

EXAMINING THE ROLE OF RWANDA IN THE DRC INSURGENCY

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS

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WEDNESDAY, SEPTEMBER 19, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 o'clock a.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

And good morning to all of you, and thank you for being here.

Today's hearing will examine U.S. policy toward Rwanda following the release on June 26th of a United Nations report confirming Rwanda's support of rebels who have ravaged the provinces of North and South Kivu in neighboring Democratic Republic of the Congo. In the aftermath of the 1994 genocide until the issuance of this report, the international community declined to comment on Rwanda's interventions in the DRC. We need to better understand the devastation caused by these interventions and gauge how the United States can play a more meaningful role in bringing this crisis to an end.

Unfortunately, our previously scheduled administration witnesses—Assistant Secretary of State for African Affairs Johnnie Carson and USAID Assistant Administrator for the bureau of Africa Earl Gast—are unable to testify this morning due to events in the world involving heightened security for U.S. Embassies and aid missions. This would have been an opportunity to present a full statement of the administration's position on what has happened in the DRC and what needs to be done to more effectively address the root causes of the ongoing conflict there. We do expect that they will be available soon to speak, and they have an open invitation to come before our subcommittee to do just that.

Meanwhile, we have a distinguished private panel that will be more than able to shed light on the crisis in the DRC, as well as Rwanda's involvement in the ongoing rebellion in Eastern DRC.

The crisis in the DRC is both tragic and complex, and the ethnic cleavages have developed over more than a century, although they have been heightened in recent decades. The first significant recorded influx into the DRC of Rwandan Tutsis and Hutus dates back to the 1880s. Other ethnic groups in DRC, then known as Zaire, began to fear the influences of the Rwandans, especially in the East.

The Hutu-Tutsi conflict in Rwanda led to the 1994 genocide there, but the Hutu-Tutsi animosity also spilled over into the DRC. Hutu militiamen who fled Rwanda after the genocide have repeatedly attacked Rwanda. And fighting involving Tutsis and Hutus, including inside the DRC, have terrorized the inhabitants of the Eastern part of the country. As one of our witnesses today, Congolese Bishop Ntambo Ntanda will tell us some 6 million people have lost their lives in the DRC as a result of the recurring conflict.

Far from resolving ethnic disputes, the interventions by Rwanda in the DRC have exacerbated tensions among the ethnic groups who live there. In the wake of activity by Rwandan troops or militias that they create or support, Tutsi and Hutu people living in the DRC have become targets as a result.

Rwanda has been engaged in armed intervention in the DRC for at least 17 years. If this is the most successful method to halt cross-border attacks into Rwanda by Hutu rebels operating from DRC territory, why is there continued devastation in the region? Why do Tutsis and Hutus living in the DRC seem more hated today than they have been previously?

During the summer of 2008, the National Congress for the Defense of the People, or the CNDP, a Congolese rebel group, reportedly was backed secretly by Rwanda. It was initially led by Tutsi General Laurent Nkunda, an indicted war criminal. A March 23, 2009, agreement between the DRC and Rwanda led to the arrest of Nkunda but replaced him with Bosco Ntaganda, even then a suspected war criminal for whom the International Criminal Court, or the ICC, had issued an arrest warrant in 2006. When the CNDP judged that President Joseph Kabila had broken the 2009 accord, Ntaganda led a mutiny that named itself M23 for the date of the broken agreement, and began a reign of terror in the DRC.

In June of this year, a United Nations Group of Experts report confirmed that Rwandan Defense Minister James Kabarebe and other top Rwandan military officers played a central role in organizing, funding, and arming the mutineers in Eastern DRC. The report also stated that Rwandan military officers engaged in efforts to convince Congolese businessmen, politicians, and former rebels that had joined the Congolese Army to join the M23 mutiny in order to wage "a new war to obtain a secession of both Kivus." The report further charged that Rwanda was protecting Ntaganda from arrest. Meanwhile, Nkunda remains in Rwanda, immune from prosecution for his crimes.

Aside from ethnic divisions and allegations of a breach of faith in agreements, another source of conflict has been the abundant mineral wealth in the DRC, including 70 percent of the world's coltan, used to make vital components of cell phones and other electronic equipment; 30 percent of the world's diamond reserves; and vast deposits of cobalt, copper, and bauxite. The U.N. report stated that rebels in the East export precious minerals for profit to fund their continuing mayhem and that the Rwandan officials were also benefiting from DRC's mineral wealth.

I would note parenthetically that I have visited this area. I was shocked and dismayed by the abuse, especially of women, in this area, where sexual violence is an everyday occurrence. And in visits to Goma, in visits to meetings with the U.N. deployment of

peacekeepers, it became very clear that the people in the villages continue to be at extreme risk of violence. And that has got to stop, and we need to do more.

Again, as the Bishop pointed out, 6 million people have died. That is numbing. And we need to do more.

I would like to yield to my good friend and colleague, Ms. Bass, for any comments she would like to make.

Ms. BASS. Mr. Chairman, thank you for holding today's hearing.

The continued and seemingly growing tension between the two nations is deeply concerning and raises a host of questions that must be actively addressed. As we are well aware, instability in the region and numerous accounts of human rights violations reminds us that there is still much to do to protect civilians, including women and children who have too often endured the unspeakable burden of rape, violence, and injustice.

As the chairman has indicated, the U.N. Group of Experts' report to the U.N. Security Council includes clear evidence that elements of the Rwandan Government have been involved in various military activities in the DRC. These activities include Rwanda's direct engagement and support of the armed group M23.

On several occasions, the State Department has expressed its deep concern and the need to end violence in Eastern DRC and to put an immediate and permanent end to any and all outside support. State has gone on to express its support for regional cooperation against armed groups, including joint military operations.

Since the Rwandan genocide, which took the lives of nearly 1 million people, the international community has worked diligently to promote lasting peace and stability, not only in Rwanda, but across the Great Lakes region. This is perhaps exemplified most clearly in the United Nations Organization Stabilization Mission in the DRC and its expanded mandate.

We held a hearing last week on peacekeeping in Africa, and, certainly, we must continue our Nation's support of such operations that support sustainable peace. The gravity of the U.N.'s finding attests to deeply troubling operations and human rights violations that have endangered or killed countless people. One of our witnesses today, I believe, will estimate that these killings may well have exceeded 0.5 million lives. That is just an unbelievable number. There is no question in my mind that these activities must be brought to an end and those responsible should be held accountable.

The U.N. report is but one of a growing number of reports on this very issue. Human Rights Watch has conducted extensive research, including having witness accounts that speak to human rights violations and probable war crimes. The witness testimonies of the Human Rights Watch research leaves little doubt that innocent people have been unable to defend themselves. In a recent report, it is my understanding that Human Rights Watch has documented the forced recruitment of over 100 young men and boys by M23 over just the last 6 weeks. Some have been as young as 15 years old.

Over the last several months and in light of the U.N. report, a number of governments, including our own, have either suspended or delayed financial commitments. Other governments include Swe-

den, Germany, the UK, and the Netherlands. While at least one government ultimately released funds for disbursement, donor nations appear to be taking a tougher look at Rwanda's involvement in these matters.

While there is still much to learn about the full extent of Rwanda's involvement in these matters, I want to repeat my deep concern. More can and must be done to end support of M23 and other rogue elements operating in the DRC.

I, number one, want to thank the presenters for coming today and giving your testimony. And before you give your presentation, I just wanted to offer a few questions in your testimony: What can be understood by reports that M23 aims to cause greater instability and conflict? Is there the belief that this crisis can only be solved through military action, such as the international neutral force recommended by the International Conference on the Great Lakes? And finally, what, in your opinion, are the nonmilitary options that the U.S. and others can employ that can result in a peaceful and sustained end to this crisis?

Thank you, and I look forward to today's testimony.

Mr. SMITH. Thank you, Ranking Member Bass.

It is now our committee's high honor and privilege to welcome Ntambo Ntanda, the Bishop of the United Methodists in the North Katanga Annual Conference of the United Methodist Church.

As a leader in the church in the Democratic Republic of the Congo, he has led the community in responding to the needs of some 30,000 displaced people during "Africa's World War" from 1998 to 2001, and he negotiated the peace in the Mayi-Mayi militias in North Katanga in 2004. He has served as chancellor of a university and as an interim bishop in Zimbabwe. Bishop Ntanda has also accepted an appointment as senator in the Parliament of the Democratic Republic of the Congo.

We will then welcome back to our committee a man who is no stranger, Mr. Mark Schneider, who joined the International Crisis Group in the spring of 2001 as senior vice president and special adviser on Latin America. He directs the Washington advocacy office, conveying Crisis Group analyses and recommendations to the White House, the State Department, the Department of Defense, and of course the United States Congress, as well as the World Bank and other international organizations. He has also served as special adviser on HIV/AIDS and security. Before joining the International Crisis Group, he served as director of the Peace Corps and as Deputy Assistant Secretary of State for Human Rights. And, just recently, last fall, he testified before our subcommittee, but, again, that friendship and relationship goes back many, many years.

So thank you for being here again.

We then welcome Mr. Jason Stearns, who is currently with the Rift Valley Institute and is pursuing a Ph.D. at Yale. He has extensive knowledge of working on human rights issues in Central and East Africa. He has spent time in the DRC working as a coordinator for a U.N. panel that researched rebel groups there and as an analyst for the International Crisis Group in Kenya. Mr. Stearns has also written a well-received book, "Dancing in the Glory of Monsters," a history of the Congo Wars of 1996 to 2003

based on extensive interviews with leading protagonists of that conflict.

Bishop, the floor is yours.

STATEMENT OF BISHOP NTAMBO NKULU NTANDA, UNITED METHODIST CHURCH OF NORTH KATANGA, DEMOCRATIC REPUBLIC OF THE CONGO

Bishop NTANDA. Thank you, Mr. Chair and members of the sub-committee.

For the first time we Congolese we feel be accepted by Americans. Why did we come? We came to seek for your assistance because we know who you are. You have power, you have strong word, and you have all the means to stop the war in Congo.

Rwanda is attacking the Congo and still attacking Congo. More than 6 million have been killed and are still being killed. We came to seek justice because everybody is looking, has a lot of guilty to feel guilty about the 800,000 who have been killed in 1994, but no compassion to Congolese at all, 6 million. No one is paying attention, even have the compassion to ask.

We have come to let you know that we are not against Rwanda. We have no mean at all to hurt, to harm. We have no mean to try to do revenge to Rwandese or to spread hatred between the Rwandese and Congolese. But the point we are bringing to you is that Rwanda is killing our people.

We want you to make peace, knowing that peace in Congo will be the peace in Rwanda. Yes, America, you have been so blessed to become a blessing to us, as to many nations. Can you stop this war, that we can have peace?

Can you imagine your own wife having sexual relationship before a person you don't know? Can you imagine your children, boy and girl, asked to make sexual relationship in your front? Can you imagine taking knives and so on, putting in the body of a woman or to cut her?

Yes, this is enough. Congo has come to cry. We are facing 9/11 every day going on. Many cries, many tears, many death, many destructions. This is enough. America, you have the power. America, we know you are the strong voice. And, America, we accept you have all the means to stop that war. Let the justice prevail.

God bless you.

Mr. SMITH. Thank you very much, Bishop, for that very impassioned appeal to the United States and other countries to step in. Thank you so much.

[The prepared statement of Bishop Ntanda follows:]

Name: Ntambo Nkulu Ntanda

**Title: Resident Bishop of United Methodist Church in North Katanga Episcopal Area,
Kamina/DR Congo**

Date: 19 September 2012

**“House Committee on Foreign Affairs, Subcommittee on Africa, Global Health and
Human Rights.”**

Mr. Chairman and distinguished Members of the Subcommittee,

It is a privilege and honor for me to be invited to your distinguished House to witness on the situation of war going on in the Democratic Republic of the Congo on its Eastern border with Rwanda, on which we need your prompt implication to help stop it and save the lives of millions of people being exposed to the death spell days and nights. 32 interfaith religious leaders and leaders from civil society, we are bearers of a petition of 70 million Congolese that received signatures of at least a million people to urge the General Secretary of the UN in New York, and the member countries, that is, the US, Canada, the UK, France, Russia, Germany and so forth, to stop this war orchestrated unjustly by Rwandan government as attested by the report of the Experts of the UN.

We did not come to represent the Congolese government nor did we come to declare war to Rwanda. Our approach does not seek to harm Rwanda in any form of action but to denounce its wrongdoings reflected in its constant killings and rapes of our people. For two decades, Rwanda has been attacking the DR Congo, by fabricating all sorts of rebels and militia groups, changing one name to another. The Rwandan regime must stop attacking our country, the DR Congo and our people, especially women, children and young men who are victimized and inflicted any kinds of debasement.

We have come to you Americans because we know who you are: you have power; you have strong voice and have all means to stop this war. You love us as we love you.

Just to remind you how hard it is; we can picture the tragic 9/11 event in New York. It was atrocity, terror, cries and tears, death, fear and destruction. Many children lost their parents and spouses lost their beloved ones. This situation brought Americans to be united as one to fight the enemy and all acts of terrorism. Seemingly, 09/11 and terrorism are going on every day in the Democratic Republic of the Congo.

Our people are in tears; there are cries, killing, atrocities of all kinds and poverty leaving behind orphans, widows, children without education. The situation of the women is catastrophic, no respect of the women who have become the battle field: women are systematically raped and infected with HIV/AIDS. Some are mutilated, buried alive or inflicted fissures. Knives and rifle cannons are introduced for pleasure in the genitals of the women just as acts of sabotage and debasement of the woman. Pregnant women have their womb opened wide with any kind of knife or machete to see the fetus inside. Raped women are rejected by their spouses and by society, they become victim twice: in their body and in the community.

We strongly denounce this situation and call for justice. If for 800.000 people killed during the genocide in Rwanda, the international community, including America, feels guilty and

has given all the means of the world to Rwanda and its leadership, but for the 6.000.000 that Rwanda has killed in Congo there is not even a compassion from the international community, including America. Where is justice? We come to ask America to stop this war and to do justice to the DRC and to the Congolese people. We ask America to stop barbarisms of Rwanda in the DRC, by telling Rwanda to stop. The problem of Rwanda is not the Congo, it is within Rwanda itself. Rwanda should solve its contradictions within and not by crossing the border of the neighbor to maintain killings and massacres and call it democracy and governance the Rwandan way. The hitlerian and Nazism terror and practices orchestrated by Rwandan leadership in Congo and in the Region put us in the remote era of humankind development. They are very retrograde acts and debasing leadership.

Peace in the Democratic Republic of the Congo will also be peace in Rwanda and in the region. The people of Congo and the people of Rwanda live together, marry mutually, school together and do shopping together from one side to another of our border. The evil comes from Rwandan Leadership for the reason of evil.

In the name of “ The responsibility to protect” we demand America to stop this war because it is a nonsense war. If it is for minerals that the multinationals want, we invite them to address the Congolese government rather than treating with the rebels or Rwanda on the minerals that it does not produce on its territory. It is disturbing that most of these US companies which buy the minerals are dealing directly with the Rwandan regime, knowing that most of the minerals do not have any trace in Rwanda but in the DR Congo. Accordingly, the smart phones are helping fund wars in the DR Congo and contribute to the killing and raping innocent children and Congolese women.

As for the genocide that took place in Rwanda in 1994, it was a result of an internal conflict between Hutus and Tutsis in Rwanda. It did not come from Congo. We wonder why Congo should pay this heavy tribute simply because of hosting Rwandan refugees on demand of the UN. So instead of the UN repatriating the Rwandan refugees for national reconciliation or dialog in Rwanda, in the contrary Rwanda attacks Congo and the International community closes the eyes. Congo needs justice as we believe in America and its institutions being defenders and advocacy of justice.

Mr. Chair, as established, the current war that Rwanda is fighting in the Congo is not ethnic-based as suggested before but resource-based.

On this token, we would like to take you back to the bill you passed in this house in 2006 known as “ Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006”. Through this bill you reiterated the important geo-strategic position of the DR Congo, not only in Africa but the world. You committed yourselves to support the post-conflict DR Congo into a peaceful and prosperous country with strong institutions. We are so grateful for the support you provided and continue to provide in the organizations of our first ever democratic elections and the ongoing peacekeeping efforts through the United Nations Mission for the stabilization of the DR Congo, which mission we request that it be not only limited to observing but also mandated to intervene any time to protect the population and eradicate the armed bands that bring disasters in the region and help arrest the criminals who find refuge in Rwanda (Bosco Ntanganda, Nkunda Batware, Mutebushi, Makenga, etc).

We are grateful for your efforts directed at strengthening governmental institutions and building a strong military in the DR Congo, and for the many American mission programs which

are working in the DR Congo in the area of health, education, poverty eradication and capacity building programs thanks to USAID.

Certainly, such progress cannot be sustainable if the Rwandese regime continues to destabilize the DR Congo and exploit minerals such as Coltan, gold and killing the rare animal species that the DR Congo has protected (Gorillas, Okapi).

In reference to the Democratic Republic of the Congo Relief, Security, and Democracy Act of 2006 in its section 105, it is indicated:

“The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961(22 U.S.C.2151 et seq.), other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the foreign country is taking actions to destabilize the Democratic Republic of the Congo.”

All evidences corroborate the fact that Rwanda is indeed working for the destabilization of the DR Congo, so why is this provision of the bill not being implemented? This is the cry of the Congolese people; we strongly believe that such a move will push the Rwandan regime to stop fabricating and arming the rebel groups and engage dialog for deep reconciliation within Rwanda.

As religious leaders and civil society, we live at the grassroots level; we see the suffering of the people. The US and the world have the responsibility to protect Congolese people. Rwanda should cease to behave as a spoilt child. We believe in the US justice.

God bless America, God Bless the people of Congo.

Washington, September 17th, 2012

Reporting for Church Leaders and Civil Society

Mgr NTAMBO NKULU NTANDA

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Prof. MANDE MUTOMBO MULUMIASHIMBA

Mr. SMITH. Mr. Schneider?

**STATEMENT OF MR. MARK SCHNEIDER, SENIOR VICE
PRESIDENT, INTERNATIONAL CRISIS GROUP**

Mr. SCHNEIDER. Thank you, Mr. Chairman. And I want to thank you and the ranking minority member, Representative Bass, and members of the committee for continuing to focus attention on the cross-border conflict that once again is destroying lives and devastating communities in Eastern Congo.

The International Crisis Group has been reporting on the situation on the ground in the Congo and the Great Lakes for more than a decade. And I am pleased to share the panel with Jason Stearns, who led our research for many of those years in the DRC. And, obviously, I am honored to share the panel with Bishop Ntambo and his eloquent and emotional expression of concern for his people.

Crisis Group is working on a new report that will call for a series of steps that, to some degree, attempt to respond to Representative Bass's questions—the steps that should be taken at the September 27th summit meeting next week convened by the U.N. Secretary-General and at the planned October 8th International Conference on Great Lakes Region to bring an immediate end to the violence, to prevent the M23 and other illegal militias from consolidating their territorial control based on their lawlessness and atrocities that began in April, and to sanction Rwanda for its support of the M23 violence.

And let's be clear: That violence is essentially motivated by greed and power. It has already produced, since April, nearly 0.5 million displaced persons and refugees from the Eastern Congo provinces.

The United Nations High Commission for Refugees only a few days ago put out a special appeal for \$40 million to try and provide assistance to those displaced persons and refugees. One of the first responses that could be made would be to bring together a group to provide relief through the UNHCR to those individuals—humanitarian relief. And I would hope that the administration would take a lead and that the committee could press the administration to take a lead in providing that kind of assistance.

Tragically, the M23 militia has been armed, advised, supplied, and supported by elements of the Government of Rwanda and Rwandan Defense Forces. According to U.N. experts, NGOs, diplomats, and including, as the committee has noted, the representatives of the U.S. Government who have made that same appeal, this support must end, once and for all.

We believe the following steps should be taken: An immediate ceasefire, to be monitored by MONUSCO, by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

A full end to foreign support to armed groups, particularly an end to Rwandan support of M23. As you have noted, there have been some sanctions on assistance, but, if necessary, expanding those sanctions. That would include adding names to the U.N. sanctions list of any individuals and entities responsible for supporting the M23, including Rwandan officials if they are found to be supporting the M23.

Third, the arrest of Bosco Ntaganda and his transfer to the International Criminal Court.

Fourth, a request to the ICC to investigate the M23 and other armed groups, especially regarding war crimes, violations, child soldiers recruitment, what you have heard, rapes and other violations.

Fifth, the full disarmament and demobilization of M23.

Sixth, something that was called for several years ago—that is, a joint mechanism for border verification, to end the incursions across the border.

And, finally, an assessment of what has been done and what has not been done by both sides in terms of implementing the March 23, 2009, agreement.

Mr. Chairman, if it sounds to you like *déjà vu*, you are unfortunately correct. The only difference from what has gone on in the recent past is that the United States, other governments, and the U.N. have finally gone public in telling the Rwandan Government that it must end its support for militias in the Congo.

If we had a time machine, we could go back to 2008 when the CNDP led a rebellion against the government in North Kivu, defeated the Congolese Army, and made a mockery of a force of peacekeepers with the support of Rwanda. During that Goma crisis, Laurent Nkunda was running the CNDP. But, in fact, we don't need a time machine because it is happening again, and many of the same characteristics are in evidence this time around.

What sparked the events since April appears to be that, in March, President Kabila ordered the arrest of General Bosco Ntaganda, who had replaced Nkunda as head of the CNDP. Ntaganda had been integrated into the Congolese Armed Forces despite his being indicted for war crimes by the ICC. In fact, it was never a real integration. It was a fraudulent integration because Ntaganda kept both command and control of the CNDP as a full unit within the FARDC, and the CNDP kept control of illicit mineral exploitation.

Once the word leaked that Kabila wanted him arrested, Ntaganda defected from the army and took to the bush with several hundred soldiers. He then joined another renegade CNDP army officer, and the group took the name M23 in reference to the March 23, 2009, agreement, as you have noted.

However, it wasn't the lack of respect for the March 23 agreement; it was the threat of arrest for Ntaganda, as well as their desire to maintain control over illicit economic operations in Eastern Congo, defending the business interests and networks established by the CNDP and perpetuated even after they had integrated into the Congolese Armed Forces. The failure to dismantle the CNDP command structure when the troops were incorporated into the FARDC allowed them to fester and allowed them to continue illicit control over local resources.

Since April, they have conquered large chunks of territory in North Kivu and is now administering them. The rebel group is financing itself through coercive taxation of supply trucks going to Goma. The government's weak response to the challenge has resulted in FARDC officers defecting in South Kivu but also in Province Oriental and Kasai Occidental.

And deep in rural areas, other armed groups are taking advantage of the tactical situation and expanding their own control and committing their own abuses.

Unfortunately, despite calls in the past from the European Union, Belgium, the United States, and others, Kinshasa simply remains unwilling to reform its own army and, in the most recent incidents, has again begun to forge an alliance with its own militias.

And, as in the past, Rwanda is denying any allegations of involvement. And I think it is important to stress, Mr. Chairman, that the evidence of Rwandan official support for the M23 is overwhelming. And I am going to quote just a couple of statements from the U.N. Group of Experts' addendum that was released in June, in which it said, and I quote,

“The Group has gathered overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the rebels through providing weapons, military supplies, and new recruits.”

It goes on to say,

“Through such arms-embargo violations, Rwandan officials have also been in contravention of the sanctions regime's travel ban and assets-freeze measures by including three designated individuals among their direct allies. Since the earliest stages of its inception, the Group documented a systematic pattern of military and political support provided to the M23 rebellion by Rwandan authorities.”

And let me add that the rapes, the extrajudicial executions, and forced recruitment by the M23 over recent months have been documented in a series of reports, most recently, as you noted, by Human Rights Watch. Continued support for M23 by Rwandan authorities raises questions, clearly, of their complicity in those international law violations.

And I think it is also, unfortunately, important to be clear that one element in the current crisis is the blatant military ineffectiveness of the Congolese Armed Forces. Internal infighting, corruption, delinquency, the total lack of professionalism essentially allowed 700 poorly armed and trained rebels to defeat, now for more than 5 months, a government army of thousands of troops trained by several countries, including the U.S. And an 18,000-member U.N. force charged with backing up the DRC Army and helping them prevent violations of civilian rights has simply failed to carry out that obligation.

The measures that I outlined earlier can be seen as a conflict management approach to deal with the current crisis. However, these are stopgap actions. What has to occur is the implementation of the 2009 agreement, an end to Rwandan Government support for proxies in Eastern Congo, and key governance reforms in the DRC that simply have not occurred, starting with the holding of credible provincial and local elections, decentralization, and action in the fight against corruption. They obviously are critical.

And if the Western nations, including the U.S., want to move from crisis management to conflict resolution in the Great Lakes

region, they have to speak with a single, clear voice and exert direct political pressure on both Kinshasa and Kigali to take the immediate steps that I have outlined as well as to commit to long-term governance reforms that are essential.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Schneider, thank you so very much for your testimony, for your very specific recommendations and analyses. And, hopefully, the administration and the Congress are listening. We certainly are, and we will do our level best to follow up with very specific recommendations. So thank you so much.

[The prepared statement of Mr. Schneider follows:]



Testimony by Mark L. Schneider, Senior Vice President, International Crisis Group to the House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights on “Examining the Role of Rwanda in the DRC Insurgency”

19 September, 2012

I want to express my appreciation to Chairman Smith, Ranking Member Bass, and the House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights for the opportunity to testify this morning. I want to commend the subcommittee for focusing its attention during this critical time.

Crisis Group is an independent, non-partisan, non-governmental organization that provides field-based analysis, policy advice and advocacy to governments, the United Nations, and other multilateral organizations on the prevention and resolution of deadly conflict. Crisis Group was founded in 1995 as an international non-governmental organization by distinguished diplomats, statesmen and opinion leaders including Career Ambassador Mort Abramowitz, Nobel Prize winner and former Finland president Martti Ahtisaari, the late Congressman Stephen Solarz, and former UN and British diplomat Mark Malloch Brown who were deeply concerned at the international community’s failure to anticipate and respond effectively to mass atrocities in Rwanda and Bosnia. Senator George Mitchell was our first chairman; Ambassador Thomas Pickering is our current chairman. Louise Arbour, former chief prosecutor at the International Criminal Tribunal for Rwanda and at the International Criminal Tribunal for the former Yugoslavia and former UN High Commissioner for Human Rights, is our current president. In 2011, Crisis Group was awarded the Eisenhower Medal for Leadership and Service.

Crisis Group publishes annually around 90 reports and briefing papers, as well as the monthly CrisisWatch bulletin. Our staff are located on the ground in ten regional offices and sixteen other locations covering between them over 60 countries focused on conflict prevention and post-conflict stabilization. We maintain advocacy and research offices in Brussels (the global headquarters), Washington and New York and liaison and research presences in London, Moscow, and Beijing.

Crisis Group’s Africa program oversees four projects covering Central, Southern, and West Africa, and the Horn of Africa, reporting on 22 different countries within these regions. We have produced 35 reports/briefings on the DRC.

A rebellion in the Eastern Congo has exploded again with new reports of lives lost, armed violence against communities and threats to regional security. The seriously flawed 2011 presidential and legislative elections constituted a major step backward on the DRC path toward stability and democracy. We collectively deplored that situation. Today conditions are even worse.

Briefly are the following steps needed to be taken immediately:

- an immediate ceasefire to be monitored by the United Nations Stabilization Mission in the Congo (MONUSCO);
- the end of foreign support to armed groups, particularly an end to Rwandan support of M23 by expanding aid suspension if needed;
- the arrest of Bosco Ntaganda and his appearance before the International Criminal Court;
- implementation of the joint mechanism for border verification;
- the disarmament and demobilization of M23;
- assessment of the 23 March 2009 agreement between the CNDP and the government;
- include on the UN sanctions list all individuals and entities responsible for supporting the M23;
- request the ICC to start investigating the M23 and other armed groups, especially regarding child soldiers recruitment.

These measures are part of a conflict management approach but if only these immediate stop-gap actions are taken, it will not prevent the repetition of another Kivu crisis in one or two years. The only way to prevent it is to force the Congolese government to implement the peace framework defined in 2008 and to force the Rwanda government to end its policy of control by proxies in Eastern Congo. For a long-term conflict resolution, there is already a peace framework - the problem being the non-implementation of this peace framework. Only pressure on the stakeholders will force them to implement this peace framework.

In addition, I will discuss briefly four other key issues that remain crucial to stability in the Democratic Republic of the Congo: post-electoral dynamics; Security Sector Reform; conflict minerals and oil and natural resources; and the role of MONUSCO.

But first, let me return to describe Crisis Group's assessment of the Crisis in North Kivu—it is *Déjà vu all over again?*

If we had a time machine, we could go back to 2008 when the CNDP (the National Congress for the Defense of the People) led a rebellion against the government in North Kivu, defeated the Congolese army and made a mockery of a force of peace keepers with the support of a close neighbor. During that Goma crisis, Laurent Nkunda was running the CNDP. But in fact, we do not need a time machine because it is happening again in 2012. The current fighting in North Kivu bears many of the ethnic, political, economical and structural characteristics of the 2008 crisis.

In March 2012, Joseph Kabila ordered the arrest of General Bosco Ntaganda and wants to judge him in the Congolese justice system. The former CNDP rebel, who had been integrated into the Congolese armed forces (FARDC), defected from the army and took to the bush with several hundreds of his soldiers. The FARDC launched an offensive to capture Ntaganda. However, surprisingly, while they had surrounded him and were close to victory, President Kabila ordered his troops to halt their attack. This unexplained event allowed Bosco Ntaganda to flee and join renegade army officer colonel Sultani Makenga and reorganize in North Kivu's volcano area. The group took the name "M23" in reference to the March 23,

2009 agreement between the government and the CNDP armed group, which they claimed was not respected by Kinshasa. According to this agreement, the rebels were supposed to integrate the FARDC and end their struggle. However, the real motivations of M23 are more complex.

The group is an offshoot of a faction of the CNDP and is mainly Tutsi-based. However, it is not fighting to protect the interest of its community as the CNDP argued it in the past. Rather, its members defected from the FARDC in order to defend the business interests and networks established under the CNDP and perpetuated even after they integrated into the Congolese army. The failure to dismantle the CNDP command structure when the troops were incorporated into the FARDC allowed them to fester within the FARDC structure and also allowed them to continue illicit control over local resources. This pattern of exploitation and control of natural resources by armed groups, including the FARDC, is recurrent in the eastern DRC and very often one of the main sources of conflict. Rwanda is once more directly involved with the recent mutiny. According to the UN experts report annex, Kigali has supported the M23 not only because of the common ethnic identity, but also because it allows the country to freely exploit the DRC's natural riches through illegal mineral exploitation networks.

Rwanda has been more strongly condemned by the international community in 2012 than in 2008. In June, the UN group of expert issued a report accusing Rwanda of supporting the rebels on DRC's soil. The UK, the US, Holland, Germany and Sweden then cut or delayed aid to the central African nation, even though this will not do major damage to the Rwandan economy directly since that aid represents only 3% of state budget. After those sanctions on Rwanda, there were reports that new military attacks by M23 were stopped temporarily although they continue as a dangerous military force occupying key areas and have been accused of a range of serious human rights violations as well. Even more important is that the diplomatic message is strong, especially since it includes the US, Rwanda's strongest western ally, that continued cross-border support of illegal armed groups that threaten human life and regional security must cease.

Key sections from the addendum to the Group of Experts Interim Report (pages three and four) state:

“3. Over the course of its investigation since late 2011, the Group has found substantial evidence attesting to support from Rwandan officials to armed groups operating in the eastern Democratic Republic of the Congo. Initially the RDF appeared to establish these alliances to facilitate a wave of targeted assassinations against key officers of the Forces démocratique pour la libération du Rwanda (FDLR) thus significantly weakening the rebel movement (see S/2012/348, paras. 37 and 38). However, these activities quickly extended to support for a series of post-electoral mutinies within the FARDC and eventually included the direct facilitation, through the use of Rwandan territory, of the creation of the M23 rebellion. The latter is comprised of ex-CNDP officers integrated into the Congolese army (FARDC) in January 2009. Since M23 established itself in strategic positions along the Rwandan border in May 2012, **the Group has gathered overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the**

rebels through providing weapons, military supplies, and new recruits.

4. In turn, M23 continues to solidify alliances with many other armed groups and mutineer movements, including those previously benefiting from RDF support. This has created enormous security challenges, extending from Ituri district in the north to Fizi territory in the south, for the already overstretched Congolese army (FARDC). Through such arms embargo violations, Rwandan officials have also been in contravention of the sanctions regime's travel ban and assets freeze measures, by including three designated individuals among their direct allies.

5. In an attempt to solve the crisis which this Rwandan support to armed groups had exacerbated, the Governments of the Democratic Republic of the Congo and Rwanda have held a series of high-level bilateral meetings since early in April 2012. During these discussions, Rwandan officials have insisted on impunity for their armed group and mutineer allies, including ex-CNDP General Bosco Ntaganda, and the deployment of additional RDF units to the Kivus to conduct large-scale joint operations against the FDLR.

7. Since the earliest stages of its inception, the Group documented a systematic pattern of military and political support provided to the M23 rebellion by Rwandan authorities. Upon taking control over the strategic position of Runyoni, along the Rwandan border with the Democratic Republic of the Congo, M23 officers opened two supply routes going from Runyoni to Kinigi or Njerima in Rwanda, which RDF officers used to deliver such support as troops, recruits and weapons. The Group also found evidence that Rwandan officials mobilized ex-CNDP cadres and officers, North Kivu politicians, business leaders and youth in support of M23.

A. Direct assistance in the creation of M23 through Rwandan territory

8. Colonel Sultani Makenga deserted the FARDC in order to create the M23 rebellion using Rwandan territory and benefiting directly from RDF facilitation (see S/2012/348, para. 104). On 4 May, Makenga crossed the border from Goma into Gisenyi, Rwanda, and waited for his soldiers to join him from Goma and Bukavu."

Another important and unfortunately repetitive element of the current crisis is the blatant military ineffectiveness of the Congolese army. Internal infighting, corruption, delinquency and the total lack of professionalism of the FARDC allowed 700 poorly armed and trained rebels to defeat for more than five months a government army of thousands of troops trained by several countries, including the US, and with a 18,000 UN force charged with backing the DRC army. Defections, human rights abuses and corruption

all too often have characterized FARDC behaviour, undermining the many who want to see a professional military capable of defending the population

MONUSCO has been totally incapable of engaging the rebels or defending civilian areas where interethnic fighting has broken out. MONUSCO has clear and adequate rules of engagement and the authority under its mandate to protect civilians. It has thousands of troops in the Kivus and the Indian army component that leads it is a professional force equipped with helicopters and armed vehicles. In the DRC people cannot understand why the most capable military force in their country is unwilling to use its firepower to implement its mandate. Far more active engagement by MONUSCO is required.

- Since April, the M23 has conquered large chunk of territory in North Kivu and is now administrating them. The fall of Bunagana on 5 July, 2012 was a serious warning. Following the Addis Ababa conference, the M23 rebellion increased its territorial control on 25 July by defeating FARDC in Rumangabo, 30 km north from Goma, the provincial capital. It has formed its own government and is now busy installing its administration in the Rutshuru area. As usual, the rebel movement is financing itself through coercive taxation of on any supply trucks going into Goma, which has sent food prices sky-rocketing. Like the CNDP in the past, the M23 wants talks with the government, which would be humiliating for Kinshasa.
- Given the government's weak response to the M23 challenge, FARDC officers are defecting in South Kivu but also in Province Oriental and Kasai Occidental. In the absence of a political response from DRC government, increasing its lack of legitimacy and weaken even more the institutions.
- Deep in the rural areas, other armed groups are taking advantage of the tactical situation and are expanding their territorial control by committing abuses against the civilian population and recruiting child soldiers. According to very credible sources, the Rayia Mutomboki group has committed killings in the Walikale and Kalehe territories and launched a policy of ethnic cleansing against the Kinyarwanda-speaking people.
- Despite calls from the EU and Belgium for dialogue and army reform, Kinshasa remains unwilling to reform the army and instead has sought to forge an alliance with some anti-Tutsi armed groups, has asked for more training and is busy recruiting youths to reinforce its troops in the Kivus. The government is already unable to manage and pay about 80,000 soldiers but it is presently recruiting new ones.
- Rwanda is denying any allegations of involvement and is trying to divert international community attention from mineral cross border illegal trade by elevating the threat of FDLR as the principal issue.

At the regional level, the International Conference on Great Lake Region (ICGLR) initiated talks between Rwanda and DRC but this initiative is not going to provide a rapid solution to the on-going upsurge of armed groups' activity in the Kivus. The ICGLR met several times in July, August and September (Khartoum 30 July-1 August, Kampala 6-8 August, Goma 16 August, Kampala 7-8 September) but failed to come up with innovative solution, except for a "neutral force" whose mandate would be 1) border control and 2) neutralizing the armed groups, but whose formation remains uncertain. ICGLR agreed to reactivate old mechanisms (mediation team, border verification mechanism, etc.) but failed to reach an agreement about the composition of a "neutral" force of 4,000 during the heads of state conference in Kampala.

These troops will add to 18,000 UN peacekeepers and about 30,000 Congolese soldiers. At best, this neutral ICGLR deployment is expected in December 2012 but the heads of state have not been able yet to agree on the composition and deployment of this African force. In addition to the fact that it is difficult to

understand what difference 4,000 untested additional soldiers will make, the ICGLR already made clear that it does not have the implementation capacity for such a plan and will turn to the AU and UN for support. The secretary general of the ICGLR has been tasked to contact donors to fund such a force. The people of the Kivus cannot afford a diplomatic ping-pong game between international organisations in the coming months. Unless Kinshasa and Kigali change their positions, prospects for a change in the status quo are slim. One can expect the current threat to civilian safety and public security to persist unless military operations change the reality on the ground.

The fact that the international community has for once taken measures against the rebel's foreign backer, Rwanda, is a good sign (but still not enough). However, the repetition of the Kivu crisis shows that the root causes of the conflict have not been addressed. Without significant security sector reform, public administration delivering basic services to the people, violators of human rights held accountable and serious regulation and control of natural resource exploitation, peace and stability will continue to elude the Eastern Congo. A clear framework for peace in the Kivu has existed since 2008: it is a peace package made of the Acts of engagement (January 2008), the 23 March 2009 agreement with the CNDP and the stabilization program called STAREC. This framework for peace needs to be implemented in order to move beyond conflict management to conflict resolution. It needs to be implemented.

Now let me turn briefly to other issues of governance that affect DRC stability.

Post-electoral Dynamics: The failure to see legitimate, credible governing institutions in place throughout the Eastern Congo and the country as a whole remains a core source of continued instability and lack of development. Our reports starting in 2010 documented the flaws leading up to presidential and legislative elections at the end of 2011. We cited the consequences of a hasty constitutional change in January 2011, flawed voter registration and voter roll issues, minimal outreach by Congo's Independent National Election Commission (CENI) to the political parties, lack of transparency, a sharp increase of political tension, incidents of violence, the general inadequate preparation of the elections, and the late design of an integrated electoral security plan. And we especially pressed unsuccessfully, given all of these suspect issues, on the CENI, the government, opposition parties, MONUSCO and the larger international community, including the U.S. and the EU, to develop a consensual Plan B if, despite all good faith efforts, the outlook for decent elections on 28 November appeared grim. Otherwise, we warned that without concerted and unified action by the DRC and committed international diplomacy, the November general elections, the second since the end to the Congo conflict, could result in massive irregularities if not massive fraud with the potential for widespread violence and the undermining of the legitimacy of any pronounced elections winner. We know the results.

The lack of credibility of the results sparked opposition protests that, in turn, prompted heavy-handed repression by Congolese security forces in Kinshasa. After refusing any external assessment of the electoral process, the electoral commission blamed the international community for the errors in its post elections evaluation report.

Congo's electoral woes reflected the country's broader lack of democratic and institutional development since 2006. But they also stem from weak international and continental engagement, from MONUSCO and the AU to donors—especially the EU and the UK, who partly funded the polls, and the U.S. All have been largely ineffective in preventing Kabila's consolidation of power and stacking the decks.

Despite the record of failed elections last year, the DRC government still has been unwilling to change CENI's members. The prospect of the provincial election is now very remote (2013 at best) and local elections remain very vague in the CENI's planning, thus demonstrating the lack of government's willingness to organize them.

Donors should condition support on fundamental electoral reforms, including the replacement of the CENI president and choose new members who reflect a consensus of parties and civil society.

Security Sector Reform:

For five years now, several countries, including the US, have provided support to the so-called army reform in the DRC. The result of this effort is the fact that the Congolese army has once again been easily defeated by a far less important force. For instance one brigade trained by Belgium fled to Uganda when the M23 launched its offensive. The training provided to an "army" that is not paid and not disciplined and does not have a decent logistical organization is a mere waste of money. The situation of the army is so bad that the North Kivu civil society suggested that it would pay for it and there are more and more voices in the DRC raising the essential issue of corruption within the army. In itself, training cannot lead to significant change in the army. Security sector reform (SSR) is vital to stability in the DRC, but the Congolese government just paid lip-service to it for five years and a corruption network has blocked virtually every serious reform effort. If the donors really think that SSR is vital for the stability of the DRC, they should put significant pressure on the authorities or stop wasting their money in ineffective training programs.

Conflict minerals and soon conflict oil:

On 22 August, the SEC voted (3-2) to adopt the rules regarding disclosure and reporting obligations required by the Dodd-Frank financial reform law (Section 1502) concerning conflict minerals. It is unfortunate that vote was delayed, even more that more specific penalties were not imposed and that companies, including the globe's largest, were given a two-year grace period for reporting and allowed to assert an "undeterminable" origin option. As the new Kivu crisis demonstrates and unlike what opponents of this law said, the problem is not to impose new standards (origin certification) to the industry and the Congolese artisanal miners; the problem is the lawlessness of the mining sector in this part of the world.

The present crisis in the Kivu is strongly related to the minerals wealth of the Kivus. But other natural resources are being explored in the region and, if discoveries were confirmed, its impact on the Kivu conflict could be far greater. Oil companies are starting prospecting the Great Lakes region while borders are vaguely demarcated, natural resources illegal exploitation is rampant and distrust among the governments of the region is high. And as ICG has just warned in the report we issued last month, the rush for DRC oil and gas almost assuredly guarantees both future corruption and future violence.

On the oil issue, Crisis Group's 11 July report warned that new oil reserves could create new centers of power and could exacerbate the conflict in Eastern Congo. Preventive action is needed to turn a real threat to stability into a genuine development opportunity. Donors should provide technical and financial assistance to the Congolese authorities for the border demarcation, the framework agreement for the exploration and development of cross-border reserves and oil governance reform, and support the Congolese civil society efforts to build a monitoring capacity in the oil sector. This challenge follows on-going unhappiness with the success of the Kimberley Process and with conflict minerals.

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The role of MONUSCO:

In Crisis Group's 11 June letter, we stated that the United Nations Stabilization Mission in the Congo (MONUSCO) was failing in its core mandate of stabilization and protection of civilians.

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 underutilized. With the failed decentralization 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 of the potential for authoritarian drift. 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.

Closing

A lack of clarity about the overall military strategy and articulation of an end state to the military operations against illegal armed groups also exists. What is required is actual implementation of the comprehensive strategy that exists as I have indicated with its strong political component, to address pervasive insecurity and the threat of illegal armed groups in eastern Congo. Key governance reforms—such as the holding credible provincial and local elections decentralization 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 is essential. Clearly there is a need to address both local drivers of conflict between communities and the interplay with regional dynamics, including relations with Rwanda, and to break the cycle of impunity in this part of the world. If the western countries, including the US, want to move from crisis management to conflict resolution in the Great Lakes region, they should speak with a single clear voice and exert direct political pressure on both Kinshasa and Kigali.

Mr. SMITH. Mr. Stearns?

**STATEMENT OF MR. JASON STEARNS, DIRECTOR, USALAMA
PROJECT, RIFT VALLEY INSTITUTE**

Mr. STEARNS. Chairman Smith, Ranking Member Bass, thank you very much for this opportunity today.

I am based in the Eastern DRC, so I have been following the situation very closely there. The current crisis, beginning with the rise of the new M23 rebellion, is the result of the failure of the Congolese peace process to deal with the persistent causes of conflict in the region. While there are no easy fixes to these deep-rooted challenges—and this is very much along the lines of what my two colleagues here said before—a lasting solution will require a significant change in how the U.S. Government engages with Rwanda, but also for Kinshasa to initiate a political process to get out of the present impasse.

As you know, in early April, a mutiny spread across army camps in the Eastern Congo, led by former officers of the CNDP rebellion who had been integrated into the national army in 2009. This mutiny draws on three main sources of instability: Its officers' claims, first of all, that they suffered from ethnic discrimination, that the Tutsi community, from which most of them come, was the victim of persecution.

Now, there is no doubting the prevalence and, unfortunately, the vitriol of anti-Tutsi sentiment in parts of the Congo. However, this legitimate grievance has also been manipulated. From the beginning, the mutineers have received support from the Rwandan Government and local politicians, who worry that the dismantling of CNDP networks in the Eastern Congo would jeopardize their businesses, their personal security, and control of over local politics.

This is the second factor fueling the current morass: Elites employing armed force to preserve their interests.

The final source of insecurity is the Congolese state itself. Its crippling weakness reinforces the belief that the only way of protecting property and individual freedoms is through armed force. The Congolese state has neither the rule of law to guarantee property rights nor the force of law to suppress armed rivals. These weak institutions are perhaps the most intractable part of the current conundrum.

While the mutiny initially failed, with a majority of those having defected from the national army returning within days and over a dozen of the ringleaders arrested, the remaining mutineers fled to a small stretch of hills bordering Rwanda. That was around mid-April. It was then that the Rwandan Government's interference and involvement became acute. They intervened to prevent Kinshasa from crushing this mutiny.

Over the following months, Rwanda supplied weapons, equipment, helped M23 recruit hundreds of soldiers, and on several occasions sent whole Rwandan Army units across the border in support. Let me be clear: As Mark said just before me, there is no doubt about Rwandan involvement. It has been documented by a United Nations report released in June, by Human Rights Watch, and by our own researchers.

In response to this evidence, donors have suspended around \$90 million in aid to Rwanda as well as \$200,000 from the U.S. Government, as you know. Despite this, the situation has not improved. Rwanda has continued to support the M23 even after the suspension of aid and even after the U.N. report, including by sending troops to Rutshuru, to take the town of Rutshuru, which is near the Ugandan border, in early July.

So what is the way out of this impasse? And I am going to start perhaps addressing some of the questions you raised, but I will finish that probably in the question-and-answer period. The neutral force that you mentioned, unfortunately, I don't think has much of a future. And I think, actually, it could be a waste of time, in the sense that we are pursuing a track that is not going to go anywhere.

So far, the U.S. Government, along with other major donors, has reprimanded Kigali and condemned the mutiny. That has been the main response. But I would like to highlight that such criticism of Rwanda is, on its own, not a solution and will only enhance the defiant rhetoric coming out of Kigali. So while pressure on Rwanda must be increased, as it continues to play a pivotal role in supporting the mutiny, it will not be effective unless it is part of a larger peace plan. In other words, pushing Rwanda, in itself, bashing Rwanda is not a solution in itself.

This political deal that must be initiated should strike a tricky balance—and it really is a tricky balance—between giving Kigali a way out and allowing Kinshasa to significantly dilute, if not completely dismantle, the CNDP networks in the Eastern Congo.

Why is this? Why must there be a political deal? Well, the Congolese Army, as Mark pointed out before me, cannot defeat the M23 with military might alone. And, unfortunately, that has been clear in the battles that have been fought so far. Sooner or later, a deal will have to be struck with the mutineers. An acceptable outcome of this deal would include the arrest of the worst offenders within the M23, including Bosco Ntaganda, who is wanted for war crimes by the International Criminal Court, and the reintegration of other officers and troops into the army but redeployed elsewhere in the country.

At the same time, the Congolese Government should reach out to reassure its rivals. This includes helping refugees in neighboring Rwanda return home—there are around 50,000 Congolese Tutsi refugees in neighboring Rwanda—and setting an inquiry up on abuses committed by all sides since the mutiny began in April. A more difficult compromise could be to consider allowing Rwandan troops to continue to deploy small units in joint operations in the Eastern Congo against the FDLR, albeit with significant safeguards.

Now, the only way this kind of deal can work is if Rwanda plays a part. This means reformulating the kind of pressure we put on Kigali from asking them to stop providing support to the M23, an outcome that is very difficult to measure—you are measuring an absence of something—to become an active part of the solution.

The Rwandan Government could, for example, allow the Congolese Government and the United Nations to deploy troops along this border with M23 territory—it has a long stretch of border

through which the support passes—as well as arrest key leaders of the mutiny, many of whom are based in Rwanda. You can just cross the border from where I live in the Eastern Congo to Rwanda and visit many of these people in their houses in Rwanda.

This kind of deal will require strong and sustained pressure on Kigali. Donors, chief amongst them the United States, will have some hard choices to make. They can no longer see Rwanda's admirable successes in health care, education, and peacekeeping—and they are admirable successes—as separate from its interference in the Eastern Congo. Different kinds of pressure, including sanctions against individuals, suspension of military training, should be considered.

I would also like to note that the United States Government does not present a united front on this account. And this has also allowed, I think, the Rwandan Government to take advantage of these internal differences within the U.S. Government.

The measures I have outlined are a short-term fix. In order to address root causes and prevent future violence, there will need to be much more far-reaching reforms. How can Rwanda and Rwanda's local allies in the Eastern Congo be persuaded that they do not need to support armed groups in order to protect their interests? How can the Congolese state overcome inertia and vested interests to reform its decrepit state apparatus? These are the most fundamental questions policymakers need to address for the long term.

These are not solutions, however, that should be imposed by outsiders like us. An African option would be, for example, a high-level expert panel, like the Mbeki panel on Sudan, with an African Union mandate to pursue both short- and long-term solutions. This is part of the political process that I mentioned before that needs to be revived. This could revive the international community's political engagement with the conflict, which has lacked coherence and focus since the end of the transition in 2006.

To conclude, the situation in Eastern Congo is, indeed, bleak. But this latest crisis is also an opportunity to change the way the outside world engages with this region and to address some of the structural problems that have caused these crises to recur with tragic regularity.

As a matter of moral consistency, the United States Government cannot continue to help fund the Rwandan national budget on the one hand and at the same time continue to spend hundreds of millions of dollars to stabilize Eastern Congo.

Thank you for your time and opportunity to present today. I am happy to answer your questions.

Mr. SMITH. Thank you very much, Mr. Stearns.

[The prepared statement of Mr. Stearns follows:]

**Examining the Role of Rwanda in the DRC Insurgency
House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights**

Testimony

**Jason K. Stearns
Director, Usalama Project, Rift Valley Institute**

Chairman Smith, Ranking Member Bass, and Members of the Subcommittee on Africa, Global Health and Human Rights: Thank you for the invitation to testify.

I have been working on the eastern Congo for the past eleven years. In 2008, I was the coordinator of the United Nations Group of Experts on the Congo, and I have also worked on the country for the United Nations peacekeeping mission, as a senior analyst for the International Crisis Group, and as journalist and writer.

I currently work for the Rift Valley Institute (RVI), a non-profit research organization working in Eastern and Central Africa. I am the director of the RVI's Usalama Project, whose team of researchers is in the middle of a fifteen-month investigation of armed groups in the eastern Congo as part of an effort to promote solutions to ongoing violence there.

Background to the current crisis

The current crisis, beginning with the rise of the new M23 rebellion, is the result of the failure of the Congolese peace process to deal with the persistent causes of conflict in the region. A potent mix of ethnic tensions, state weakness, and Rwandan involvement – located at local, national and regional levels – lie at the heart of the violence. While there

are no easy fixes to these deep-rooted challenges, the United States government can help avert a further escalation by helping to broker a settlement. This will require a significant change in how the US engages with Rwanda, but also for Kinshasa to provide the political vision necessary for a solution.

The origins of the current conflict can be traced back to 2003, when the country was being unified after years of civil war, and all belligerents were obliged to integrate their troops into a national army. A group of officers, who hailed from the Rwandan-backed Congolese Rally for Democracy (RCD), refused to join this new army. They eventually launched a rebellion, called the National Congress for the Defense of the People (CNDP) – the predecessor to today’s M23.

The CNDP officers, led by the charismatic Laurent Nkunda, claimed that they suffered from ethnic discrimination, that the Tutsi community, from which most of them came, was the victim of persecution. Their apologists point out, correctly, that over 50,000 Congolese Tutsi refugees still live in Rwanda, unable to return home due to the lack of security and land. The officers also argued that they themselves were at risk – since 1996, hundreds of Tutsi had been massacred by fellow soldiers in army camps across the country, accused of being Rwandan proxies.

There is no doubting the prevalence and vitriol of anti-Tutsi sentiment in the Congo. However, this legitimate grievance has also been manipulated. From the beginning, the CNDP received support from the Rwandan government and local politicians, who ruled over much of the eastern Congo between 1996 and 2003, and who worried that the unification of the country would jeopardize their businesses, personal security, and

control over local politics. This is the second factor fueling the current morass – elites employing armed force to preserve their interests.

The final source of insecurity is the Congolese state itself. Its crippling weakness reinforces the belief that the only way of protecting property and individual freedoms is through armed force. The Congolese state has neither the rule of law to guarantee property rights, nor the force of law to suppress armed rivals. This lack of faith in Congolese institutions is perhaps the most intractable part of the current conundrum.

The M23 mutiny

When in April a new rebellion emerged in army camps across the eastern Congo, it drew on these same three sources of instability. It is the direct successor to the CNDP, which had been integrated into the Congolese army in January 2009, after Kinshasa struck a peace deal with Kigali. The Congolese government calculated that, by integrating the CNDP into the army, it would be able to co-opt their officers one-by-one, dismantling the organization. But the deal in fact strengthened the CNDP, which maintained parallel chains of command within the army, and profited from trade in minerals and other goods.

It was this stand-off between the CNDP and the Kinshasa government that resulted in this most recent wave of violence. In early April, CNDP officers, led by General Bosco Ntaganda and Colonel Sultani Makenga, staged a mutiny as a pre-emptive move, to prevent their leaders from being dispersed across the country. The mutiny initially failed, with a majority of those having defected from the national army returning within days

and over a dozen of the ringleaders arrested. The remaining mutineers fled to a small stretch of hills bordering Rwanda.

The Rwandan government intervened to prevent Kinshasa from crushing the mutiny. Over the following months, it supplied weapons and equipment, helped the M23 recruit hundreds of soldiers, and on several occasions sent whole Rwandan army units across the border as reinforcement. Thus, the M23 was able to push back the Congolese army's offensive, and seize several important towns.

There is no doubt about Rwanda's involvement. It has been documented by a United Nations report released in June, by Human Rights Watch, and by the Rift Valley Institute's own researchers. In response to this evidence, donors suspended around \$90 million in aid to Rwanda, including \$200,000 from the US government.

Despite this, the situation has not improved. Rwanda has continued to support the M23, including by sending in troops to Rutshuru near the Ugandan border in early July. Other armed groups, largely ethnically based, have also gained in strength, in part due to their links to the M23 and the Congolese army's focus on the mutiny, and have engaged in tit-for-tat massacres of the local population.

Pitfalls and solutions

Perhaps the most sobering prospect is the lack of potential solutions on the table. Kinshasa continues to refuse to talk with the M23, while Congolese army commanders insist on a battlefield solution despite past military failures, sending thousands of troops to the Kivus, setting the stage for the next round of fighting.

The diplomatic efforts of countries in the region have focused on the creation of a neutral military force to carry out offensive operations against the M23 and the FDLR, an initiative coordinated by the International Conference on the Great Lakes Region (ICGLR). But would this happen? The latest deal between the countries would have Kenya, Tanzania, Angola and the Congo staff such a mission, but it is difficult to imagine these countries sending troops to conduct risky counterinsurgency operations in the Congo.

Also, none of the major donors seems eager to foot the bill. They are already spending \$1.4 billion each year on MONUSCO, and have little appetite for another military mission in the region. In the meantime, the M23 has taken advantage of the break in fighting to train new troops, perhaps up to a thousand men.

What is the way out of this impasse, and how can the United States help? So far, the US – along with other major donors – has reprimanded Kigali and condemned the mutiny. But such criticism of Rwanda is, on its own, not a solution and will only enhance the defiant rhetoric coming out of Kigali. While pressure on Rwanda must be increased, as it continues to play a pivotal role in supporting the mutiny, it will not be effective unless it is part of a larger peace plan that includes Kigali.

The Congolese army cannot defeat the M23 with military might alone; sooner or later, a deal will have to be struck with the mutineers. An acceptable outcome would include the arrest of the worst offenders within the M23, including Bosco Ntaganda, who is wanted for war crimes by the International Criminal Court, and the reintegration of other officers and troops in the army, but redeployed elsewhere in the country. This would achieve the dismantling of CNDP structures in the eastern DRC.

At the same time, the Congolese government should reach out to reassure its rivals. This includes helping some refugees in neighboring Rwanda return home, and setting up an inquiry on abuses committed by all sides since the mutiny began. It should also consider allowing Rwandan troops to deploy small units in joint operations in the eastern Congo against the Rwandan FDLR rebels, albeit with significant safeguards. In the absence of effective state power, compromise of this kind is the only way forward.

The only way this kind of deal can work is if Rwanda plays a part. This means reformulating the kind of pressure put on Kigali, from asking them to stop providing support to the M23 – an outcome that is hard to measure, given the clandestine nature of the backing – to becoming an active part of the solution. It would have to allow the Congolese government or the United Nations to deploy troops along its border with M23 territory, as well as arrest key leaders of the mutiny, some of whom are based in Rwanda.

This kind of deal will require strong and sustained pressure on Kigali. Donors, chief among them the United States and the international financial institutions where Washington has influence, have some hard choices to make. They can no longer see Rwanda's admirable successes in health care, education and peacekeeping as separate from its interference in the Congo.

The measures I have outlined are a short-term fix. In order to address root causes, and prevent future violence, there will need to be more far-reaching reforms. How can Rwanda – and Rwanda's local clients in the Congo – be persuaded that they do not need to support armed groups in order to protect their interests? How can the Congolese state overcome inertia and vested interests to reform its decrepit state apparatus? These are the most fundamental questions policy-makers inside and outside of the region need to

address. There is a range of possibilities to consider, including cross-border economic projects, legal guarantees for minorities, a new pact on security sector reform, and greater decentralization of power within the Congo.

But these should not be solutions imposed by outsiders. An African option would be a high-level expert panel, like the Mbeki Panel on Sudan, with an African Union mandate to pursue both short and long-term solutions. This could revive the international community's political engagement with the conflict, which has lacked coherence and focus since the end of the transition in 2006. While the UN peacekeeping mission still fulfills a vital role in terms of humanitarian access and reporting, it has been utterly marginalized politically in recent years.

To conclude, the situation in the eastern Congo is bleak. But this latest crisis is also an opportunity to change the way the outside world engages with this region, and to address some of the structural problems that have caused these crises to recur with tragic regularity. It is time to act. As a matter of moral consistency, the United States cannot continue to help fund the Rwandan national budget and at the same time continue to spend hundreds of millions of dollars on programs to stabilize the eastern Congo.

Thank you for your time and the opportunity to present today. I am happy to answer questions.

Mr. SMITH. Just to begin the questioning, let me begin with Bishop Ntanda.

When you presented your petition to the United Nations, could you tell us what the response was from U.N. officials?

And especially since, obviously, our Government is what we need to be focused even more on, your delegation met with the U.S. officials during your visit, and what was their response? Did they give any feedback as to what they might do to mitigate this violence?

Bishop NTANDA. Thank you, Mr. Chairman.

First, I want to say that this initiative is not Ntambo's. This was the initiative of all church leaders in the Democratic Republic of the Congo in creating civil society.

And, second, we didn't come to defend Congolese Government. We are not Congolese Government agents. This is totally in freedom of church initiative, church leaders, as well as civil society.

Well, we have chance to come as a church, to express our cries, to express our deep depression. When you hear me, my point is, people are dying every day going. Even September 11th past, I got a telephone call from one girl from Goma; I want you to say hello when I was here in America. She just expressed her feelings. She said, well, Bishop, they just shot my uncle. I can give you the name. I can give you the telephone number. They just shot my uncle this last September 11th.

Yes, we visited United Nations. Their response was, you need to go to talk to great powers—I mean United States, Great Britain, France, Russia, and all the members of United Nations—to focus to stop this war. They are the one who have the power in their hands and who can solve this problem. United Nations Secretary-General, by himself, he can't really solve the problem. It needs to be united. It needs the voice from the members of United Nations.

Thank you.

Mr. SMITH. Thank you.

If you could, Bishop, you testified that women who have been raped in Eastern Congo are rejected by their husbands and society—

Bishop NTANDA. Oh, excuse me. Excuse me, Chair.

Mr. SMITH. Yes?

Bishop NTANDA. Yes, we visited United States, we visited Canada. Some of them, we were 32 delegates—sorry, sorry to take you back.

Mr. SMITH. No, please.

Bishop NTANDA. All the European countries, I mean Belgium, France, Germany, Britain, all over the world, including African countries, the church leaders went to express their same feeling and asking for some assistance: Stop the war in Congo.

Thank you.

Mr. SMITH. What was the response from the U.S. Government? What did they say they would do?

Bishop NTANDA. Yes, when we met at State Department—I wish that he was here—

Mr. SMITH. I know.

Bishop NTANDA [continuing]. They really regret it. They really regret it. And they expressed their feelings, but they are going to work through.

But why we have come to you is, the Congress has the voice. The Congress can listen to us. It is all—we don't like to put in words in the political side. Congo Government has done what it can do.

Can you imagine you are asked to assist someone, the United Nations is asked to assist them when the war started in 1994. Congo opened the door. Now, instead of United Nations fulfilling its responsibility to take out refugees, this problem is Rwanda's problem.

Once Rwanda stops the war in Congo, once the Rwandans are required to maintain democracy in their own country, once Rwanda will accept these people who fled to Congo to bring them so they can have dialogue, we will end this war.

The international community can put everything they want to Congolese. We did all we could do. We have compassion to 800,000 who died. We cried. We opened the door. But today Rwanda is giving back—we loved—I mean, we showed love, but they showed crime to us. It is so deep.

International community, we ask to stop this war. We didn't come to do politics here. We come to share the truth that the war is going still today. Can you stop this war so peace can prevail between Rwanda and the Congolese?

Rwandans are not our enemies. Every day going on our border, you see children of Rwanda crossing coming into Congo. You see Congolese crossing going to Rwandan to buy food and so on. But it is where? The top.

So this is the way we need to say, please, can you stop this war? Can you stop killing in our area? Human life is more important than minerals.

Thank you very much.

Mr. SMITH. Let me ask Mr. Schneider—or Mr. Stearns might want to speak to this, as well. The U.S. does have a significant point of leverage with Rwanda through the World Bank multilateral aid, \$135 million in general budget support to Rwanda; we are the major contributor to it. And it is a blank check because it is not like it is dedicated to alleviating poverty. It really goes to stabilize their government.

Could you speak to what we need to be doing on the economic side, you know, to use that leverage effectively?

Mr. SCHNEIDER. I think there is no question that the United States needs to make it quite clear to the Government of Rwanda that one of the conditions for our relationship has to be an end to support for the illegal armed groups in the Eastern Congo. That has to be clear.

And I think that there need to be specific steps. Rwanda needs to accept the kind of joint verification of the border that we called for. It needs to remove its open troops, and it needs to allow the MONUSCO to, at the very least, set up mechanisms for verification against cross-border support. And those needs to be conditions of our relationship.

And one expression of that relationship relates to budget support. I would hope that the U.S. would make it quite clear that if Rwanda continues this kind of support for the M23, that this is going to have to be reviewed and that, together with the Congress,

that it is unlikely that you are going to see continued, open-ended support.

Mr. STEARNS. If I could just address that, as well—

Mr. SMITH. Sure. Please.

Mr. STEARNS [continuing]. I think a couple of different things.

The number-one commodity the Rwandan Government cares about is its reputation. So symbolic pressure can actually go a long way with Rwandan Government. If the Rwandan Government today attracts Starbucks and Rick Warren and Tony Blair, it is not because it is such a great economic opportunity; it is because people see it as a symbolic beacon of hope in Central Africa. That story line needs to change, if you will, and the U.S. Government can help change that story line, as well.

As I said before, the Rwandan Government has made enormous progress internally on development indicators, but that can't be separated, as it has been so far, from its involvement in the Eastern Congo.

The second thing I would point out, and this is really just to agree with Mark, is that despite the defiant rhetoric coming out of Kigali, they are very sensitive to financial pressures as well. In 2002, it was the simple abstention of the U.S. Government from a vote in the International Monetary Fund on a credit facility—they didn't even turn it down; they just abstained from voting—that put significant pressure on the Rwandan Government to withdraw its troops in 2002. And they did. They withdrew their troops immediately after that. Not to say that was the only reason, but just to say that things like that, I think, can go a long way.

Now, we have yet to see what is going to happen later this year. The U.N. Group of Experts' final report is going to come out in November, and all of these countries that suspended their aid are going to have to decide on whether they are going to disburse their aid or not. All they have done is suspend their aid.

But I do think that raising those issues at the level of the World Bank is going to be important, especially because the U.S. Government itself provides no budgetary aid to the Rwandan Government; it just works through programs. And we don't want to cut HIV/AIDS funding through PEPFAR and other things.

Mr. SMITH. Let me ask you, what has—

Mr. SCHNEIDER. Mr. Chairman, could I just make one other point? And that is that, in the next several weeks, there is going to be an opportunity for President Obama to speak to President Kagame at the summit in New York. Secretary Clinton presumably, as well, will have the opportunity to speak with President Kagame at the General Assembly. It seems that this kind of demand for an end to support for the M23 needs to be made at that level.

Mr. SMITH. Could I ask you, what has the administration done? Has it really stepped up to the plate?

You mentioned earlier, you know, since April 0.5 million people displaced, and of course that is in addition to those who have been slaughtered or raped. But 0.5 million, that is a huge number of dislocated people, who are then vulnerable not just to the elements but to further bloodshed and exploitation.

Mr. SCHNEIDER. I think that there is no question that there has been an increase in humanitarian assistance. The point, though, is that the U.N. in its most recent appeal has indicated that it still requires additional support for those displaced persons and refugees. And as I say, I think that that needs to be—the U.S. should take a leadership role in that.

I should add that there is no question, as you know, that there have already been communications and concerns expressed by the U.S. Government at the highest level to the Government of Rwanda. But at this point, they need to cease assistance to the M23. And, to be frank, I don't think we can wait until the end of the year. The kind of reports that the Bishop has just described, those reports are horrendous, and the violations need to cease.

Mr. STEARNS. If I could just add to that—and this sort of, I think, reinforces Mark's point that this needs to be taken to a higher level. The response, U.S. Government cut \$200,000 in military aid, but that wasn't even really a response, that was a trigger in a law. They had to do that; they didn't have a choice. Otherwise, they haven't done very much in terms of aid suspension or cutting because they don't want to cut programs that go to poor people in Rwanda.

There have been several phone calls been put in, but I would like to highlight the fact that on numerous occasions President Kagame has not picked up the phone when Assistant Secretary of State Carson has called him. There was a phone call put in by an Under Secretary of State, but in recent months I am not aware of the fact that the Secretary of State has actually had any contact with him.

So the mood in Kigali, where I just was a couple of days ago, at least from some members of the Rwandan Government, is, we can weather this out. The British Government just disbursed at least part of the funding that they had suspended. And they feel the tide is swinging in their favor.

So I think that, as Mark said before, the point needs to be hammered home that the eyes of the international community, and particularly the United States Government, are on them.

Mr. SMITH. Which is precisely why we have convened this hearing.

Bishop?

Bishop NTANDA. Thank you, Mr. Chairman.

This is the concern, as well, as the expression of the church leaders and church society. If you will allow me, I can read to you, please.

“In order to prevent the situation from escalating further and ensure the armed groups and the militias cease, we propose the following concrete measures.

“One, condemn Rwanda for its support to the armed groups. In this regard, we ask to all permanent members of the U.N. Security Council not to accept the candidacy of Rwanda as a permanent member of the U.N. Security Council.

“Two, support the proposed international force necessary to secure the border between the DR Congo and its neighbors in the east, Rwanda, Uganda, Burundi, and to give this force a mandate to use force in order to eradicate all negative forces

which are active in the eastern part of the Democratic Republic of the Congo.

“Three, support the DDR process.

“Four, engage in insisting in the prosecution of Rwanda’s leadership because of its insurgency in the Democratic Republic of the Congo.

“And, finally, support the process of reforming the DRC’s security sector by building a strong military and police.”

Thank you.

Mr. SMITH. Thank you.

Let me just ask a couple of final questions, and just point out that Ms. Bass had to leave for a family emergency. So she wanted me to convey to you that she is absolutely interested in what we are doing here; it is a matter of she had to run home. So I just want you to know that.

The U.N. Group of Experts identified several individuals in the Rwandan Government as being directly involved in the M23, most notably the Rwandan Minister of Defense.

What is being done to sanction, to hold them to account individually, not just collectively as a group, but individually, for breaching those sanctions?

Mr. SCHNEIDER. I think that what has to happen is that that information from the U.N. Group of Experts has to be brought to the sanctions committee, and, actually, the report will go to the Security Council, and then they have to make a judgment—

Mr. SMITH. So that will be in November?

Mr. SCHNEIDER. Yes.

Mr. SMITH. Okay.

Mr. STEARNS. Yeah, I would just add on that point, because the U.N. Group of Experts, I think, is the key sort of fulcrum, if you will, of pressure on Rwanda at the moment.

In response to the addendum that came out in June, the Rwandan Government has launched a full-scale campaign of undermining the credibility of the Group of Experts, including calling the coordinator of the Group of Experts a genocidal ideologue. It is a smear campaign. And I don’t think anybody has really bought into this a whole lot, but there are some signs that members of the Security Council will try to undermine the Group of Experts because of this.

The Group of Experts is a key tool, not only for Rwanda, but around the world these Groups of Experts are a vital tool for diplomacy. So I would just also highlight the importance of the final report of the Group of Experts, who have done a very rigorous job in the region in terms of documenting these abuses.

Mr. SMITH. Mr. Stearns, you mentioned, at least if I heard it correctly, that you didn’t think the neutral group had much of an expectation that it could do something. I would note that only Tanzania has pledged troops.

Could you maybe elaborate on that, why you think that is a non-starter?

Mr. STEARNS. I think two main issues, staffing and funding, but also the mandate.

It is a neutral force, so, by definition, you have to have countries that aren’t involved in the conflict. And they have to be African

countries. So already that reduces the number of countries that can contribute.

You know, I would like to note that the U.N. peacekeeping mission has always had a terrible time getting troops to participate in much less risky operations than this one. The mandate, at least according to the ICGLR, the regional grouping, would have to be offensive military operations against the M23 and the FDLR in extremely difficult terrain.

So who would staff this? You pointed out only Tanzania has come forward. Who would fund this? Donors are already funding a \$1.4 billion annual budget for the U.N. peacekeeping mission. According to the donors at least I spoke to, including the U.S. Government, there is no real will to fund another military mission that would cost hundreds of millions of dollars a year, there is no doubt. And would they get the mandate to do this?

I am sure you could find African countries to deploy troops to do very little, to do observation, but that is what the U.N. peacekeeping mission does. So I think for various reasons I am skeptical.

I would also add that, because of these negotiations, there has been a lull in the fighting, which is great, but this has also offered the opportunity for the M23 that just started off with 700 troops, so they had a serious manpower problem, to continue recruiting. Their main challenge was manpower. Over the last 3 or 4 months, they have been able to recruit probably over 1,000 new troops. So this lull in the fighting not only may not lead anywhere, it may actually further M23's aims.

Mr. SMITH. Let me just ask about MONUSCO's rules of engagement. When I was in Goma in January 2008, I had extensive talks with the commanders and talked to a lot of the troops, as well as those who were investigating sexual crimes committed by the peacekeepers themselves, and held a number of hearings about that terrible, terrible, ugly exploitation of little 12- and 13-year-old girls.

But, that said, what about the rules of engagement? Why is a relatively small but seemingly agile and highly intense group of people, M23, able to thwart government troops and MONUSCO?

Mr. SCHNEIDER. I think that is one of the questions that we have, as well, Mr. Chairman.

It appears to be, at the very least, more a question of political will than of legal authority, in our view. That is, that the mandate to protect civilians and support the FARDC troops in doing that would seem to provide sufficient authority that where you have an illegal rebellion of an armed force that carries out rape and extrajudicial executions, that that force legitimately should be countered and acted on using whatever means are necessary by MONUSCO in support of the FARDC forces.

The answer right now is that they have not taken those actions to directly go after the M23. I would argue that their mandate regarding the rules of engagement is sufficient to do that.

Mr. STEARNS. Mr. Chairman, one of the problems is—and Mark just mentioned that—there are two parts to the mandate that are relevant here. There is protection of civilians in imminent danger, but there is also support to the Congolese army. They emphasize the latter and not the former. In other words, they conduct oper-

ations in support of the Congolese army. They do not conduct, on their own, offensive operations against any of these forces. And they are frustrated, obviously, by the incapacities of the Congolese army itself.

Mr. SMITH. And, again, that is an old story.

Mr. STEARNS. And that is a very old story. I mean, we are getting back to a problem that since—I used to work for the U.N. peace-keeping mission. And even when I was there, we tried to get our troops to deploy aggressively. And they would say, we didn't come to the Congo to be sent home in body bags, was their answer. So that is a whole other can of worms probably to open up. But I think that that point probably should be reiterated as often as possible.

Mr. SMITH. Bishop Ntanda, if you could just—in your testimony, you noted that women who have been raped in Eastern Congo are rejected by their husbands and society. On my trip there, I went to HEAL Africa and met with one of its members. It is a faith-based initiative to try to help women—and it provides other health care as well—but women who have been so abused. And I know there are other faith-based initiatives as well. What impact have organizations like HEAL Africa in Goma had on helping those women?

I was awed by how women who had been so horrifically abused had smiles on their face, had a sense of hope, had a resiliency and a courage that was otherworldly. It was so strong. And I think the faith component certainly is a major contributor to that, because they do find healing, and they realize that they have been victimized. They had nothing whatsoever to do with it. But their husbands—what is being done to try to get them to realize that the exploitation—you know, stand by your victimized wife? Could you elaborate on that?

Bishop NTANDA. Thank you, Mr. Chair. Unfortunately, I don't know about the organization.

Mr. SMITH. Okay.

Bishop NTANDA. But my point is, the rape of a woman—she will be rejected by her own husband—is like you have committed adultery. I don't like you. It is not just rejected by her husband, but she is also rejected by the clan. No one will accept her. Imagine such woman affected in her body, rejected by her own family. She has nowhere to go. And it looks like the rest of humanity has rejected her. It is so painful to her.

Not even that. There are some women who get pregnant and have children, and those children are not accepted in the family. And those children, they have nowhere to go, which means the father, the mother, and the baby are all rejected.

This atrocity is brought to us because of the war. We didn't have such a culture in our system, but it was a result, a consequence of the war. This is why we project—to finish that war, we need to come to the source, the trouble in Rwanda. Rwanda has to be responsible to its own people not to bring war to Congo.

Once we have peace, I think we will be able to deal with our own problems inside. In fact, when the lady is rejected, probably, with this kind of talk we got from here, we will find the traditional ways to take care of her and of the baby.

Concerning the organization—I am so sorry, Mr. Chair. I don't know them. And I wish—if I knew them, I could speak about matters concerning them.

Mr. SMITH. Let me just ask one final question; and then any other points you might want to make, please do.

We had a hearing earlier this year focused on the killing fields in North Kivu and that area. And some of our witnesses made a point that everyone seems to know about Sudan and Darfur; and yet in an area—in a region where some 6 million people have been slaughtered, there still remains an incredible ignorance and a lack of focus and even understanding as to what is going on.

I can't figure it out. I am wondering if perhaps you could convey to us what we could do to—we even invited Ben Affleck, who has been very visible in his efforts to bring attention to the killing fields there, and he noted that as well, that he has made it his mission to try to bring visibility to this because visibility hopefully leads to governments taking more bolder action.

Because, in my opinion, we have been very weak and ineffective. Even though we have done some things, it has not been at the top of the agenda, which is why I asked the Bishop earlier about what the response was from U.S. Government officials at the Department of State in terms of what they want to do, the next steps, which is why we had hoped that Assistant Secretary Johnnie Carson and Assistant Administrator Earl Gast would have been here. We do have an open invitation, as I said earlier, to them because we want to ask the tough questions.

But why are we asking tough questions? Because people are dying, and they are being displaced as the killing fields continue. So why are so many people unaware of what is going on there?

Mr. Schneider.

Mr. SCHNEIDER. I really don't have a good answer for that. I mean, you would think that after the nearly decade—more than a decade-long, 15 years of continuing conflict that it would be much higher on the public agenda internationally with the level of just human tragedy. You would think that the media would have focused more attention on continuing attention on it.

I think the problem is the recurrence, that people don't see—they focused on it. They thought it ended, and then it happens all over again. And there is just so much bandwidth; and, unfortunately, it just has not remained high on anyone's agenda.

Mr. STEARNS. The curse of the Congo War has been its complexity. You know, if you can't understand something or sound bite it or fit it into some easily encapsulated interest, you could say it is difficult to make people care about it.

What is the Congo War about? You can see already it is difficult. It is about, you know, 17 different acronyms and 18 different actors and about 16 years of history or hundreds of years of history. So because of the difficulty to encapsulate the war, it makes it much more difficult to care about. I think that is a key problem. That doesn't make it an excuse or a pretext not to do something, but I think that is a key challenge for all of us, for journalists, for politicians, for advocates, everything.

I think in terms of how to get out of here, I think that there are some things we can do in the short term to—we can do a lot more,

and we have mentioned many of them today. I think there are many very intractable parts of the situation that are going to be difficult to solve.

I think you know, for example, creating a strong central Congolese state that would be able to deal with groups like the M23, even with Rwandan support—as Mark pointed out, they have thrown thousands of troops against this small rebellion, and they haven't been able to defeat it. Reconstructing a strong Congolese state is going to take decades, unfortunately. Now we can help much more than we have in the past, but I think that is one of the main conundrums.

How to get out of this sort of impasse in the short term—just to sort of summarize some of the things we have mentioned today—I think there needs to be a political process that is going. I don't have a faith in the military solution. I don't see either the Congolese Government or an outside military solution being imposed. In other words, there needs to be a political process in which the Rwandan Government will have to play an active part, which means pressure on them but also means considering them as a partner in this process.

The outcome is going to have to be the arrest of top M23 leaders but the reintegration of a majority of them into the Congolese army but deployed elsewhere. That is one of the key demands of the government, and I think in this case it makes a lot of sense.

I think in terms of the U.S. Government they have to get their ducks in a row to a certain extent. We have different agencies and different players saying different things.

When the U.N. Group of Experts report was submitted to the U.N. Security Council in June, the U.S. Government blocked it initially. And not because the U.S. Government's policy was to block the report but because individuals within the U.S. Government did not think it was productive in the long term. And this is a result of disagreements within the U.S. Government.

So I fully encourage your initiatives to ask tough questions to the U.S. Government. Because I think that the higher this goes up in terms of the priorities, the fewer the disagreements will be, in part because it is such a low priority that disagreements like this are able to break out.

And I think that finally, as I have said before, the U.S. Government needs to take a tough look at its financial and political engagement in the region. As I said before, we can't minimize the progress that Rwanda has made since the genocide. It has made fantastic progress. It has carried out amazing innovations in health and education. But then to sort of hermetically separate that from what is going on in Eastern Congo doesn't make a lot of sense; and that has been a problem that we have faced over the last 15, 16 years, to make people understand that here in Washington.

So I think, just to summarize, that is not a panacea for what is going on, but there is definitely some ideas there for what can be done here in Washington.

Mr. SCHNEIDER. Could I, Mr. Chairman?

You mentioned what is being done in terms of trying to provide some assistance to the women. I think that USAID is providing assistance to a variety of programs that you have seen. I was on a

panel with Dr. Mukwege and the Panzi Hospital in providing support there. But much more needs to be done.

But the critical thing is ending the rapes going forward, and that means dealing with this problem of illegal armed groups and the FARDC not exercising sufficient control in the Eastern Congo. And with respect to that, I think that you do have to ask yourself whether this can be done solely by looking at how we stop the current violence.

What we need to be asking is how do we get to a point where the DRC Government is more effective, more stable. And it seems to me there we have to go back to the question of post-electoral dynamics and we have to ask the question of what are we doing as a government and within the international community in trying to ensure that the flaws that occurred in the previous election don't continue and that the next round of provincial and local elections is much more credible. We have to go back to the question of security sector reform and the rule of law, and we have to look at what is being done and ask ourselves what more can be done in the future.

And, finally, with respect to MONUSCO, we called for an internal audit of MONUSCO's role in the past, and we think that that should be done now with respect to MONUSCO's response to the M23 mutiny, if you will. And then to ask what it should be doing with respect to the dual mandate of the protection of civilians and support for the Congolese Armed Forces.

And, finally, I agree with Jason with respect to the internal advances on the development side in Rwanda, but let's not forget there are also limitations with respect to democratic reforms inside Rwanda as well along with the cross-border activities that need to cease. We need governance reforms on both sides of the border, and we need an end to illegal actions that promote violence across the border as well.

Thank you.

Mr. SMITH. Mr. Stearns, you mentioned a moment ago about the initial blocking of the U.N. report by the U.S. What grade would you give the Obama administration in terms of handling the M23 crisis? I mean it. Because you know, going forward, we are all hopeful, we all want things to change, but we really have to be honest and very tough as to whether or not we have done enough. What grade?

Mr. STEARNS. I will give them an A for "apathy."

Mr. SMITH. Okay.

Mr. STEARNS. You know, not to sort of connote any sort of degree of excellence by "A." The key problem the U.S. Government has had is apathy. It is not that they have done the wrong things. They haven't done anything at all.

As I have said before, there will always be internal disagreements within the U.S. Government with regards to different issues. But it is because it is at such a low level of priority that you have—you shouldn't have the U.S. delegation to the Security Council saying one thing and then the State Department saying something else, which is what happened when this report was submitted to the U.N. Security Council.

You know, speaking to people at State Department, they have good ideas, they are smart people, they are engaged, but it is not a high-level-enough priority to deal with. So the response has largely been to spend a lot of money on it, but don't allocate the necessary political will.

We spent a lot of money on the region; and I think, actually, that that money is compromised by the fact that we don't engage politically enough. So you have this paradox with the fact that a country like Rwanda is—50 percent of its budget almost is financed by foreign aid. With the Congo, it is exactly the same thing. And yet when you go to Kigali or Kinshasa, you hear diplomats—they are wringing their hands and are saying, but we don't have any leverage.

So how do you not have any leverage even though you are financing them to the tune of 50 percent of their budget? It is because it is not a political priority for anybody.

Most of these countries' policy is set to a certain extent—to a large extent by the Ambassadors themselves, because it just doesn't rise high enough on the flagpole here in Washington. So I would say the Obama administration has not been engaged enough. Rather than doing the wrong things, it just hasn't done very much at all.

Bishop NTANDA. Mr. Chair, thank you for the question.

I was wondering why it took so long to solve this problem of 6 million. This is why we came to you with the emergency. Why for so long were the people able to do it?

I think Congress has to take steps now. This is your time. This is Congress, your time.

We can go around politics. We can condemn the government and so on. But people are dying. This is our concern. And, Congress, in your hands, you have the salvation of all Congolese people. You are the one who will build a strong wall between Rwanda and the Congo, a wall of peace, a wall of love, a wall of justice. We beg to you, you can do something.

Thank you very much.

And at the end we will never allow to lose even one inch of our country. In other words, we will never accept Balkanization of our country. We remain as united as the United States has been united since September 11. You were as one nation to fight the enemy, and we will remain as one nation to fight. But we can bring peace. We can bring love. We can bring justice between the two nations. God bless.

Mr. SCHNEIDER. If I could, the one thing—I don't want to have a misapprehension. There is no question that there has been high-level interagency focus by this administration on the DRC and on the Great Lakes region. They named—they had a previous special envoy who you knew quite well, the late Howard Wolpe. They have a current one.

The problem, it seems to me, is that, with respect to this particular instance, it seems to me that it has not drawn enough of a continuing high-level engagement. So the answer to your question is incomplete.

And what we need to see now is more activity directly at the highest levels in order to make it clear that there has to be an end

to cross-border support for the M23. And the M23 simply has got to be dismantled through a political process or a military process, and probably it will require both. At least the threat of a military element is going to be necessary.

Mr. SMITH. For a question, our African specialist on the subcommittee, Greg Simpkins, who was actually in the region as far back as 1998; and I yield to Greg.

Mr. SIMPKINS. Thank you, Mr. Chairman.

Back then in 1998, right before the fighting—the war started, I was quite clear that the problem of cross-border raids into Rwanda was very serious. And this is the reason that the Rwandans give for intervening, although we have issues with the way they have done it.

A lot of suggestions have been made for how we deal with this. Is there any strategy that you have seen that you think will work to finally put an end to these cross-border raids so that there is no reason for the Rwandans to intervene?

You have said the neutral force probably is not going to work. We still have MONUSCO there, which is I believe 2,000 troops under its mandated level. There is still the Congo Army. What means are there available to finally bring an end to these raids?

Mr. STEARNS. I think that, ironically, the best way, the most successful approach has been joint operations between the Congolese Government and the Rwandan Army. This was the 2009 peace deal that integrated the CNDP into the Congolese army, which brought about joint operations between those two countries.

Now those joint operations had terrible humanitarian side effects—I won't call them side effects—consequences that I will never underestimate. But the fact of the matter is that the FDLR that had been carrying out these cross-border raids has been hit extremely hard in the last 3 years. In the last 3 years, they have probably lost between 60 and 70 percent of their troops. They are now currently estimated to be probably not more than between 1,000 to 2,000 troops. So compare that with 6,000 to 7,000 back in 2008.

Even according to Rwandan security officials in private when I speak to them, they almost laugh. They say that these people are not—they still have the capacity to carry out terrorist attacks into Rwanda, and I think that is still a concern of the Rwandan Government, especially against installations. But the last serious attack they carried out in Rwanda was in 2001. So it has been 11 years since any serious number of these people crossed the border and carried out an attack. Since then, you have had great grenade attacks, some of them which are probably carried out by FDLR troops, some of them not.

But the FDLR, as such, is a dying organization. There is no doubt about that. But, ironically, it was this peace deal that had brought about that. And ironically, again, if there has been any respite to the FDLR, it is these new attacks. The FDLR is a mercenary organization, so they breed on insecurity. They are there at the moment praying that the Congolese Government will reach out to them because the Congolese Government has now fallen out with the Rwandan Government.

So in terms of how to go forward in the future, I think that, as I said before, if the Rwandan Government really is motivated—and I don't think it is solely motivated by the FDLR, but that is certainly a consideration—then the Congolese Government should consider to allow the Rwandan Government to continue joint operations against the FDLR and its territory. The Rwandan Government, up to last year, up to early this year, had two companies of special forces deployed on Congolese territory, and that is something they could consider to keep doing. But I think that the FDLR, as such, as an organization, is on its last legs.

Mr. SIMPKINS. Mr. Schneider?

Mr. SCHNEIDER. I think that you need to have, in a sense, a renewal of the previous political agreement. But it is going to require additional pressure on both Kigali and Kinshasa, and I think that an element of that has got to be an agreement for a cross-border verification mechanism against cross-border incursions both ways. And that is where it seems to me as well that MONUSCO needs to play a stronger role than it has in the past.

Mr. SIMPKINS. Bishop Ntanda.

Bishop NTANDA. Thank you very much.

You can look at the U.N. report. I think it will have the correct concept of this. Rwanda is arming Hutus, militias, sending them back to Congo in order to justify its presence. For economic reasons, we have called them. I think the best one who can receive a very good response to that is the U.N. report in your hands. Rwanda is playing all kinds of games to hide himself, to justify himself. I think the U.N. report is clear. We will find the correct answer from there, please.

Mr. SMITH. Thank you very much. I would say to our very distinguished witnesses you have given us a clear blueprint. Hopefully, the administration is listening as well. We will follow up very aggressively, which is why we had the hearing in the first place, to really get your take.

Do you have any final words or any comments you would like to convey to the committee before we adjourn?

Mr. SCHNEIDER. I want to thank you, Mr. Chairman. And I do think that it would be useful during these next several days, given the sessions that are taking place at the U.N. next week and 2 weeks after that in the region, to make clear your concerns.

Mr. SMITH. Thank you. We had spoken earlier and your suggestion, Mark, of a letter I think is a good one in follow-up to this. So thank you for that.

The hearing is adjourned, and thank you so much.

[Whereupon, at 11:25 a.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman

September 18, 2012

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Africa, Global Health, and Human Rights, to be held in Room 2172 of the Rayburn House Office Building **(and available live via the Committee website at <http://www.hcfa.house.gov>)**:

DATE: Wednesday, September 19, 2012

TIME: 10:00 a.m.

SUBJECT: Examining the Role of Rwanda in the DRC Insurgency

WITNESSES: Bishop Ntambo Nkulu Ntanda
United Methodist Church of North Katanga, Democratic Republic of the Congo

Mr. Mark Schneider
Senior Vice President
International Crisis Group

Mr. Jason Stearns
Director, Usalama Project
Rift Valley Institute

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-3021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, and Human Rights HEARING

Day Wednesday Date September 19, 2012 Room 2172 Rayburn

Starting Time 10:00 a.m. Ending Time 11:24 a.m.

Recesses 0 (___ to ___) (___ to ___) (___ to ___) (___ to ___) (___ to ___) (___ to ___)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

TITLE OF HEARING:

Examining the the Role of Rwanda in the DRC Insurgency

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Chris Smith, Rep. Karen Bass

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

*Prepared statement from Rep. Buerkle
Question for the Record from Rep. Buerkle
Statement from the Government of Rwanda
Statement from United to End Genocide*

TIME SCHEDULED TO RECONVENE _____

or
TIME ADJOURNED 11:24 a.m.

Shari A. Cabot
Subcommittee Staff Director

Prepared Statement of Rep. Ann Marie Buerkle

Thank you, Mr. Chairman. Thank you also to our witnesses for appearing here today.

It is not easy to know where to begin in discussing the ongoing violence in the Congo. I have spoken face-to-face with Congolese people in my district and it is heartbreaking. In particular, the violence against women is appalling.

I am thankful for the assiduous efforts of both Congolese and Americans in my district to try to raise awareness about the situation in the Congo. In particular, I am grateful to Syracuse University and Syracuse Stage, who recently premiered "Cry for Peace: Voices From the Congo."

The reality is that the Congo is in desperate need of assistance and the United States has a unique opportunity to utilize global pressure to advance peace and security in the Congo. The US government must continue to explore means of accountability for Rwanda's aggression against the Congolese people. The Administration should encourage our allies to continue to withhold aid from Rwanda until stability is restored in the east of the Congo.

As long as Rwanda continues its aggression against the Congolese people, the Administration should explore ways to assure that Rwanda faces increased pressures from the international community, including from the United Nations. The US Ambassador to the United Nations should explore ways in which targeted sanctions can be levied against individuals in the Rwandan regime identified by the United Nations group of Experts as having supported rebels in the Congo.

In the end, the Congolese people – civil society, religious leaders, students, women's groups – who have been victims of Rwanda's aggression should be the ones who have the final say as to whether Rwanda has ceased its aggression against the people and hence deserve restoration of the aid that has been suspended.

I look forward to hearing from our witnesses about this desperate situation and how America can best be of assistance.

Thank you, Mr. Chairman. I yield back my time.



Question for the record submitted by Rep. Ann Marie Buerkle

Examining the Role of Rwanda in the DRC Insurgency
September 13, 2012

Could you please comment on whether or not there is evidence that the US Congress should investigate whether the Administration is in violation of the Leahy Amendment in training Rwandan soldiers who may be committing war crimes or crimes against humanity in the Congo or supporting those who are committing crimes against humanity in the Congo?

Response from Mr. Mark Schneider of International Crisis Group:

The initial report from the UN group of experts, along with the latest report which specifically identifies the Rwandan defense minister as responsible for the support to the M23, is greatly worrisome. There have been reports of Rwanda defense forces supporting the M23 and of the M23 engaging in human rights violations. Based on these reports, the State Department, through the embassies in Kigali and Kinshasa, will have to investigate to determine whether Rwanda units or soldiers were involved in conduct which, under the Leahy Amendment, would prevent U.S. funds from being used in military assistance.



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS



REPUBLIC OF RWANDA
MINISTRY OF FOREIGN AFFAIRS AND COOPERATION

STATEMENT

Rwanda Government's Statement to the House Foreign Affairs—Subcommittee on
Africa, Global Health and Human Rights

Hearing on the Role of Rwanda in Democratic Republic of Congo Insurgency

September 18, 2012

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Since the outburst of the recent rebellion in the Eastern part of the Democratic Republic of the Congo (EDRC) in March 2012, Rwanda has been the subject of malicious and false accusations of supporting the group of mutineers known as M23, currently at war with the Congolese Army (FARDC). This Statement aims at providing background information to the current crisis, and highlighting Rwanda's effort in bringing peace and stability in EDRC.

1

EDRC has been in a state of chaos for decades mainly due to perennial absence of state authority in most parts of EDRC and corresponding security vacuum. Since President Mobutu's era, politics in EDRC have been marred by exclusion, divisionism and marginalization. This state of affairs has generated never-ending tensions, rebellions and violent armed opposition. Currently, more than twenty armed groups are opposed to the Government of DRC (GoDRC). Most of them seek greater inclusion into national politics, fending for the livelihood and protection of their own local

communities in the absence of a reliable national socio-economic and political framework. These armed groups, coupled with the enduring presence of foreign terrorist groups such as the Forces Démocratiques pour la Liberation du Rwanda (FDLR), the Lord Resistance Army (LRA), Allied Democratic Forces (ADF) and others, have gravely exacerbated the problem. The recent conflicts in EDRC are inextricably linked to the failure by the GoDRC to pursue a sustainable solution to this situation through sincere political dialogue and genuine integration program.

A short background would attest to this fact:

- **The Pretoria agreement in 2002:** The agreement called for cession of hostilities, inter-Congolese dialogue, withdrawal of foreign forces and disarmament of negative forces. These initiatives produced limited political success. Indeed, Rwanda continued to experience incursions and terrorist attacks by FDLR mainly from North Kivu sometimes with direct or indirect support of GoDRC officials. As a result, Rwanda recommended the establishment of a Joint Verification Mechanism (JMV) that was designed to address cross-border security issues and specifically deal with the Ex-Forces Armées Rwandaises (ex-FAR) groups responsible for the 1994 genocide in Rwanda;
- **The Nairobi agreement in 2007:** Even under these uneasy circumstances, Rwanda accepted to be a party to these negotiations on a "... common approach to end the threat posed to peace and security". Surprisingly, instead of implementing the agreement, the GoDRC and MONUC embarked on yet another offensive against the National Congress for the Defence of the People (CNDP) and Gen. Nkunda, triggering a major counter-offensive by CNDP against FARDC, which led to a major crisis in October 2008. Under intense military pressure and political distress, the GoDRC requested Rwanda's support to neutralise CNDP. Rwanda gave the DRC's request a

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positive consideration accepting to attend the Nairobi Summit during which Rwanda expressed her preference for bilateral mechanisms over international intervention;

- **Operation Umoja Wetu in 2009:** Following the November 2007 Summit in Nairobi and a subsequent meeting of Rwanda's Ministers for Defence and Foreign Affairs to DRC, a joint operation by FARDC and RDF nicknamed Operation UMOJA-WETU was launched in January 2009. The operation was remarkably successful in as far as (i) FDLR was significantly weakened; (ii) more than 2000 Congolese refugees in Rwanda returned home; (iii) the Presidents resumed direct engagements and met in Goma and in Kinshasa; (iv) Embassies were re-opened in both capitals; (v) stalled economic projects were fast-tracked bilaterally and within CEPGL framework; and (vi) CNDP was no longer a threat to the GoDRC, based on expectation that the agreement reached between CNDP and GoDRC in Nairobi would foster political and military integration.

3

On 21st June 2012, the UN Group of Experts (GoE) on DRC submitted its interim annual report to the UN Security Council Sanctions Committee. Four days later, the GoE submitted a 48-page Addendum to the interim report under intense pressure from the media and non-state actors. The Addendum contains a raft of allegations to promote the narrative of active involvement by the Government of Rwanda (GoR) in the creation and support of M23 mutineers in violation of the UN Arms Embargo and Sanctions Regime that applies to the DRC.

It should be understood that Rwanda is most affected by the consequences of instability in the EDRC; therefore it has all to gain in region stability. The Addendum thus fails to address basic questions such as: What would Rwanda be seeking to achieve through M23 that it could not achieve through other means? What would be

Rwanda's end goal in supporting a mutiny? What strategic purpose would be served by active involvement in destabilizing and subverting the central government of the DRC? Why would Rwanda have invested so much over the last three years in consolidating its partnership with the DRC central government if it eventually aimed to undermine it?

In fact, multiple political, diplomatic and military demarches by the GoR expose the inherent contradictions in the unsubstantiated claim that Rwanda supported the creation of M23 and/or its cause. The GoR provided political and moral support to the reelection of President Kabila in 2011 General Elections, and was involved in over ten bilateral meetings with GoDRC in support to political dialogue and integration of disgruntled ex-CNDP officials as requested by President Kabila. Rwanda's efforts to prevent escalation and military confrontation were undermined by the increasingly belligerent attitude of the FARDC (supported by the MONUSCO) and the overall lack of a strategic approach to fostering stability in EDRC.

4

The emergence of the M23 is a result of the failure of the above mentioned mediation efforts. Despite the lack of willingness on part of the GoDRC and active fabrications of evidence with regards to Rwanda's support to the M23, the GoR continued to seek the resolution using regional mechanisms, mainly the International Conference of Great Lakes Region (ICGLR).

Consequently, Rwanda has opened itself to international monitoring verification and supports the establishment of the Neutral International Force to eradicate armed groups in EDRC and supporting the GoDRC in resolving the wider aspects of the conflict. Conversely, it's known that the GoDRC has been actively strengthening alliances with the FDLR, providing it with operational support including the provision of arm and ammunition, uniforms, military ID cards, and safe passages. However known, these serious facts are disingenuously overlooked by the

international community and instead focuses on Rwanda's alleged support to the mutiny despite its constructive role.

Through regional efforts, Rwanda supports the resolution of the current crisis whilst helping the GoDRC to tackle the root causes of the cyclical conflicts in EDRC. Additionally, Rwanda believes that stability in EDRC cannot be brought about by international intervention's that portrays GoDRC as a victim; disregards Rwanda's constructive role in stabilizing the EDRC; focuses exclusively on "eradication" of armed groups without addressing the underlining cause of their existence; and undermines sub-regional initiatives.

End/.

Save Darfur Coalition and Genocide Intervention Network are now



United To End Genocide Statement for the Record
United States House of Representatives Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights
“Examining the Role of Rwanda in the Democratic Republic of Congo Insurgency”
September 19, 2012

Chairman Smith and members of the Subcommittee, thank you for holding a hearing on the role of Rwanda in the insurgency in the Democratic Republic of Congo (DRC). We appreciate the opportunity to submit a statement for the record. The hearing offers an opportunity to discuss, not only the renewed humanitarian crisis in eastern DRC, but also the underlying causes of the conflict.

As the largest activist organization in the United States dedicated to preventing and ending genocide and mass atrocities worldwide, United to End Genocide is deeply concerned about gross human rights violations, crimes against humanity, and war crimes being perpetrated by armed groups in the DRC’s eastern provinces.

As a result of violence in the DRC that began in 1996, over 5.5 million people have died, countless women and children have been raped and 2.5 million people live as refugees. We are deeply concerned by the increased insecurity in North Kivu caused by fighting between the Congolese military and a group of army defectors, known as M23.

In late April 2012, M23 began fighting with the Congolese Armed Forces (FARDC). The rebel group has since taken control of towns in Masisi and Rutshuru near the Ugandan and Rwandan borders. During the final week of July, the United Nations (UN) reported that M23 had taken control of villages within 40 km of North Kivu’s capital Goma. Fortunately, no direct clashes have been reported since that time even though the threat of renewed attacks continues.

According to the UN, the recent violence has uprooted nearly half a million people, including some 220,000 people who remain displaced within North Kivu province and 200,000 within South Kivu province. More than 51,000 have fled to neighboring Uganda and Rwanda. M23’s activities have led to condemnation from Secretary-General Ban Ki-moon and the UN Security Council (UNSC).

A newly-released report from Human Rights Watch accuses the M23 rebels of being responsible for widespread war crimes, including summary executions, rapes and forced recruitment of child soldiers. The UN High Commissioner for Human Rights, Navi Pillay, noted on June 19 that the leadership of M23 features “prominently among the worst perpetrators of human rights violations in the DRC.” Bosco Ntaganda, whose defection from FARDC spurred the creation of M23, is wanted by the International Criminal Court (ICC) for crimes committed in nearby Ituri province between 2002 and 2003. In addition, other M23 leaders have an established record of perpetrating mass atrocity crimes.

We are encouraged by the ongoing high-level dialogue among regional states through the International Conference on the Great Lakes Region, and urge the UNSC and the U.S. government to emphasize political solutions in the interest of protecting civilians and deterring further violence.

We support efforts to hold alleged human rights abusers accountable, including Bosco Ntaganda, Sylvestre Mudacumura and other leaders of armed groups who are the subjects of multiple ICC arrest warrants. We are concerned by reports that armed groups have increased their operations in light of the security vacuum created by fighting between M23 and FARDC. The UN has reported that the Democratic Forces for the Liberation of Rwanda (FDLR), Mayi-Mayi militia, and the Lord's Resistance Army have committed more than 45 attacks on 30 villages since May, including the massacres of people in North Kivu.

In addition to military reform, the government of the DRC must improve the credibility and transparency of the domestic electoral process. The Congolese Independent National Electoral Commission must be reformed prior to provincial elections. This would help to enable legitimate governance.

We call on the government of the DRC to ensure that the protection of civilian populations remains a priority. The Congolese government urgently needs to deploy capable forces to combat the FDLR and suppress ethnically motivated attacks by armed groups. Developing a disciplined and unified army as part of a comprehensive security sector reform (SSR) process remains critical to the stabilization of the DRC. Therefore, international donors should coordinate their programs for SSR to ensure that the government of the DRC immediately implements the necessary reforms and increases its capacity to protect civilians. We also urge the UNSC to support MONUSCO and its stakeholders to successfully implement the SSR protocols under their new mandate.

In light of credible reports from Human Rights Watch, the UN Organization Stabilization Mission in the DRC (MONUSCO) and the UN Group of Experts on the DRC, we are deeply concerned that members of the Rwandan government continue to provide weapons and recruit soldiers for M23 and other armed groups operating in the DRC. In response, the U.S. Department of State suspended \$200,000 of military aid to Rwanda this past July. We encourage the United States government to remain actively engaged at the highest levels to urge Rwanda to play a constructive, not destabilizing, role in addressing the crisis.

Lastly, we welcome Congress' ongoing leadership to target the use of the DRC's rich mineral resources by armed groups as a means to fuel the conflict. We appreciate that the U.S. Security and Exchange Commission recently approved final rules on the 2010 Wall Street Reform and Consumer Protection Act Section 1502, the conflict minerals provision. This is an important first step towards curbing profits for armed groups and building a legitimate mining sector.

Moving forward, we urge the U.S. government to support the development of innovative systems that enable supply chain actors to source minerals that are validated, certified and traced to mines that are conflict free. This process must be monitored and audited using internationally-recognized standards and mechanisms to support responsible self-sustaining minerals trade in the DRC and adjoining nations.