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THE END IN SIGHT?

Opportunities for the Disarmament & Repatriation of the FDLR in the Democratic Republic of Congo

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This note is an update of *Opportunities and Constraints for the Disarmament & Repatriation of Foreign Armed Groups in the Democratic Republic of Congo - The case of the FDLR, FNL and ADF/NALU* (MDRP, June 2007)

Executive Summary

This study is an update of the June 2007 report *Opportunities and Constraints for the Disarmament & Repatriation of Foreign Armed Groups in the Democratic Republic of Congo - The cases of the FDLR, FNL and ADF/NALU*¹ published by the Multi-country Demobilisation and Reintegration Program (MDRP). The 2007 report described the main foreign armed groups in the Kivu provinces of the Democratic Republic of Congo (DRC) and what impact these had on Congolese host communities, the process of state-building in the DRC as well as peace, security and development in the Great Lakes region in general.

The focus of the report was on the prospects for disarmament and repatriation of three armed groups: Rwandan (FDLR), Burundian (FNL) and

Ugandan (ADF/NALU) located in the DRC. Due to recent events, the current report only deals with the Rwandan armed groups of which the FDLR remains by far the most important, in terms of its negative impact on the well-being of the population, the economy and the political environment.

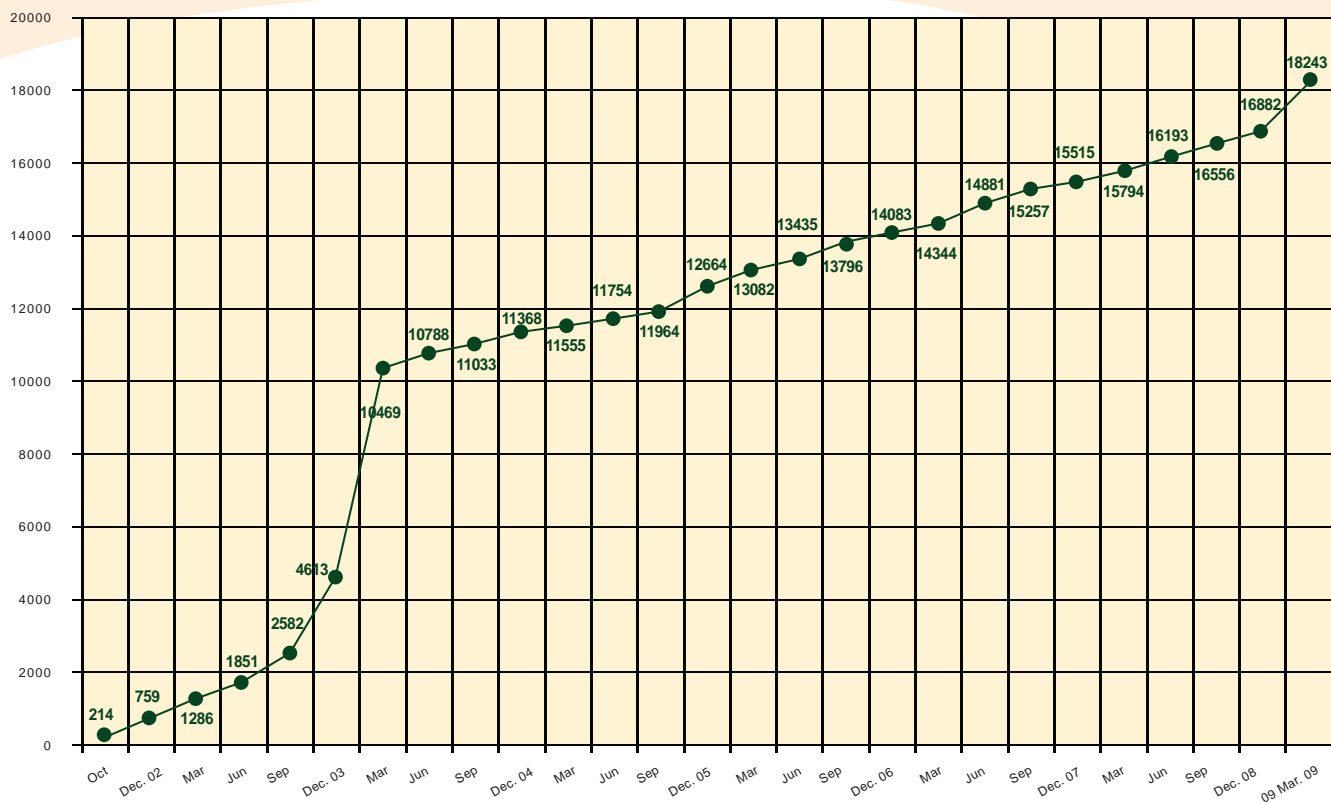
Since June 2007, the situation has evolved with regards to the FDLR. Key events since then include the following:

- **The Nairobi communiqué:** the governments of the DRC (GoDRC) and Rwanda (GoR) signed the Nairobi Communiqué in November 2007. In that communiqué the two governments committed to strengthen their collaboration on the issue of Rwandan armed groups in the DRC, including military cooperation. The option of temporary relocation within the DRC for disarmed group members was mentioned as an acceptable intermediate solution;

- **The *Congrès National pour la Défense du Peuple* (CNDP) challenging the GoDRC:** Several rounds of fighting occurred in North Kivu between the rebels of the CNDP and the governmental forces of the DRC (the FARDC). All other existing armed groups, both local and foreign, have also been involved in this fighting;

- **GoDRC negotiates an agreement with Rwandan armed groups:** GoDRC with support of the Sant'Egidio community organised

¹ Hans Romkema, *Opportunities and Constraints for the Disarmament & Repatriation of Foreign Armed Groups in the Democratic Republic of Congo: The cases of the: FDLR, FNL and ADF/NALU*. MDRP, June 2007. The report can be downloaded via the link: http://www.mdrp.org/doc_rep.htm (other reports) and hardcopies can be obtained (as long as they are in-stock) from the MDRP or MONUC (DDRRR section) offices in eastern DRC.



Cumulative repatriation statistics © MONUC DDRR national coordination

meetings with the FDLR/FOCA² and/or the *Ralliement pour l'Unité et la Démocratie* (RUD³/ RPR); meetings took place in Pisa, Rome, and Kisangani;

- **Repatriation of disarmed and cantoned RUD combatants was attempted – but sabotaged by the RUD military and political leadership:** The efforts of the GoDRC supported by the *Eglise du Christ au Congo* to repatriate 157 RUD combatants⁴ and dependants from Kasiki (Lubero territory, North Kivu). International observers participated in most of those efforts but it remained a Congolese initiative;

- **Actions of the GoDRC:**

- It sidelined or demoted a number of officials who supported and/or collaborated with the FDLR/FOCA or RUD;

- A *Comité de Pilotage* was created and tasked with developing a plan to 'eradicate (the presence of) foreign armed groups.' A first draft of this plan was presented in September 2008. The Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration (DDRRR) sub-commission of the Committee was amongst others involved in the efforts to repatriate the RUD combatants from Kasiki;

- **Sensitisation and targeted repatriation by the GoR:** The Rwanda Demobilisation and Reintegration Commission (RDRC) further developed its communication strategy, reinforced its collaboration and coordination with the MONUC, and participated in the Joint Monitoring Group and its task force. Furthermore the GoR (through the RDRC and the army) facilitated the repatriation of some senior FDLR officers;

- **MONUC restructuring:** MONUC took a more pro-active and pragmatic approach to DDRR which resulted, amongst other things, in a stronger presence in the field, offering more repatriation opportunities;

² Even though the GoDRC did not enter into official talks with the FDLR/FOCA since May 2005. The meetings that happened were informal, either in the field or abroad, and were mostly (but not exclusively) attempts to convince the FDLR/FOCA to participate in an official meeting in Rome, while the RUD-RPR were to be meeting in Pisa. All were then to proceed to Kisangani for operational planning of the implementation.

³ Including with the RPR and the RUD-RPR political would-be umbrella CND. The latter may not exist anymore or never have come into being.

⁴ The aim was not just to repatriate these combatants. It was anticipated that if this initiative would succeed, other RUD and FDLR combatants, and more importantly complete units, would follow.

- **UN Security Council resolutions (SCR) clarify the UN position:**

SCR 1804 was a UN resolution in support of the Nairobi Communiqué, reiterating the UN Security Council's decision to impose a travel ban on the political and military leadership of the FDLR. In SCR 1856, the UN Security Council decided that the Disarmament and Demobilisation of foreign and Congolese armed group members was the second priority of the MONUC (after the protection of civilians);

- **UN provides an option for the use of force against Rwandan armed groups:**

In SCR 1856 the UN Security Council implicitly allowed MONUC to participate in the involuntary disarmament of the foreign armed group members (paragraph 3.g): *“Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process (DDRRR) and the release of children associated with those armed groups;”*

- **UN panel of experts report criminal activities of the FDLR:**

The December 2008 report of the UN panel of experts noted the illegal commercial activities of the FDLR and prepares the ground for a follow-up report that will focus more on the leadership of the FDLR. Several elements of the experts' report could also be used to build a legal case against the FDLR;

- **Operation Umoja Wetu:** The joint operations of the FARDC and the Rwandan Defence Forces (RDF) are launched in early 2009.

This last event, the joint operations, supersedes all the others in significance and impact⁵. These operations not only had the most obvious effect on rate of disarmament and repatriation⁶ and the threat levels upon the FDLR and other Rwandan rebel groups in the DRC, but they also marked a striking shift in political relations in

the Great Lakes Region.

The other events were certainly not negligible but they did not have a major impact on the statistics of the DDRRR programme (see figure on page 2). The repatriation of former combatants and their dependents continued over the past two years with the same steady but slow trickle as had been the case since 2003. The FDLR sustained its control over large parts of the North and South Kivu provinces. Moreover, the FDLR maintained its grip on various trades (minerals amongst others) in the Kivu provinces and continued to establish themselves for the long term.

This suggests that all measures other than the joint military operations have had little impact. Non-coercive measures taken up to the end of 2008 were too few, sometimes not the right ones, and therefore incomplete – the carrot without the stick. In any case, they were not sufficient to weaken the tight control that the extremist FDLR political and military leadership had over its forces⁷. The power which the political (often based in Europe and North America) and military (FOCA) leadership exercises over the FOCA and FDLR in the Kivus can be considered as the single most significant constraint to disarmament and repatriation. This conclusion was already drawn in the 2007 report and can again be derived from the recent research.

Moreover, some major obstacles to DDRRR had not been removed until the joint operations started. These obstacles were on one hand the internal Congolese conflicts; the rivalry between the GoDRC and the CNDP. On the other hand, there was the unwillingness of some parties within the DRC administration and military to act in unconditional support of the disarmament and repatriation process of foreign armed groups. The reasons for resisting the official government policy of actively pursuing DDRRR are complex but suggest continuing personal or business relationships

between Congolese officials and some FDLR leaders. These linkages between the Congolese administration and the FDLR appear to have weakened over the past two years, in part because the GoDRC took measures against some of the most prominent FDLR collaborators. Nevertheless, some of these associations persist and still constitute important obstacles to serious attempts to settle the FDLR question.

The problem of personal relationships was circumvented during the joint operations by the combined effects of Rwanda agreeing to arrest the leader of the CNDP and by restricting involvement in the tactical planning to a small group within the Congolese military. This precluded any of the officials who might have wanted to spoil the operations from passing sensitive information on to the FDLR.

In any case, not all the recommendations made in the June 2007 report of the MDRP were instigated, for a variety of reasons. Some of those recommendations were not easy to implement and met several constraints (e.g., it was proposed that the GoDRC would assume a leading and coordinating role in the DDRRR operations while in a process

⁵ I.e. this could change if the MONUC starts to implement SCR 1856 and in particular the section mentioned above which allows the UN Mission to participate in the forcible disarmament of armed groups. If that part of the SCR is implemented vigorously, it could potentially have another significant impact on the ground.

⁶ The impact on the strength of the FDLR were larger still than the DDRRR statistics show as there were also 153 militiamen killed during the operations. Moreover, the official DDRRR statistics do not include the 247 combatants that were repatriated without passing through the MONUC transit facilities.

⁷ See the comprehensive report by Rakiya Omaar on “The Leadership of Rwandan Armed Groups Abroad with a Focus on the FDLR and RUD/Urunana” (for the Rwanda Demobilisation and Reintegration Commission; <http://www.rdrdc.org.rw/>).

of recovering from over a decade of war). Moreover, internal divisions (due to conflicts of political and economic interests) and both structural and managerial weaknesses prevented the otherwise well improved efforts of the GoDRC in becoming successful. In turn, international partners were urged to act decisively and in a concerted manner, both with respect to their support to the DDRRR operation on the ground and the prosecution of the political leadership of the Rwandan rebel groups in Europe, North America and Africa.

In particular the prosecution of FDLR and RUD leadership has not occurred. On the one hand, this was due to the difficulty of making a judicially sound case linking the FDLR leadership to war crimes and crimes against humanity in the Great Lakes Region. On the other hand, many observers believe that the prosecution of Rwandan rebel leaders is a low priority in many European countries. Some have suggested that lobby groups, not only within the Rwandan refugee community, but also some European and North American civil society organisations and the press⁸, managed to create confusion to the extent of influencing the decisions of European and North American prosecutors and legislators. A number of the people interviewed even insinuated that there is considerable sympathy for the FDLR amongst some civil society organisations and members of the judiciary.

Conclusions

Over the past two years, there have been several promising developments with regard to the DDRRR operation. Most noticeably were the pro-active approaches of both MONUC and the GoDRC. This created several opportunities for repatriation but unfortunately the impact on the repatriation statistics was only limited. Operation Umoja Wetu of the combined Rwandan and Congolese armed

forces was the only intervention that had a significant impact on the repatriation statistics thus far.

The biggest constraint for the disarmament and repatriation of the Rwandan armed groups from Congolese territory is the tight control by the leadership over their respective forces. As long as the control structures (military and civilian security services, military police) function, rank and file members will be prevented from defecting in fear of their lives (although evidence suggests that the majority wants to return unconditionally to Rwanda⁹).

The command and control structures of the FDLR and RUD can only be weakened by prosecuting the leadership abroad and through targeted military operations. Without these measures, the MONUC DDRRR section and its partners will not be able to achieve much more than what they have done over the past years (i.e. repatriate on an individual basis those Rwandans who managed to escape from rebel control).

By becoming more mobile, increasing the number of transit facilities, especially in remote locations, and by adding more staff to the MONUC DDRRR section, it may be possible to repatriate slightly higher numbers of defectors, but when no other measures are taken, this will never lead to mass repatriation. The MONUC DDRRR section cannot dismantle the FDLR on its own. It is working against an active and intelligently led organisation with political/military objectives and a strongly vested interest in collective survival. This organisation is already showing signs of expanding the range of its activities and may eventually become so well entrenched as a clandestine force that it assumes *Mafiosi* dimensions. It could well continue to derail the peace process in the Great Lakes Region as it has for the past 15 years. At this point, it is clear that the FDLR also continues to undermine the credibility of UN peacekeeping efforts and the entire

internationally sponsored, and financed, peace initiative in the DRC.

Recommendations

What we have learned from the past two years is that in order to dismantle the Rwandan armed groups a concerted effort of all parties at all levels is necessary.

Military Operations

If these are continued in an effort to dismantle the FDLR's and RUD's command and control structures, a number of steps should be taken including the following:

- A much tighter regime of discipline on FARDC troops and sanction of those who commit crimes against the civilian population;
- If discipline of FARDC troops has not improved, the GoDRC should consider holding back the FARDC from any military operations. Their indiscipline has so far only strengthened the FDLR and made it easier for them to operate among the people;
- MONUC should be part of the joint GoDRC and GoR planning;
- Additional logistical support should be provided in terms of airlift, intelligence gathering and communications capacity.

⁸Several independent sources told the author that some of the main (European) press agencies appear to have sympathy for the FDLR. This cannot be verified. However, what certainly is the case is that some of the press agencies (the RFI and the BBC in particular) provide the FDLR with a platform. They are asked to comment on any major event in the Great Lakes Region without being questioned about their own negative role in it. The FDLR leadership in Europe uses these interviews to motivate its troops and the civilians in the DRC's forest zones, as well as its sympathisers elsewhere.

⁹Of the 157 RUD members in the Kasiki camp, over 95% wanted to be repatriated unconditionally but they were prevented from doing so by the leadership.

Legal Action

If legal proceedings are initiated in the international and national jurisdictions, then judicial authorities should make use of:

- The past and ongoing work of the Panel of Experts;
- The work undertaken by Rakiya Omaar for the Rwanda Demobilisation and Reintegration Commission;
- Reports and archives of human rights organisations and MONUC;
- Information collected by intelligence organisations of the GoDRC and the GoR.

In addition, they should also send investigators to the Great Lakes region. The repatriated ex-combatants and several people involved in the DDRRR operation possess a wealth of information. In locations like Bunyakiri, Walikale, Lubero, Mwenga, it should be possible to find further evidence of crimes committed by the FDLR. There are also several people who can establish links between the FDLR leadership in Europe and North America and the crimes committed in the field.

Disarmament, Demobilization, Repatriation, Reinsertion and Reintegration (DDRRR)

MONUC management, the UN Secretariat and the UN Security Council should:

- Increase considerably the staff of the MONUC DDRRR section. The fact that less than 1% of the MONUC staff is tasked with the second most important objective of the entire mission seems out of balance;
- Ensure that MONUC participates in joint planning of the GoDRC and

GoR in addressing the foreign armed groups;

- Ensure that MONUC military planning includes joint intelligence collection and processing with MONUC DDRRR;
- Find a way to provide the DDRRR sections of both North and South Kivu with stand-by protection units (military or police) of their own and formalised liaison with MONUC military forces so that problems of inter-operability and cooperation in the tasks of identifying and targeting key leaders are eliminated.
- Increase the number of transit facilities and logistics support to them to support rapid extraction, especially in remote locations;
- Properly planned and implemented media information operations aimed at communicating the character and behaviour of Rwandan rebel movements operating in DRC. The aim of this information operation should be to end international sympathy for armed groups responsible for so many war crimes and crimes against humanity in DRC.

International partners can further facilitate the DDRRR work by:

- Providing the MONUC DDRRR section with fully equipped helicopters. Currently DDRRR officials often cannot respond to a repatriation opportunity due to the lack of navigation equipment;
- Funding an increase in the staff of the MONUC DDRRR section;
- Providing a few platoons of well equipped and highly trained military or police tasked with the protection of DDRRR missions;
- Funding and providing technical support of a local information and sensitisation network.

The MONUC DDRRR section and the

provincial government should proceed and plan inclusive DDRRR coordination meetings as they proposed in the DDRRR training that was organised in February 2009 in Goma.

The **GoDRC** should:

- Instruct all its officials to support the actions of the MONUC DDRRR section;
- Instruct all officials, in particular the military, police and the administration, to do everything in their ability to repatriate as many foreign armed group members as possible. Amongst others, they should learn what to do if they encounter armed group members who do not want to be repatriated.

The **MDRP/TDRP**¹⁰ should continue the DDRRR training sessions such as the one organised in February 2009 in Goma. These trainings should not only be organised on the provincial level but should also be extended to most of the territories. As it can easily be linked to the DDRRR trainings, the **MDRP/TDRP** may want to consider funding the development of a local information and sensitisation network.

Additional measures

- **All parties** should deliver the same consistent message to the FDLR and RUD along the lines of: "You have spent enough time in the DRC. You have got to lay down your arms and if you don't want to be repatriated, you will be relocated in the DRC but there is no other option than to disarm." It is particularly important that the GoDRC instructs its local officials on this subject;

¹⁰ The Transitional Demobilization and Reintegration Program - TDRP - is a new program established by the World Bank with donor support, following the closure of the MDRP.

- The **GoDRC and the international partners** should develop a strategy for temporary relocation of disarmed former armed group members. The donors should make the necessary funds available and the **GoDRC** should communicate the need for such a measure clearly to the population;

- With help of the **international partners**, the GoDRC should make an effort to make an end to the proliferation of local Congolese armed groups in the Kivu provinces;

- The **GoDRC and the international DDRRR partners** should be skeptical towards FDLR dissidents who say they are interested in repatriation but who advance several conditions. Small groups should not receive much attention, and when the group is not just constituted of young soldiers or civilians, the chances are considerable that the efforts will prove to be in vain;

- The **international media** should be careful not to provide a free forum for the FDLR and RUD leadership allowing them to address their troops (of whom many have short-wave radios). Several reports from the field showed that these interviews help the leadership to tighten their grip on the militiamen and civilians in the Kivu. Such interviews should ideally not take place anymore, but if they happen then journalists should at least ask some critical questions about the role of the FDLR or RUD.

Acronyms

ADF	Allied Democratic Forces (Ugandan armed group)
CND	Congrès National pour la Démocratie
CNDP	Congrès National pour la Défense du Peuple
DDRRR	Disarmament, Demobilisation, Repatriation, Rehabilitation and Reintegration
DRC	Democratic Republic of Congo
FARDC	Forces Armées de la République Démocratique du Congo (the GoDRC army after 2003)
FNL	Forces Nationales pour la Libération
FDLR	Forces Démocratiques pour la Libération du Rwanda
FOCA	Forces Combattants Abacunguzi (military wing of the FDLR)
GoDRC	Government of the DRC
GoR	Government of Rwanda
JMG	Joint Monitoring Group
MDRP	Multi-Country Demobilisation and Reintegration Programme
MONUC	United Nations Mission in the DRC
NALU	National Army for the Liberation of Uganda
RDF	Rwandan Defence Forces (name of the army of the GoR since 2002)
RDRC	Rwanda Demobilisation and Reintegration Commission
RPR	Rassemblement Populaire Rwandais
RUD	Ralliement pour l'Unité et la Démocratie
SCR	Security Council Resolution
UN	United Nations
UNSC	UN Security Council

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