QUICK POLICY INSIGHT

The M23 and eastern D.R. Congo: An intractable problem or an opportunity to engage?

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The creation of the M23 rebel movement this spring has fanned the ashes of military conflict in the east of the Democratic Republic of Congo (DRC). Fighting between the army and rebels led by mutinous army officers has caused more than half a million people to be displaced since April and re-engaged the international community. The deeper roots of violence are linked to the numerous armed groups present in the region, and the inability of the Congolese state (and international partners) to guarantee security and establish a legitimate authority. The M23 is, however, also a response to the more immediate political context, including the DRC’s President Joseph Kabila’s contested re-election one year ago.

The M23’s formation — and its military success — has prompted accusations that the DRC’s neighbours (Rwanda and Uganda) are supporting the rebel group. This has had a double consequence: on the one hand, it has strained regional relations, threatening the escalation of conflict; and on the other it has galvanised the international community. The eastern DRC is likely to remain on the international agenda for the coming months, constituting an opportunity for the international community to engage in the region and seek the commitment of all actors to a lasting solution to the conflict.

1 340,000 in North Kivu, 200,000 in South Kivu. UN OCHA, ‘DRC Humanitarian snapshot (October 2012)’ http://reliefweb.int/sites/reliefweb.int/files/resources/map_3097.pdf
M23: A new name for an old problem

Joseph Kabila was re-elected President of the DRC in late 2011 with 48.95% of the votes. His presidential coalition also gained an absolute majority in parliament. These results were rejected by the opposition, and international observers noted numerous flaws. The EU mission considered the presidential election results ‘not credible in light of the numerous irregularities and frauds observed during the electoral process’\(^2\). Of the elections’ cost (estimated at USD 700 million), 70% was borne by the government, unlike in 2006, when donors generously funded the electoral contest\(^3\). The lack of donor funding caused difficulties in meeting the huge logistical challenges, as well as giving the regime a freer hand to tilt the electoral playing field\(^4\).

This loss of legitimacy vis-à-vis the international community apparently moved Kabila to announce a change in his policies on the eastern DRC. On 11 April, Kabila announced his intention to arrest General Bosco Ntaganda, wanted by the International Criminal Court (ICC) since 2006\(^5\). This was a significant volte-face, as Kabila had for years rejected the ICC’s warrant, as he considered Ntaganda an important part of the peace process. Ntaganda was the leader of the National Congress for the People’s Defence (Congrès National pour la Défense du Peuple, or CNDP) when the group signed 23 March 2009 peace agreement which provided for the military integration of the CNDP into the DRC Armed Forces (FARDC). The agreement also maintained joint FARDC/ex-CNDP military operations (with support from Rwandan troops) against the Forces Démocratiques de Liberation Du Rwanda (FDLR) Hutu rebels - which Rwanda saw as a threat and were present in the area since the 1990s. These operations were also ended in April this year.

This precipitated events in the North Kivu region, causing a wave of defections and the creation of the M23. If Kabila’s intended to strengthen his control over the eastern DRC, he failed. Defections had plagued the FARDC since early 2012 as ex-CNDP officers have grown increasingly frustrated. The 2011 parliamentary elections — expected to bring the political wing of the CNDP into the National Assembly — were annulled in Masisi, a CNDP stronghold. In early April Ntaganda himself defected with soldiers loyal to him. On 6 May, a group of mutinous officers announced the creation of the M23 armed movement and formally demanded the full implementation of the 23 March 2009 agreement. Despite a seemingly unfavourable balance of forces, the M23 managed, in June and July, to overrun the FARDC’s positions and secure control of part of the Rutshuru district in North Kivu.

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\(^3\) Nyambura Githaiga, ‘The 2011 DRC election polls and beyond’, ISS, 21 June 2012
\(^4\) DG EXPO Policy Department, ‘DR C Country Briefing’, November 2011
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As it has advanced, the M23 has been accused of perpetrating war crimes, including 'summary executions, rapes, and forced recruitment'.

Figure 1: Approximate area controlled by M23 rebels as of 7 September 2012

Source: John Emerson/Human Rights Watch

The deeper cause of the M23 rebellion is the failure of the 2009 peace agreement. Kabila's U-turn was an important trigger, but the causes of the M23 violence are much deeper. The M23, an organic evolution of the CNDP, is also a response to the failure of the 2009 peace agreement. The agreement has been labelled 'little more than a charade', as it has been exploited by both the DRC government and the CNDP 'to their advantage'. Military integration was never effective, and Ntaganda maintained a parallel chain of command with ex-CNDP members, controlling mineral-rich areas and clashing with other armed groups, including the FARDC. Instability led to the creation of ethnically-based militias and self-defence groups, which in turn contributed to violence.

International partners are also responsibility for failing to provide effective security, as they have continued to support Kabila despite the lack of progress, and have overlooked important shortcomings in the UN Stabilisation Mission (MONUSCO). (This mission has cost more than USD 1

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7 International Crisis Group, 'Eastern Congo: Why Stabilisation Failed', Africa Briefing N°91, 4 October 2012


billion per year⁹.) In addition, internationally funded stabilisation programmes — such as the government-led 'Stabilisation and Reconstruction Plan for War-Affected Areas' (STAREC) and the UN-implemented 'International Security and Stabilisation Support Strategy' (ISSSS) (due to be revised) — have had very limited success in improving the situation on the ground¹⁰.

**The UN Group of Experts and Rwanda: Increased international pressure**

The speed at which the M23 rebellion spread highlighted the fragility of Kinshasa's hold over eastern Congo. This is due to complex, long term dynamics (including local grievances, predatory elites and ethnic polarisation) that respond to domestic factors and the regional context¹¹. In the current crisis, allegations of foreign support for the M23 have come to the forefront of discussions¹². These were first levied in early June by Human Rights Watch (HRW). According to the advocacy group, which also considers that the mutinies of both M23 and Ntaganda were related, Rwandan army officials 'provided weapons, ammunition, and an estimated 200 to 300 recruits to support Ntaganda's mutiny¹³.

The allegations gained political weight with the publication of the 'Addendum to the Interim Report' of the UN Group of Experts on the DR Congo, which had been tasked with monitoring violations of the arms embargo and sanctions regime¹⁴. The text referred to 'overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the rebels through providing weapons, military supplies, and new recruits'¹⁵. The addendum caused a diplomatic incident, with the DRC accusing the US of attempting to block its publication to protect Rwanda. Rwanda described the addendum as part of a 'carefully orchestrated' campaign against the country and published a lengthy response denying the allegations' credibility, which, Rwanda argued, lacked physical evidence and relied solely on the testimony of anonymous witnesses¹⁶.

The international community, however, acted decisively on the interim report. The Netherlands, Sweden and Germany suspended or delayed

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¹¹ Jason Stearns, 'Dancing in the glory of monsters', Public Affairs, New York, 2011
¹³ Human Rights Watch, 'DR Congo: Rwanda should stop aiding war crimes suspects', 3 June 2012, Available at: [http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-0](http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-0)
¹⁵ UN Group of Experts, 'Addendum to the Interim Report on DRC', 2012. See above.
Donors reacted by halting the disbursement of military and development aid. The disbursement of development aid. In a mostly symbolic sign, the US — one of Rwanda’s firmest international backers — cancelled the transfer of USD 200000 in military aid. The UK halted the disbursement of GBP 16 million in budget support in July, although it controversially reversed the decision a month later. The European Commission indicated that additional budget support commitments had been put on hold until the situation would be clarified.

International pressure is unlikely to recede in the coming months. The final report of the UN Group of Experts, due to be published in November, extends the allegations. According to leaked copies of the document, the M23 is said to ‘receive direct military orders’ from the Rwandan Chief of Staff, Charles Kayonga, and Minister of Defence, General James Kabarebe. The report also accuses Uganda of backing the M23, providing troops and ammunition for specific military operations.

These new allegations moved Rwanda’s former coloniser, Belgium, to suspend new military cooperation activities.

The already complex diplomatic context has been further muddied by Rwanda’s election to a non-permanent seat in the Security Council for 2013-14. Some fear that Rwanda may use its position to halt ongoing investigation and protect its officials from UN sanctions. Other voices have welcomed the increased pressure on Rwanda after years during which the country was treated as a ‘donor darling’. International guilt for allowing the 1994 genocide and Rwanda’s great economic progress have left no space for criticism of the country’s involvement in the DRC or its increasing harassment of opposition members and journalists — as suggested by the recent sentencing of opposition leader Victoire Ingabire to eight years of prison.

Nonetheless, measures against Rwanda are clearly limited in what they can achieve. Firstly, the roots of the violence are to be found not only in external interference. Prime responsibility lies with the Congolese state.

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and its inability to control its territory. Lack of reform in the armed forces means that elements of the FARDC are also complicit in the violence, having carried out abuses, and occasionally established criminal networks for personal benefit. And the lack of democratic progress in the country, especially in the east, has made armed resistance more appealing. Pressure should also be directed towards Kinshasa, which has failed to meet numerous commitments.

There are also dangers in donors’ moves against Rwanda and potentially Uganda. The African Development Bank has pointed that blocking aid could have a negative economic impact on the whole region, and unilateral measures and condemnation could push these countries towards a more protective and belligerent stance. Kagame’s outspoken criticisms of Western donors and Uganda’s warning that it would withdraw from peacekeeping operations in response to the allegations are two examples. International engagement must deal with all actors involved on the conflict and move beyond unilateral pressure. Engagement needs to be embedded within a broader strategy to secure a firm political compromise that contributes to the end of violence.

The imperative of a credible regional compromise

Just as the roots of violence in eastern DRC have an important regional dimension, any solution to the violence will have to be locally anchored. The diagnosis of the problem is widely agreed upon, as is the sense that any durable solution will have to address conflict in both the short term — by granting effective security — and the long term — by extending legitimate state authority and addressing local grievances. Yet consensus on the cause and solution has failed to bring what is urgently needed: a political framework that brings about a compromise enabling solutions to be implemented.

The need for this framework has become more urgent with the recent escalation in the conflict. Breaking an informal ceasefire in place since August, the M23 began attacking FARDC positions on 15 November and advanced towards Goma, the capital of North Kivu. MONUSCO and the FARDC tried to stop the advance as the UN and the EU called ‘on the

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24 This argument is also made by some advocacy organisations and experts. See Stearns (2012) and International Crisis Group (2012)
An informal ceasefire was broken as the M23 advanced on Goma and claimed to have taken the town on 20 November.

M23 to immediately stop the military offensive' and for 'unrestricted humanitarian access' to the area. Nonetheless the M23 claimed to have taken the town early on Tuesday 20 November. Although the situation on the ground remains volatile, a huge humanitarian crisis could be triggered by the fall of Goma as 700,000 civilians are caught in the fighting and try to flee from it. This makes imperative a renewed engagement from all actors in the region and the international community to put an end to the fighting provide a sufficient response to the unfolding humanitarian crisis and seek a firm political commitment from all sides to a comprehensive solution.

Before the latest developments, some effort in this direction has been made by the International Conference on the Great Lakes Region (ICGLR). A summit hosted by Uganda in September and attended by the Rwanda and DRC presidents called for establishing a Joint Verification Mechanism and a 5,000-strong neutral military force. Progress since then, however, has stalled. Observers are sceptical of both the feasibility of this neutral force (only Tanzania has expressed its willingness to commit troops) and its effectiveness (there are already 18,000 MONUSCO peacekeepers deployed in the region). Nonetheless, the biggest asset of the ICGLR initiative is its potential to achieve a firm political compromise among the countries in the region, by bringing all parties to the table. This potential should be recognised and strengthened internationally, including with an African Union-UN joint envoy, as was suggested at the UN mini-summit. The involvement of other ICGLR members — chiefly South Sudan, Tanzania and Burundi — is important to secure a comprehensive agreement that reflects the broader regional context.

The M23 is a direct consequence of the failure to achieve a durable solution to a conflict plaguing eastern DRC for almost two decades. The chief cause of failure has been the lack of political compromise. The renewed violence is an imperative to reverse this situation through new political and diplomatic strategies. The international community should engage with the conflict from a regional perspective and require the unequivocal commitment of all actors. This would mean, in the short term, effectively end the current violence, reform the armed forces and disarm rebel groups and extending legitimate state authority (including with free and fair regional and local elections in 2013 and 2014). This will, provide the basis for addressing longer-term challenges, such as promoting inclusive economic development and regional integration, and addressing local grievances and ethnic polarisation.

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26 ‘Congo rebels claim control of Goma, firing ceases’, Reuters 20 November 2012
27 International Crisis Group, op. cit.