, the FARDC could not hold the territory and the Amani Leo operation eventually became just a series of attacks without a strategy.

On 30 August 2012, Rwanda announced it would withdraw the special forces it had deployed in Rutshuru since February 2011.<sup>49</sup> During their presence on Congolese territory, they had conducted several operations that targeted senior FDLR officers.<sup>50</sup> Kigali's action highlighted how ineffective the FARDC and MONUSCO were against the FDLR and was an embarrassment for the Congolese government.<sup>51</sup>

## 2. Extension of the predatory behaviour of the FARDC

Under the pretext of operations against armed groups, the FARDC have managed to extend their predatory activities. The local population continues to suffer the same illegal levies (taxes, food, etc.) which were inflicted on it by the

armed groups as the FARDC have now taken the opportunity to do the same. Given the lack of discipline and the dual command system, this has led to internal struggles that have sometimes resembled mining guerrilla warfare, with the fight against the armed groups relegated to a secondary concern.

During the period from the CNDP's integration into the FARDC until the defection of Bosco Ntaganda and his M23 officers, the two FARDC chains of command that existed in the Kivus were competing for control over North Kivu's main minerals production area, Walikale territory.<sup>52</sup> From March 2009, control of taxes and production at several mines was the focus of a confrontation between officers loyal to Generals Bosco Ntaganda and Gabriel Amisi respectively. The rivalry between the two factions manifested itself in frequent troop movements and the refusal to accept transfers. This reflected the lack of discipline in the command structure and even led to clashes between army units.<sup>53</sup>

In February 2011, the discovery of a cargo of gold belonging to Bosco Ntaganda on board a private jet in Goma,<sup>54</sup> and the following Kenyan inquiry into the matter at the request of the Congolese government,<sup>55</sup> revealed Bosco Ntaganda's involvement in the international trafficking of raw materials. Between 2009 and 2012, he acquired properties in Goma and Masisi, including a hotel, a mill, a gas station and conducted business in the supply of fuel from Kenya.<sup>56</sup>

The FARDC are illegally involved in many other economic activities<sup>57</sup> and many operations supposedly targeting armed groups are in fact attempts to take control of their resources. In July 2012, the FARDC clashed repeatedly with the APCLS-FDLR coalition in the area of Mweso in attempts to take control of Kashuga market, where various factions were collecting taxes.<sup>58</sup>

---

ern Katanga and Maniema) while the Mai-Mai Yakutumba, which were active along the shores of Lake Tanganyika, took refuge in the Moyens Plateaux in order to escape the FARDC. "Katanga: le gouvernement provincial dénonce la présence des FDLR dans le Tanganyika", Radio Okapi, 30 December 2010, "Punia: les FARDC mettent en déroute les FDLR au camp Mugunga", Radio Okapi, 9 September 2010. Crisis Group interviews, civil society members, Baraka, February 2012.

<sup>48</sup> Crisis Group interview, MONUSCO representative, Goma, 22 July 2012.

<sup>49</sup> "Retrait des Forces spéciales rwandaises de la RDC dès ce 1er septembre 2012", Rwanda news agency, 1 September 2012. Video of the Rwandan withdrawal: [www.youtube.com/watch?v=ROtn6qjUkL4](http://www.youtube.com/watch?v=ROtn6qjUkL4).

<sup>50</sup> Rendition of Colonel Wencesla Nizeyimana, second in command of the FDLR-RUD, on 19 April 2011. On 6 December 2011, Lieutenant-Colonel Faruha Honor Sindyamahuri was executed in Rutshuru. On 7 December 2011, Colonel Kalume was killed during an operation conducted by the FARDC in South Kivu. The chief of general staff, "brigadier général" Leodomir Mugaragu was killed on 11 January 2012. On 24 January 2012, a spokesperson for the Amani Leo operation announced that the FDLR-SOKI's number two had been killed, officially by the local population. In January and February 2012, Captain Samson Businge and Major Thomas à Rutshuru were killed in Uvira.

<sup>51</sup> "Retrait des militaires rwandais de la RDC: Lambert Mende dénonce le 'mensonge' de Kigali", Radio Okapi, 2 September 2012. The opposition, aware of the Rwandan military presence in the RDC, accused the president of high treason. "Rwandais au Kivu: Kabila en difficulté", *La Libre Belgique*, 4 September 2012.

---

<sup>52</sup> See the map in Appendix C.

<sup>53</sup> See Appendix D.

<sup>54</sup> "Affaire du jet privé bloqué à Goma: le PGR Kabange Numbi s'exprime", Radio Okapi, 16 March 2011.

<sup>55</sup> "Au travers de ses émissaires: Joseph Kabila demande à Mwai Kibaki d'ouvrir une enquête sur la disparition d'une cargaison d'or", *L'Avenir*, 23 February 2011. Jeroen Cuvelier, "Kenya's role in the trade of gold from eastern DRC", International Peace Information Service, Antwerp, August 2011.

<sup>56</sup> "Letter dated 29 November 2011", op. cit., paragraphs 597-605, pp. 149-150.

<sup>57</sup> For example, the navy controls a significant part of the illegal fishing industry in Lake Edward. Crisis Group interview, civil society representative, Goma, June 2012.

<sup>58</sup> Crisis Group email correspondence, civil society representative, August 2012.

Much more than the CNDP's refusal to integrate into the FARDC, it was the financial rivalry between General Bosco Ntaganda and his "men" (Colonels Sultani Makenga, Kahina, Mboneza, Saddam Ringo)<sup>59</sup> and Generals Mayala and Amisi and their "men" (Colonels Chuma, Bindu and Pili-pili) for the control of mines that explains the internal tensions within the military and the persistence of parallel chains of command. Following its integration, "the CNDP became just the same as other sectors of the FARDC", prioritising its economic activities over the defence of Tutsi interests.<sup>60</sup>

### 3. New armed groups and the increase in inter-ethnic tensions

Not only did Amani Leo fail to reduce the strength of the armed groups but new ethnically-based groups, such as the Congolese Defence Front (FDC, Hunde), the Nyatura self-defence group (Hutu) and the Rayia Mutomboki (Rega, Kano and Tembo), appeared in the Kivus even before the M23.

The security situation deteriorated, as many actors observed and documented, in 2011 with the appearance of new militias.<sup>61</sup> In southern Masisi, several village self-defence armed groups were formed by Hunde, Ngundu and Hutu communities to defend themselves against the FDLR following the departure of the FARDC in April 2011. Clashes between such self-defence militias have occurred since the departure of the Congolese military. In November 2011, the Mai-Mai Guide and several village militias began to regroup in southern Masisi under the name of the Congolese Defence Front (Front de la défense du Congo, FDC). They are led by a former CNDP officer, Butu Luanda, and

have financial and logistical support from General Bosco Ntaganda. In response, the Nyatura self-defence group appeared in the Hutu community in the same area. The Nyatura are led by "commander Delta",<sup>62</sup> and are allies of the FDLR. Fighting between the FDC and the Nyatura has resulted in atrocities against civilians.<sup>63</sup>

In February 2012, the Mai-Mai Rayia Mutomboki appeared in Walikale territory.<sup>64</sup> They clashed with the FARDC on 17-19 July 2012 over the control of Walikale and Njingala. The group is comprised of several village militias from the Rega, Tembo and Kano communities who are on a mission to "cleanse" North Kivu of Rwandophones.<sup>65</sup> During the occupation of Walikale on 18-19 July, many atrocities were committed against civilians suspected of being FDLR allies or Rwandophones.<sup>66</sup>

### C. RECONSTRUCTION WITHOUT GOVERNANCE REFORM: BUILDING ON SAND

In addition to political and military integration agreements and military pressure on armed groups, the stabilisation plan includes a reconstruction component through the Stabilisation and Reconstruction Plan for War-Affected Areas (STAREC) and the International Security and Stabilisation Support Strategy (ISSSS). These two programs are based on a peace consolidation strategy focused on reconstructing war-affected areas in order to win "hearts and minds".<sup>67</sup>

Despite differences in wording, the two programs have the same objective and the second is a plan within a plan to the extent that "it is now the main international vehicle to support the Government's STAREC".<sup>68</sup> The existence of two programs is mainly due to donors' awareness of

<sup>59</sup> Colonels Sultani Makenga, Kahina, Mboneza, Saddam Ringo and General Bosco Ntaganda are all on the M23's list of senior officers established by the Congolese government. See "Communiqué de presse du Conseil supérieur de la défense", on urgent measures decided by the Higher Defence Council, 6 July 2012.

<sup>60</sup> Crisis Group interview, member of the Tutsi community, Goma, 18 July 2012.

<sup>61</sup> As from 15 April 2011, the PARECO militias attacked places in Lubero. On 2 May 2011, the administrator of Lubero announced that all the north and part of the south of his territory were under the control of the FDLR and PARECO militias. In June, PARECO and the Council of Revolutionary Congolese (Conseil des révolutionnaires congolais), created a few weeks previously, fought for control of the south of the territory and it was only in August that the FARDC launched operations in western Lubero against PARECO and the FDLR. "Monthly humanitarian report, North Kivu, April 2011", Office for the Coordination of Humanitarian Affairs (OCHA), 15 May 2011; "Monthly humanitarian report, August 2011", OCHA, 14 September 2011. "Les Mai-Mai et FDLR profitent de l'absence des FARDC pour attaquer Lubero", Radio Okapi, 3 May 2011.

<sup>62</sup> Crisis Group interview, FARDC member, Goma, 20 July 2012.

<sup>63</sup> Crisis Group interviews, humanitarian community member, Goma, 17 and 22 July 2012.

<sup>64</sup> For a detailed analysis of this new armed group, see Appendix E.

<sup>65</sup> Crisis Group interview, FARDC member, Goma, 20 July 2012.

<sup>66</sup> Crisis Group interviews, humanitarian community members, Goma, 17 and 22 July 2012.

<sup>67</sup> Adopted in June 2009 and placed under the authority of the president, the STAREC program was designed by the government and includes three components (security, humanitarian and social support and economic revival). The ISSSS is implemented by the UN, financed by a dozen donors and includes five similar components (security, political process, restoration of state authority, return and reintegration, fight against sexual violence). See Crisis Group Report, *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, op. cit., pp. 20-21.

<sup>68</sup> ISSSS Fact Sheet, 10 December 2009. "The overall objective of the ISSSS is to support national efforts to promote a secure and stable environment in key conflict-affected areas of Eastern DRC", ISSSS, Integrated Program Framework 2009-2012, p. 7.



the risk of misappropriation and their desire to avoid entrusting the funds to the Congolese authorities.<sup>69</sup> However, as indicated in a previous Crisis Group report, the problems began with these programs as soon as they were launched and more recent evaluations have only confirmed this. These assessments concluded that there was a lack of consultation, especially with the beneficiary populations, a prevalence of material reconstruction over governance reform, a lack of international coordination and a lack of financial commitment from the Congolese government (at the end of 2011, it allocated \$20 million to STAREC compared to the ISSSS's \$203 million over two years).<sup>70</sup> The evaluations also highlighted the programs' organisational lethargy and complexity.<sup>71</sup>

These evaluations concluded that the stabilisation plan is a long way from achieving its objectives. Furthermore the preceding chapters have highlighted the failure of political integration, the deteriorating security situation and the contentious issue of the return of the refugees. However, all analyses of eastern DRC agree that there has been a clear failure in the key task of restoring state authority. Although the program has built six roads, police barracks and customs offices (Masisi, Rutshuru, Fizi, Baraka, etc.), police and customs officials are either not in place or unqualified, while the deteriorating security situation in 2011 has compromised many projects in North Kivu.<sup>72</sup> In Rutshuru, the centre of the M23 rebellion, armed groups have wrecked or occupied much of the infrastructure that these programs built.<sup>73</sup>

In some areas, a lack of magistrates for the tribunals,<sup>74</sup> the refusal to accept deployment to distant and unsafe rural areas and various administrative and organisational prob-

lems have resulted in empty buildings, such as the Bukavu barracks, which remained empty for several months, and the trading posts built to handle the trade in minerals.<sup>75</sup> At best, the administrative coverage of some territories is improving but the newly-restored administrations are not functioning, as recognised by the special representative of the UN Secretary-General.<sup>76</sup> Given this lack of functional public services, the ISSSS and STAREC are fostering reconstruction without governance.

From a field perspective, the "restoration of state authority" too often resembles a UN- and donor-sponsored extension of the administration's predatory behaviour. This is not the first time that the government had displayed a lack of political will to embark on a genuine reconstruction program.<sup>77</sup> Aware that the first phase of the ISSSS (2010-2012) has not had the anticipated impact, MONUSCO and the donors are revising their stabilisation strategy<sup>78</sup> and preparing a new approach that will focus on what has been lacking during the last two years: political dialogue and community reconciliation, two policies that require Kinshasa's agreement and involvement.<sup>79</sup>

---

<sup>69</sup> Funds for the ISSSS are paid into a joint account managed by the UNDP. The main donors to the ISSSS are the U.S., the UK and the Netherlands.

<sup>70</sup> ISSSS Quarterly Report, April-June 2012, MONUSCO, July 2012.

<sup>71</sup> Crisis Group Report, *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, op. cit., pp. 20-21; Oxfam Lobby Briefing, "For me, but without me, is against me. Why efforts to stabilise the Democratic Republic of Congo are not working", July 2012; International Security and Stabilization Support Strategy for Democratic Republic of Congo, Generating a Joint Political Approach to Stabilization, 20 June 2012.

<sup>72</sup> Crisis Group telephone interview, MONUSCO staff, Goma, August 2012.

<sup>73</sup> The UN rebuilt the prison, the court-house, administrative buildings and a police station. When the M23 approached, the police fled and the prison was wrecked and the prisoners were released. The police buildings in Baraka were occupied by the Mai-Mai Yakutumba. "ISSSS Quarterly Report", April-June 2012, MONUSCO, July 2012.

<sup>74</sup> Deployment of judicial staff to the five reconstituted tribunals had to wait two years. "ISSSS Quarterly Report", op. cit.

---

<sup>75</sup> The Bukavu barracks were rebuilt but remained unoccupied for several months because several factions of the FARDC argued about who was to be housed there. It was only formally opened at the end of June 2012. The trading posts form part of the plan designed to formalise trade in minerals in the Kivus and are supposed to accommodate the state services responsible for registering mineral cargos. Crisis Group email correspondence, civil society member, Bukavu, July 2012. "ISSSS Quarterly Report", op. cit.

<sup>76</sup> "While MONUSCO has made progress in implementing its stabilization mandate, there are significant outstanding challenges ... which negatively affects progress in restoring State authority. State budgeting for and payment of civil administration and police, as well as shortfalls in the deployment of magistrates and prison staff, also hamper stabilization efforts". Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo, Security Council, S/2012/355, 23 May 2012, paragraph 39, p. 9.

<sup>77</sup> In Ituri, where a similar stabilisation strategy was applied a few years previously, the Congolese authorities failed to reestablish an operational and effective administration in the district to complement the reconstruction financed by donors. Crisis Group interview, UNDP expert, Bunia, July 2011.

<sup>78</sup> Resolution 2053, UN Security Council, S/RES/2053, 27 June 2012, paragraph 7, p. 4.

<sup>79</sup> Crisis Group telephone interview, donor representative, August 2012. This new approach is developed in the following document: International Security and Stabilization Support Strategy for Democratic Republic of Congo, "Generating a Joint Political Approach to Stabilization", 20 June 2012.



### III. HISTORY REPEATS ITSELF

Non-credible elections, the shaky implementation of the March 2009 agreement (which has weakened the CNDP politically but strengthened it militarily) and the failure of military operations and stabilisation plans formed the backdrop to a new rebellion in May 2012. The rebellion followed a pattern already established in the past. The disturbing similarities with the 2008 crisis (armed Tutsi movement, a rise in intercommunal tensions, an ineffective army and a militarily passive MONUSCO) indicate that history is repeating itself in the Kivus.

#### A. BOSCO NTAGANDA'S MUTINY AND RWANDAN-CONGOLESE TENSIONS

Under international pressure, the Congolese authorities ordered the arrest of Bosco Ntaganda after having publicly refused to arrest him for three years on the pretext that he was a key element in the peace process in the Kivus.<sup>80</sup> This U-turn by Kinshasa, which seems to call into question the amnesty granted to the CNDP, led to a mutiny and the formation of a new political-military movement, the M23, in May.

The first Western minister to visit Joseph Kabila since the fraudulent November 2011 elections, Didier Reynders, the Belgian foreign minister, went to Kinshasa on 27 March 2012<sup>81</sup> and pleaded for Bosco Ntaganda's arrest. The U.S. ambassador expressed support for this position a few days later.<sup>82</sup> With electoral fraud having seriously undermined his international credibility<sup>83</sup> and with Thomas Lubanga having just been convicted,<sup>84</sup> Joseph Kabila saw a chance

to regain legitimacy with Western partners by handing over Ntaganda, who has been wanted by the ICC since 2006. Warned of the turn of events, on 2 April 2012, Bosco Ntaganda fled to his farm in Masisi and soldiers began to defect from the FARDC from 1 April.<sup>85</sup>

In Goma, on 11 April 2012, Joseph Kabila affirmed his intention to arrest Bosco Ntaganda, try him in the DRC, transfer regiments away from the Kivus, begin a wide-ranging reform of the army and suspend all military operations.<sup>86</sup> The trial of fourteen mutinous officers in South Kivu<sup>87</sup> and the announcement of the deployment of troops away from the Kivus<sup>88</sup> gave impetus to the wave of desertions.

On 6 May, the mutineers announced the creation of a new armed movement, called M23 in reference to the 23 March 2009 agreement, with Colonel Makenga, a close associate of Bosco Ntaganda, as coordinator. They demanded the full and complete implementation of the 23 March agreement.<sup>89</sup> On 7 May, in a conciliatory gesture, Kinshasa ordered a five-day ceasefire and the electoral commission asked the High Court of Justice to review the cancellation of the legislative election results in Masisi, which it eventually released on 2 October 2012.<sup>90</sup> However, the CNDP

<sup>80</sup> "I have to tell you that we had good reason not to arrest Bosco Ntaganda. The main reason was to consolidate the peace process, to which he had contributed". "Lambert Mende: 'L'arrestation de Bosco Ntaganda n'est qu'une question de temps'", digitalcongo.net, 12 May 2012.

<sup>81</sup> "James Entwistle: 'Bosco Ntaganda devrait être arrêté et livré à la CPI'", Radio Okapi, 6 April 2012.

<sup>82</sup> "Didier Reynders fait rebondir l'Affaire Ntaganda", *Le Potentiel*, 28 March 2012.

<sup>83</sup> See "DR Congo: Learning the Lessons", Crisis Group blog (crisiscgroupblog.org/africanpeacebuilding), 9 February 2012; "République démocratique du Congo, Elections présidentielles et législatives, rapport final", European Union electoral observation mission, 29 March 2012; "DRC presidential election results lack credibility", Carter Center Election Observation Mission, 10 December 2011.

<sup>84</sup> Thomas Lubanga was sentenced to thirteen years in prison for conscripting children under the age of fifteen, twelve years for their enlistment and fourteen years for using them to participate actively in hostilities. "Decision on Sentence pursuant to Article 76 of the Statute", The Prosecutor against Thomas Lubanga Dyilo, Trial Chamber I, ICC-01/04-01/06, 10 July 2012.

<sup>85</sup> On 1 April 2012, in South Kivu, commander Saddam Ringo and a handful of soldiers deserted. In Masisi, North Kivu, Colonel Zimurinda and approximately 500 ex-CNDP soldiers defected. Two days later, Colonel Byamungu, commander of military sector 9 and part of the Uvira garrison, deserted. Lieutenant-Colonel Nsabimana and 85 soldiers joined him the following day. On 7 April, Colonel Innocent Kahina defected along with 200 ex-PARECO and ex-CNDP soldiers.

<sup>86</sup> "Mise au point sur le message de Joseph Kabila sur la situation sécuritaire au Nord-Kivu", Congo planète (congoplanete.com), 12 April 2012.

<sup>87</sup> Colonel Byamungu, commander of military sector 9, supervised the mutiny of ex-CNDP soldiers in South Kivu. FARDC halted the mutineers' attempt to take control of Fizi and Baraka on 1 April. The mutineers regrouped in Uvira. Two days later, Colonel Byamungu defected. On 4 April, the FARDC arrested mutineers coming from Baraka. On 16 April, at the request of Colonel Makenga, Colonel Byamungu surrendered and on 21 April, Colonel Biyoyo was arrested with a large stock of arms intended for the mutineers. Commander Saddam Ringo and Colonel Ngabo managed to meet up with Colonel Makenga in North Kivu. The mutinous officers were quickly tried in Uvira in May. Eleven of the sixteen soldiers accused of insurrection were sentenced to prison sentences ranging from two years to life imprisonment, and five were acquitted. Crisis Group correspondence, civil society representative, April-June 2012.

<sup>88</sup> On 23 April 2012, with logistical support from MONUSCO, 1,000 soldiers of the 811th sector were sent to Kasai Occidental.

<sup>89</sup> Press release no. 11/ANC/CNDP/2012, Congrès national pour la défense du peuple/Armée nationale congolaise, 6 May 2012.

<sup>90</sup> "Contentieux électoral: la Ceni demande à la Cour suprême de justice de corriger ses arrêts", Radio Okapi, 7 May 2012.

left the Presidential Majority and announced its support for the M23's demands.<sup>91</sup> Like Bosco Ntaganda, the M23's senior military leaders are either suspected or accused of war crimes committed before<sup>92</sup> and since<sup>93</sup> the movement's creation.

Meanwhile, at the end of May, the UN revelation that the M23 enjoyed Rwanda's military support<sup>94</sup> sparked a diplomatic crisis between the two countries. Despite several meetings at military and political levels,<sup>95</sup> tension mounted on the ground and the controversy assumed an international dimension. On 27 June 2012, the UN published a report on Rwanda's support for the M23, the contents of which were immediately refuted by Kigali.<sup>96</sup> However,

Western countries believed there was substance to the accusations and, as in 2008, some of them suspended part of their aid.<sup>97</sup>

At the same time, in the Kivus, anti-Rwandan and anti-Rwandophone resentment increased. On 10 July, the Rwandan army made a brief incursion into Goma,<sup>98</sup> following the citizens' arrest of individuals suspected of being Rwandan.<sup>99</sup> At the beginning of August, in Bukavu, a demonstration degenerated into a hunt for people resembling Tutsis and, in North Kivu, the Rayia Mutomboki threatened all Rwandophones in the areas under its control.<sup>100</sup> The situation could, therefore, quickly degenerate into inter-ethnic clashes, and this is already the case in the remote Walikale territory.<sup>101</sup>

---

"RDC: la CENI publie les résultats provisoires des élections législatives dans le Masisi", Radio Okapi, 2 October 2012.

<sup>91</sup> Press release, Conseil national pour la défense du peuple, 2 June 2012. Crisis Group interviews, CNDP members and M23 spokesperson, Goma and Bunagana, 6 and 15 July 2012.

<sup>92</sup> Colonel Sultani Makenga, Baudouin Ngaruye et Innocent Zimurinda are suspected of conscripting children under the age of fifteen and of using them to participate actively in hostilities. Makenga is also suspected of taking part in the Kiwandja massacre on 4-5 November 2008 and the Buramba massacre in March 2007; Ngaruye of taking part in the Shalio massacre on 27 and 30 April 2009; and Zimurinda of being responsible, as commanding officer, for the Kiwandja and Shalio massacres. Colonel Innocent Kaina is accused of crimes committed in Orientale province, Ituri, in 2004, when he was, with Bosco Ntaganda, a member of the Union of Congolese Patriots (Union des patriotes congolais, UPC)/Patriotic Forces for the Liberation of Congo (Forces patriotiques pour la libération du Congo, FPLC) led by Thomas Lubanga Dyilo. Arrested by the DRC authorities in June 2006, he was released in January 2009, without going on trial. "Citing 'appalling' human rights record of leaders of M23 mutineers in DR Congo, Pillay fears further abuses", UN High Commissioner for Human Rights, 19 June 2012.

<sup>93</sup> "DRC children, young men flee M23 recruitment", Integrated Regional Information Networks (IRIN), 16 August 2012.

<sup>94</sup> On 20 May 2012, eleven M23 soldiers surrendered to MONUSCO and stated they were Rwandan. On 23 May, the special representative of the UN Secretary-General, Fidèle Sarassoro, met Pierre Lumbi, special presidential adviser on security, to inform him of this. On 24 May 2012, the DRC security services, in the presence of MONUSCO personnel, questioned the eleven M23 soldiers. They said they were Rwandan, some of them ex-FDLR, and that they had been recruited into the Rwandan armed forces in Rwanda since January 2012. They also said that Kigali provided M23 with military support. Crisis Group interview, MONUSCO personnel, Goma, 21 July 2012.

<sup>95</sup> On 19 June 2012, Joseph Kabila met the Rwandan foreign minister in Kinshasa. On 29 June 2012, the Congolese and Rwandan defence ministers met, and other meetings were organised between security service representatives.

<sup>96</sup> "Letter dated 26 June 2012, from the Chair of the Security Council Committee established pursuant to Resolution 1533 (2004) concerning the Democratic Republic of Congo addressed to the President of the Security Council", UN Security Council,

A brief clash between the FARDC and the M23,<sup>102</sup> which ended with the latter's victory, opened up the road to Goma and made the government realise just how dangerous the situation was. While the international community increased its calls for dialogue, the International Conference of Great Lakes Countries (ICGLC) hastily discussed the issue at the African Union meeting in Addis Ababa on 11 July 2012.

## B. HISTORY REPEATS ITSELF

Disturbing similarities of this crisis with that of 2008 show the government still faces the same problems. It also shows the striking inadequacies of conflict management tools in eastern DRC.

---

S/2012/348/add.1, 27 June 2012. Rwanda produced a counter report on 1 August: "Rwanda's response to the allegations contained in the addendum to the UN group of experts interim report", Government of Rwanda, 1 August 2012.

<sup>97</sup> The U.S., Germany, the UK, Netherlands and Sweden. Members of the U.S. Congress even wrote a bipartisan letter to Paul Kagame to warn him, "Open Letter to President Kagame by 11 American Members of Congress of USA", U.S. Congress, Chamber of Representatives, 3 August 2012.

<sup>98</sup> Crisis Group email correspondence, civil society member, Goma, 13 July 2012.

<sup>99</sup> "Goma: Les vieux démons de la stigmatisation refont surface, le pouvoir à la rue!", Pole Institute, 10 July 2012.

<sup>100</sup> Crisis Group email correspondence, civil society members, Bukavu and Mweso, August 2012.

<sup>101</sup> Paradoxically, although some clashes in this territory claimed civilian victims for several months, the most recent allocation of humanitarian aid did not select it for funding. Crisis Group telephone interview, humanitarian community member, June and August 2012.

<sup>102</sup> The M23 launched an offensive on 24 July 2012 and took control of Rutshuru while the FARDC held the Rumangabo military base. On 25 July, the M23 launched an offensive to take Rumangabo, which the FARDC eventually abandoned.

## 1. Failure to reform the army: The “military option” without an army

As in 2008 when it faced Laurent Nkunda’s CNDP, in June and July the FARDC twice demonstrated its ineffectiveness to Congolese public opinion and to the international actors that have been involved in army reform for years.<sup>103</sup> Although the balance of forces seems to favour it, the FARDC has showed very limited combat capacity.<sup>104</sup> As usual, the problem of unpaid wages has re-emerged, to the extent that North Kivu deputies deplored that “FARDC soldiers do not have enough to eat and have to ask the people of Rutshuru territory for supplies” and North Kivu civil society has proposed to raise funds to pay the soldiers.<sup>105</sup> In addition, the army suffers from a lack of indispensable logistical support from the administrative and supplies office.<sup>106</sup>

The FARDC’s structural ineffectiveness shows that, despite the many commitments of the Congolese authorities (including at the highest level), a new army law<sup>107</sup> and support from many countries for several years,<sup>108</sup> reform of the FARDC has had no impact on the military’s structural problems, namely indiscipline and poor living conditions of the soldiers. As with previous mutinies, the M23’s first demand was the payment of wages.<sup>109</sup> Since 2006, the EU military assistance mission in the DRC has been working on the FARDC’s wage payment system but the launch of Amani Leo and the reorganisation of troops into regiments have allowed senior Congolese officers to bypass the new system. Since biometric identification, FARDC soldiers have repeatedly complained that the generals col-

lect a levy on their wages and omit some names from the payment lists.<sup>110</sup>

Without sustainable logistical support and reasonable wages, further training does not hold out any hope of improvement, as some of the donors involved in army reform have acknowledged.<sup>111</sup> This crisis has showed what military experts already knew: international efforts have not been able to end the dual command structure in the army and its predatory nature.

Asked to explain the state of the army, the commander-in-chief, Joseph Kabila, simply said that army reform is “a process that began a few years ago”.<sup>112</sup> As soldiers continue to defect,<sup>113</sup> North Kivu deputies,<sup>114</sup> the Security Council and donors<sup>115</sup> are calling for reform of the FARDC.

---

<sup>110</sup> Crisis Group interview, FARDC and M23 members, Goma and Bunagana, 17 and 23 July 2012.

<sup>111</sup> “Congolese battalion trained with purpose, but armed mostly with promises”, *Stars and stripes*, 24 May 2011. Crisis Group interview, Department of Defense, Washington DC, 2011.

<sup>112</sup> Press conference given by the President of the Democratic Republic of Congo, 28 July 2012. Accessible on Radio Okapi, “RDC: Joseph Kabila envisage ‘toutes les solutions’ pour établir la paix à l’Est”, 29 July 2012.

<sup>113</sup> “RDC: une vingtaine de militaires issus de l’ex-rébellion du CNDP font défection au Sud-Kivu”, Radio Okapi, 12 August 2012; “Défections en cascade des militaires ex-CNDP-Armée: les taupes se démasquent”, *Le Potentiel*, 16 August 2012; “Kasaï-Occidental: Une nouvelle rébellion est née”, *La Tempête des tropiques*, 20 August 2012.

<sup>114</sup> The North Kivu deputies asked, among other things, for a review of the FARDC’s chain of command and assurances about the living conditions of the soldiers deployed against the M23. Déclaration du caucus parlementaire des députés nationaux élus au Nord-Kivu, op. cit.

<sup>115</sup> As part of MONUSCO’s new mandate, defined in June 2012, the Security Council “urges the Government of the Democratic Republic of Congo, which bears the primary responsibility regarding the reform of its security sector, to operationalize and implement, with the support of MONUSCO, a national and comprehensive vision and strategy for the security and justice sectors” and “underlines the need for an overall Congolese security sector reform strategy that focuses on the professionalization of security sector institutions, including oversight bodies”. Resolution 2053, S/RES/2053, 27 June 2012, articles 8 and 9. The EU and Belgium have also called again for security sector reform. “While the EU supports Congolese sovereignty over its territory, it also calls on the DRC to assume increased responsibility by fully establishing state authority in the Kivu provinces. In this regard, security sector reform, in particular of the Congolese Army, should not be further delayed”. Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on the situation in the eastern Democratic Republic of Congo, European Union, 12422/12, 10 July 2012. “I think it is time to guarantee the integrity of national territory and restore peace, stability and the rule of law. That requires reform of the army”. “Guerre dans l’Est: la Belgique appelle la

---

<sup>103</sup> “RDC: L’armée recule devant les rebelles du M-23 mieux équipés”, Agence France-Presse, 31 July 2012.

<sup>104</sup> The FARDC has logistical support from MONUSCO and strong numerical superiority over the M23 with 7,000 men deployed to fight the movement. For example, the troops trained using Belgian military cooperation funds fled to Uganda when the M23 began its offensive at the beginning of July. “ISSSS Quarterly Report”, April-June 2012, MONUSCO, July 2012.

<sup>105</sup> Déclaration du caucus parlementaire des députés nationaux élus au Nord-Kivu sur la situation sécuritaire qui prévaut au Nord Kivu, 13 July 2012, p. 1. “Goma: la société civile lance une collecte pour soutenir les FARDC”, Radio Okapi, 28 June 2012.

<sup>106</sup> “RD Congo: revenir à une logique de stabilité”, *La Libre Belgique*, 21 August 2012.

<sup>107</sup> Organic law 11/012 on the organisation and operation of the armed forces, Cabinet of the Head of State, 20 August 2011.

<sup>108</sup> The DRC receives aid for training the FARDC from Belgium, the U.S., China, France, South Africa and Angola.

<sup>109</sup> On 15 February 2012, the FARDC troops based at Marabo in Ituri district mutinied and demanded payment of their wages. General Amisi negotiated resolution of this crisis in person. Crisis Group interview, M23 members, Bunagana, 17 July 2012.

Unruffled, the government continues to act as though the problem of the army is only one of human resources and training. It launched a wave of recruitment even though it is incapable of paying the soldiers already in the army,<sup>116</sup> asked Belgium for help in creating a supplementary brigade, talks in a totally unrealistic fashion about the “military option” against the M23 and tries to make alliances with the armed groups.<sup>117</sup>

## 2. MONUSCO's failure

As during the Goma crisis in 2008, MONUSCO was incapable of preventing a new rebellion. It has six battalions permanently stationed in Goma and has received reinforcements to help it deal with the M23.<sup>118</sup> However, despite its numerical superiority and fire-power,<sup>119</sup> MONUSCO has not stood in the way of M23's advance and has not managed to fulfil the crucial component of its mandate since the start of this crisis – the protection of the civilian population.

MONUSCO has not had a consistent policy towards Bosco Ntaganda. After refusing to arrest him when he circulated openly in Goma, MONUSCO then said it was ready to help in his arrest after the Congolese authorities' U-turn.<sup>120</sup> The UN mission initially did not want to get involved “in any way”, before going on to say that Bosco Ntaganda “has been a threat to security for a long time”.<sup>121</sup>

The FDLR massacred civilians in May 2012 in the village of Mijembe in South Kivu, 3km away from a MONUSCO base. In response to MONUSCO's inaction, the local population retaliated against UN peacekeepers.<sup>122</sup> In Walikale territory, on 18 July, MONUSCO troops let Rayia Mutomboki militias infiltrate its base and give it an ultimatum.<sup>123</sup> In Pinga, despite a MONUSCO temporary base, the Mai-Mai Cheka took over the town and performed a number of executions.<sup>124</sup> As in 2008, UN soldiers have not intervened when the people seeking refuge around the bases are victims of atrocities.<sup>125</sup> As a precaution, in areas where MONUSCO has a presence but the FARDC does not, the civilian population prefers to pay the militias for protection.<sup>126</sup>

Throughout this crisis, MONUSCO has balked at using force to protect the civilian population against the armed groups and despite guidance to the contrary in Chapter VII of the UN Charter, even when it has been aware of the violence committed by Rayia Mutomboki.<sup>127</sup> A parliamentarian of the presidential majority accused the UN peacekeepers of being no more than “tourists” in the Congo<sup>128</sup> and, during the visit of the Under-Secretary-General for Peacekeeping Operations in Goma, a demonstration was organised in order to complain about MONUSCO's passivity.<sup>129</sup>

---

RDC à réformer son armée”, Radio Okapi, 21 August 2012. “Reynders: ‘il y a un énorme effort à faire pour instaurer l’Etat de droit’”, Radio Okapi, 25 August 2012.

<sup>116</sup> This round of enlistment that began on 15 August risks being a new source of problems and disorganisation and NGOs have already sounded the alarm. Press release, CIVIS Congo, Kinshasa, 23 August 2012.

<sup>117</sup> “Le président Kabila envisage ‘toutes les solutions’ pour rétablir la paix dans l’Est”, mediacongo.net, 27 August 2012. “Mai Mai chief ready for war against DR Congo mutineers”, Agence France-Presse, 23 August 2012. According to APCLS leader Janvier Kairiri, in the presence of members of MONUSCO, government representatives came to request his integration into the army (which he refused) and his help against the M23.

<sup>118</sup> “DR Congo, UN troops reinforce Goma from rebel attacks”, Radio Netherland worldwide, 10 July 2012.

<sup>119</sup> MONUSCO has combat helicopters and armoured vehicles while the M23 only has infantry troops. In 2009, the CNDP had 5,276 soldiers. In 2012, the M23 has five times fewer soldiers (approximately 1,000 men).

<sup>120</sup> “MONUSCO does not have a mandate for the arrest of Bosco Ntaganda, but it can help the Congolese government arrest and transfer him”, MONUSCO spokesperson, daily MONUSCO press conference, 11 April 2012. “I can find an indicted warlord. So why isn’t he in the Hague?”, *Mother Jones*, September/October 2011.

<sup>121</sup> “Madnodje Mounoubai: ‘la Monusco n’est impliquée ni de loin, ni de près à l’arrestation de Bosco Ntaganda’”, Radio Okapi,

---

4 April 2012; “Roger Meece: ‘Bosco Ntaganda constituait depuis longtemps une menace pour la sécurité’”, *L’Observateur*, 12 April 2012.

<sup>122</sup> “RDC: 11 casques bleus de la MONUSCO blessés à Kamananga”, Radio Okapi, 14 May 2012. “Voici l’œuvre des FDLR INTERAHAMWE rwandais dans la Paroisse ‘YESU MSHINDAJI’ de BUNYAKIRI en territoire de KALEHE, Province du Sud-Kivu à l’Est de la RDCongo”, Diocesan Justice and Peace Commission, Bukavu.

<sup>123</sup> Crisis Group interview, humanitarian community members, Goma, 20 and 22 July 2012.

<sup>124</sup> Crisis Group telephone interview, humanitarian community member, 27 September 2012.

<sup>125</sup> Crisis Group interviews, civilians, Rutshuru, 15 and 21 July 2012.

<sup>126</sup> Crisis Group email correspondence, humanitarian community member, Goma, August 2012.

<sup>127</sup> Crisis Group telephone interview, MONUSCO representative, August 2012.

<sup>128</sup> “Zacharie Bababaswe exige l’expulsion de Manodje Mounoubai !”, *La Prospérité*, 25 May 2012.

<sup>129</sup> A memo saying that MONUSCO should leave or implement its mandate was transmitted to the head of the Department for Peacekeeping Operations. “La meilleure manière de nous protéger, nous civils congolais, c’est de nous rétablir la paix et la sécurité: la MONUSCO doit y œuvrer ou s’en aller”, memo for Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, Goma, 11 September 2012.

### 3. New ways to manage the crisis: The peace and security architecture in the Kivus?

As in 2008, management of this crisis has quickly become an international matter. In accordance with the African peace and security architecture,<sup>130</sup> a regional body (ICGLR) promptly took responsibility. After brief negotiations, ICGLR member states agreed to establish a 4,000-strong neutral force to patrol and secure the Congo-Rwandan border and “eradicate M23, FDLR and all other negative forces”, fully operationalise the Joint Verification Mechanism and revive the “Team of Special Envoys, namely H.E. Benjamin Mkapa and H.E. General Olusegun Obasanjo”.<sup>131</sup> When Rwanda, Uganda and Burundi expressed a wish to take part in this neutral force, the DRC tried to involve the Southern African Development Community (SADC), which, however, refused to get involved, leaving the matter to the ICGLR.<sup>132</sup>

While the M23 becomes stronger and wealthier,<sup>133</sup> the Addis-Ababa, Khartoum and Kampala summits have not produced any short-term solutions, although they have highlighted two problems related to the regionalisation of peace diplomacy. Firstly, these summits revive old divisions between the DRC’s neighbours.<sup>134</sup> Secondly, the ICGLR does not have the resources to implement its policy. All its resolutions clearly indicate that the neutral force it

proposes cannot be created without the assistance of the African Union and the UN.<sup>135</sup>

### C. FROM CRISIS MANAGEMENT TO CONFLICT RESOLUTION

The new crisis represents the collapse of the conflict resolution plan for Kivu and highlights the constraints affecting the region: poor governance in Kinshasa, Rwanda’s interference and the ineffectiveness of international crisis management instruments (MONUSCO and ICGLR). Political agreements, military operations and attempts at reconstruction all come up against the same problem. For years, all evaluations of the situation in the DRC have reached the same conclusion: there is a lack of political will to implement agreements and organise indispensable reforms.<sup>136</sup> Successive agreements, development plans and even laws have not been put into practice and have proved to be no more than empty promises.

In the short term, the current crisis could be resolved if several urgent steps were taken: a ceasefire between the M23 and the government; effective joint and permanent monitoring of the Congo-Rwanda border, as envisaged by the ICGLR; joint evaluation of the 23 March 2009 agreement and resumption of dialogue between the government and the CNDP on the basis of the agreement; inclusion of individuals and organisations supporting the M23 and other armed groups on the UN sanctions list; the consideration of a weapons embargo against Rwanda; and referral of the actions of M23 and other armed groups (Rayia Mutomboki, Nyatura and FDC) to the ICC for investigation, particularly with regard to the conscription of children.<sup>137</sup> Similarly, the ICC should ask for MONUSCO’s files about the M23 leaders.

<sup>130</sup> On the peace and security architecture and associated problems, see Crisis Group Africa Report N°181, *Implementing Peace and Security Architecture (I): Central Africa*, 7 November 2011.

<sup>131</sup> “Regional Inter-Ministerial Extraordinary Meeting on the Security situation in Eastern DRC”, International Conference on the Great Lakes Region (ICGLR), 11 July 2012, paragraph 12.iii and x.

<sup>132</sup> “Final communiqué of the 32nd summit of SADC Heads of State and Government”, 18 August 2012, paragraph 13.2, p. 4.

<sup>133</sup> As usual with armed groups, the M23 has imposed taxes along the roads it controls (\$1,000 per lorry loaded with timber, \$500 for lorry with other goods and \$70 per car and minibus). Crisis Group telephone interview, civil society representative, Rutshuru, August 2012. “RDC: la rébellion du M23 se dote d’un cabinet politique”, Radio Okapi, 20 August 2012; “Nord-Kivu: le M23 étend son autorité à Rutshuru”, Les médias du citoyen, 8 August 2012.

<sup>134</sup> At the Khartoum and Kampala summits, Rwanda proposed deploying a neutral force including Rwandan and Ugandan troops. The DRC, initially with Angola’s support, sought to impose a neutral force mainly put together by the SADC, a proposal opposed by Museveni, who went to Luanda four days before the Kampala summit in order to promote a resolution of the conflict through the ICGLR. “Museveni begged Angola not to enter DR Congo”, *The Observer*, 9 August 2012.

<sup>135</sup> “The creation of a Neutral International Force with a mandate from the African Union and the United Nations Organisation, including troops from African countries, supported by the African Union, the United Nations Organisation and other bilateral and multilateral partners”, Report of the meeting of the Sub-Committee of ICGLR Ministers of Defence on Security in East of DRC, ICGLR, 16 August 2012, Chapter II, paragraph 1, p. 7.

<sup>136</sup> This is the problem highlighted by all the following reports: Arnoud Justaert, “The implementation of the EU security sector reform policies in the DRC?”, *European Security*, vol. 21, no. 2, June 2012, pp. 219-235; “RDC: prendre position sur la réforme du secteur de sécurité”, collectif d’ONG, 2012; Oxfam Lobby Briefing, “For me, but without me, is against me”, op. cit.; “Generating a joint political approach to stabilization”, op. cit.; Oxfam, “No will, no way: US-funded security sector reform in the DRC”, 2010; Sébastien Melmoth, “Candide au Congo, l’échec annoncé de la réforme du secteur de sécurité”, Focus stratégique no. 9, IFRI, September 2008.

<sup>137</sup> Since May 2012, there have been 1,500 alerts on the conscription of children by armed groups. Journée de réflexion sur

In addition, a clear signal must be sent to the M23 and Rwanda that Bosco Ntaganda must be handed over to the ICC and to MONUSCO that it has a mandate to arrest him. The government and the UN mission should launch local peace initiatives where ethnic tensions are high (Walikale, Masisi, Shabunda and Kalehe territories). Given the involvement of traditional leaders, these initiatives can defuse local tension.<sup>138</sup>

These measures will enable to manage the crisis but will not be able to prevent a new one because they only address the symptoms and not the root causes of the Kivu problem. Kinshasa's governance must improve if the conflict resolution plan defined in 2008 is to be implemented.

Restoration of public services, political integration and army reform do not need a new plan or new rhetorical commitments from the president. They need the donors to show their political will and to clearly say to the Congolese authorities that the fundamental requirements are political dialogue and governance reform in both the army and the administration. They must also make the Congolese authorities understand that they will not finance the same institutional support and stabilisation programs again until they improve governance of the administration and the army in the east. This means paying government officials, deploying them where possible, exercising control over what they are doing and punishing them if necessary. The same goes for the army and the 2011 law on the armed forces should be urgently implemented. By opening the eyes of Congolese public,<sup>139</sup> this crisis has provided a window of opportunity for donors and Congolese reformers to send a joint message to the government.

Simultaneously, donors should continue suspension of aid to Rwanda until the next UN experts' report is published at the end of the year. If the UN group of experts and the joint border verification team conclude that Rwanda is

interfering into Congolese affairs, donors should expand aid suspension.

#### IV. CONCLUSION

Yet another crisis in the Kivus shows that yesterday's problems have not gone away. It therefore provides an opportunity to discard the sham conflict resolution system that has prevailed for years in the DRC. From the Sun City negotiations in 2002 until today, this conflict resolution model is largely based on tolerating impunity and sharing out the proceeds of predation. With a very low cost of setting up a militia, fierce competition for control of natural resources and stillborn governance reforms, this system only provides scope for "buying" truces and leaves the rural population bear the burden of insecurity.

It is high time to break with this system and avoid bogus "solutions" such as sending a supplementary 4,000-strong force to do what 18,000 UN peacekeepers and 30,000 FARDC troops have failed to do. In any case, such a supplementary force risks getting bogged down in the maze of regional diplomacy and becoming more of a problem than a solution. The armed groups are only symptoms of a deeper malaise. By focusing on these actors and giving them political credit that they do not deserve, the international community is taking the easy way out and prioritising conflict management over conflict resolution.

Instead of "freezing" the conflict for a couple of years, conflict resolution needs the authorities, as from now, to prosecute the perpetrators of war crimes, implement the governance reforms defined a long time ago, open up political space for legitimate actors and sanction foreign intervention. However, this action will require the political will on the part of those who pay the bills for the Congolese and Rwandan governments.

**Kinshasa/Nairobi/Brussels, 4 October 2012**

---

la crise sociale et humanitaire dans l'Est de la République démocratique du Congo, Rapport général, CIRGL, Goma, 15 August 2012.

<sup>138</sup> The local peace initiatives are an opportunity to call for peace and to promote communities' reconciliation following traditional customs. "Nord-Kivu: les notables de Masisi et Walikale appellent les jeunes à s'impliquer dans la recherche de la paix", Radio Okapi, 23 July 2012.

<sup>139</sup> The North Kivu deputies recommends the judiciary "to pursue and punish soldiers who are presumed perpetrators guilty of treason, wheeling and dealing and misappropriation of soldiers' wages and illegal accumulation of wealth on the backs of their subordinates" while the National Consultative Group on the Crisis in Eastern DRC, a civil society organisation, recommends "rigorous action against impunity in the public services". Recommendations of the National Consultative Group on the Crisis in Eastern DRC, Kinshasa, 4 August 2012 and "Déclaration du caucus parlementaire", op. cit.



## APPENDIX A

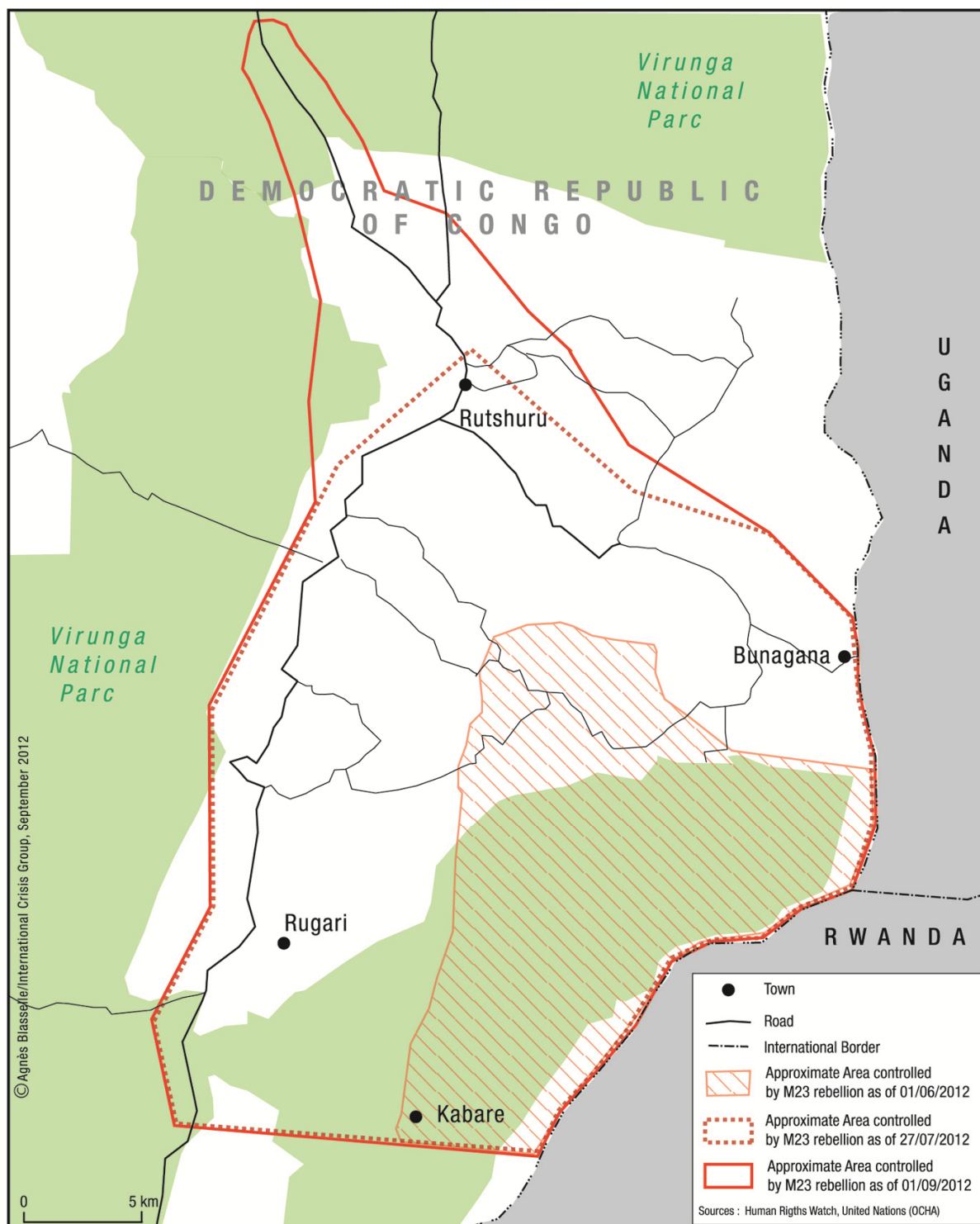
## MAP OF DEMOCRATIC REPUBLIC OF THE CONGO





## APPENDIX B

### M23 PRESENCE IN NORTH KIVU



## APPENDIX C

### MAIN VILLAGES AND MINING AREAS IN WALIKALE AND MASISI TERRITORIES



## APPENDIX D

### ARMED CLASHES OVER MINING RESOURCES WITHIN THE FARDC

According to the UN group of experts, at Bisie, the main coltan and cassiterite production site in North Kivu, Generals Vainqueur Mayala and Gabriel Amisi and Colonels Chuma and Bindu, all FARDC officers, and General Bosco Ntaganda and Lieutenant-Colonel Mboneza, of the CNDP, controlled mines, made forced purchases of minerals and invested in trading posts in 2009 and 2010.<sup>140</sup>

From March 2009 to July 2010, the 85th brigade commanded by Colonel Chuma occupied Bisie. In March 2009, Lieutenant-Colonel Mboneza was deployed on the Mubi-Ndjingala road, which links two points at which the trading posts for trade in minerals from the Omate and Bisie mines are concentrated. Instead of sharing his profits with Colonel Chuma, Lieutenant-Colonel Mboneza shared them with Colonel Sultani Makenga of the CNDP. In June 2009, Colonel Chuma, therefore assigned Lieutenant-Colonel Mboneza to the Mpofi-Kibua road and replaced the 212th brigade with the 211th brigade. Colonel Mboneza refused to obey this order and remained in Mubi. In July 2010, Mboneza stationed the 212th brigade in Bisie and ordered the 85th brigade to leave the area, which it refused to do. Both brigades therefore continued to collect taxes in this mining area until September 2011.<sup>141</sup>

At the start of 2010, the Omate gold mine in Walikale territory was under the protection of General Amisi, who had stationed a battalion of the 85th brigade there.<sup>142</sup> However, in July 2010, the CNDP's Colonel Innocent Kahina stationed a battalion of the 212th brigade there. Under the protection of Colonel Innocent Kahina, the mining company Geminaco continued to exploit the Omate mine despite a 20 September 2010 judicial decision prohibiting the company from doing so and a further judicial decision in September 2010 ruling that a rival company, Socagri-mines, should remain at Omate.<sup>143</sup> It was only on 2 March

2011, with the FARDC's reorganisation into regiments, that the 212th brigade left the mine. The manager of the mine then placed himself under the protection of the Mai-Mai Cheka,<sup>144</sup> formed by Colonel Bindu in 2009 to stop the CNDP taking over the Bisie and Omate mines.<sup>145</sup>

In South Kivu, from 2010, ex-CNDP members took control of the Zombe cassiterite mine in Mwenga territory. In addition, in Shabunda, Walungu and Kabare territories, sector 51 was created to place large mineral deposits directly under the command of Colonel Sultani Makenga.<sup>146</sup> From June 2011, Congolese army units (some of them loyal to Bosco Ntaganda, others to the commanders of the 8th military region), fought for control of the village of Bunagana, a strategic point for holding the trading corridor linking the centre of Masisi to the Ugandan and Rwandan borders.<sup>147</sup>

<sup>140</sup> "Letter dated 15 November 2010, op. cit., paragraphs 192, 194, 195 and 196, pp. 52-53.

<sup>141</sup> For more details, see "Letter dated 29 November 2011", op. cit., pp. 122-126.

<sup>142</sup> General Amisi had a stake in Geminaco, which has research permit PR 3623. The Omate mine is covered by mining permit PE 5667, which has belonged to Mining Processing Congo since 2006. General Amisi is alleged to have stopped protecting Geminaco because of publicity about his involvement. Crisis Group interview, member of the North Kivu administration, Goma, 27 April and 16 July 2012. Also see "Congo general 'profits from blood gold'", BBC, 10 November 2010.

<sup>143</sup> "Letter dated 29 November 2011", op. cit., paragraphs 513-514, pp. 129-130.

<sup>144</sup> Their commander, Sheka Ntabo Ntaberi, used to be a trader at the Bisie mine and has family ties with Colonel Bindu. Crisis Group interview, FARDC member, Goma, 18 July 2012. In exchange for protection, the Mai-Mai Cheka demanded a glass of gold per month per mine. Crisis Group interview, member of MONUSCO, Goma, 20 July 2012.

<sup>145</sup> "Letter dated 15 November 2010", op. cit., paragraphs 34-37, pp. 15-16.

<sup>146</sup> "Letter dated 15 November 2010", op. cit., paragraphs 224-225, p. 62.

<sup>147</sup> "Accrochages entre les FARDC et le CNDP près de Bunagana", *Le Phare*, 15 June 2011.

## APPENDIX E

### RETURN OF THE MAI-MAI: THE RAYIA MUTOMBOKI

The Rayia Mutomboki (literally “citizens in revolt” in local languages) is a village self-defence group that appeared in 2005 in southern Shabunda and forms part of the amorphous Mai-Mai movement. From the start, the Rayia Mutomboki’s aim was to protect the Rega community against the FDLR. The founders were Jean Musumbu, a former Mai-Mai, and Sesawa Ngowa, a former soldier. However, although it has leaders, the group has no centralised structure. Each village has its own self-defence group and there is no chain of command. In 2008, it participated in the Goma conference, where it was represented by Devos Kagalaba and Salamu Kaseke, and was a signatory to the statements of commitment made by armed groups in South Kivu.<sup>148</sup>

The Rayia Mutomboki reappeared in 2011 in northern Shabunda following the FARDC’s departure and their reorganisation into regiments. Its objective was to defend village communities against the FDLR<sup>149</sup> and more broadly against “foreign invaders” and the exploitation of their natural resources, which it believed to be illegal.<sup>150</sup> As in the south of the territory, the Rayia Mutomboki has no chain of command and is not coordinated by any visible hierarchy. However, it has the support of leading figures in Shabunda; the vice governor and some traditional leaders are said to have encouraged its creation.<sup>151</sup> According to the Congolese government, their political leader was Watuta Kikumakama, nicknamed Eyadema.<sup>152</sup>

In 2012, after broadening its ethnic base to include the Tembo and the Kano, two communities on the North Kivu-South Kivu border, the movement spread into Kalehe and Fizi<sup>153</sup> in South Kivu and Walikale in North Kivu. Their coordinator for North Kivu is called Kisekedi and their military leader is Colonel Limenzi.

In Kalehe, it cooperated with the Mai-Mai Kirikicho against the FDLR and the Hutu self-defence group, Nyatura. When the FARDC were redeployed into Shabunda, the FARDC and Rayia Mutomboki began by cooperating but the presence of ex-CNDP soldiers in the FARDC and the exploitation of natural resources by “foreigners” led to a rapid increase in tension.<sup>154</sup> The FARDC and the Rayia Mutomboki signed a formal understanding on 12 April 2012 in Shabunda.<sup>155</sup> This understanding did not hold but it allowed the Rayia Mutomboki to collect weapons from the FARDC.<sup>156</sup> However, the Congolese government regard them as Rwanda’s proxies because they are allied to Mai-Mai Cheka and the Badege militia.<sup>157</sup>

In Walikale, the Rayia Mutomboki has strong links with the Mai-Mai Kifuafua, which is commanded by Colonel Delphin, who is of the Kano ethnic group.<sup>158</sup> After taking control of the centre of Walikale in July 2012, the Rayia Mutomboki headed towards the south of Masisi where it clashed with Nyatura militias and the FARDC.<sup>159</sup> Initially a self-defence movement, the Rayia Mutomboki, and the myriad village self-defence groups in its sphere of influence, is popular with local officials of North Kivu province.<sup>160</sup>

As with other Mai-Mai groups, the Rayia Mutomboki is a popular and violent response to the rural insecurity generated by armed groups from elsewhere. It is notable for its violence against Rwandophone civilians<sup>161</sup> and has again raised the spectre of ethnic cleansing in the areas it controls.

<sup>148</sup> Act of Engagement by the armed groups in South Kivu, Goma Conference, 23 January 2008.

<sup>149</sup> “Sud-Kivu: affrontements entre Raia Mutomboki et les FDLR à Kitindi”, Radio Okapi, 31 August 2011.

<sup>150</sup> Any person who is not originally from their community is seen as a “foreigner”. Crisis Group email correspondence, civil society representative, Bukavu, June 2012.

<sup>151</sup> Crisis Group interviews, MONUSCO member, Goma, 22 July 2012.

<sup>152</sup> Local consultations organised in the Masisi territory, 7 September 2012.

<sup>153</sup> “Un nouveau groupe armé créé au Sud-Kivu”, Radio Okapi, 8 February 2012.

<sup>154</sup> “Sud-Kivu: accalmie à Nyanbembe après les affrontements entre FARDC et Mai-Mai Raia Mutomboki”, Radio Okapi, 10 November 2011.

<sup>155</sup> “Sud-Kivu: les FARDC et les Raia Mutomboki signent un accord pour pacifier Shabunda”, Radio Okapi, 13 April 2012.

<sup>156</sup> Crisis Group interview, civil society member, Goma, 16 July 2012.

<sup>157</sup> The Badege militia is run by colonel Badege, a Tutsi army defector related to Erasto Bahati Musanga.

<sup>158</sup> Crisis Group email correspondence, civil society representatives, Bukavu, June to August 2012; Crisis Group interviews, members of FARDC and the humanitarian community, Goma, 23 July 2012.

<sup>159</sup> “Les FARDC affrontent les miliciens Nyatura et Raia Mutomboki dans le Masisi, 5 morts”, Radio Okapi, 16 August 2012.

<sup>160</sup> Crisis Group interview, civil society representative, Goma, 27 August 2012.

<sup>161</sup> Crisis Group interviews, members of the humanitarian community and the FARDC, Goma, 20 July 2012.

**International Headquarters**

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38  
Email: [brussels@crisisgroup.org](mailto:brussels@crisisgroup.org)

**New York Office**

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825  
Email: [newyork@crisisgroup.org](mailto:newyork@crisisgroup.org)

**Washington Office**

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630  
Email: [washington@crisisgroup.org](mailto:washington@crisisgroup.org)

**London Office**

48 Gray's Inn Road, London WC1X 8LT · Tel: +44 20 7831 1436 · Fax: +44 20 7242 8135  
Email: [london@crisisgroup.org](mailto:london@crisisgroup.org)

**Moscow Office**

Kutuzovskiy prospect 36, Building 41, Moscow 121170 Russia · Tel: +7-926-232-6252  
Email: [moscow@crisisgroup.org](mailto:moscow@crisisgroup.org)

**Regional Offices and Field Representation**

Crisis Group also operates out of over 25 different locations in Africa, Asia, Europe, the Middle East and Latin America.

See [www.crisisgroup.org](http://www.crisisgroup.org) for details.

---