



Situation Report

Date Issued: 3 September 2007

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Distribution: General

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Trouble in Eastern DRC: The Nkunda Factor

Overview

General Laurent Nkunda, who first came to international prominence following accusations of involvement in massacres in Kisangani in 2002, has recently re-emerged as a significant threat to prospects for lasting peace and stability in the east of the Democratic Republic of the Congo (DRC). Unless this situation is addressed it could have major adverse consequences for the whole of the Great Lakes region. In large part the development of Nkunda's menace reflects the failure on the part of successive Congolese governments successfully to manage and complete the demobilisation, disarmament and reintegration process¹ and to address other specific issues Nkunda has raised. As matters stand, Nkunda continues to defy central army command and conduct his own military operations. This not only threatens to aggravate the serious humanitarian situation in North Kivu, where 160,000 people have been displaced in the last seven months, but has also heightened ethnic tensions between the Congolese Tutsi community and their neighbours in the eastern DRC.

Nature of the threats

Signs of what was to come were evident already in 2003, when a transition government composed of representatives from the main belligerent groups, civil society and the unarmed political opposition, including the *Rassemblement Congolais pour la democratie*-Goma (RCD-G), asked Nkunda to integrate the troops under his command into the newly-formed *Forces Armee pour la Republique Democratique du Congo* (FARDC) as a general. Nkunda refused, claiming that the terms of the all-inclusive peace agreement signed in Pretoria in late 2002 were inadequate to address the issue of army reform. He subsequently retained his rank and remained stationed in Goma, where he was able to move freely and maintain a parallel military structure, largely because the RCD-G controlled both the senior civilian and military posts in the province.

It was not until May and June 2004 that Nkunda's power and support became apparent: he rallied a force of several thousand troops – most of them former RCD-G fighters and Congolese Tutsis – and marched on Bukavu, the capital of South Kivu province claiming that he intended to prevent a genocide campaign planned against the *Banyamulenge* community.² Despite the presence of several hundred UN peacekeeping troops and the 10th Brigade of the FARDC in the city, Nkunda managed to take control of Bukavu for several days. MONUC subsequently brokered a deal in terms of which Nkunda withdrew his forces back into North Kivu, although skirmishes between his forces and the FARDC continued throughout the rest of that year.

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Nkunda's claims that a genocidal attack on the *Banyamulenge* was imminent turned out to be a gross exaggeration based on a few isolated incidents in which Tutsis – especially soldiers – had been targeted, and in some cases killed, by FARDC troops. Although this was obviously unacceptable, it certainly did not reflect a concerted campaign on the part of the local community to rid the area of the *Banyamulenge*. Nevertheless, Nkunda's attack on Bukavu led to the deaths of more than 100 people and the large-scale flight of *Banyamulenge* to neighbouring Rwanda, many in fear that other communities in the city might seek revenge. Thus, Nkunda's descent on Bukavu stimulated precisely the anti-*Banyamulenge* sentiment he claimed to have sought to alleviate, and brought many in Bukavu to again associate the *Banyamulenge* with armed conflict.³

After retreating to North Kivu in 2004, Nkunda and his forces kept a relatively low profile, despite occasional low-intensity clashes with the FARDC. There was some apprehension about how he would behave during the lead-up to, and during, the national elections, many observers expecting an attempt to disrupt the election campaign and the polls themselves. Nkunda re-emerged only after the second round of presidential polls was held in November last year, however, launching an attack on the town of Sake, just 20 km north of the provincial capital Goma, with the ultimate intention, according to his aides, of seizing Goma itself (Fred, 2007). He was frustrated by the intervention of MONUC, which engaged him in a fierce battle in which more than 100 of his troops were killed.

After a pause of several weeks the Congolese and Rwandan governments initiated negotiations between Nkunda and the Congolese army command with a view to bringing him and his troops under Kinshasa's control and into the demobilisation process. A number of personal offers were also made to Nkunda, including amnesty, a payment of US\$2 million and exile in South Africa, where he would be allowed to study.

After weeks of negotiations in Kigali, led on the Congolese government side by General John Numbi, a close advisor to President Joseph Kabila and then the commander of the Congolese air force, the two sides agreed to proceed first with a "*mixage*" of their troops. This *mixage* process essentially circumvented one of the principles of the military integration process – the break-up of existing units that had fought together during the 1998-2003 war – as it has been carried out elsewhere in the country, for it allowed existing military units to remain intact. In the *mixage* process, Nkunda's 81st and 83rd Brigades were placed alongside FARDC brigades, but not disbanded, retrained or redeployed as individuals. This allowed Nkunda's troops to remain in their existing formations and his commanders to retain control of their forces.

The failure to disband these two brigades and to reorganise the chain of command was one of the principal reasons for the failure of the process; Nkunda's troops continue to operate as independent entities, refusing to recognise the command structure of the 8th Military Region of which they should form part, and pursuing their own agenda against the Rwandan Hutu *Forces Democratique pour la Liberation du Rwanda* (FDLR) militia operating in eastern DRC.

It is unclear why the Congolese government made this fatal concession, which would quite clearly benefit Nkunda. It is also difficult to imagine that Numbi believed Nkunda was negotiating in good faith, rather than understanding that the latter saw *mixage* as an opportunity to legitimise his position and allow his forces to operate openly. A final flaw in the agreement was the absence of a clear timetable for the eventual full "*brassage*", or integration, of the brigades, as this allowed Nkunda time and room to manoeuvre, and the chance to make fresh demands of the Congolese government.

By late-July 2007, Nkunda's brigades controlled most of the area around Masisi, as well as large parts of that around Rutshuru. Although joint operations by the mixed brigades against the FDLR have been halted, Nkunda's brigades continue to act unilaterally against the FDLR.

Problems with the mixed brigades soon became evident. First, the joint military operations against the FDLR rapidly led to the displacement of large numbers of people. Second, there was a noticeable increase in human rights violations and exactions upon the civilian population. As a result, since January 2007, some 160,000 people have been displaced in North Kivu alone, bringing the total number of displaced in the province to 600,000 – more than 50% of the total displaced population in the entire country (Inganji, 2007). The situation for the population is dire: all sides accuse them of assisting their enemies and, increasingly, local communities become the targets of acts of revenge by one or other armed group.

The mixed brigades – *Bravo* and *Delta* – commanded by Nkunda loyalists have been particularly egregious in their violations of human rights. In March 2007, *Bravo* Brigade attacked Buramba village in Mbinza district and murdered at least fifteen civilians. Human rights workers who visited the site of the massacre indicated that many of the victims were mutilated and dumped into latrines.

Recently displaced persons in Rutshuru district also testify to brutal human rights violations committed against them by their attackers who accused them of supporting rival armed groups (Rutshuru, 2007). This is not necessarily a new phenomenon in the region, where a number of rival armed groups – including the FDLR, the Mai Mai, the RCD-G, Nkunda's troops and the FARDC – have been operating for years. The IDPs tell stories in which almost every one of these armed groups is implicated in threatening them or accusing them of "collaboration".

However, since January 2007, such incidents have become more frequent as the *mixage* process has allowed Nkunda's predominantly Tutsi troops to operate openly, and they have tried to hunt down the Hutu FDLR, also targeting civilians whom they accuse of actively supporting the Rwandan rebels.

"In Rutshuru we have to be particularly tough because the populations there have actively been supporting the FDLR for years, so we need to root them out," said Fred, a young soldier who acts as Nkunda's assistant and public relations officer (Fred, 2007). He later conceded that more often than not, the civilian population is forced to "support" whatever local armed group is in its vicinity, and that active support for whatever cause or group is quite rare: "It is true that the population often has not choice. If it wants to live in peace, it has to do what the armed group present wants" (Fred, 2007).

Whatever it is that Nkunda and his men believe – whether they actually think that the population shares the FDLR's ideology, or whether this is just an excuse for brutal suppression – the reality is that local civilians frequently are unsafe. There are increasing reports of one group attacking a village one day, only for another armed group to show up a week later. The most recent displaced persons no longer even seem to care who is attacking – any threat of fighting is sufficient reason to flee.

Unfortunately, as insecurity increases and displaces more and more people, access to areas where IDPs have gathered becomes increasingly difficult. This will have disastrous consequences soon: already the rate of displacement is greater than the rate of return, and the UN is expecting between 350,000-420,000 people to be displaced in the next six months, which would bring the total number of displaced people in the province close to one million (Inganji, 2007).

The number of IDP camps in North Kivu has grown to 15 since the start of the year, but humanitarian agencies have had to suspend their operations in certain areas after being attacked and looted by armed groups. Most activities in Rutshuru and Masisi districts have been suspended, and often the agencies travel only if an armed UN escort accompanies them (Inganji, 2007). Joseph Inganji, the civil affairs officer at MONUC, says that the civilian population's most urgent needs now are protection from the armed groups and then humanitarian assistance.

Since Nkunda emerged as a military commander in his own right in mid-2004, Rwanda has always denied that it has any association with him or that it provides him material or logistical support; this is a predictable stance. Certainly it is difficult to produce hard evidence to gainsay the assertion that Rwanda has financed Nkunda's operations and provided him with weapons and troops, which is accepted or believed by representatives of the international community in the region or many of the local Congolese population.

It is relatively easy to identify instances of logistical support provided by Rwanda to Nkunda and his associates over the past three years: permitting them to recruit in Congolese refugee camps on Rwandan territory, allowing Nkunda and his men to travel back and forth between Rwanda and the eastern DRC, and providing safe haven to those who have fallen foul of Congolese law.⁴ There is ample evidence that Nkunda – for whom an international arrest warrant was issued in 2004 – frequently, and openly travels to Kigali, and is allowed to do so armed. It is also well-known fact – and undisputed by Nkunda – that he has recruited, and continues to recruit, in the Congolese refugee camps in Rwanda. It would be virtually impossible for the Rwandan government not to be aware of this, despite its protestations to the contrary.

Yet Charles Murigande, the Rwandan minister of foreign affairs, said in late July that the Rwandan government remains totally unaware of any such activity:

The fact is that I can tell you categorically that the Rwandan government has no role in this recruitment, if this recruitment exists. And I think that those that say that it does don't say so lightly. They must have seen it. But if this is happening, it is without the knowledge of the Rwandan government. If it depended on it, the Rwandan government could not, under any circumstances favour or support such things. I have to say that the FDLR recruit here in Rwanda in spite of the fact that no one can suspect that we are helping them (Radio Okapi, 2007).

MONUC says that at the very least, however, the Rwandan government is aware that Nkunda is recruiting not just Congolese refugees, but also demobilised Rwandan soldiers, when those who have deserted his forces are repatriated to Rwanda by MONUC.

According to Sylvie van Wildenberg, MONUC public information officer in Goma:

We have no material proof that Rwanda has supported the recruitment of men.... But the Rwandans cannot deny that there are citizens recruited, because we repatriate them as part of the DDR programme in collaboration with the Rwandan authorities. They are aware of this phenomenon because they are responsible for them when they return to Rwanda.

More than 150 Rwandans recruited by Nkunda – many of them under the pretext that they would work as civilians – deserted and have been repatriated to Rwanda by MONUC since the start of the year (AFP, 2007).

In recent weeks matters have taken a rather bizarre turn, as MONUC reports that a growing number of troops belonging to the mixed brigades are now wearing Rwandan military uniforms from which the identifying national insignia have been removed. There seems no obvious reason for this, as Nkunda's troops were issued with new FARDC uniforms and equipment when they joined the *mixage* process. Although MONUC has said that the "Rwandan" uniforms are being worn by FARDC troops in the mixed brigades, it is possible that the troops wearing them are in fact new recruits or reinforcements who have joined the ranks of Nkunda's mixed brigades from Rwanda in recent months. That they are wearing Rwandan army uniforms would seem to indicate that their presence in eastern DRC is somehow sanctioned by Kigali. Of course the Rwandan government has officially denied this:

In Rwanda we do not make uniforms. They are purchased on the international market and I do not think that there are uniforms specially made for the

Nkunda's other backers

Rwandan army and that only exist in the Rwandan army, I don't think one can prohibit anyone from buying these uniforms. If people in Rwanda have uniforms similar to those of the Rwandan army, certainly they did not get them from us. Nothing prevents Nkunda's people from getting uniforms where we get them. But I can tell you that no Rwandan soldier can lose his weapon or his uniform without grave consequences (Radio Okapi, 2007).

Nkunda himself denies that Rwanda provides him with active support, but admits openly that he actively recruits in the refugee camps in Rwanda: "These are my people. Why shouldn't I recruit in these camps?" (Nkunda, 2007).

Though he may be dissembling, Nkunda sounds almost bitter on the subject of Rwanda's support for him. "Kagame's interest is to have a friendly government in Kinshasa...he wants the danger to be distanced from his borders, he does not care about more than that. Does this work to my advantage? No, because I am losing my community which will not come back [until the *Interahamwe* leave]" (Nkunda, 2007).

The question remains: where has Nkunda been getting the money to support his operations? In Goma, many local and international observers say that he is being supported by affluent members of the Tutsi community, businessmen who support his cause. It is likely that this is true, and there is some evidence for this, but it does not seem plausible that this is his only source of support. In recent months of course, he has had to worry less about this, as the *mixage* process meant that his troops are paid, supplied and fed by the FARDC and are also given medical treatment. This has been a huge boost to Nkunda's cause.

However, there is no question that Nkunda needs money, and, if the outcome of the current standoff between Nkunda's troops and the FARDC is that he withdraws completely from the military integration process and pursues his military strategy against the FDLR on his own, or is himself pursued by the FARDC and MONUC, he will need to have secure support to continue his operations.

Nkunda claims his forces are able to live off the local population in the areas he controls. "People donate cows, money and food to our cause and support us here in Masisi." Since this is such a rich, fertile area, this is certainly possible, but it does not account for the other material needs of any army such as weaponry, vehicles, fuel and ammunition. Certainly the taxes he collects in the region will go some way towards financing his operations.

MONUC should make it a priority to establish, once and for all, who is supporting Nkunda, and what role Rwanda is playing; it has the cross-border capacity to investigate this, and the mandate under the arms embargo to do so. If the current levels of confusion and prevarication on this issue continue, this will defer a comprehensive solution to the crisis, and amplify existing animosities. It is high time this matter was settled, given the political sensitivities that have surrounded it since 1998, when Rwandan troops entered the eastern DRC to support the RCD-G. At that time the international community refused for almost four years publicly to acknowledge the Rwandan role in the war, blocking negotiations with Laurent Kabila who demanded that the Kigali's role be acknowledged. Not only did this prolong the war, it also created the impression that there was a bias in favour of the Rwandan government; this impression has yet to be dispelled.

Nkunda's demands

Nkunda's principal demands centre on the welfare of the Tutsi community. Ever since Nkunda uttered his rallying cry in 2004 to save the *Banyamulenge* population of Bukavu, he has presented himself as a legitimate defender and leader of this community, even if it is neither homogenous, nor one that necessarily supports him. He has been able to do this, first, because he has been able to demonstrate that he has substantial support from Tutsi soldiers, but also by fomenting, and capitalising upon, the feeling that other prominent Tutsi leaders – notably those in the RCD-G such as its secretary general and vice-president Azarias Ruberwa – abandoned the Tutsi and *Banyamulenge* communities in exchange for the

trappings of national power. Nkunda openly criticises Ruberwa and others close to him, saying that they represent nothing in their community and have betrayed the cause (Nkunda, 2007).

They did not succeed in winning the support of the Tutsi community. They needed a vision...I realised that they did not have this and started preparing while I was still in the RCD-G.

Today Nkunda's main demands are the return to the DRC of some 45,000-60,000 Congolese Tutsi living in Rwandan refugee camps, and the disarmament of the FDLR. Last year he formed a political wing – the *Congres nationale de la defense du peuple* (CNDP) – under whose banner he now travels the countryside lecturing on matters ranging from pre-natal care to religion. He likes to present himself as a saviour, and his assistants and public relations people constantly push the image of Nkunda as the disciplined, honest antidote to the country's many corrupt leaders (Nkunda's associates, 2007). In the area under his control, his people say, the civilian population is not harassed for money, there are no roadblocks, and Nkunda's troops are disciplined and respectful. Although it is accurate to say that there are far fewer roadblocks here than in territory controlled by the FARDC, as discussed above, Nkunda's troops can hardly be lauded for their good treatment of the civilian population – although the Tutsi community is clearly rarely a victim.

For his part, Nkunda rejects accusations that he is responsible for the human rights violations committed by his troops, saying that they are no longer under his command, and that he has no influence over their actions (Nkunda, 2007).

On the subject of the botched *mixage* process, Nkunda also pleads innocence. Although he said in May that he was abandoning *mixage* because it was a failure, he has recently started to change his official line on this, and now says that he would be willing to restart the process at any time.

There were supposed to be six brigades in the *mixage* process – we created five, then the government left and never came back. We did not even complete the first phase of the process. I have not been integrated, nor have the 2000 troops that were to form Foxtrot.... We would return to the process if it were re-launched.

On the subject of a future role for him in the FARDC, Nkunda says that he would integrate the army, but adds that he would not consent to being deployed outside of North Kivu.

When I participate in the mixing process, I have to be integrated into the FARDC.... I don't see why I should be deployed to another region.... What would I do in Equateur province? Here we have the problem of the FDLR that are prohibiting the return of the Tutsi refugees to the Congo. It is my mission to get them out of this area.

But in the same breath that he says that he would be willing to resume participation in the military integration process, Nkunda also accuses the Congolese government of supporting the FDLR, making it hard to imagine how, if he really believes this, he could agree to work with the FARDC.

They cohabit with them, they work with them. They will never make them leave. The FDLR are their friends.

Questioned about why the RCD-G, in which he was a commanding officer, and its Rwandan military backers were unable to track down the FDLR during the four year period that they controlled the eastern DRC, Nkunda is evasive, minimising his personal role in the RCD-G and asking rhetorically whether that was really the RCD-G's aim. This has always been a big question, as well as a possible caution to those who might try to address the question of the FDLR's presence from a purely military perspective.

Many people – especially local and international human rights workers – agree that Nkunda has a point about the situation of the Tutsi in the region – especially about the return of the Congolese Tutsi living in refugee camps in Rwanda. This, they say is a legitimate demand, and one the Congolese government must address (Human Rights workers, 2007).

Similarly, there are few people who argue that the FDLR is not a general military threat and particularly to the Tutsi and *Banyamulenge* communities.

However, if inter-ethnic tensions are now on the rise – as they seem to be – Nkunda must be held largely responsible. As in 2004, when his attack on Bukavu undermined years of reconciliation efforts between communities in that city, the current behaviour of his brigades *vis-à-vis* the population, and his longstanding refusal to participate in the military integration process have antagonised many people and stoked further resentment of the community he purports to represent.

One gets the impression that Nkunda knows this and that he deliberately encourages hostility between the communities. Stoking ethnic tensions for political gain is a tried and true strategy in eastern DRC, and one in which the Tutsi community has often been co-opted. The Tutsi RCD-G and its Rwandan backers, who controlled eastern DRC for five years, already did enormous damage to the community's image. However, with dissatisfaction with the new government growing greater by the day, there is a very real chance that ethnic tensions will reach a breaking point in the Kivus. Recent events in the Katangan town of Moba, thousands of kilometres to the south, indicate that even outside of the volatile Kivu region, resentment for the Tutsi community is already entrenched. Residents responded to information that Tutsi refugees were returning to the town with protests and attacks against the MONUC offices there, many reportedly shouting anti-Tutsi slogans (BBC, 2007).

The Congolese government's response

By early May, both parties to the *mixage* began to distance themselves publicly from the process. Nkunda threatened to withdraw his troops from the process, while Kinshasa also criticised the process and Nkunda, claiming he never intended to integrate his forces into the army.

In the hopes of saving the situation, but also so as to have a loyal commander on the ground, early in May this year the government replaced General Gabriel Amisi with General Vainqueur Mayala as the head of the 8th Military Region of North Kivu. Mayala brought to the job his experience with the militias in Ituri, but he is also considered to be loyal to Kabila, while Amisi is a former RCD-G commander who knows Nkunda well. In addition, Numbi was removed from his post as commander of the air force and now heads the national police. Interpretations of this move vary: some have seen it as a demotion, but others argue that it was merely a strategic way to appease critics who felt that Numbi was operating as a maverick. Either way, Numbi remains a powerful force, with huge influence over many elements of the FARDC.

Since then there have been few clear signals from the government about what it intends to do next. Military commanders and civilian officials such as Governor Julien Paluku in Goma appear to be waiting for the government to give the order to proceed to the *brassage* process (Paluku, 2007), but so far no instruction has been issued and the situation remains tense.

Military commanders on the ground insist that the only way to end the standoff is to order Nkunda and his troops to proceed to *brassage*. They concede that they have no control over his troops, and that the situation – Nkunda's troops are still paid and fed by the FARDC – is confused (Kitenge, 2007).

According to Colonel Dieudonne Kitenge, the deputy commander of the 8th Military Region, the Congolese government is preparing to reopen the Nyaleke *brassage* centre in Beni with support from MONUC so that the mixed brigades can undergo the *brassage* process there. "This is option that has been discussed, but the order has not yet been given." This has not been confirmed by MONUC.

Since June 2007 there have been a growing number of reports that the Congolese government intends to attack Nkunda if the standoff with his troops is not resolved, and additional battalions are due to be deployed to the *Grand Nord* area north of Goma. If the Congolese government pursues a military option against Nkunda, this will inevitably lead to a protracted military campaign, which will only increase instability in the eastern DRC, especially as Nkunda's forces are strong and well organised and determined to resist. It will also fail to address underlying issues such as the return of Tutsi refugees from camps in Rwanda and the completion of the security sector reform process. There is also a great risk that FARDC troops could engage in reprisals against the Tutsi population.

In August, Amisi – who now heads the FARDC's ground forces – announced that the government was suspending what it called “mono-ethnic” operations by Tutsi-led FARDC brigades against the FDLR. “They [MONUC and foreign diplomats] said we could not carry out mono-ethnic operations: Tutsis against Hutus. That will create genocide. After that, the supreme commander suspended [operations],” Amisi told journalists at a press conference in Goma on 13 August.

Given that the FARDC has no control over the brigades under Nkunda's control, this statement seems somewhat odd. It may be that the Congolese government has realised that months of inaction in North Kivu is costing it support in the area, and is attempting to appease the population by appearing to have a policy. If this is indeed the intention, it is unlikely to have much impact, as the Tutsi-led brigades do not operate under central FARDC command. Mayala appeared to clarify the situation a few days later when he specified that the mixed brigades would not engage in operations against the FDLR.

MONUC's response

MONUC has repeatedly expressed its concern about the evolving situation in the eastern part of the country and has advocated a political solution to the standoff between Nkunda and the FARDC. In a media statement in May, MONUC said that:

If the situation is not resolved, it could endanger not just peace and security in the Kivus, but also in the country and the region. The government must come up with a coherent political, diplomatic,.. and military plan to address the situation in the two Kivus. It is urgently necessary to diffuse the tensions and prevent a new escalation of violence (MONUC, 2007).

Although MONUC has tried to stay above the fray in the discussion about the success or failure of the *mixage* process, it has expressed reservations about whether the *mixage* process will really lead to *brassage*, about the humanitarian consequences of the operations against the FDLR, and about the various parties' commitment to the process. MONUC has also denounced recent human rights violations, arbitrary arrests and attacks on civilian population centres as well as the continuing recruitment by Nkunda “both in Congo and in Rwanda” as well as the use of child soldiers.

Since late May, MONUC has been reinforcing its contingent in North Kivu, deploying an additional 800 peacekeepers to the region. The total MONUC contingent in the east now numbers 4,300. Nonetheless, it has made it clear on a number of occasions that its troop numbers are still too small significantly to influence the situation. That said, MONUC does have a Chapter VII peace enforcement mandate in the Kivus, and its responsibility includes the protection of the civilian population. A new Security Council Resolution, passed on 15 May, reinforces this aspect of the mandate, as it does the need to

...observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility... [and] deter any attempt at the use of force to threaten the political process from any armed group, foreign or Congolese, particularly in the Eastern part of the DRC (UN, 2007) .

For the moment, MONUC is in a somewhat difficult position with regards in particular to the mixed brigades that are under the control of Nkunda's commanders. As they are officially part of the FARDC, MONUC cannot use military force against them. Until the Congolese government clarifies the status of these brigades and the approach it will use to deal with them, MONUC cannot assist in military action against them as it has in the past against the FDLR and the Ituri militias. If, however, Nkunda were to be given a clear ultimatum to bring his brigades back under central FARDC command and move into the second phase and undergo *brassage*, or face military action by the FARDC, MONUC would likely support the FARDC's military operations against him. "If Nkunda were given an ultimatum and then ignored it, it would be very hard for us not to support the FARDC" a senior MONUC official said recently.

That said, joint MONUC/FARDC operations against the FDLR in North and South Kivu over the past several years have shown that it is not a simple matter of wiping out these forces militarily, and the same challenges are presented by Nkunda and his troops, who are scattered throughout Masisi and Rutshuru. Inevitably, a military option would cause further displacement and suffering among the civilian population. In addition, if MONUC and the FARDC have to turn their attention to pursuing Nkunda militarily as well, this will significantly weaken efforts to disarm the FDLR – as it has over the past several months.

If Nkunda were to be convinced to proceed to the *brassage* process, the threat of increased instability in the Kivus would recede significantly. Tensions between Tutsi and other communities would subside and the FARDC could again concentrate on operations against the FDLR. This is clearly the best-case scenario – but it is also highly unlikely.

A second scenario amount to a stalemate, or the continuation of the status quo since May: Nkunda's troops continue to operate independently of the official command and the FARDC mixed brigades maintain their positions and do not take offensive action against the FDLR. In the meantime, Nkunda and Kinshasa do not engage in talks and there are no negotiations about how to resolve the impasse. This situation is not sustainable in the long-run; Nkunda's troops will clash with the FDLR, further displacing thousands of people, and North Kivu will grow increasingly fragile. Essentially, the Congolese government would be abdicating responsibility for territory under its sovereignty if it were to allow the situation to remain unaddressed. This would cost it domestic support – Kabila won most of his support in eastern DRC – and would send a sign of weakness to its neighbours in the region – neither of which the government can afford to do.

A third scenario would involve mounting an offensive; this would see integrated FARDC troops actively pursuing Nkunda's renegade brigades in order to disarm them forcibly. Although this has not yet happened, the Congolese government's strategy of deploying increasing troop numbers to the region indicates that it is considering this option quite seriously. If, however, it chooses to pursue this strategy, the outcome would almost certainly be disastrous. The FARDC's units are neither well-trained nor disciplined enough to constitute the type of military force required to defeat Nkunda's troops, and experience in the Ituri district has shown that forcible disarmament is a messy business that takes time. In Ituri, the FARDC have enjoyed the steady support of MONUC since 2005, a disarmament programme that year was largely adhered to, and the leaders of the militia groups were imprisoned in Kinshasa; these factors allowed for significant progress to be made, yet militia groups still continue to destabilise the region.

If the FARDC were to pursue a similar strategy against Nkunda, they would probably face even greater obstacles than in Ituri, where the militias are far less ideologically motivated than Nkunda's group. It is also unclear whether MONUC would provide support for such operations and, if so, on what scale it would do so. Finally, such an approach would further weaken the FARDC's ability to tackle the underlying problem of the presence of the FDLR in the region.

A final scenario would see an attempt at a negotiated settlement. In this case, the Congolese government and Nkunda could reach a negotiated agreement that addresses both parties' main concerns. For Nkunda this would mean addressing the questions of the return of Congolese Tutsi refugees from Rwanda and the presence of the FDLR in eastern DRC; for the government, it would mean negotiating the full *brassage* of Nkunda's troops. This is a highly desirable situation, though it seems unlikely to materialise, first because it is unclear how the Congolese government could find a durable solution to the FDLR issue unless the Rwandan government becomes more flexible about its domestic political situation, and second because Nkunda's sincerity is in doubt. It would also be politically costly for the Kabila government to sell the idea of making concessions to Nkunda because of the local population's antipathy to the Tutsi cause. This sentiment could be offset, however, by an overwhelming desire to see the situation resolved once and for all and stability to be restored in North Kivu.

The situation in the eastern DRC needs to be addressed as a matter of urgency. The Congolese government should prioritise a political solution to the impasse rather than pursuing a military option, which can lead only to further suffering among the civilian population, and further aggravate ethnic tensions. One way to do this could be to address some of Nkunda's concerns, in particular regarding the return of the Congolese Tutsi refugees living in camps in neighbouring Rwanda.

At the same time, MONUC and the FARDC should increase their efforts to identify existing avenues of support for Nkunda and insist that support for him be halted immediately.

The FARDC must complete the *brassage* process as soon as possible – including for the 'mixed' brigades – and continue with the process of establishing a functional, unified national army. Without this, the eastern DRC, and any other potential trouble spots, can all too easily undermine the stability of the country as a whole.

The Congolese and Rwandan governments must sit down and discuss the modalities of a return of the FDLR to Rwanda. The political branch of the FDLR must be involved in these talks as well. Until this question is resolved and the FDLR returns home, there will be continued instability in North and South Kivu, and relations between the two countries will remain stressed.

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- 1 The failure of this process is discussed in depth in Boshoff, 2007.
 - 2 The *Banyamulenge* are a sub-group of the Tutsi who live largely on the plateaus of South Kivu. They are distinct from the Congolese Tutsi who are concentrated in North Kivu
 - 3 Nkunda's attack was the third time in ten years that Bukavu had come under siege by a group associated with the *Banyamulenge* / Congolese Tutsi. Previous attacks took place in 1996-97 when Laurent Kabila came to power with the help of the Tutsi-led Rwandan government, and in 1998, when the RCD-G seized power of the eastern DRC after failing to overthrow Kabila in a coup. See also Wolters, 2004.
 - 4 Such was the case with Jules Mutebutsi, a former RCD-G military commander who was deployed to south Kivu as deputy commander of the military region, and whose falling out with his superiors on several occasions in 2004 in part prompted Nkunda's attack on the city. Arms caches were found at Mutebutsi's home in Bukavu, but the FARDC never succeeded in arresting him and he and his troops were eventually granted asylum in neighbouring Rwanda.