

52/2013

1st October 2013

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IS IT THE END OF M23? THE NEED
TO MAKE A STAND

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IS IT THE END OF M23? THE NEED TO MAKE A STAND

Abstract:

Last years' hostilities *between* the *M23 rebel group* and the *National Armed Forces* of the Democratic Republic of the *Congo* (DRC) known as the *FARDC*, in Goma and surrounding area. The M23 rebels, weakened by the recent attacks by government troops and by the United Nations Intervention Brigade, were forced to pull out of their positions and to come back to the negotiation table. In this document, the reasons, development and perspectives of this conflict are analyzed.

Keywords:

March 23 Movement (M23), International Neutral Force (INF), Armed Forces of the Democratic Republic of the Congo (French: Forces Armées de la République Démocratique du Congo (FARDC)), Great Lakes Region, Bosco Ntaganda.

INTRODUCTION

The armed conflict's dynamic in the region of the Great Lakes is complex, as it consists of various interrelated conflicts, in which local, regional, and international actors have participated and still do it.

Their roots lie, in the first place, in ethnic rivalries, boosted in the colonial period, which caused, as in the rest of the continent, an "identitarian movement"¹ regarding the political options². This nationalism turned the Democratic Republic of the Congo (DRC)³ into Zaire-driven politics in the country during the 70s, with a view to achieve a cohesive Zairian identity within the regime. Among them, the ones related to the denial of the right of ownership of land to those considered non-Zairian, will be the cause of the continuation of a long cycle of interethnic violence that now continues to fuel the various guerrilla groups in the region.



Figure 1: Situation of the DRC. Source: CIA

¹As nationalism that promotes the defence of people's identity.

² VEGA FERNÁNDEZ, E., "Los conflictos armados africanos: la confrontación interior", en "África: ¿un nuevo escenario de confrontación?", Monographs of the CESEDEN; n. 123. Madrid: Ministry of Defence. General Technical Secretariat 2011. P. 24 y ss. .

³First named Republic of the Congo, after the Zaire during the dictatorship of Mobutu Sese Seko, and today called the Democratic Republic of the Congo.

Other consequences of the conflict in this part of the world can be found in the African succession of autocratic long-term governments with high levels of foreign interference and in the disappearance of the State structure. The State's weakness favours the abundance of armed groups, which are financed by the revenues coming from the region's natural resources (diamonds, coltan, ivory, etc.) that increase the domestic and foreign greed provoking a constant conflict.

Since the coalition that brought the internal and external opposition together that overthrew President Mobutu Sese Seko in 1996, the Democratic Republic of the Congo has been the battlefield of various armed conflicts, so intertwined with each other, that they can be considered as one.

THE WARS OF THE CONGO

The end of Rwanda's war in 1994 originated an exodus of Hutu civilian refugees, along with the defeated militia⁴ and members of the army, settled in the northeast of the DRC. Burundi's conflict also caused the flight of Hutu civilians to refugee camps that the UNHCR was holding in the neighbouring country. Mobutu's support for the direct perpetrators of the Rwandan Tutsi genocide exacerbated the wishes, of both Congolese Tutsis and the new Tutsi President of Rwanda, to remove him from power.

Following the trend of hosting militias and guerrillas opposed to the government of a neighbouring country, as well as the Hutu Rwandans, Mobutu gave shelter and support to other groups considered potentially dangerous to the governments of Burundi and Uganda⁵.

⁴ The so-called *interahamwe*, which can be translated as "those who fight together", responsible for the genocide of Tutsis in Rwanda in 1994.

⁵ VACAS FERNÁNDEZ, F., PARDO DE SANTAYANA, J., "El conflicto de los Grandes Lagos". Ministry of Defence. Madrid, 2005. P. 44



Figure 2: Situation of the DRC y neighbouring countries. Source: CIA

The outbreak of the first war of the Congo caused the decision of the government to deport, in 1996, the Tutsis, the Banyamulenge people, who had lived in the Kivu provinces of the DRC for several generations⁶. As a result, four hundred thousand Tutsis fled back to Rwanda, but not all of them were Rwandan refugees from previous conflicts⁷, so many of them stayed and organised the opposition. The argument put forward by the government regarding this measure was its consideration of foreigners.

The rebellion of the Banyamulenge, supported by Uganda and Rwanda, ended with the quick takeover by Laurent-Désiré Kabila.

With Kabila as new president, the situation of the DRC did change in terms of the worries of their neighbours and allies. The borders kept remained unsafe places where the armed rebel groups took refuge. Although in the beginning, the new government and its army were in the hands of the Tutsis, Kabila soon began to seek Hutus' support, even supporting the Hutu guerrilla that was held in Rwanda, inverting this way his alliances⁸.

⁶Ibid. P. 40

⁷SIDA, "A Strategic Conflict Analysis for the Great Lakes Region", Division for Eastern and Western Africa, March 2004. P. 115. Available on the website: www.sida.se/publications

⁸VACAS FERNÁNDEZ, F., PARDO DE SANTAYANA, J., "El conflicto de los Grandes Lagos". Op. Cit.. P. 53

Rwanda and Uganda's troops supported the new internal rebellion, originating a new conflict. Rwanda intended to establish a security area under its control in its west border, and both countries were also interested in the mineral wealth of the region⁹. This new phase of the conflict, second war of the Congo, will be clearly internationalised, thus it is named "African world war".

This war ends with the completion of the peace process between 2002 and 2003, which led to the formation of a transitional government led by Joseph Kabila, son of the previous president; it did not mean the end of violence. The conflict kept being open in the east part of the country, in hands of guerrilla groups and militias, both foreign and local, supported, depending on the case, by the Congolese government itself or by a neighbouring country.

NATIONAL CONGRESS FOR THE DEFENCE OF THE PEOPLE (CNDP)

For many authors¹⁰, the armed conflict that originated the CNDP guerrilla led by its founder Laurent Nkunda, supported by Rwanda, in May 2004, can be considered as the "third war of the Congo". Nkunda rose in those years as the defender of the Tutsi community in the Kivu provinces. His goal consisted in avoiding a new genocide that could be carried out by the Rwandan Hutu rebels who were part of the Democratic Liberation Forces of Rwanda (FDLR).

Nkunda's trajectory shows how this conflict can be considered as a continuation of the previous ones. Laurent Nkunda, Banyamulenge Tutsi, had fought against the Hutus in Rwanda during the 90s, and also, he had participated in the revolution that overthrew Mobutu. He refused to join the armed forces because of security issues, as well as the poor conditions that his armed group (Congolese Rally for Democracy, RCD) received in the peace agreement. His fear of being arrested, due to the United Nations allegations of war crimes and crimes against humanity, along with the intervention of the Rwandan government, contributed to this decision. Rwanda, fearful of the new Congolese president's government

⁹ *Ibíd.*, P. 41

¹⁰ KABUNDA, M., "Conflictos en África: el caso de la región de los Grandes Lagos y de Sudán". *Investigaciones Geográficas*, 55. 2011. Pp. 71-90

Other authors even consider the start of this war in 1999, after the Lusaka Agreements, such as CARAVANNIS, TATIANA, *How Mass Atrocities End (or don't): The Democratic Republic of Congo*. World Peace Foundation, March 2012.

not serving its interests, preferred having Nkunda out of the army as the dissidents' leader¹¹.

Most of the CNDP attacks resulted in the defeat of the Congolese Armed Forces, among other things, because of the armed embargo that the country had been facing for a decade (Rwanda did not), but also, because it is an army that consists of badly trained and paid troops, which, in many cases, went looting and trafficking in the region, and are responsible for the violations of human rights¹².

2009 was a year of inflexion. Nkunda was arrested in a joint operation between the Rwandan and the Congolese armed forces¹³. The government and the CNDP subsequently signed, on the 23rd of March, a peace agreement¹⁴ by which the armed group became a political party and its members joined the ranks of the police and the armed forces.

THE MARCH 23 MOVEMENT (M23)

The General Bosco Ntaganda was the successor of Nkunda as the leader of the CNDP. In April 2012, under the leadership of Ntaganda, between 300 and 600 Tutsi combatants defied the Congolese government. Most of them had been part of the CNDP, just like him, and accused the Kinshasa authorities of not embracing the commitments of the peace agreement of the 23rd of March 2009 in both parties. The new group adopts the date of this agreement, revealing itself as *the March 23 Movement* or M23.

At the time of writing, Ntaganda, nicknamed "Terminator", is in The Hague awaiting trial at the International Criminal Court that will be predictably held in February 2014, after surrendering voluntarily in March of this year. Ntaganda is accused of war crimes, including murder, attacks against civilians, looting, sexual slavery and rape; and crimes against humanity, including murder, and sexual slavery and rape, committed in Ituri in 2002 and

¹¹STEARNS, Jason K., "Laurent Nkunda and the National Congress for the Defence of the People (CNDP)". L'Afrique des Grands Lacs. Annuaire, 2007-2008. P. 246-247

¹²KABUNDA, M., "Conflictos en África: el caso de la región de los Grandes Lagos y de Sudán". Op. Cit. P. 80

¹³ "DR Congo rebel Nkundaarrested". Al Jazeera, 24/01/2009. Available on: <http://www.aljazeera.com/news/africa/2009/01/20091235384618324.html>

¹⁴ Peace Agreement Between the Government and Le Congress National Pour la Defense Du Peuple (CNDP). Goma, 23/03/2009

Available on: http://peacemaker.un.org/sites/peacemaker.un.org/files/CD_090323_Peace%20Agreement%20between%20he%20Government%20and%20the%20CNDP.pdf Date consulted: September 2013

2003. Despite this allegations, after the peace agreement, he joined the Congolese armed forces as General in 2009, representing one of the symbols of impunity in Africa¹⁵.

UNITED NATIONS INTERVENTION BRIGADE

Few months after its formation, in November 2012, the M23 took over Goma, the capital of the province of North Kivu. In spite of the withdrawal from its position a month later, hostilities continued. This is the main reason why the UN authorised, in March 2013, the deployment of an intervention brigade to openly fight M23 and other Congolese and foreign armed groups. Thus, Security Council Resolution 2098 asserts that:

“MONUSCO shall, for an initial period of one year and within the authorized troop ceiling of 19,815, on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, include an “Intervention Brigade” consisting inter alia of three infantry battalions, one artillery and one Special force and Reconnaissance company with headquarters in Goma, under direct command of the MONUSCO Force Commander, with the responsibility of neutralizing armed groups, (...)”

Despite the unanimous approval, several representatives expressed their reservations regarding the text. It was the case of the representative of Guatemala, who questioned whether the brigade would compromise the neutrality and impartiality of peacekeeping work. He suggested that it would have been better to have such force as an independent unit from the MONUSCO’s mission¹⁶.

This new intervention brigade, so-called Neutral International Force (NIF), is the first offensive combat force of the United Nations. It consists of 4 000 soldiers from countries in the region and complements the MONUSCO troops, sometimes criticised for their lack of armed action against the constant confrontations in the region. UN forces had even been accused of “military tourism” by Uganda’s President Museveni¹⁷.

¹⁵ Information available on the International Criminal Court web page: <http://www.icc-cpi.int/> Date consulted: September 2013

¹⁶ UN Security Council 6943rd meeting, SC/10964. 28/03/2013. Available on: <http://www.un.org/News/Press/docs/2013/sc10964.doc.htm> Date consulted: September 2013

¹⁷ OLUKYA, Godfrey. “Museveni describes eastern DRC as terrorism conservation project”. The Africa Report.

THE SUPPORT BY THE NEIGHBOURING COUNTRIES

In the report S/2012/843¹⁸ of the United Nations' Group of Experts on the Democratic Republic of the Congo claims to have documented violations of the arms embargo by the Uganda's and Rwandan governments to support M23 and their allies. The most recent S/2013/433¹⁹ indicates, however, that if no evidence of support by the Uganda's government has been found, which does not mean that it does not happen, evidences of the Rwandan case have been indeed found.

After a study on the DRC situation, published in July by the non-governmental organisation Human Rights Watch²⁰, the government of the United States, ally of the Rwandan President Paul Kagame, asked once more²¹ for the cease of support to M23. Rwanda has never acknowledge this or other allegations of support to Congolese armed groups. Nonetheless, the director for Africa of Human Rights Watch, Daniel Bekele, has asserted that:

“Not only is Rwanda allowing its territory to be used by the abusive M23 to get recruits and equipment, but the Rwandan military is still directly supporting the M23.”²²

31/01/2013. Available on the web: <http://www.theafricareport.com>

¹⁸Report S/2012/843 available on: <http://www.un.org/es/comun/docs/?symbol=S/2012/843> Date consulted: September 2013

¹⁹Report S/2013/433 available on: <http://www.un.org/es/comun/docs/?symbol=S/2013/433> Date consulted: September 2013

²⁰ In this report, it is stated that, five months before its publication, the M23 had killed 44 people and raped 61 women and children. Report available on: <http://www.hrw.org/news/2013/07/22/dr-congo-m23-rebels-kill-rape-civilians> Date consulted: September 2013

²¹ Obama had already done that after the 2012 UN report.

SMITH, David. “Obama urges Rwandan president to stop support for M23 rebels in Congo”. The Guardian. 19/12/2012 Available in: <http://www.theguardian.com/world/2012/dec/19/obama-rwanda-support-congo-rebels> Date consulted: September 2013

²²Statements available on: <http://www.hrw.org/news/2013/07/22/dr-congo-m23-rebels-kill-rape-civilians> Date consulted: September 2013

CHILD COMBATANTS

The conscription or enlist of children under the age of 15 is categorised as war crime in the Rome Statute, in force since 2002. Despite that, it is a phenomenon that is not being curbed.

The 12th *UN Secretary-General's Annual Report to the General Assembly on children and armed conflict*²³, published in May 2013, includes a list of child recruiters²⁴ to 9 parties in conflict, M23 among them. This list is part of the *name and shame* campaign envisaged in the Resolution 1379 (2001).

M23 is identified, in the report, as the responsible for the systematic conscription of children. A total of 65 children between 13 and 17, including 25 that are said to be Rwandan, escaped from the hands of the armed group between April and December 2012. Among them, 21 said that they were conscripted in Rwanda to fight in the DRC. The testimonies of former members of M23, says the report, state that hundreds of children are still in hands of this armed group.

THE NEGOTIATIONS

The negotiations between the government of the DRC and M23, which had been suspended in May 2013, resumed on the 10th of September under a ceasefire agreement. To date, Kinshasa policies to neutralise the various armed groups involved in the conflicts of the region have been the demobilisation and the subsequent integration of combatants into the Congolese Armed Forces (FARDC). In these politics lies the own birth of M23, after having gone on to a total integration of combatants into the army, without distinguishing the ones who had committed war crimes or crimes against humanity, such as the case of Ntaganda.

²³ Available on: <http://watchlist.org/wordpress/wp-content/uploads/CAAC-Annual-Report-2013.pdf> Date consulted: September 2013

²⁴United Nations has made a list of the parties in conflict that use and recruit children. The subsequent resolutions 1882 (2009) and 1998 (2011) include a list of those groups which take part in cases of killing, maiming and sexual violence; and those who attack schools and hospitals, respectively.

For this reason, during the current negotiations, promoted by the leaders of the International Conference on the Great Lakes²⁵, the strategy of demobilisation will be more exigent. The governmental decision, supported by the United Nations through the special envoy to the region of Mary Robinson²⁶, means there will be no total amnesty.

The government spokesperson of the DRC, Lambert Mende, has stated that 100 combatants of M23 will not benefit from the amnesty. These combatants, including those in the black list of the ones that will not be reintegrated into the army, are those who have taken part in many rebellions, find themselves on the lists of international sanctions, or have committed war crimes or crimes against humanity. Depending on the government, they may be sued and judged at the end of peace talks. According to the spokesperson of the armed group, Amani Kabashi, this decision will not jeopardise the negotiations as, in his own words, once there is security, not even all will want to be part of the armed forces²⁷.

²⁵The Conference, composed by 11 members: Angola, Burundi, Kenya, Central African Republic, the Republic of the Congo, the Democratic Republic of the Congo (DRC), the Republic of the Sudan, Rwanda, Tanzania, Uganda and Zambia, was created in the year 2000 as a joint secretariat of the United Nations and the African Union.

For further information:

GARCÍA SÁNCHEZ, Ignacio José. *“La Región de los Grandes Lagos. El corazón de África en la encrucijada”*. Instituto Español de Estudios Estratégicos. 22/08/2012

Available on: <http://www.ieeee.es>

²⁶ Mary Robinson, special envoy to the region of the Great Lakes, is the first main UN responsible for mediating in a peace process.

KI-MOON, Ban. “Secretary-General's remarks to the Women's International Forum: From Syria to Sustainable Development: The United Nations on the Eve of General Assembly 2013 [as prepared for delivery]” 13/09/2013

Available on: <http://www.un.org/sg/statements/index.asp?nid=7076> Date consulted: September 2013

²⁷ JONES, Pete. “Congo rules out amnesty for top M23 rebels”, 19/09/2013. Reuters Available on: <http://www.reuters.com/article/2013/09/19/us-rop-congodemocratic-rebels-amnesty-idUSBRE98I0RV20130919> Date consulted: September 2013

CONCLUSION

The short and long term future perspectives for the long conflict of conflicts of the Great Lakes do not allow us to be optimistic. The rebel group M23 could end in a short period of time, but it has been estimated that many other armed groups operate in that area²⁸. And what is more important, the deep causes of the conflict: the politicization of ethnicity, the weakness of the State and army, the foreign interference, the conflict over natural resources and the land distribution, among others, are not being tackled. The causes of instability in the region require more time and bigger national, regional and international effort.

Positive steps have been taken recently, such as the regional framework agreement to put an end to the situation of instability and violence in the East of the DRC, signed in February 2013 in Addis Abeba, or the bigger strength shown by the United Nations in the deployment of its first brigade of intervention.

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²⁸The most important groups are: Allied Democratic Forces (ADF), Democratic Forces for the Liberation of Rwanda (FDLR), National Liberation Forces (FNL), Democratic Forces for the Liberation of Congo (FOLC), Mai Mai and assimilated groups (20 have been estimated), Nyatura, the *Alliance des patriotes pour un Congo libre et souverain* (APCLS), MaiMaiSheka, Maï-MaïKifuafua, RaïaMutomboki and the Defence Forces of the Congo (FDC).

For further information about other groups:

Democratic Republic of Congo's key armed groups. Agence France-Presse. 17/07/2013 Available on: <http://www.globalpost.com/dispatch/news/afp/130717/democratic-republic-congos-key-armed-groups>

DRC: Tough bargaining with armed groups. Irinnews. 18/10/2012. Available on: <http://www.irinnews.org/report/96585/drc-tough-bargaining-with-armed-groups>