

Consolidating Peace and Security in the Great Lakes Region of Africa

Testimony before a Hearing on “Exploring the U.S. Role in Consolidating Peace and Security in the Great Lakes Region”

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Chairman Feingold, Senator Sununu, distinguished members of the Subcommittee, thank you for the opportunity to testify before you today.

A Remarkable Turnaround

Contrary to conventional wisdom, the prospects for sustained peace and security in the Great Lakes region are actually better today than they have been at any time since the mid-1980s. Moreover, quiet U.S. engagement there across two administrations has played an important role in this remarkable turnaround.

In the 1990s, a series of interlocking crises in Congo, Rwanda, Burundi, and Uganda produced some of the worst horrors anywhere in the world since the Second World War.

Today, ten years later, Rwanda is not only at peace, it has become a model of sound economic and business policy, good governance, and the judicious use of aid. The country is making slow but steady progress on reconciliation. The country’s leaders often have less confidence in the durability of their achievements than they ought to, causing them to exercise extreme caution about the political and media space. As they gain confidence that the proponents of the ideology that gave rise to the genocide of 1994 will not be able to use press and political freedoms to reconnect with the population, we can expect to see further liberalization in the years to come. Most significantly for peace and security, Rwanda made a strategic decision in 2004 to shift to a more pragmatic foreign policy by de-emphasizing the use of force and attempting to resolve differences with neighbors through dialogue. As a result, bilateral relations Rwanda on the one hand, and Uganda, Congo, and Burundi on the other, have never been better.

Burundi is also enjoying a fragile but real peace, bar one faction of the most extreme party to that conflict, the Palipehutu-FNL. The credit for this progress is due to Burundian political actors themselves (with crucial support from South African mediators and the South African military), but this is the place to single out the work of former U.S.

Congressman Howard Wolpe and his colleagues at the Woodrow Wilson Center, whose Burundi Leadership Training Program, supported by USAID's Office of Transition Initiatives, created a unique space for dialogue that helped Burundians from opposing sides to build confidence in one another. Non-governmental U.S. engagement is as fundamental in this region as official action.

Congo is not fully at peace, but, thanks to massive international support—including very substantial U.S. support to MONUC—democratic elections were held there in 2006. When assessing Congo's progress, it is useful to bear in mind that the country has never been well-ordered nor able to fully administer its territory. Its military has always been a predatory force. The success of interventions must therefore be judged using realistic yardsticks. For many years to come, the country will remain disordered and its public institutions prone to human rights violations, even if the international community remains substantially engaged. If the international community disengages, most of the gains that have been made since 2003 will be reversed.

The most serious threat to peace in Congo is to be found in Kivu—as has been the case for more than forty years. The current stand-off there between the Congolese government and forces led by Laurent Nkunda has the potential to derail the Congolese transition and erase the gains of the entire region. But if the crisis is managed carefully, this does not have to happen. The U.S. has an important role to play through its management of the Tripartite Plus process and through its ability to help shape the mission and doctrine of MONUC.

It is important that the remaining obstacles to peace, serious as they are, not obscure the basically positive trends. The United States has played a helpful role in this evolution, from the mediation efforts of the late 1990s to today's Tripartite Plus framework. I expect that the U.S. will continue to play an important role, particularly if any increases in funding are targeted at key areas where they will have the most immediate impact: security-sector reform and DDR, regional economic integration, the Tripartite Plus process, and the continuation of MONUC's mission.

Congolese Tutsi and the “Nkunda Problem” in North Kivu

Brigadier General Laurent Nkunda, a Congolese Tutsi officer who formerly served as a commander in the RCD rebel movement, refused to be integrated into the Congolese army after the transitional government came into being in 2003. He controls territory in North Kivu and maintains a substantial military force whose capacities, by some accounts, exceed that of the Congolese army itself. He justifies his refusal to join the national army—and accept the consequent dispersal of his forces around the country—with an appeal to fears for the safety of Congolese Tutsi in Eastern Congo¹, both from attacks by

¹ It is important to be aware of the distinction between Banyamulenge and Congolese Tutsi. The Banyamulenge community of South Kivu is a subset of the Congolese Tutsi, with a distinct history and culture. Laurent Nkunda is a Congolese Tutsi from North Kivu, and thus not a member of the Banyamulenge community, even though some Banyamulenge officers serve under him. The two groups

the Rwandan FDLR rebel group—the remnants of the militias the carried out the genocide in Rwanda in 1994, who remain ensconced in the hills and valleys of Kivu—and from Congolese Mayi-Mayi militias, which are linked to ethnic extremists within the Congolese political establishment, who have always denied that Banyarwanda can be Congolese. Many Mayi-Mayi militias in Kivu have also refused to disarm and integrate into the national army, despite orders to do so.

If past is prologue, the fears of the Congolese Tutsi community are justified. The recent violent riots which drove the United Nations briefly out of Moba in South Kivu were caused by the mere rumor (unfounded, as it turned out) that the United Nations was planning to repatriate Congolese Tutsi refugees. The fears of Congolese Tutsi that they could again be expropriated, expelled, or killed, as they were in the early 1960s, 1993, 1996, 1998, and 2004, explain why General Nkunda receives substantial support from his own community.

In other words, the current crisis in Eastern Congo is political and related fundamentally to the architecture of security forces in the East. It is not about an individual. The question of the citizenship status of Congolese Banyarwanda—both Hutu and Tutsi—caused fighting in the early 1960s. Fighting broke out again in the early 1990s, before the Rwandan genocide took place. Bukavu and Uvira in South Kivu were cleansed of Tutsi in 2004 after Nkunda withdrew his forces from Bukavu after trying to capture the city. They have not been allowed to return, and local leaders in the city have expressed satisfaction that it is finally “clean”. That was followed by the massacre of 150 Congolese Tutsi refugees at Gatumba refugee camp in Burundi by a joint force of FNL, Mayi-Mayi, and FDLR units, apparently with links to some Congolese officials. This year, the Department of State and the Department of Homeland Security resettled several hundred survivors of that massacre to the United States.

Because Nkunda represents the rational fears of his community, removing him from the scene will not solve the problem, despite the hopes of some external observers looking at the situation for the first time in search of a quick fix. There are many other commanders who would step up to replace him if were killed or arrested. Furthermore, he would quickly lose the support of his commanders, soldiers, and financial backers if he were to make significant concessions to the Congolese government—and become politically irrelevant. Like virtually everyone else in Congolese political and military establishment, Nkunda has very serious blemishes on his record because the conduct of forces under his command between 2002 and today clearly contravened international law. But when he is singled out for punishment while the crimes of others have been forgiven, it reinforces the sense of fatalistic isolation in the Tutsi community that leads some of its leaders to conclude that they cannot hope for a place in the new democratic Congo.

are however subject to the same forms of political exclusion and physical attack, though the Banyamulenge response has tended to be much less organized than that of Congolese Tutsi in North Kivu.

Kabila's Political Position

Neither will putting pressure on President Kabila solve the problem. He is too weak to rein in the extremist politicians who have long called for Congolese Banyarwanda (both Hutu and Tutsi) to be expelled from the country (the first Congo war in 1996 was sparked off by an attempt to do so), and who raised vociferous alarm earlier this year when the government was negotiating with Nkunda. These hardliners are urging a military solution on the president, and because his base of political support in Congo is so narrow (essentially Kivu, parts of the North East, and his father's home base of Katanga), he cannot "lose" Kivu politically and maintain a secure grip on power. Kabila is not the cause of the crisis, except inasmuch as his leadership has been feckless and lacked vision. There is no evidence that he personally is anti-Tutsi, though he was happy to instrumentalize anti-Rwandan sentiment in Kivu as part of his strategy for electoral victory in 2006.

Kabila's personal vulnerability on this issue is heightened by persistent rumors, almost certainly unfounded, that he himself had a Tutsi mother—an allegation deployed against him with great effect by his opponent Jean-Pierre Bemba in the 2006 election. Kabila's margin of maneuver to cut a deal with Laurent Nkunda or to empower moderate political forces in Kivu is thus very small.

Ironically, it is the very democratic process of 2006 that has produced a political constellation that strengthened extremists in Kivu. This makes it extremely difficult for Kabila to act against their wishes. Nkunda and his supporters are aware of this, and it strengthens their resolve not to disarm and not to trust the government.

For this reason, the conditions are currently not ripe for a negotiated political settlement to the stand-off in North Kivu. The conditions will not be ripe until Kabila achieves a broader base of political support in the DRC, possibly by allying himself with political groups that are strong in Kasai, Bas-Congo, or Equateur. This will make him less dependent on the favor of the most extreme figures in Kivu politics, and more able to empower moderates.

Furthermore, because MONUC has recently openly allied itself with a government which is itself dependent on anti-Banyarwanda extremists, MONUC's credibility amongst Congolese Tutsi is currently nil. This limits MONUC's ability to serve as an honest broker, and potentially exposes it to reputational risks that I will describe below.

U.S. and MONUC policy should focus on managing the crisis to contain the risk of a return to war in the region until a political solution is achievable.

Four Risky Scenarios

A number of analysts with deep experience of the region believe that the North Kivu crisis does not represent a significant risk to the new democratic order in Congo or to the

security of neighboring states. But there are at least four scenarios under which an attempt to resolve the crisis by force results in greater tragedy.

Scenario 1: The Congolese army attacks Nkunda's forces, with logistical support from MONUC, and is defeated. Nkunda's forces are well-trained and experienced, and above all they have a clear sense of purpose, because they feel they are fighting for the survival of their community. Kabila would be fatally weakened as a leader because of such a defeat, and might be forced from office. If MONUC units take casualties, the mission may be forced by troop-contributing countries to withdraw or effectively retreat into a tortoise shell for the remainder of its mandate. As a result, the ability of the United Nations to field similarly large and ambitious peacekeeping missions elsewhere on the continent, as they will inevitably be called upon to do, could be imperiled. Action of this type is being contemplated, and would, in my opinion, be very unwise.

Scenario 2: Kabila gives into Nkunda's demands, dropping charges against him, and allowing him to integrate into the national army and remain in the East with his forces more or less intact. Kabila would be seen as weak, and would lose the support of his base. He might not be able to survive as leader, opening the political space to a destabilizing competition for political power.

Scenario 3: Nkunda gives in to Kabila's demands, accepting integration into the national army for himself and his troops. He would probably be sidelined by his own officers and supporters before any such deal could be put into effect. They would keep fighting because they have no confidence in the willingness, much less ability, of Congolese security forces to protect them and their community. Nkunda's forces have the capacity to maintain an insurgency of some type for many years, and they can do so without any support from the government of Rwanda. Their funds and footsoldiers are generated internally, within their community.

Scenario 4: Nkunda is defeated militarily by a joint FARDC-MONUC operation. This is actually the most dangerous scenario. If Nkunda is defeated so long as the FDLR and extremist Mayi-Mayi militias are still a force to be reckoned with in Kivu, they will likely attack Banyarwanda civilians. At a minimum they will loot their property and attempt to expel them to Rwanda and Uganda. If they are bolder, they will murder many of them, as they have repeatedly done in the past. This scenario would also signal the re-emergence of the FDLR as a dangerous military force on Rwanda's border.

The ENOUGH Project and other observers have already documented cases of known FDLR units cooperating with Congolese army units in recent months. Rwanda could be forced to act under this scenario, even though its own national priorities dictate that it remain out of involvement in the Congo. Furthermore, the reputational damage to the United Nations (whose reputation in Congo has already been severely dented by sex scandals and illegal gold trading) would be significant if a military victory they helped bring about resulted in the ethnic cleansing of an entire community. In this connection, it is important to recall that the FDLR has been designated a Foreign Terrorist Group by the Department of State, and was responsible for the targeted murder of Americans in Bwindi

National Park in Uganda in 1998. They must not be treated as if they are just any other party to the conflict.

A caveat that applies to all scenarios involving military action: they will all dramatically increase the already unfathomable levels of sexual violence against women in Kivu. The FARDC are one of the leading perpetrators of such violence, and any help from MONUC that enables the FARDC to operate more freely throughout the countryside before the units are disciplined and under firm supervision could be considered complicity, since a rise in sexual violence would be a predictable consequence. Support from MONUC that inadvertently allows the Mayi-Mayi and FDLR militias, the chief perpetrators of the rapes, more freedom to roam would be equally devastating.

The Role of the United States

The Great Lakes region is an area where U.S. engagement has made an appreciable difference since the late 1990s. The real credit for the positive changes is due to the actors themselves, but the U.S. has often stepped in at crucial moments to make it possible for adversaries to discuss their differences and find pathways to resolution. This was the case during the period of tensions between Rwanda and Uganda in 1999-2000, during the negotiations that led to the peace agreements for Congo and Burundi, and it is the case now with the innovative (and mostly unheralded) Tripartite Plus mechanism. This mechanism creates a venue for military and security officials from Congo, Rwanda, Burundi, and Uganda to meet regularly and work out the differences in a structured manner. It is cost-effective, produces results, and is a form of U.S. engagement that is welcomed by the regional governments, because it allows them to maintain control of the agenda.

This is also the place to salute the small cohort of professionals in the U.S. government who know this region very well and have grappled with its complexities for many years. With limited resources and infrequent attention from senior policy-makers, they have done remarkable work in helping to consolidate peace and security in the region, and in helping policy-makers make sense of a complex and mysterious region about which it is very difficult to obtain reliable information.

A more substantial U.S. engagement would most profitably focus on security-sector reform (as a major component of a strategy to reduce sexual violence), regional economic integration, and continuing to facilitate high-level contacts between the countries of the region. It would also commit to supporting MONUC for several years to come.

In summary, the Great Lakes region stands at its most auspicious moment in a generation, despite outward appearances of crisis. Nevertheless, the remaining obstacles to peace and security in the region are real, and, if mismanaged, could have catastrophic consequences.

The U.S. has a key role to play by maintaining its bilateral engagement while ensuring adequate funding for MONUC even as it makes sure that MONUC applies its mandate in

the most even-handed manner possible, by being more aggressive with all illegal armed groups in the country, to include the FDLR, the Mayi-Mayi, the LRA, as well as Nkunda's forces. The fact that Congo now has a democratically elected government does not require the international community to acquiesce in (and pay for) policy choices which will predictably result in political disaster and violations of human rights law.

Every effort must be made to discourage the Congolese government from pursuing a military solution to the problem of the dissident officers in North Kivu. Both defeat and victory would be fraught with danger, as I indicated above. The human consequences, though impossible to predict, could, based on the recent experiences of the region, dwarf that of any other current crisis on the continent.

A pragmatic U.S. and international policy recognizes that North Kivu is a problem to be managed for some time to come by promoting concrete, intermediate confidence-building measures and using its diplomatic and military leverage to deter a return to all-out war.

Thank you for your attention.