

Open Letter to the United Nations Security Council on the Situation in the Democratic Republic of Congo
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Excellency,

History is again repeating itself in the east of the Democratic Republic of Congo (DRC). There is a risk of serious escalation of violence and the United Nations Stabilization Mission in the Congo (MONUSCO) is failing in its core mandate of stabilisation and protection of civilians. This month's renewal of MONUSCO presents a vital opportunity for the Security Council to review its strategy in the DRC.

Eastern Congo is again rapidly destabilising with the defection of Bosco Ntaganda from the Congolese army and the formation of the M23 Movement, another Tutsi-led rebellion allegedly supported by Rwanda. The government, weakened by presidential and legislative elections last November that were widely recognised as deeply flawed, is seizing the opportunity to please the international community by at last pursuing the capture of Ntaganda. President Joseph Kabila seems to be gambling that this is an opportunity to break the parallel structures maintained by the Congrès national pour la défense du peuple (CNDP) within the army, and to remobilise domestic support around anti-Rwanda sentiment by pursuing a military defeat of the M23. In addition to the fragmentation of the army and new fighting between the Forces armées de la République démocratique du Congo (FARDC) and ex-CNDP elements, various Mai-Mai groups have expanded their reach and the Forces démocratiques pour la libération du Rwanda (FDLR) remains a persistent, if diminished threat, as the FARDC fails to control territory.

The stabilisation strategy underpinned by MONUSCO was centred too heavily on an expectation that the 2008-2009 rapprochement between DRC and Rwanda was enough to contain the conflict in the Kivus. The bilateral agreement was based on President Kabila's willingness to integrate Rwanda's proxy CNDP forces into the army, but the strategy was short-sighted as it made no provisions for addressing the underlying causes of conflict beyond Rwanda's security objectives. The current mutiny underway in the Kivus is perhaps the clearest evidence to date of how little progress has been made in stabilisation. The 2008 and 2012 crises appear remarkably similar, including their ethnic dimension, reported support from Rwanda and the negative impact on civilians, including displacement and potential for increasing ethnic tensions at the community level. These crises are symptoms of unresolved regional and local conflicts over access to land and resources, as well as a failure to achieve structural reform within the security sector, poor governance and non-existent rule of law, and the inability to address the sources of financing for armed groups, end impunity and extend state authority, including through decentralisation.

In this context, it would be a mistake if the Security Council seeks to make only minor adjustments to the current course in renewing MONUSCO's mandate. Without a new approach and re-engagement by the Security Council, MONUSCO risks becoming a \$1.5 billion empty shell.

MONUSCO has lost credibility on several fronts and urgently needs to reorient its efforts.

First, the mission has had strikingly little success at fulfilling its primary objective to protect civilians, though some of its innovative operational improvements should be acknowledged and encouraged. The population remains profoundly vulnerable to violence and frustrated by the lack of protection as illustrated by the recent attack on UN peacekeepers in Bunyakiri, South Kivu. Despite progress against the FDLR, the threat of armed groups remains pervasive and the UN Office for the Coordination of Humanitarian Affairs (OCHA) cites an additional 218,000 internally displaced persons in North Kivu between 1 April and 31 May 2012. Durable protection of civilians will only come through an enhanced political process and the establishment of accountable state institutions.

Secondly, MONUSCO technical and logistical support to deeply flawed elections in 2011 and the inability to successfully promote dialogue between the parties has altered perceptions about the mission's impartiality. Neither the Security Council nor MONUSCO articulated clear red lines for the credibility of the process, and the good offices role of the mission appeared underutilised. With the failed decentralisation

agenda, constitutional reforms that further expanded the power of the presidency and little accountability for violence and massive fraud associated with the elections, the evidence continues to mount in support of the concerns Crisis Group expressed to the Security Council last year about the potential for authoritarian drift and consequences of the failure to resolve grievances through elections. If not corrected, international involvement in the DRC, including through MONUSCO, risks entrenching an unaccountable government and undermining its own eventual rule of law and peacebuilding efforts.

The Security Council should undertake a review of MONUSCO's strategy and improve performance.

MONUSCO's focus on the use of force to stabilise the Kivus is not enough. Despite the conditionality policy for MONUSCO support to FARDC operations, there remains a lack of clarity about the overall military strategy and articulation of an end state to the military operations against illegal armed groups. What is required is a comprehensive strategy and sustained local and regional engagement by the international community. Clearly there is a need to address both local drivers of conflict between communities and the interplay with regional dynamics, including relations with Rwanda, whether through renewed political dialogue or a national accountability and reconciliation process, or both.

To bolster the government's accountability, the holding of credible provincial and local elections, including in the east, is essential. The mistakes of 2011 should not be repeated and clear standards on the organisation and holding of elections should be communicated to the government by the Security Council and MONUSCO, in particular serious reform of the Commission électorale nationale indépendante (CENI) and improved transparency in the logistics and supply procedures of the elections. MONUSCO should engage with key stakeholders, monitor CENI adherence to electoral law and report on the process. MONUSCO should not support elections that are clearly not credible.

Security sector reform (SSR) is vital to stability in the DRC, but little progress can be expected without serious re-engagement and support from all sides, including the government, MONUSCO, the UN Security Council and key partners. Without a clear commitment from President Kabila and the government to a broader peacebuilding agenda, SSR will continue to flounder. The Security Council should only consider an enhanced role for MONUSCO in SSR as part of a broader political strategy for stability in eastern Congo and once some progress has been made in enhancing government accountability, otherwise the UN risks exacerbating rather than improving instability.

The Security Council should send a signal to the Congolese government and its partners that it is time for a new strategic dialogue. A business-as-usual rollover of MONUSCO's mandate will send the wrong message to all parties.

When renewing MONUSCO's mandate, the Security Council should:

- * Call on the Congolese government to arrest Bosco Ntaganda and transfer him to the International Criminal Court for trial;

- * Demand the end to illegal cross-border support to armed groups operating in the DRC, notably by Rwanda, and consider consequences for those parties who do not cease support;

- * Request the Secretary-General to undertake a strategic review of MONUSCO's stabilisation strategy and report back to the UN Security Council, including on the development and implementation of a comprehensive strategy, with a strong political component, to address pervasive insecurity and the threat of illegal armed groups in eastern Congo.

- * Enhance attention to key governance reforms -- such as the holding of credible provincial and local elections, decentralisation and progress in the fight against corruption -- by updating operative paragraph four of Security Council resolution 1991 (2011) to include their achievement as one of the core objectives that is the basis for decisions on reconfiguration of the mission;

* Insist on the holding of free, fair and credible provincial and local elections, as well as the timely re-organisation of legislative elections in Masisi territory that were canceled by the CENI;

* Articulate clear standards for the holding of elections and condition MONUSCO support on serious reform of the CENI and improved transparency in the logistics and supply procedures and accountability for past election-related human rights violations.

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