

ADDRESSING THE CONFLICT IN EASTERN DRC: THE MANDATE OF A UN/AU SPECIAL ENVOY TO THE GREAT LAKES

In recent months, concerns have grown over the escalation of conflict in the eastern Democratic Republic of Congo (DRC) and Rwanda's backing of the M23 rebellion. There is also a growing consensus that some of the dynamics at the origin of the 1996 and 1998 wars are still at play today and continue to feed instability, even if the context and some of the actors have changed. These include the complete breakdown of state authority in the DRC, impunity for war crimes and crimes against humanity, Rwandan support to armed groups, and the competition over scarce land and other resources, to name but a few.

The involvement of the International Conference on the Great Lakes Region (ICGLR) indicates a welcome regional interest in this conflict that must be incorporated into future efforts but its proposed solution of a neutral force is both inadequate and most likely unrealistic. Sanctions are a positive step and should continue but alone are insufficient even in addressing the immediate crisis. The military build-up of the Congolese army in eastern Congo, the recruitment and training of new troops by M23, and the increasingly confrontational attitude of the Rwandan government are serious concerns, as it is impossible to foresee the full humanitarian and political consequences of a new large-scale military confrontation in eastern DRC.

As a military solution alone is unlikely to resolve the crisis and would probably result in further large-scale displacement and human rights violations, a new political process is needed to address the fundamental drivers of conflict and prevent further violence in the region. Past and ongoing processes have tended to focus on the immediate humanitarian crises and have offered short-lived truces among belligerents. These have consistently avoided addressing root causes of the violence and have been unable to address fully the regional dynamics of the conflict. Outside leverage will also be critical in helping bring the parties to engage in more constructive negotiations.

Considerations for the mandate of a UN/AU Envoy

As suggested in a high-level UN meeting on eastern DRC on September 27, 2012, a UN/AU Envoy could provide the impetus to launch a political process to end the violence. We support the creation of this position, which could benefit from close coordination with the ICGLR, and we propose a few considerations in structuring the Envoy's position and mandate.

Building on the work of the ICGLR, the Envoy's work should ideally be implemented in two phases. Initially, the process would be dedicated to brokering a solution to

immediate issues for the current standoff between the Congolese government and the M23 in order to bring some stability before initiating a more comprehensive peace process.

In this initial phase, the Envoy should seek to broker an immediate ceasefire to be monitored by MONUSCO and propose concrete ways to implement the following measures:

- An end to foreign and domestic support to armed groups by maintaining or expanding aid suspension until this support has stopped and implementing targeted UN sanctions, if needed;
- The arrest of Bosco Ntaganda and his appearance before the ICC;
- The implementation of an effective joint verification mechanism for border monitoring;
- The disarmament and demobilization of members of the M23 and other armed groups, and the option to reintegrate some of their officers, except those suspected of having committed serious human rights violations, and redeploy their troops elsewhere in the country;
- An assessment of the implementation of the March 23, 2009 agreement between the government and Congolese armed groups, including the CNDP.

It would be a mistake, however, to limit the mandate of the Envoy to the urgent measures identified above, which would bring greater security to the Kivus in the short-term but would neither prevent a new rebellion nor transform the climate of violence and instability in the region.

The Envoy's mandate must be broad enough to produce a comprehensive proposal based on an analysis of the legitimate (even if unspoken) interests of all stakeholders, with the aim of addressing local, national and regional drivers of conflict. These interests would include those of the Congolese government, of all main local communities in the Kivus and of neighboring governments, in order to increase the appeal of all parties to work with the Envoy.

The Envoy should also propose solutions that respond to these interests but also require concessions from all actors. This would require mutually agreeable commitments on economic integration, development projects, cross-border security, and local community reconciliation in the Kivus. Traditional diplomacy would also be necessary to secure the acceptance and implementation of the plan.

Specifically, the Envoy should at a minimum develop proposals in the following key areas with a view to assisting the Congolese government, in the full respect of its sovereignty, in restoring peace and security in its eastern regions:

1. *Cross-border cooperation.* The Envoy should build upon the ICGLR's work in reviving the Joint Verification Mechanism to propose a plan for border security. Such a solution could include UN or Congolese troops patrolling the Rwandan border with the Virunga National Park in Congo and the arrest of M23 leaders living or traveling in Rwanda, as well as indicted FDLR leaders living in Congo. The DRC government could facilitate the return of Congolese refugees along the lines of the Tripartite Agreement agreed by Rwanda, DRC and UNHCR and possibly renew joint RDF-FARDC operations against the FDLR.
2. *Security Sector Reform.* The weakness of Congo's security sector is a crucial enabler of conflict yet the issue is too broad for a single envoy to address. The envoy could therefore propose concrete benchmarks on army reform, perhaps the most urgent of all. This could include continued progress on improving the human rights records of Congolese security services, a vetting mechanism for those most responsible for human rights abuses, standardizing payment processes, and the dismantling of parallel chains of command.
3. *Decentralization and political representation.* Dissatisfaction with the distribution of political power has been a central grievance to many communities in eastern Congo. The Envoy should consider new arrangements for political representation at the local level in North and South Kivu. Given the divisiveness of the issue and its implications for all of Congo, the Envoy should carefully consider all options available, including the Congolese decentralization plan, and determine whether and how to include these issues in the final recommendations.
4. *Regional economic integration.* In order to promote stability and development, the Envoy should develop concrete proposals to deepen economic integration in the region. Potential initiatives include internationally funded cross-border economic projects, such as the Ruzizi hydroelectric dam and methane gas production, as well as changes to labor laws and the tax code. This could facilitate cross-border movement of persons and goods, including an increase in the legal production and trade of minerals, while strengthening safeguards to ensure that this trade does not benefit armed groups or the military.
5. *Community grievances relating to land distribution.* Given the prominent role of land in fueling conflict, the Envoy, in consultation with the government

and local communities, should consider measures including an audit of land titles and stronger mechanisms to resolve land disputes.

6. *Transitional justice and communal reconciliation.* Since the beginning of the war, there has never been lasting reconciliation among opposing communities, which has exacerbated the violence in the Kivus. Building on the findings and recommendations of recent reports, the Envoy could recommend a wide range of initiatives, such as using the *Baraza Intercommunautaire*, a national truth-seeking mechanism, prosecution initiatives, and other local reconciliation efforts.

For a lasting agreement to hold, Kinshasa would ultimately have to agree to concrete progress on much-needed reforms it has so far found unpalatable and to special economic and political arrangements in the Kivus, while Kigali would have to accept to end its destructive interference in the internal affairs of eastern Congo. Both governments could then profit from cross-border security and help build the foundations for economic integration and development. This could also help local communities find lasting solutions to the conflict and to coexist more peacefully.

Staffing and methodology

The Envoy should work under the auspices of the AU or both the AU and the UN. The Envoy should further coordinate with the ICGLR and enjoy the support of governments in the region. The International Contact Group, possibly under the leadership of the “troika” of Great Lakes Envoys (US, Belgium, EU), should provide resources and unified political support to the UN/AU Envoy when needed.

The Envoy will need human, political and financial resources to succeed. Much like the AU High-Level Implementation Panel in Sudan, he or she should be given an adequate and well-resourced Secretariat to produce new thinking and approaches and draw from lessons learned in similar initiatives. The group should enjoy as much operational independence from the AU/UN as possible and include 7 to 10 experts, or more if needed, in such areas as economic integration, cross-border security, refugee return, land conflicts, security sector reform, transitional justice, and decentralization. The Envoy would not be expected to produce a comprehensive plan on all issues but rather to suggest practical, realistic and measurable ways to build confidence and initiate a larger peace process.