

Endgame or bluff?



The UN's dilemma with the FDLR militia in DRC

The Rwandan Hutu militia FDLR (Democratic Forces for the Liberation of Rwanda) in DRC has offered to disarm voluntarily, the states of the region have set an ultimatum and the clock is ticking. The UN mission in DRC (MONUSCO) has an intervention force in Eastern DRC to fight rebels. But not a single shot has been fired against the FDLR, because its fighters hide among the population. This dilemma recently forced the UN to the negotiating table. So is this FDLR offer just a tactical ruse? In the past, the FDLR always used negotiations and promises of disarmament to convert military weakness into political strength – a dangerous game.

A briefing paper by

Dominic Johnson, Foreign Editor & Africa Editor of the German daily TAZ (die tageszeitung)

Simone Schlindwein, TAZ correspondent in the Great Lakes region.

This paper is based on research conducted by the authors in Kinshasa and Goma in July 2014 as well as insights gained through years of working on this region and the FDLR in particular. TAZ monitors the trial against the FDLR political leadership in Stuttgart, Germany which began 2011. See <http://taz.de/t28/>

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1 A dubious meeting in Sant'Egidio

On 26 June 2014, a memorable meeting took place in Rome on the invitation of the lay Catholic Sant'Egidio community. Four delegates of the FDLR (Democratic Forces for the Liberation of Rwanda), the Rwandan Hutu militia stationed in the Democratic Republic of Congo, met with UN Special Representatives Martin Kobler and Mary Robinson as well as the special envoys of the US, the EU and Belgium and delegates of the DRC government. It was the first such round of talks with the FDLR since 2005 and the highest level meeting in the group's 14-year history¹.

This meeting was the culmination of the FDLR's attempt to turn itself from a "negative force" in Congo into a political force in Rwanda – with the hope of winning international support.

The meeting took around four hours, its preparation was a secret enterprise. In the morning of 24 June a UN helicopter landed on a football pitch in Buleusa, a remote jungle village in Eastern Congo's North Kivu province. "Our president, his chief of staff and two high ranking commanders were invited to fly to Kinshasa. From there they should go on to Rome", FDLR spokesperson Laforge Fils Bazeye said².

Since the arrest of Ignace Murwanashyaka in Germany in November 2009, Brigadier-General Victor Byiringiro, also known as Gaston Iyamuremye or Rumuli, holds the office of FDLR Interim President. His chief of staff David Mukiza runs the presidential administration. Both belong to the political wing of the FDLR; Byiringiro is a career soldier, but he always wears civilian clothes and does not carry arms.

However, Byiringiro is subject to an international travel ban – imposed 2007 by the UN Security Council. At that time he was already the 2nd Vice-President of the FDLR. Despite this, the UN Mission on DRC (MONUSCO) had now granted him a UN travel permit to enable him to board the white UN helicopter. "It is totally within the UN rules for him to travel inside Congo", MONUSCO head Martin Kobler later said in defence of this measure³.

Byiringiro's journey ended abruptly in the Congolese capital Kinshasa. The government of Rwanda, currently a member of the UN Security Council, protested vehemently. For the president of its sworn enemies, among them possible genocide perpetrators of 1994, to travel to Europe on a UN free ticket was too much for Kigali. The request of the UN Peacekeeping department DPKO to the competent UN Sanctions Committee to grant a waiver to Byiringiro's travel ban was „highly questionable, on both the procedure and on the motivation“, said Rwanda's permanent mission at the UN and spoke of „a gross violation of relevant resolutions of the Security Council“ as „part of a pattern, over the last two decades, of a series of manoeuvres that attempt to deny and diminish the criminal essence of the FDLR“ und „treat this genocidaire group as notable group with legitimate political grievances“⁴. Rwanda's protest put a stop to the enterprise, as Rwanda leaked it before the end of a 24-hour period of confidentiality. Byiringiro could not travel further. He was stuck in Kinshasa.

On 25 June went Byiringiro's chief of staff David Mukiza and the FDLR military commanders Col Jean-Paul Muramba and Col Andre Kalume. Their names do not figure on the UN sanctions list. They flew to Italy via Belgium with DRC travel documents – the Rwandan rebels do not have passports –, Italian visa provided via the UN, and Brussels Airlines flight tickets, paid for by Sant'Egidio.

¹ The authors interviewed several participants of the Sant'Egidio meeting. The full list of international participants according to Sant'Egidio: Mary Robinson (UN Special Envoy), Ross Feingold (US Special Envoy), Koen Vervaeke (EU Special Envoy), Frank Denconinck (Belgian Special Envoy), Martin Kobler (MONUSCO); invited representatives of AU, SADC, ICGLR and Rwanda did not come.

² Telephone interview, 3 July 2014.

³ Interview with RFI, 2 July 2014: <http://www.rfi.fr/emission/20140702-rdc-martin-kobler-monusco-ban-ki-moon-rwanda>

⁴ Letter of the permanent mission of the Republic of Rwanda to the UN to UN Secretary-General Ban Ki-Moon, 26 June 2014.

The two FDLR commanders are presumed war criminals, responsible for massacres, systematic terror and mass rapes in Eastern Congo. Colonel Kalume – his real name is Lucien Nzabamwita – commands the FDLR Reserve Brigade whose official task is the protection of the headquarters and top commander and which is deployed on the battlefield for special operations only. The Reserve Brigade is under direct orders of FDLR military leader, General Sylvestre Mudacumura, commander of the FDLR's armed wing FOCA (Forces Combattantes Abacunguzi) – orders which generally are not co-ordinated with the political leadership, as former FDLR Reserve Brigade commanders have testified at the trial against president Ignace Murwanashyaka and 1st vice-president Straton Musoni in Germany.⁵

As head of the Reserve Brigade, Kalume was the executive commander responsible for the massacre in the village of Busurungi during which FDLR fighters brutally killed at least 96 Congolese in a revenge attack in the night to 10 May 2009. They cut fetuses out of pregnant women's bodies and decapitated people. It was one of the FDLR's worst crimes during that time.

Kalume prepared and planned the attack in detail and gave the orders on the ground: "Shoot them all, burn Busurungi down!", Kalume told his soldiers at the operational planning meeting, deserted fighters of his brigade said later.⁶ As Busurungi's huts went up in flames, Kalume sent a report to military leader Sylvestre Mudacumura who forwarded the news to Germany⁷.

Colonel Muramba, alias Junior Hamada or Harerimana, commands the now rather desolate FDLR units in South Kivu. In this capacity he is directly responsible for all FDLR attacks in this province: massacres, rapes, terror, illicit taxes, pillage. Both commanders are members of the FDLR Comité Directeur, the body of the FDLR's 32 most important military and civilian functionaries which meets once a year and decides on war and peace, attack and defence.

The other FDLR participant in Rome was the commissioner for foreign affairs, Djuma Ntambara Ngirinshuti. The FDLR's „foreign minister“ lives in France and is an important member of the FDLR's European network, in charge of contacts with the international community.

In Rome, this delegation presented the FDLR's political demands, as a participant recalls: dialogue with the Rwandan government and reform of the Rwandan security forces permitting FDLR representation at a leadership level. „SADC must put pressure on Rwanda“, FDLR spokesman Laforge later summarised his organisation's demands. If Rwanda's government refused to sit down with its opposition, „nobody will return to Rwanda, neither the FDLR nor the refugees“, he said.⁸

According to a participant, the international participants answered that their mandate was not to bring about dialogue in Rwanda but to „neutralise“ the FDLR. However, the FDLR would be supported in disarming and was encouraged to pursue this process⁹.

A representative of Sant'Egidio explained that all participants – he presumably meant the international ones – agreed on „some non-negotiable principles“: Extradition of wanted FDLR leaders; complete FDLR disarmament within three months; no support for FDLR fighters beyond repatriation or transfer into other countries; and „absolute and unmistakable refusal of attempts to make disarmament conditional on any kind of demand for political dialogue with the Rwandan government¹⁰“.

Is the Sant'Egidio meeting the beginning of a process to end the 20-year-old war of the Rwandan Hutu fighters on Congolese soil? Or is it an obstacle to peace in the Great Lakes Region? Peace in the region depends on the answer to these questions. This paper attempts to offer elements of a response.

⁵ FDLR trial in Stuttgart, days 54 and 67 on 25 January and 31 March 2012.

⁶ Interviews with several former FDLR officers who participated in the attack.

⁷ Log list of calls between Mudacumura and Murwanashyaka, author's archives.

⁸ Telephone interview, 4 July 2014.

⁹ Interviews in Goma, July 2014.

¹⁰ E-mailed statement from Francesco Tedeschi, Sant'Egidio, 26 July 2014.

2 The FDLR's new political strategy

2.1 Context: The FDLR diplomatic offensive

There is a prehistory to the Sant'Egidio meeting. On 30 December 2013, the FDLR in a declaration signed by president Major-General Byiringiro had announced it was „committing“ itself to „lay down its arms and lead a political struggle“¹¹. This declaration was known forthwith as the „Lusamambo Peace Offer Declaration“.

What looked like a commitment to peace was in fact the follow-up to a threat: "Warning to the UN and the international community" had been the title of a 20-page political document of the militia exactly a month before.¹² This contained the threat that „any attempt of using armed confrontations with intention to annihilate FDLR is more likely to fail“ as it would be „identical to forcing Rwandan peoples down to square one“, back into „the various perpetuating conflicts which have been tearing the Rwandan social fabric apart for the worse, mostly since the 1990s to date“ – a veiled threat of a new genocide. The world should now exert pressure on Rwanda to negotiate with the „freedom fighters“ of the FDLR.

This confidence was no accident. Just a few weeks before, the war of the Tutsi-led rebel movement M23 (Movement of 23 March), arch-enemy of the Hutu militiamen in the FDLR, in North Kivu had come to an end with a military defeat. The M23 had taken up arms against the DRC government in May 2012 – with backing from Rwanda, according to UN investigators – and had briefly taken control of the provincial capital Goma in November 2012, thus forcing the government to the negotiating table. But one year later, in November 2013, it gave up the fight faced with overwhelming superiority of the Congolese army FARDC and the UN forces.

The victory over M23 was the direct consequence of a new strategy of the UN mission in Congo (MONUSCO) against armed groups. The conquest of Goma by the M23 was embarrassing not just for the Congolese army but for MONUSCO too. The blue helmets watched passively as the rebels marched past their tanks and waved. Clearly a completely new strategy and new instruments were needed.

So on 28 March 2013 the UN Security Council in Resolution 2098 set up for the first time an „offensive“ intervention force (FIB – Force Intervention Brigade) with the mandate to „neutralise“ armed groups. Around 2000 blue helmet soldiers from South Africa, Tanzania and Malawi (all members of SADC – Southern African Development Community, of which the DRC is a member but not Rwanda) were subsequently sent to Goma. They brought with them heavy artillery and combat helicopters – equipment for conventional warfare. In the summer of 2013, the soldiers went into action against the M23 for the first time, on the frontline at the northern edge of Goma. A further offensive followed in October 2013. After just three weeks of fighting against combat helicopters, artillery and snipers the M23 conceded defeat and withdrew to Uganda on 5 November 2013. It was the Congolese army's first victory – with FIB help – against a rebel movement for almost a decade. Essentially it was a symbolic victory: The M23 was seen at the time as the best equipped and most disciplined militia in DRC.

Ongoing peace negotiations between M23 and the DRC government in the Ugandan capital Kampala subsequently ended with largely non-committal separate „declarations“ by the two parties and the mediators, signed in Nairobi on 12 December 2013¹³. Since then, the over 1000 M23 fighters and their commanders have been practically stranded in Uganda. They were disarmed by the Ugandan army UPDF and transferred to a military camp in Bihanga. The M23 leadership was

¹¹ FDLR press release 30 December.2013.

¹² „FDLR's Response to the Statement of UN Security Council President“ 30 November 2013; http://ddata.over-blog.com/xxxyyy/2/23/08/90/FDLR/fdlr-respond-to-un_nov-2013.pdf

¹³ Documented on <http://blogs.taz.de/kongo-echo/2013/12/13/jetzt-doch-frieden-unterzeichnet-in-nairobi>

taken to a safe house in Kampala. Officially the M23 has mutated into a political party.

The end of the M23 forced the FDLR to reposition itself. The FIB's offensive mandate was directed against the FDLR too: at the very least, Rwanda expected that after the end of the M23 it should be the FDLR's turn. On the other hand, the 18-month war between the DRC government and the M23 had given the FDLR breathing space to gather new strength, as during this period all offensive operations against the Hutu militia were on hold. „A window of opportunity“ FDLR Colonel Ezekiel Gakwerere alias Stany called the situation at the end of 2012, boasting of hundreds of fresh Hutu recruits from Rwanda¹⁴.

As the M23 held Goma at the end of November 2012, hopelessly overstretched, Stany's units had marched into Rwanda through the M23-occupied border strip further north and had killed five Rwandan park rangers before withdrawing under heavy losses.

With the end of the M23 peace negotiations in December 2013, the FDLR's breathing space was over. The M23 was vanquished, now the FIB should pick the next target – that was what everyone assumed. But it came otherwise: Behind closed doors at MONUSCO in Goma it was decided to attack not the FDLR but the Ugandan ADF (Allied Democratic Forces) which has been based in the Rwenzori mountains of Beni territory in the North of North Kivu for many years. Various sources confirm that the deputy force commander and head of the MONUSCO police, General Pascal Champion, pushed to target ADF rather than FDLR. General Champion is French. France is a traditional adversary of the RPF government in Rwanda; it actively supported the Hutu militia in Rwanda during the 1994 genocide and has granted asylum to many high ranking FDLR members in Europe. Many sources in MONUSCO privately accuse France of protecting the FDLR¹⁵

The ADF with a few hundred Ugandan fighters on the Ugandan border was seen as a relatively marginal problem. Nevertheless, operations against ADF began around Christmas 2013: the DRC army at the front, the FIP as back-up. The operations continue to this day. There were fewer direct engagements than against M23 and according to a UN report despite the ADF losing all its bases its structure remained intact and it took hundreds of civilian Congolese hostages, but by 7 May 2014 217 FARDC soldiers and 531 ADF fighters were killed¹⁶.

Against the FDLR there was only symbolic action. On 11 March 2014, MONUSCO head Kobler declared that military operations „to neutralise the FDLR and its allies“ and „permit the restoration of state authority“ had begun¹⁷. DRC government spokesman Lambert Mende said: „We will not stop until they lay down their arms. We alone, or with the support of our partners in MONUSCO, must put an end to this threat against our populations.¹⁸“ But there was no direct engagement. Blue helmets cleared FDLR roadblocks on the road from Goma to Pinga, around 150 kilometres north-west. A few UN tanks were deployed. The FDLR fighters withdrew from the road to the hills. Not a single shot was fired. The same thing was repeated on the road Kashebere-Tongo where the FDLR had always exacted road tolls. Until now serious military operations have not taken place. This gave the FDLR an opportunity to reorient itself.

For by this time, the FDLR was actively working on repositioning itself as a political umbrella for the Rwandan opposition in exile and on staking an explicit political claim in Rwanda itself. Immediately after the „Peace Offer Declaration“ of 30 December 2013, on 12 January 2014 the FDLR announced the „official start“ of activities of its new alliance FCLR-Ubumwe (Common Front for the Liberation of Rwanda) with the Rwandan opposition party PS-Imberakuri (Socialist Party). The FCLR was said to have come into existence on 1 July 2012 and made public on 4 February 2013, and its goal was „peaceful change of power in Rwanda“ and that was why the

¹⁴ Interview with Col. Stany, 15 October 2012.

¹⁵ Conversations in Goma und Kinshasa at various times.

¹⁶ UN Group of Experts Interim Report 2014, §10-11.

¹⁷ “Martin Kobler annonce le soutien ferme de la MONUSCO aux opérations des FARDC contre les FDLR“; Monusco, 11 March 2014.

¹⁸ U.N and Congolese troops attack Rwandan Hutu rebels, Reuters, 12.3.2014.

FDLR had „freely decided to lay down its arms. But if the international community continues to ignore its suffering, it will have no choice but to use all means at its disposal“, according to the declaration signed by PS vice-president Alexis Bakunzibake and FDLR interim president Byiringiro¹⁹.

A few days later, former Rwandan prime minister Faustin Twagiramungu in exile in Belgium declared that his new party RDI (Rwanda Dream Initiative), not registered in Rwanda, had gone into alliance with the FCLR²⁰. And on 1 March, FDLR, PS, RDI und four other groups announced the formation in Brussels of the umbrella group CPC (Coalition of Rwandan Political Parties for Change), with Twagiramungu as president and a FDLR representative – interim president Byiringiro, as it turned out – as 1st vice-president²¹. The most important new member of CPC was the unregistered Rwandan party FDU (United Democratic Forces) of the politician Victoire Ingabire, jailed in Kigali, a successor organisation of the exile party RDR (Republican Assembly for Democracy in Rwanda) from which the political arm of FDLR had originally emerged. The other three members made their participation in the alliance subject to conditions.

At the same time, the Rwandan government increasingly pointed to contacts between the exile group RNC (Rwandan National Congress) in South Africa, led by former Rwandan army chief and former Kagame friend General Kayumba Nyamwasa, and the FDLR leadership. Both groups were said to be jointly responsible for armed attacks in Rwanda²². The RNC also works together with FDU.

Relations between South Africa and Rwanda have suffered due to South Africa giving shelter to leading Rwandan dissidents, especially since Kayumba Nyamwasa only just escaped an assassination attempt in 2010 and his colleague Patrick Karegeya, former Rwandan intelligence chief, was killed by unknown perpetrators in South Africa on New Year's Eve 2013-14. In South Africa, Rwanda is held responsible for both acts.

Tanzania, the second FIB troop contributor in the DRC besides South Africa, is also seen as an ally of Rwandan exiles. Tanzania's president Jakaya Kikwete told Paul Kagame publicly at the AU summit on 26 May 2013 to negotiate with the FDLR.²³ FDLR deputy military chief of staff General Stanislas Bigaruka is said to be living in Tanzania since the beginning of 2013, voluntarily or involuntarily. Faustin Twagiramungu has held political talks in the Tanzanian capital in his capacity as CPC president. Tanzania's government officially regards the FDLR as „freedom fighters“²⁴. This sounds like a gauntlet thrown down at Kigali. The East African Community (EAC) is already suffering from the bad relations between Rwanda and Tanzania.

Seen from Rwanda, it suddenly looked as if the country was „sandwiched“ politically and militarily, with Tanzanian troops on both sides of Rwanda's territory - FIB troops in DRC and an ally of the arch enemy FDLR which had successfully gathered all important adversaries of the Kigali regime around a table, at least theoretically. Furthermore the FDLR had managed to bring SADC – and thus Tanzania and South Africa – on side as protector of its interests. With this it hoped to position itself as a negotiating partner for the Rwandan government, just as the M23 had been imposed by ICGLR on the Congolese government as a legitimate partner for negotiations.

Through this alliance the FDLR tried to buttress its claim to exist as a political force within Rwanda. This new political approach was carefully timed, in the run-up to the 20th anniversary of

¹⁹ Communiqué de Presse 001/14/CR/FCLR-Ubumwe, 12.1.2014.

²⁰ RFI, 17 January 2014.

²¹ RDU-UDR Press Release, 1 March 2014.

²² Testimonies at the trial against ex-lieutenant Mutabazi in Kigali, and interview with RDF spokesperson Gen. Joseph Nzabamwita in February 2014..

²³ <http://allafrica.com/stories/201306020072.html>.

²⁴ „FDLR a politico-military organization whose combatants are exclusively freedom fighters originally from Rwanda settled in DRC“: Tanzania Government Communication Unit, SADC/ICGLR Ministerial Meeting Press Release, 4 August 2014.

the genocide against the Tutsi which Rwanda's government was busy commemorating with a large-scale remembrance campaign since January 2014. On 7 April 2014, the official commemoration day, the whole world looked at this small country in the heart of Africa. But in the following days various arrests were made in different places in Rwanda for collaboration with the FDLR or the RNC, among them the famous musician Kizito Mihigo and several office holders in the north-west of the country. Rwanda's civilian and military opposition in exile was drawing attention to itself inside Rwanda in a way which could not make the Rwandan government happy.

2.2 Prelude: „Voluntary disarmament“ - demobilisation or a tactical ruse?

The days of remembrance in Rwanda were hardly over when the FDLR moved to the next step of its diplomatic offensive. On 18 April 2014, in a letter signed by interim president Byiringiro to UN, SADC, EU, AU, ICGLR and the DRC president, the group announced that on 30 May it would „hand over its weaponry to the international-African relevant authorities, namely SADC“ at two locations in North and South Kivu. The militia „would like to request a favour from SADC as it intends to commit all its ex-combatants under its (SADC) protection by means of quartering them in safe place under SADC management, until the wished and hoped for 'inter-Rwandan political dialogue', frank, sincere and highly inclusive, between RPF-Inkontanyi current Rwandan regime and FDLR together with all Rwandan political opposition organisations will have taken place and have yielded substantial outcomes“. The result of this „peace process“ depended on „your respective ability to make RPF-Inkontanyi current regime to realise both the need and necessity“ of this²⁵.

On 30 May, in Buleusa village in North Kivu 105 FDLR fighters handed over 90 weapons in the presence of Byiringiro, other FDLR leaders and high-ranking UN and SADC representatives. In a speech to the assembled diplomats, the FDLR interim president thanked the Congolese population „for its hospitality in the last twenty years despite all the difficulties the Congolese had to suffer“²⁶. 97 of the fighters let themselves be taken to a UN camp near Kanyabayonga. A second smaller similar ceremony with 84 renditions of FDLR fighters followed on 9 June in Kigogo, South Kivu. The fighters handed over did not include a single higher ranking officer; they were all simple foot soldiers.

Initially, the international special envoys criticised this harshly as insufficient. In a joint declaration released on 1 June, the special envoys Mary Robinson, Russ Feingold, Boubacar Diarra, Koen Vervaeke and Martin Kobler referred to the handover of Buleusa as „an insignificant number of low-ranking combatants“, recalled „that the FDLR is an illegitimate armed group“ and urged „further and complete surrender of all FDLR combatants and senior leaders in the coming days“. Those who chose not to surrender, renounce violence and surrender to a DDRRR process „will remain subject to military action by the FARDC and MONUSCO“.²⁷

In line with this, neither negotiations with Rwanda as demanded by the FDLR nor SADC protection for FDLR fighters materialised. SADC representatives present in Buleusa are said to have told the FDLR that it was completely out of the question for SADC intervention forces in the DRC to protect combatants of armed groups. They asked the militia to trust the DRC government as a SADC member and also the UN „to which we all belong“²⁸.

Until now the fate of the FDLR combatants quartered in UN camps in Kanyabayonga (North Kivu) and Walungu (South Kivu) remains unclear. They have been questioned and screened according to the guidelines of the UN demobilisation programme DDRRR. There are different accounts of the result of this, but most of them do appear to be able fighters. The usual DDRRR question about a

²⁵ FDLR Press Release, 18 April 2014.

²⁶ „FDLR spielt Freilufttheater“, taz, 2 June 2014; <http://taz.de/Ruandische-Hutu-Miliz-im-Kongo/!139606/>

²⁷ Joint Statement by the Special Envoys for the Great Lakes on the FDLR, 1 June 2014

²⁸ Interview with a participant of the Buleusa ceremony, Goma, July 2014.

willingness to return to Rwanda and contacts at home remained unanswered as the fighters have not officially joined the DDRRR programme for voluntary and individual return to Rwanda.²⁹

MONUSCO originally planned to bring the two groups of disarmed FDLR from South and North Kivu to a transit camp in Kisangani with UN vehicles and then fly them to Irebu in Équateur province in Western DRC; more than 1500km from the Rwandan border and their not yet demobilised comrades in Eastern Congo. But the FDLR leadership rejected this. Even the cationment in a transit camp in Kisangani remains subject to discussion.³⁰

2.3 History: God and the warriors

The history of previous peace negotiations with the FDLR is almost as long as the history of the organisation itself. Until now every attempt to get the FDLR to give up as an organisation has failed dismally – especially when church representatives offered to mediate.

The Catholic community Sant'Egidio has a long history of engagement in African wars. It facilitated the peace negotiations in Mozambique's civil war 1992 and was active in the Balkans. For many years the Italian churchmen have been involved in Congo's wars as peace mediators. The FDLR regards them as trustworthy. There are reasons for this.

The Rwandan Hutu fighters were close to the Catholic Church even before the FDLR came into being. The close institutional relationship between the Rwandan Catholic church and the single party regime of president Juvénal Habyarimana before 1994 are well known. During the genocide, many Catholic priests had helped the murdering Hutu militia to slaughter terrified Tutsi who had sought shelter in churches. Even today most Rwandan Hutu are deeply Catholic – as is the FDLR.

It is rare to see a FDLR combatant without a rosary around his neck. On Sundays, prayers are said in headquarters and all frontline positions – even military operations have to cease for a few hours. The Hutu militia has its own priests who do not only conduct baptisms and weddings or serve the last rites on the severely wounded; they also preach the FDLR's Hutu ideology in church services and FDLR schools. „God gave Rwanda to the Hutu only, so the Tutsi have to disappear out of our promised land“, an ex-fighter in charge of organising Sunday mass at the frontlines said.³¹

According to the FDLR's version of history, the Hutu are „God's chosen people“ which has been chased out of the „holy land“ and is now enslaved in exile in Congo, a bit like the Israelites in Egypt in the Old Testament. The 1st FDLR combat sector – the frontline units – is called „Sinai“, after the Egyptian peninsula. Its commander, whose nom de guerre was „Omega“, called himself „Israel“, and with this name he signs and stamps his soldiers' ID cards.³² The 2nd sector – behind the frontlines – is called „Canaan“ after the piece of land which the Bible calls the „promised land“.

In FDLR church sermons, God leads the way back to the promised land. This sectarian ideology is the basis for the FDLR's fight against the so-called Tutsi government in Kigali which in press releases is occasionally described as „satanic“.³³ For die FDLR, the reconquest of Rwanda is a „holy“ war on divine command.

It is thus no surprise that the FDLR trusts religious institutions and likes to be invited to talks by churchmen. They trust God to influence the outcome in their favour.

²⁹ Interview in Goma, July 2014.

³⁰ „Les FDLR conditionnent toujours leur relocalisation à Kisangani“, Radio Okapi, 24 July 2014.

³¹ Interview in the DDRRR camp in Goma 2010.

³² FDLR ID cards in the author's archive.

³³ FDLR press releases 2008 and 2009.

2.4 Precursor: The first Sant'Egidio talks 2005

The Sant'Egidio community has been in close contact with the FDLR leadership for over ten years. Pater Matteo Zuppi was continuously in touch with FDLR president Murwanashyaka in Germany.³⁴

At the beginning of 2005, Sant'Egidio already invited the FDLR to negotiations. FDLR leaders came to Rome from all over Europe, including Germany, and out of the Congolese jungles. FDLR president Murwanashyaka, 1st vice-president Musoni and 2nd vice-president Byiringiro spent weeks in the beautiful monastery in the centre of Rome, praying, giving speeches and negotiating for their organisation. With them: External commissioner Christophe Hakizabera, the president's chief of staff David Mukiza and several commanders. Murwanashyaka often left the room to phone military commander Mudacumura in the jungle, according to participants.³⁵

The Sant'Egidio talks of 2005 took place in a similar context to those of 2014. As today, in 2005 the FDLR was confronted with the threat of serious military strikes by international intervention forces in DRC. After the smooth formation of a unified national Congolese army had failed in 2004 due to a mutiny of the Tutsi generals Laurent Nkunda and Jules Mutebutsi, the presence of Rwandan Hutu fighters in Eastern Congo had been recognised as an obstacle to peace in the region and in November 2004 Rwanda had conducted a series of limited military strikes against FDLR bases in North Kivu.

At the end of November 2004, Rwanda had suggested to the UN that either the mandate of the UN mission in Congo (MONUC) should be extended to include forced disarmament of the FDLR, or an African force should be mandated to disarm „the ex-FAR/Interahamwe“, or joint operations with the Congolese army should be permitted, or Rwandan troops should be allowed to pursue the FDLR on Congolese territory either alone or under Congolese command³⁶. In reaction, the AU Peace and Security Council confirmed „the imperative need to resolutely tackle the problem of the ex-FAR/Interahamwe and other negative forces“ in the DRC and undertake their „disarmament and neutralisation“³⁷, and EU Special Envoy Aldo Ajello proclaimed the EU's readiness to finance an AU force for this task³⁸.

The regular AU summit in Abuja at the end of January 2005 formally decided such an AU deployment, the size of which was estimated at 5.000 soldiers. At an AU meeting in Addis Abeba on 15 und 16 March 2005, the DRC government laid out its plans: first political dialogue with the FDLR as an incentive for it to voluntarily renounce armed struggle; then, military pressure on such forces which refused to join this process. Around 30.000 to 45.000 soldiers were deemed necessary for such military operations against all foreign armed groups in Eastern Congo, including the then 11.000 UN blue helmets – either as a joint UN-AU force or as two separate forces³⁹.

During this whole time, parallel talks were ongoing in Rome under the aegis of Sant'Egidio. The political FDLR leadership offered to renounce armed struggle – on condition that Rwanda's government accepted dialogue with the FDLR, to recognise it as a political force and grant security

³⁴ Evidence presented at Stuttgart trial on 14 September 2011, telecommunications intercept of 4 January 2009

³⁵ Interview with a participant of the 2005 negotiations..

³⁶ Report of the Chairperson of the AU Commission on the situation in the east of the DRC and the relations between DRC and Rwanda, 10 January 2005.

³⁷ Resolution of the AU-PSC, 10 January 2005.

³⁸ „Union Européenne 'prête' à financer désarmement des Rwandais dans l'Est“, Misna, 22 January 2005.

³⁹ Rapport de la Réunion Consultative sur le désarmement et la neutralisation des ex-FAR/Interahamwe et autres groupes armés à l'est de la RDC, Addis Abeba, 15-16 March 2005.

guarantees for its return to Rwanda. In that case, the FDLR would return home peacefully to become a political party. Exactly the same demands as today.

For the DRC, the minister for regional cooperation Mbusa Nyamwisi led the negotiations. Rwanda's special envoy for the Great Lakes region, Richard Sezibera, said in an interview that he was „optimistic“: At last the international community had understood the need to disarm the FDLR by force, and „the noose around the negative forces is tightening“⁴⁰. But, he added, Rwanda was still waiting to be informed of the results of the talks of which it was not an official participant.

On 31 March 2005, the FDLR published a „Rome Declaration“⁴¹ signed by president Ignace Murwanashyaka as a conclusion of the talks, in which it committed itself to the following „before God, history and the Rwandan people“:

„The FDLR commit to end armed struggle. The FDLR decide from now to transform their struggle into political combat. To the extent that accompanying measures will be identified and implemented, the FDLR accept voluntary disarmament and the peaceful return of their forces to Rwanda“. Secondly they condemn the 1994 genocide, thirdly terrorism and other crimes, and fourthly they demand the return of Rwandan refugees to Rwanda.

A timetable presented on 1 April 2005 provided for a joint „comité de suivi“ of the DRC government and the FDLR in order to prepare the repatriation operation which could begin 35 days later. It would be necessary to define the „operational sectors“, set up transit centres and identify refugees and combatants. These could then go to the transit centres from 5 May and be disarmed in order to either go to Rwanda or obtain refugee status in DRC or be taken to a third country. The operation should take three months.

On 2 April 2005 the FDLR presented a catalogue of demands for the „accompanying measures“ in Rwanda as it envisaged them. Among them a set of changes to the Rwandan constitution and laws on political parties, immunity before the Gacaca courts, UN human rights observers in Rwanda, an end to the „reeducation camps“, an end to the „Local Defence“ units as well as financial support for its transformation into a political party.

Rwanda's Ministry of Foreign Affairs on 1 April „welcomed“ the „commitment of Sant'Egidio Community to join the international community in working for a speedy disarmament and demobilization of these groups“ and said it had „received information that the ex-FAR/Interahamwe now calling themselves the FDLR/FOCA have made the decision to unconditionally disarm and return to Rwanda“. Rwanda was prepared to receive them, and it also understood that the DRC government was talking to the FDLR. However, „Government is gravely concerned by the information that the United Nations, the European Union and some countries plan to sit on the same table with a group that committed the last horrific genocide of the 20th century“⁴². This and other declaration made clear that Rwanda did not accept the FDLR's political demands and conditions.

The UN mission MONUC said it had identified six points of assembly to receive FDLR combatants willing to be demobilised: Lubero, Sake, Kanyabayonga (North Kivu); Hombo, Walungu, Sange (South Kivu). Food would be provided at transit points on the way there and „sensibilisation“ was ongoing. „MONUC will request the FDLR to organize combatants and their dependents to come in according to pre-established waves so that about 300 persons a day can be processed. The combatants will be disarmed, registered, fed, and pass one night in the camp before being repatriated the following day“⁴³.

⁴⁰ Colette Braeckman, Interview with Richard Sezibera, *Le Soir*, 21 March 2005.

⁴¹ This and the other cited documents in the author's archives.

⁴² Republic of Rwanda, Ministry of Foreign Affairs and Cooperation, Communiqué 1 April 2005

⁴³ US Kinshasa embassy cable 05KINSHASA735, 2 May 2005, published by Wikileaks.

But nothing happened. In several interviews FDLR president Murwanashyaka said that „we cannot say that we are ready“⁴⁴ and „we cannot tell our troops to just go back to Rwanda like that“⁴⁵. The international community expressed similar caution. As the US embassy in Kinshasa put it: „Neither we, Monuc nor the Congolese, however, have any illusions. Even if the Sant'Egidio process is one hundred percent successful, there still will be a need for action of some sort to address the problem of the remaining hard-core elements in eastern Congo. The real genocidaires, together with the Rastas (a savage criminalized element of the FDLR) have no intention of going anywhere voluntarily. Rather, they prefer to remain and prey on the Congolese and disrupt regional stability. This group, which Monuc estimates could comprise 3,000-5,000 combatants, will need to be confronted. The Congolese, with Angolan assistance, are working to train a small group of Congolese military who could cooperate with Monuc in attacking this problem, with or without accompanying AU forces.“⁴⁶

Although it already seemed at this point that the Sant'Egidio process had stalled, MONUC accepted to curry favour with FDLR president Murwanashyaka. He arrived in Kinshasa on 28 April, met representatives of the DRC government the following day and of MONUC on 30 April. On 4 May 2005 he appeared at the weekly MONUC press conference in Kinshasa and said that due to the lack of a follow-up mechanism for the implementation of the Rome Declaration the repatriation of his fighters would not begin on 5th May as planned⁴⁷.

Murwanashyaka let MONUC fly him around the Congo to „sensitize“ his fighters. On 11 May, he flew to South Kivu together with DDRRR head Peter Swarbrick and president Kabila's special adviser Samba Kaputo to meet FDLR fighters in Walungu and Hombo. He also met the FDLR leadership in North Kivu.

DRC minister Mbusa Nyamwisi met representatives of the US embassy in Kinshasa on 12 May and said, Murwanashyaka had little credibility amongst FDLR fighting units to persuade them to return to Rwanda, and the Congolese president's advisers were unwilling to force them to return⁴⁸. On 17 June the repatriation of the FDLR was the subject of an ambassadorial CIAT meeting with the Congolese presidency, and further meetings followed. „The problems identified by most observers center on a lack of credibility of the European-based "leadership" among rank-and-file FDLR combatants in the field, continuing opposition by more senior field commanders, many of whom were likely directly implicated in the 1994 genocide in Rwanda“⁴⁹.

What happened during Murwanashyaka's trip can be reconstructed from interviews with eye-witnesses and testimonies at the Stuttgart trial against Murwanashyaka und Straton Musoni⁵⁰.

Murwanashyaka had the necessary lubrication. The DRC government had promised \$500.000, should the FDLR lay down its arms and return home. It was a symbolic gesture: belated payment for the Rwandan Hutu soldiers who had fought on the side of the Congolese government forces against Rwanda during the second Congo war 1998-2002. Half of this sum was paid immediately, the second half was to be handed over once the FDLR actually left Congo.

Murwanashyaka went into the jungle with a suitcase full of cash. In rubber boots, jogging suit, a

⁴⁴ IRIN, Interview with FDLR leader Ignace Murwanashyaka, 5 April 2005.

⁴⁵ „Les FDLR, prêtes à désarmer, veulent des garanties, affirme leur président“, AFP 11.4.2005.

⁴⁶ US Kinshasa embassy cable 05KINSHASA646, 15 April 2005, published by Wikileaks.

⁴⁷ „Les FDLR menacent les élections en RDC“, Le Potentiel, 5 May 2005.

⁴⁸ US Kinshasa embassy cable 05KINSHASA800, 13 May 2005, published by Wikileaks.

⁴⁹ US Kinshasa embassy cable 05INSHASA1078, 1 July 2005, published by Wikileaks.

⁵⁰ Interviews with ex-bodyguard of Murwanashyaka 2009 and 2012; testimonies at Stuttgart trial, various dates in 2012 and 2014; monitored trial proceedings in the authors' archives.

waterproof jacket and a baseball cap he marched through the jungle for six weeks to distribute piles of dollar bills to his troops, \$250.000 in all. Each soldier was to get \$10, the rest was to remain with the commanders. When the money actually reached the combatants, many became angry: Only those soldiers who had fought alongside the Congolese army in Western Congo during the war before 2002 got money; those who had fought a guerrilla war in the East were left empty-handed as the DRC government did not owe them any money.

Mudacumura was happy to take the money but he refused to disarm. For the military leader as well as around a dozen senior commanders, voluntary return to Rwanda was out of the question: They would have to face justice in their homeland for their presumed crimes during the 1994 genocide. This remains true to this day.

According to former FDLR fighters who testified at Murwanashyaka's trial in Stuttgart, the president called a meeting of the Comité Directeur, explained the Rome declaration and asked his senior commanders to accept this option and hand themselves over to international justice. "He said that we are in the process of convincing Rwanda to let us return peacefully," one participant at the meeting recalls. Another participant recounts that Murwanashyaka's suggestion met with such widespread opposition that it was rejected without a vote.

Murwanashyaka's bodyguard, who followed all communications, recalls a list of presumed génocidaires, including the senior FDLR commanders, drawn up in Kigali. The list was found on the internet, printed out in a cybercafé and passed around at the Comité Directeur meeting, he recounts and adds: „This would have meant that in the event of a successful negotiation almost every unit would no longer have had a commander. “Some commanders then became frightened and fled from the DRC, some even to France. Military leader Mudacumura then decided to stick with the plan to take power in Rwanda by force.

The political leadership descended into acrimony. President Murwanashyaka's position was obviously weakened. Other political leaders such as Dr. Jean-Marie Vianney Higiroy and Felicien Kanyamibwa split from the FDLR with around 400 fighters. On 24 June 2005, Colonel Jeribual Amohoro alias Amani declared the destitution of the leadership and its „provisional“ replacement by a „Military Command for Change“ (CMC) which stood „totally“ behind the Rome Declaration. The FDLR's external commissioner and its vice-president at the time of its creation, Christophe Hakizabera, joined the dissidents and proclaimed himself new FDLR president in place of Murwanashyaka on 27 June – in this way Murwanashyaka lost one of his main political allies with whom he had led the Rome talks. On 5 July fighting started between the rival factions, while at the same time UN forces in South Kivu launched the military operation „Falcon Sweep“ against the FDLR.

Murwanashyaka's defence at the Stuttgart trial calls this period a time of „coup d'état“ during which he did not hold actual power. Fundamentally, this split – from which Murwanashyaka eventually emerged victorious – was a consequence of the Rome talks. The dissidents were in favour of arriving at cohabitation with the Tutsi in Rwanda and said that removing presumed genocide perpetrators within FDLR/FOCA was necessary in order to achieve the movement's political goals.

In the end, in 2005 only a unit of around 400 fighters under dissident commander Amani Amohoro let themselves be disarmed and taken from South Kivu to Rwanda by the UN. The FDLR military leadership denounced Amohoro as a traitor, Murwanashyaka is said to have placed \$5000 on his head. At the time, the FDLR had around 6000 fighters; the loss of Amohoro's batallion was not really significant. But the consequences could have been far-reaching. Amohoro had arranged a prior deal, mediated by Rwanda's military intelligence: He was to be integrated into Rwanda's regular army as a senior officer. Rwandan intelligence regularly offers such deals to its enemies in

order to entice them to quit the jungle. Reintegrated into the Rwandan army, former FDLR officers are a strategically decisive source of information on and tactics against the FDLR.

But this deal went badly wrong. Amani Amohoro ended up not in Rwanda's army but before a Gacaca court. He was accused of having given massacre orders as a young officer during the 1994 genocide. He was found guilty and given a life sentence. He remains in jail in Rwanda to this day.

To the FDLR, the Amohoro case became proof that returning home can end badly and that Kigali's promises are not to be trusted. To Kigali on the contrary, the failure of the Rome negotiations was proof that the FDLR is not to be trusted.

The UN mission in Congo let itself be used: It officially flew FDLR president Murwanashyaka around the Congo to be received by his troops with military honours and parades. This gave him - and the entire organisation - status in the eyes of FDLR members in the jungle as an internationally recognised partner, even a recognised Rwandan „government in exile“.

The option of AU military operations against the FDLR, discussed at the beginning of 2005, was off the table without the FDLR having had to implement substantial concessions. On the contrary: it was able to continue building the state within a state which it had instituted in Eastern Congo. When in December 2005 the Congolese people were called to the ballot box to vote on their new democratic constitution in a referendum, FDLR troops secured the vote in their strongholds in agreement with MONUC⁵¹. The FDLR quasi-state was now practically officially recognised.

3 Outlook and perspectives

The story of the Sant'Egidio negotiations of 2005 offers wide-ranging parallels with the current negotiating process. Not only the actors, places and premature agreements but also the obstacles and demands are very similar. So will the current process stall in the same manner?

Since the Sant'Egidio meeting of June 2014 there has been no substantial progress in the disarmament and demobilisation of the FDLR. At the same time, the current situation is regarded as untenable by all sides. What is the way out?

3.1 Regional actors are disunited

On 2 July 2014 an ICGLR/SADC ministerial meeting in the Angolan capital Luanda decided to grant the FDLR „about six months“ for its „voluntary surrender and disarmament“⁵². This decision followed a recommendation of the DRC government and went against the wishes of the government of Rwanda. Even Angola had suggested a timeframe of three months. MONUSCO head Kobler had even wanted a timeframe of just 22 days, but this was rejected already before the Sant'Egidio meeting.

At a special session of the UN Security Council on the DRC on 7 August 2014, Kobler said that the FDLR had interpreted the six-month timeframe „as a call to stall the process. In addition, the perceived absence of military pressure has thrown the process into the freezer.“ Significantly, he said, in the week following the ICGLR/SADC summit the FDLR had cancelled three meetings, ignored several MONUSCO, SADC and DRC delegations and „prevented any further disarmament.“⁵³

⁵¹ Interviews with Monuc in Goma, December 2005.

⁵² Second Joint ICGLR-SADC Ministerial Meeting, 2 July 2014, Communiqué.

⁵³ Statement to the UN Security Council, Martin Kobler, New York, 7 August 2014.

Kobler's pessimism contrasted sharply with the Congolese government's assessment. DRC foreign minister Raymond Tshibanda told the UN Security Council that there were „practically daily“ meetings of the follow-up mechanism for disarmament – weekly for military matters, monthly for „political and strategic“ ones. The first of this second type of meetings had taken place on 14 July, the second on 2 August and that meeting had decided to send a delegation to evaluate the process; experts were working on „benchmarks“ and the next meeting was scheduled for 2 September⁵⁴.

The DRC's assessment was shared by South Africa, which called to „respect“ the six-month timeframe, but not by Angola, whose Defence Minister Joao Lourenco said he was „concerned about the slow progress“ and saw „no tangible sign“ of a FDLR willingness to disarm⁵⁵. The sharpest criticism obviously came from Rwanda whose UN ambassador Eugène-Richard Gasana said: „By entertaining the genocidal forces FDLR's diversionary manoeuvres that are neither new nor credible, regional international actors are further complicating and prolonging a conflict for which the region has already paid a tragic cost“. This „might be setting the stage for further conflicts in the region, as some actors driven by hidden agendas may take advantage of the FDLR presence to pursue their own negative goals“⁵⁶.

On the ground little movement is apparent. After the first FDLR disarmament ceremonies in May and June, the DRC government had set up „Joint Technical Commissions“ for North and South Kivu consisting of representatives of the government, the FDLR and MONUSCO, in order to move the process forward⁵⁷. Senior FDLR commanders such as Colonel Gakwerere aka Stany are members. Commission meetings are said to have agreed that 70% of the FDLR should disarm by the Security Council meeting on 7 August and 80% by 20 August – proportions referring not only to fighters but also to territory to be given up.

These timescales have obviously not been respected and have now been pushed back to October. Meanwhile, not even the agreed transfer of the already disarmed FDLR fighters from Walungu and Kanyabayonga to a military camp in Kisangani has taken place. MONUSCO had arranged a plane to bring the first batch of FDLR fighters from South Kivu to Kisangani, but on 18 July they said they had not received an order to move from their hierarchy and they first wanted to send a reconnaissance mission to Kisangani to inspect the camp⁵⁸. At the beginning of August, the Boeing 727 remained on Bukavu's Kavumu airstrip. In Kanyabayonga the combatants similarly refused to be transferred to Kisangani.

This FDLR boycott of its fighters' transfer showed that the FDLR combatants in UN camps are not demobilised; otherwise they would not wait for and listen to orders from their FDLR hierarchy. Nevertheless, and despite not having submitted to the DDRRR programme for voluntarily repatriation of foreign fighters from the DRC to their home countries, they are protected, guarded and supplied by MONUSCO which is therefore presumably spending large sums of money on feeding members of a UN sanctioned negative force. „We have provided security together with the FARDC, medical services, almost 50 special flights, and more than 20 tons of food“, according to Kobler⁵⁹.

⁵⁴ Webcat of the UN Security Council meeting, 7 August 2014, <http://webtv.un.org/meetings-events/index.php/watch/democratic-republic-of-the-congo-security-council-7237th-meeting/3719762413001>

⁵⁵ Ibid.

⁵⁶ Remarks by Minister of State in Charge of Cooperation, Eugene-Richard Gasana, at the UN Security Council Debate on MONUSCO, 7 August 2014.

⁵⁷ Interview with a commission member in Goma and information in Kinshasa, July 2014.

⁵⁸ „Une commission mixte annoncée à Kisangani pour visiter les sites d'accueil des FDLR“, Radio Okapi, 20 July 2014

⁵⁹ Statement to the UN Security Council, 7 August 2014.

This has not gone down well in Congolese society. The actually or potentially affected provinces of North Kivu, Orientale and Equateur have seen protests against the ongoing or planned stationing of FDLR fighters, accompanied by civil society declarations. In North Kivu, womens' organisations demanded to send the disarmed fighters directly to Rwanda⁶⁰. In Kisangani, on 25 July civil society groups organised a general strike against the transfer of FDLR into their town which in the year 2000 had seen the bloodiest battles between Rwandan and Ugandan forces with hundreds of Congolese civilians killed; the strike call went unheeded, but similar actions in other towns of Orientale Province were followed⁶¹.

Clearly a huge gap has opened up between MONUSCO and the DRC government regarding the further implementation of the FDLR disarmament process. On 7 July, Kobler had said in an interview: „We now have a big chance to demobilise the FDLR peacefully. I currently see the beginning of a process, but it has to gain a lot more credibility. Our criteria are: fast and unconditional voluntary disarmament of combatants and surrender of weapons, handover of territory by the FDLR to the Congolese government, and an immediate end to all human rights violations“. ⁶² But on 7 August before the UN Security Council he publicly accused the FDLR of having „thrown the process into the freezer“.

Conversely, DRC Information minister Lambert Mende had said on 3 April that the FDLR was being hunted by the Congolese army „without respite“ and the goal was the „eradication“ of all armed groups including the FDLR⁶³. But on 7 August, Foreign minister Raymond Tshibanda praised the FDLR's commitment to „voluntary disarmament“ and spoke not of „eradication“ but of a „non-negotiable option. If they don't go home, the FDLR elements, once disarmed and demobilised, must imperatively leave Congolese territory“⁶⁴.

There is not even consensus about the disarmament so far and the FDLR's strength. According to MONUSCO the FDLR has at most 1500 active fighters in the Congo; according to Mende, fewer than 1000. According to Kobler, in May and June 186 FDLR combatants und 430 dependents surrendered to MONUSCO, according to Tshibanda 250 combatants und 450 dependents. Such imprecisions and contradictions lead to mistrust in countries like Rwanda which regularly accuse the DRC and the UN of complicity with the FDLR.

Time is running out. The six-month ICGLR/SADC timeframe expires at the beginning of 2015. After three months, on 2 October, an evaluation is due, which in view of the differences between the parties is likely to lead to different recommendations regarding military pressure on the FDLR – MONUSCO, the US, Rwanda and possibly Angola favour such pressure; the FDLR, the DRC, France and South Africa oppose it.

Diametrically opposed points of view show that once again there is no international consensus about how to deal with the FDLR. Without a consensus it will be difficult to define and implement a coordinated international strategy against the group, and without a strategy MONUSCO will be unable to act, whatever it itself thinks. The FDLR knows this and is toughening its stance. In reaction to Kobler's words before the Security Council it said that DDRRR „can only be applicable as an outcome of political dialogue between RPF/Kagame government and FDLR/Rwandan opposition and never as a pre-condition“⁶⁵.

⁶⁰ „Les femmes du Nord-Kivu s'opposent au cantonnement des FDLR en RDC“, Radio Okapi, 8 June 2014.

⁶¹ „Kisangani : la journée ville morte pour protester contre l'arrivée des FDLR n'a pas été suivie“, Radio Okapi, 26 July 2014; „Relocalisation des FDLR: « journée ville morte » observée dans 5 territoires de la Province Orientale“, Radio Okapi, 29 July 2014.

⁶² Written interview 7 July 2014.

⁶³ Point de presse du Ministre des Médias, porte-parole du Gouvernement, 3 April 2014.

⁶⁴ Raymond Tshibanda at the UN Security Council meeting, 7 August 2014.

⁶⁵ FDLR letter to Russ Feingold signed by Victor Byiringiro, 8 August 2014.

3.2 The FDLR with its back to the wall

Past experience shows that negotiations exacerbate divisions within the FDLR. And the militia group is already under huge pressure. It is weaker militarily today than ever before. Its effective fighting force has shrunk to an estimated 1200 to 1500 active armed combatants. Its latest attacks on the frontier regions of North-West Rwanda in the Virunga park forest failed miserably. Morale is low – for several reasons:

- Rwanda's army has deployed along the border in full strength; any attack would practically be suicidal. Already in November 2012 its last operation against Rwanda was called a „kamikaze“ mission. Deputy sector commander Col Stany had to practically force the fighters to attack.⁶⁶
- Since 2012 there is a gap of several hundred kilometres between the FDLR units in North and South Kivu which cannot be breached. There is no physical contact between the units. The resulting logistical difficulties are huge, the South Kivu units feel marginalised and cannot physically participate in leadership and high command meetings.⁶⁷
- Even in North Kivu the FDLR no longer controls a substantial piece of territory. The two sectors are connected only via corridors. FDLR fighters have to ally with local militias in order to get from the frontline in Virunga National Park in Rutshuru territory to the headquarters in Lubero territory.⁶⁸
- Economic activity - „non-conventional logistics“, as the FDLR calls it – has collapsed. The FDLR no longer earns anywhere near as much as it once did through taxation, road blocks, control of the charcoal trade or gold trade.⁶⁹
- The brutal methods of the Raia Mutomboki militia against FDLR families in recent years especially in South Kivu, with massacres of women and children, have lowered morale among many fighters. It became clear that they cannot even protect their own families any more.
- Amongst the political leadership this has caused a crisis of legitimacy: cracks have appeared in the self-image of the FDLR as protector of the Rwandan Hutu refugees. Protection can no longer be guaranteed. This has encouraged resistance among the Rwandan Hutu refugees against the FDLR as its political and military representative. The Hutu refugees are suffering enormously: disease, malnutrition, deficiencies, shortages and continual attacks of the Raia Mutomboki breed resentment against their own protection force.
- In this situation the FDLR is deeply divided. The civilian leadership of the political wing under interim president Byiringiro realised a long time ago that a military campaign to reconquer Rwanda is wishful thinking. They prefer a political solution and this is the goal of the repositioning which has found expression in the new alliances with exiled Rwandan political parties and the Sant'Egidio talks. Since the political leadership resident in Germany has been imprisoned since 2009 and the FDLR's European networks have partially dissolved, Byiringiro – still only interim president – has been able to construct his own power base in the jungle, increasingly independent of the FDLR's military wing. Byiringiro and military leader Mudacumura are said to be sworn enemies who cannot stand each other and in direct confrontation destroy each other. For the FDLR's political alliances with other Rwandan groups, the FDLR's military wing FOCA under General Mudacumura is more of a

⁶⁶ Interview with an injured FDLR fighter in Gisenyi, 4 December 2012.

⁶⁷ Interview with demobilised FDLR staff officers from South Kivu, February 2013.

⁶⁸ Interview with an FDLR „antenna“ (liaison officer) for alliances with other militia, February 2013.

⁶⁹ Interview with an ex-FDLR fighter responsible for logistics in North Kivu, February 2013.

burden than an asset, as it stands for human rights violations, war crimes and participation in the Rwandan genocide. The ICC has issued an international arrest warrant against Mudacumura and his extradition is expected as part of the FDLR disarmament process.

- This badly weakens the military wing FOCA. In addition Mudacumura is said to be physically weakened. He suffers from advanced diabetes and is an alcoholic. The safe military headquarters in the forests of Walikale had to be abandoned by FOCA in 2012. Since then, the commanders have been on the move – only partially protected by the reserve brigade and the HQ protection battalion whose strength has diminished. Deputy military leader Bigaruka did not return from a mission to Tanzania 2013. Chief of staff Mugaragu was killed 2012 by local militia recruited on the behest of Rwandan intelligence. Almost a dozen senior commanders died 2012, victims of killing commandos. The most important was Colonel Sadiki. This not only destroyed morale but also for a time the complete chain of command. In 2011-12, FOCA had to restructure completely.
- Defections have been relatively high in recent years – on average around 100 fighters per month, mostly from South Kivu. Many dozen high-ranking officers deserted, including South Kivu staff officers.⁷⁰ The military structure, once well organised, is now lacking fresh officer material. Replacing these men not just in their command function but also in their function as role models for the next generation of Rwandan Hutu fighters is next to impossible. The FDLR officer training school had to close when the headquarters were forced to flee from Walikale.
- FOCA is divided into North and South not only in the Congolese jungle but also in its origins in Rwanda itself. Mudacumura was born in Rubavu district in North-West Rwanda, home region of former Hutu president Juvénal Habyarimana and the most important hardliners who organised the 1994 genocide. Other influential commanders like Col Stany originate from Southern Rwanda. The possibilities for the FDLR to attack Rwandan territory from the DRC are limited to the Rubavu/Musanze flank – the North. The commanders from Southern Rwanda have long had to abandon any hope of reconquering their Southern villages. That is why they are seen as more ready to negotiate and have recently joined Byiringiro.
- The composition of FOCA forces has undergone a generational change in the last twenty years. FOCA still claims to recruit young Rwandan Hutu. But these no longer have combat experience as did those twenty years ago who came from the former Rwandan army FAR. The FDLR military schools have had to be relocated several times since 2009 when the headquarters were abandoned. These young fighters are ideologically geared to fight Tutsi, but they grew up in exile and hardly know their homeland Rwanda. It is a generation which from its age cannot be seen as genocide perpetrators, even though Rwanda might accuse them of harbouring „genocide ideology“. Judicially these young fighters have less to fear than the old ones in case of a return to Rwanda.

3.3 MONUSCO's hands are tied

In principle, the international community should take advantage of the current weakness of the FDLR before the organisation completes its repositioning. But MONUSCO is in a dilemma, not just because of the contradictions on a regional level but also within its own strategy. The FIB was never conceived to deal with the FDLR. The FIB was conceived for conventional warfare, for example against M23 with its artillery. The FDLR's tactic is to withdraw and avoid positional warfare. But nobody within MONUSCO wants to admit this publicly. Searching for answers on this point is met with uncomfortable silence. Nobody wants to say anything.

⁷⁰ DDRRR demobilisation statistics in the authors' archives.

The FIB's hands are tied ever since the FDLR said in December 2013 that it had laid down its arms and was prepared to pursue a peaceful solution. MONUSCO's mandate emphasises protection of civilians. Rebels without arms are not a direct threat to the civilian population, and they are not easy to distinguish from the local civilian population. Most of them speak fluent Swahili and move like Congolese after twenty years in the bush. As long as they hang around in villages wearing civilian clothes, the intervention brigade can do nothing.

Around Buleusa village especially, where the UN helicopter collected the FDLR leaders to take them to Sant'Egidio, the combatants strive to give the impression that they are completely normal people, Rwandan Hutu refugees in the Congo. But just a few dozen kilometres further, as military observers confirm, FDLR fighters march around in uniform and with automatic weapons. It is pure theatre to pretend to the world that they have laid down their arms. If they have, where are the arms? A well-armed militia which buries its AK-47 rifles and RPGs in the jungle for eventual later use cannot claim to have laid down its arms as FDLR spokesperson Laforge repeatedly insists.

This leads to the next dilemma: The FDLR no longer controls any substantial contiguous territory. It hangs around in villages and in Virunga National Park and controls mainly trade routes, in small disparate units. In this context, conventional military tactics as used against M23 in 2013 are hardly possible, as all UN military experts admit. In addition the FDLR has always used the tactic of moving among the civilian population. Not only Congolese, but also the Rwandan Hutu refugees whom the FDLR claims to protect serve as human shields. Most of them are wives and children of the combatants living together with the FDLR in camps or villages.

Active FDLR fighting units wear Congolese FARDC army uniform, some even with the Congolese flag on their shoulder.⁷¹ They are almost impossible to distinguish from the DRC's regular soldiers. In this context it is unthinkable to bombard their positions with helicopters and fire rockets on headquarters, as was done during the operations against M23 and ADF. The risk of killing civilians is simply too high. MONUSCO would be breaking its own mandate. A huge dilemma – especially given that the legitimacy of the FIB as a new instrument of peace-keeping and peace enforcement is questionable as it turns the UN into a party to conflict.

Rwanda's and Congo's joint military operations against the FDLR in 2009 (Umoja Wetu) already provoked brutal war crimes against the Congolese population: The FDLR carried out massacres and mass rapes on Congolese to exact revenge, so-called „punitive operations“, mostly announced in advance in writing. This fear is again prevalent today, for example through the FDLR's „warning to the UN“ in November 2013, one month before it claimed to have laid down its arms and demanded negotiations.

All this hands the FDLR an opportunity to make use of the indecision and division within the international community. The past history of negotiation attempts with the FDLR leadership shows: The FDLR always claims to want to talk when it is put under military pressure. It trusts Catholic mediators to conduct negotiations with God's blessing – in favour of the FDLR. Implementation always founders on the internal divisions of the organisation which then quarrels among itself even more. This remains the case today.

By demonstrating the will to negotiate, the FDLR succeeded every time in turning momentary military weakness into strength through political manoeuvring: It wins time which it uses in the bush to reorient itself militarily. It wins time to reach a new internal consensus and make arrangements with its new coalition partners. It can also boost its political legitimacy by signalling a readiness to talk and thereby putting everyone who rejects this supposed readiness into a corner –

⁷¹ Photos of frontline FDLR troops in the authors' archives.

especially Rwanda's RPF government in Kigali.

3.4 The beginning of the end – or a new round of bluff?

The FDLR's internal dynamics and past experiences with negotiations lead to the following conclusions:

- The FDLR is no longer the strongest and most aggressive foreign armed group in Eastern Congo which it used to be seen as. On the contrary: It is so weak militarily that it has already conducted a tactical retreat before the FIB or FARDC fired a single shot: It withdrew into the Congolese and Rwandan Hutu population – a shrewd move which makes it inaccessible for the FIB and FARDC. Faced with the FDLR, the FIB with all its sophisticated weaponry remains toothless. The FDLR is once again succeeding in turning military weakness into political strength.
- The international community is losing trust in the FDLR's sincerity due to the prevarications of recent months, but despite all its new intervention instruments and expensive drones for air surveillance it has no choice but to sit down at a table with the FDLR. This is rejected by Rwanda, as Rwanda's entire political system after the genocide is based on the principle of giving no political space to the perpetrators of 1994 and the ideological allies and successors. Still all international actors are willing to accept to deal with the FDLR on a political rather than a military level. For a simple reason: They don't know what else to do with the FDLR. The international community regularly threatens military action and stresses that „the military option remains on the table“. But even the FDLR leadership knows that this is not a realistic option, especially as it has good relationships with certain actors within the DRC's armed forces (FARDC) who do not want to attack their brothers in arms.

Faced with this dilemma it can only be hoped that the FDLR/FOCA will once again quarrel so badly that splits and power struggles ensue, as in 2005. However, the FDLR's history also shows that the organisation is held together by an ideology with a strong religious tinge, a distant „final goal“ supposedly ordained by God. Dismantling the FDLR as an organisation is presumably more difficult than dealing with individual leaders. This was, up to now, the starting point for the DDRRR programme through which over 11.000 FDLR combatants were successfully repatriated in twelve years.

In recent discussions about the FDLR's voluntary disarmament, MONUSCO committed an error with possibly wide-ranging consequences: It has given up DDRRR as the non-negotiable unique basis for FDLR demobilisation. Instead it wants to reach a solution with the organisation as a whole. However, the past decade showed that negotiations are possible only with individuals or wings of the FDLR, not with the organisation as such. And to negotiate in this way, the international community has to know who it is talking to and who represents which individual interests. It is important to separate the wheat from the chaff within the FDLR. Around a dozen presumed genocide criminals and war criminals in the high command led by Mudacumura reject disarmament.

Attempts are ongoing to entice Mudacumura and other hard core commanders with a presumed genocide past to leave the bush using other means: The US are offering \$5 million reward within their Justice Awards Programme for Mudacumura to surrender to the ICC in The Hague. But it isn't the first time. Will Mudacumura, notoriously brutal and hot-tempered, end up like Joseph Kony, leader of the Ugandan LRA (Lord's Resistance Army), who is of similar age and health – and is beyond the reach of intervention forces, even US special forces with all their high tech equipment? Will he end up like Bosco Ntaganda, longtime companion of Laurent Nkunda as rebel leader in

Eastern Congo and one of the godfathers of M23, who knocked on the doors of the US embassy in Rwanda in March 2013 after a daring flight from his hide-out in DRC in order to surrender to the ICC? This happened not least because his own comrades in M23 chased him away once the faction around General Sultani Makenga realised that General Ntaganda was the main obstacle for their international recognition. Or will he end like Jonas Savimbi, historic leader of the UNITA rebels in Angola, who died in the field in a special forces raid in 2002 after 27 years of guerrilla warfare and whose death triggered the end of his movement's armed struggle and put Angola on the road to peace? At the ICGLR ministerial meeting in Angola's capital Luanda on 14 August 2014 which confirmed the six-month deadline of July, Angola's president Eduardo dos Santos – who vanquished Savimbi – used the requisite language when he said the FDLR had a choice between forced disarmament and „immediate and unconditional surrender“⁷².

Should the FDLR should deal with Mudacumura in a similar way to M23 with Ntaganda, in case he emerges as an obstacle to a political endgame, the question remains what this political endgame should look like. There is no clear idea as to what should happen with the rest of the FDLR afterwards. The group is demanding to be recognised as a political force in Rwanda and an internationally guaranteed dialogue within Rwanda. It does not command any support for this option. In Rwanda there is no space for this – Rwanda's government and large sections of Rwandan society do not trust the Hutu exiles in Congo and assume that they want to infiltrate peacefully into Rwanda in order to subvert the „new Rwanda“ from inside. In DRC, mistrust is just as prevalent – most Congolese regard the Hutu fighters from Rwanda as occupiers and refuse to integrate them into Congolese society, even though many FDLR fighters have founded Congolese families and obtained Congolese identity cards.

An organised, peaceful return of the Rwandan Hutu refugees currently living under FDLR control from the DRC to Rwanda appears to be the most pressing and most easily realisable next step. But it can be doubted that the militia fighters really want to give away „their“ refugees, their last remaining trump card.

The criteria which MONUSCO head Kobler listed for a success of the FDLR disarmament process currently appear very far from realisation: „Number and quality of surrendering combatants and their weapons; hand-over to international courts of those who are indicted; restoration of government authority over vacated areas; immediate cessation of human rights violations; disengagement from illicit economic activities; cessation of new recruitments“⁷³. In view of the survival capacity of the FDLR and its various precursors over the past twenty years, this is likely to remain wishful thinking.

Such negotiation processes in general have to be regarded with extreme scepticism. The stalling of the implementation of the Nairobi Declaration between the DRC government and the M23 shows how easily such „negotiations“ - if they can be regarded as such – can lead to a dead end. Occasionally the feeling arises that these so-called negotiations are deliberately steered into dead ends. Certain actors use them as a pause from armed activities in order to prepare a move towards a new round of bluff with new tactics and strategy. This has been the case in the Great Lakes region for twenty years now, again and again.

⁷² According to a DRC government report: „Le Président congolais Joseph Kabila présent au 2ème mini-sommet de la CIRGL à Luanda“, www.primature.cd, 14 August 2014

⁷³ Statement to the UN Security Council, 7 August 2014