

Congo, Rwanda and the National Congress for the Defence of the People

Ben Shepherd

The downfall of Laurent Nkunda was startlingly swift. In late 2008 he had seemed untouchable. His forces had humiliated the Congolese military (FARDC) three times in as many years. His politico-military movement, the National Congress for the Defence of the People (CNDP) was exerting increasingly coherent administrative control over a growing fiefdom on the eastern fringes of the Democratic Republic of Congo (DRC). Nkunda had resisted or ignored the attentions of a wide variety of international envoys and was beginning to express national political ambitions. Conflict in North Kivu appeared to be entrenched and doomed to repeat. But by early 2009, just weeks later, he was a prisoner in Rwanda and the CNDP was in the process of disintegrating.

According to its public statements, the CNDP represented the interests of the marginalised population of eastern DRC, providing authority and security in a region of minimal state control. Although it claimed to be acting on behalf of all local ethnic groups, the grievances of the Congolese Tutsi were central to its agenda, including demands for political representation, refugee returns and protection from the predations of the Democratic Forces for the Liberation of Rwanda (FDLR) – a rebel group from neighbouring Rwanda long active in the forests of eastern DRC.

Many Congolese observers, however, saw CNDP as a Rwandan proxy; the latest in a sequence of Kigali-backed actors dating back to the Congolese Rally for Democracy (RCD) that had played a central role in the second Congo war (1998-2003). Many CNDP combatants had previously fought for the RCD, and had resisted integration into the Congolese national army during the post-war transition, re-emerging under Nkunda's leadership during the Bukavu crisis of 2004 and later forming

the core of the CNDP military. Nkunda himself had fought for the Rwandan army in the 1990s, before holding a senior position in RCD. From this viewpoint, CNDP was no more than a mechanism for continued Rwandan meddling in the political, economic and security landscape of the Kivu provinces of eastern DRC.

In fact, CNDP was a hybrid organisation, reflecting the deep complexity of parallel local, national and regional conflict systems operating in eastern DRC. It represented a local reaction to the abject weakness of the Congolese state and the long-standing grievances of Congolese Tutsi over political power and land. At the same time, it was also a cross-border Rwandan surrogate. The violence between CNDP and FARDC that caused such enormous humanitarian suffering from 2006-08 was therefore a product of state weakness, the marginalisation of a borderland community, and a cross-border intervention by a neighbouring state.

Failed peacemaking

In the first decade of the 21st century, the CNDP and its precursor groups had weathered repeated peacemaking initiatives, from the inter-Congolese dialogue (2001-02) and the transition (2003-06), to the 'mixage' agreement of 2007, the Goma conference of 2008 and subsequent *Amani* programme. Each of these processes treated CNDP and its antecedents as a predominantly Congolese phenomenon, with roots in domestic political dynamics or inter-community tensions. All failed.

Bilateral agreements between Rwanda and the DRC had been limited to negotiating the removal of an overt Rwandan military presence from DRC, resulting in the 2002 Pretoria Accord



Civilians hold on to their belongings as they flee their town in Kiwanja, the Democratic Republic of Congo © Uriel Sinai / Getty Images

and a weak joint statement on the removal of FDLR and other armed groups: the Nairobi Communiqué of 2007. Rwanda and DRC had also been regularly brought together under the US-facilitated ‘Tripartite Plus’ process, along with Uganda and Burundi, to discuss general questions of regional peace and security. Its importance was tacitly acknowledged – the agreement that launched the failed ‘mixage’ process of 2007 had been negotiated between Rwandan and Congolese leaders.

But the cross-border nature of CNDP had not been fully acknowledged in these processes, and Kigali had not faced any meaningful scrutiny over its continued relationship with them. Rwandan support was key to ensuring that CNDP retained military superiority and political confidence to rebuff the Congolese government and international community alike, secure in its ability to overcome any military challenge or ride out any political storm. This gave Nkunda no incentive to negotiate meaningfully and wrecked any attempt to find a negotiated solution. The ambiguity of CNDP’s status – as both an expression of local political grievances and the proxy of a powerful neighbour – had undermined attempts at peacemaking.

What changed?

In late 2008 CNDP had repeatedly proved itself to be the most effective military actor in eastern DRC. Meanwhile, its political demands had not been met and the structural causes of

conflict, such as land distribution, nationality, resources and refugee returns, also remained salient. The Congolese state was also as weak as ever. Yet by early 2009 it had all but ceased to exist as a discrete actor.

The proximate cause of this change was an abrupt improvement in the relationship between Rwanda and DRC. This resulted in a bilateral agreement formulated in December 2008 away from international scrutiny. Its exact terms are unknown, but it seems likely that the agreement balanced Rwandan action to neutralise Nkunda with tacit acceptance by the Congolese authorities of ongoing political and economic control over important areas of eastern DRC by former CNDP cadres.

This *détente* was the result of many different factors. A renewed CNDP military campaign in late 2008 had conclusively revealed the impotence of FARDC, and had also illustrated the limits of the will and ability of the UN peacekeeping mission (MONUC) to intervene. The humanitarian disaster triggered by conflict between CNDP and the Congolese army had further attracted the spotlight of international media attention to events in eastern DRC.

DRC President Joseph Kabila was under intense political pressure in Kinshasa and was nervous about a growing economic crisis. He needed to deliver progress and prove his

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ability to deal with Nkunda, who had become emblematic of his failure to control Congo's vast national territory.

Nkunda's independence and adventurism, notably his repeated threats to take the provincial capital Goma, had also reportedly begun to persuade his backers in Kigali that he had become a liability. Some observers saw growing messianic tendencies. Others have since argued that he was also beginning to restrict the flow of profits to Kigali from mining areas under his control.

The power of information

Most importantly, at the end of 2008 Rwanda suddenly saw the prospect of its support to CNDP starting to carry significant costs. This was in part a product of the availability of more and better information. A scarcity of observers and patchy and ideologically-driven media coverage had allowed Rwanda to deny its support to CNDP for many years, despite widespread suspicion.

But the quantity and quality of information grew alongside increased international attention that accompanied peacemaking efforts. Significant international resources were deployed to eastern DRC, including diplomatic representation from Belgium, the US, France, the UK, the EU and others. An extremely capable UN Panel of Experts was appointed to investigate arms transfers into the region. The result was a far greater flow of reliable information, most notably the report of the UN panel in late 2008 that made clear the extent of Rwandan support to the CNDP.

Key international actors gained a more accurate understanding of the cross-border conflict dynamics at a moment when media attention on the humanitarian disaster in North Kivu was contributing to demands for effective action, and the stakes for the wider Great Lakes region were perceived as extremely high. The international reaction that followed included the loss of budgetary support from the Swedish and Dutch governments,

and significant diplomatic pressure from Rwanda's key external allies: the US and UK. The DRC-Rwanda deal, Nkunda's arrest and the CNDP collapse followed swiftly. International diplomacy proved sufficient to change the pressures on Rwanda such that a political deal became logical, and cross-border support for the CNDP was removed.

Conflict transformation or cosmetic change?

Although Nkunda has been removed from circulation in the region, remaining under house arrest in Rwanda, eastern Congo remains the site of significant violence and humanitarian suffering. Long-running inter-community disputes over land ownership, refugee returns and the nationality status of the Congo's Tutsi community persist. Equally, although former CNDP forces are now officially integrated into the Congolese army, ex-CNDP commanders still control key economic and strategic sites in eastern DRC, with loyal ex-CNDP troops under them in robust, parallel chains of command. Seen from the ground up, the demise of Nkunda has produced little more than cosmetic change.

But viewed from a longer historical perspective, the removal of Rwandan sponsorship from the CNDP and its subsequent collapse means that for the first time since 1997 there is no armed group in DRC with the political or military capacity to threaten the central legitimacy or security of the Congolese government. And for the first time in more than a decade, none of DRC's neighbours is directly supporting a proxy armed group against the government, even in the volatile Kivu provinces. Thus it can be argued that events of early 2009 represented the final act of the 1998-2003 Congo war, as the last wartime combatant removed its final piece from the board.

The Congolese state remains almost non-existent in many areas and continues to be challenged by an array of domestic and cross-border armed actors, from the Lord's Resistance Army [see page 51], to the Allied Democratic Forces and the National Army for the Liberation of Uganda (ADF-NALU) to a range of Mai Mai and local defence militias. The country will doubtless remain disordered and prone to outbreaks of violence. But while former CNDP command structures remain relatively intact after their nominal integration into the FARDC, their numbers are comparatively few in the context of a bloated and already highly-factionalised military. Without the resumption of external support they are likely to pose an essentially local threat to peace.

Violence in North Kivu is now primarily driven by political cleavages and local grievances in a marginalised borderland region. CNDP had represented both local grievances and the ambitions of a powerful neighbouring state, and was, as a

result, able to threaten both national and regional peace. While the end of the CNDP evidently did not mark the final resolution of conflict in the Kivus, it certainly represented a meaningful change in an underlying conflict dynamic. Assuming external sponsorship does not return – a very real possibility in the context of the ongoing weakness of the Congolese state – this could pave the way for deeper peacebuilding in the region.

Lessons for peacebuilding: international diplomacy and local deal-making

In attempting to resolve hybrid cross-border and intra-state conflict, the levers of international diplomacy are most effectively deployed against state actors rather than armed groups. Nkunda had proved resistant to all the tools in the international conflict resolution toolbox – sanctions, asset freezes, travel bans, threats of international justice, shuttle diplomacy by multiple envoys and so on. None were sufficient to moderate his behaviour or bring him to meaningful negotiations. Indeed some, such as threats of international justice, may have had the converse effect of pushing some of his commanders – Bosco Ntaganda in particular – into maximalist positions, in search of leverage to negotiate immunity.

Where the international community gained traction was in applying intense diplomatic pressure on the Rwandan government – Nkunda’s cross-border *eminence grise* – at a key moment, including calling development aid into question. The motivations persuading Rwanda to support the CNDP – ethnic association, profit and security concerns – became outweighed by the potential damage to the Rwandan economy and national development goals through international sanctions. The pragmatic cost-benefit calculation made by the Rwandan

government was altered; it had more to gain by checking the North Kivu crisis than by fuelling it, and its policy shifted remarkably quickly.

But if the international community played a role in creating the conditions for a deal, its influence did not extend to the substance of the political settlement that emerged. All external mediators seem to have been bypassed, and the agreement was reached locally and in private. The resulting pact had an immediate impact, was sufficiently robust to have lasted to the present, removed a major barrier to improved relations between Rwanda and DRC – key to longer term regional stability – and allowed the focus of attention to shift to the FDLR, a group which arguably presents an even greater challenge to the security of Congolese civilians.

The deal also seems to have cut across a number of broader peacebuilding ambitions, notably on human rights and justice. It allowed *de facto* immunity for CNDP cadres for crimes committed during the hostilities, placed an ICC indictee – Bosco Ntaganda – in a senior command position in the Congolese military, and gave former CNDP commanders effective control of strategically important and mineral-rich areas of North Kivu. The resulting resentment on the part of local populations is likely to have played a significant role in ongoing violence and human rights abuses in the province.

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