

# Transregional Conflict in the Great Lakes Region

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## ABSTRACTS

In diesem Kapitel werden die Hauptursachen des Konflikts um die Großen Seen und die Rolle der Internationalen Konferenz „Große Seen“ (ICGLR) bei der Berücksichtigung seiner regionalen Dimensionen erläutert. Die ethnische Spaltung wurde als Hauptursache der Konflikte in Ruanda, Burundi, Uganda und in geringerem Maße in der Demokratischen Republik Kongo diskutiert. Das Versagen der staatlichen Institutionen in der Auseinandersetzung mit Ethnizität und ihren auslösenden Faktoren verursachte Bürgerkriege, Massaker und Genozid, was zu einer gewaltigen Flüchtlingsbewegung aus einem Land der Great Lakes in Nachbarländer und andere Länder führte. Dies erklärt den Ausbruch des Great Lakes-Krieges zwischen der Demokratischen Republik Kongo und Ruanda, Uganda und Burundi von August 1998 bis 2003 und die anhaltende Instabilität in der Region. Vor diesem Hintergrund wurde im Dezember 2006 die ICGLR gegründet, um die Ursachen der Konflikte und deren regionale Dimensionen anzugehen. Trotz der Unterzeichnung des Pakts für Sicherheit, Stabilität und Entwicklung durch die Länder der Großen Seen ist die ICGLR immer noch mit ernsthaften Herausforderungen konfrontiert, die ihre Fähigkeit zur Förderung von nachhaltigem Frieden und Sicherheit in der Region untergraben.

This contribution explained the main root causes of the Great Lakes conflict and the role played by the International Conference on the Great Lakes Region (ICGLR) in addressing its regional dimensions. Ethnic division was discussed as the main root of conflicts in Rwanda, Burundi, Uganda, and to a less extent in the Democratic Republic of Congo (DRC). The failure of state institutions to address ethnicity and its triggering factors caused internal civil wars, massacres and genocide which led to a huge movement of refugees from one Great Lakes country to other neighbouring and countries. This explains the outbreak of the Great Lakes war between the DRC and Rwanda, Uganda and Burundi from August 1998 to 2003 and the ongoing instability in the region. Against this background, the ICGLR was established in December 2006 in a bid to address the root causes of the conflicts and its regional dimensions. Despite the signing of the

Pact for Security, Stability and Development by Great Lakes countries, the ICGLR is still facing serious challenges which undermine its capacity to promote sustainable peace and security in the region.

This article focuses on attempts to mitigate transregional conflicts that brought in countries from Angola to Uganda and from Zambia to Sudan as well as cut across a number of African regional economic communities (RECs). Ultimately, the international processes of dealing with the aftermath of the 1994 genocide in Rwanda and the subsequent Congo wars of 1996/97 and 1998–2003 led to the creation of the International Conference of the Great Lakes Region (ICGLR), headquartered in Bujumbura, Burundi. The article analyses the root causes of the conflicts and attempts at region-making by the ICGLR in a bid to promote sustainable peace and security in the region. The article is subdivided into six sections. First, a brief description of the Great Lakes region is provided. Second, the root causes and triggering factors of the Great Lakes conflicts, including their interconnectedness and complexity are discussed. Third, the regional dimensions of the Great Lakes conflicts are presented. Fourth, the establishment of the ICGLR and its conflict interventions are analysed. Fifth, the ICGLR's role in mediating conflicts in the Democratic Republic of Congo (DRC) is singled out.<sup>1</sup> And, sixth, the ICGLR's challenges and limitations in promoting sustainable peace and security in the region are discussed.

## 1. The Great Lakes Region

The Great Lakes region is known as the Great Rift Valley along the Congo-Nile crest which constitutes the area between and around lakes Victoria, Tanganyika, Kioga, Kivu, Edward, and Albert.<sup>2</sup> Lake Victoria actually does not lie in the Great Rift Valley, but between its main and western branches.<sup>3</sup> While the definition remains the same, there are several descriptions of the Great Lakes region. This article focuses on the current description of the Great Lakes region, which has been constituted as an area occupied by Burundi, Congo (Brazzaville), the DRC, Kenya, Rwanda, Tanzania and Uganda as well as Angola, the Central African Republic (CAR), Sudan, South Sudan, and Zambia.<sup>4</sup> The security interdependence among the Great Lakes countries makes this region, what Barry Buzan describes as a regional security complex (RSC) or, in terms of this volume, a

1 There has also been a role of the ICGLR in Burundi, in 2010 and 2015–2016. However, for a variety of reasons in these cases the lead was with the East African Community (EAC) and the African Union (on the latter see Wilén and Williams 2018).

2 G.P. Mpangala, *Ethnic conflicts in the region of the Great Lakes: origins and prospects for change*, Dar-es-Salaam 2000.

3 R. Lemarchand, *The Dynamics of Violence in Central Africa*, Pennsylvania PA 2009.

4 M. Baregu (ed.), *Understanding Obstacles to Peace: Actors, Interests, and Strategies in Africa's Great Lakes Region*, Kampala 2011.

transregional conflict.<sup>5</sup> As a geographic entity, according to the ICGLR,<sup>6</sup> the Great Lakes region is made up security complex zones characterized by artificial, porous, proximate and long physical borders. The proximity and porous nature of the region, allows foreign illegal armed groups, local rebels, and militias to drive insecurity and enmity from one state to the other. The huge movement of refugees and illegal armed groups has caused permanent insecurity in the 1980s, 1990s, and from 2003 to 2015. Internal civil wars in Angola, Burundi, Rwanda and Uganda have had a direct impact on the security situation of the DRC and other neighbouring countries. In turn, insurgencies have used the eastern DRC as a rear base to destabilize neighbouring countries.

## 2. Root Causes and Triggering Factors of Great Lakes Conflicts

### Politicized Ethnicity

Several authors explain the root causes of armed conflicts and civil wars in the Great Lakes with reference to “ethnic divisions” that have been created by colonial powers.<sup>7</sup> While some scholars blame colonial administrations for creating ethnic divisions,<sup>8</sup> others argue that ethnicity was manipulated by post-independence political elites as a means to have access to power and control the state apparatus.<sup>9</sup> Firstly, this article argues that ethnicity on its own does not explain the root causes of armed conflicts and civil wars in Burundi, Rwanda and Uganda. “Ethnicity” has been socially constructed by colonial masters and exploited by post-independence political elites to gain support from both Hutu and Tutsi “ethnic groups”.<sup>10</sup>

Secondly, this article argues that far from promoting reconciliation and social cohesion, post-independence political elites have used ethnicity as a means to establish authoritarian, predatory, and discriminatory regimes led by one ethnic group against another, depending on which ethnic group dominates and rules the state apparatus. Vidal, for instance, argues that conflicts in Rwanda and Burundi should not be simply understood as a manifestation of ethnic differences between Hutus and Tutsis as created by colonial masters, but ones that were exacerbated and manipulated by extremist politicians

5 B. Buzan, *People, states and fear: an agenda for international security studies in the post-cold war era*, New York 1991.

6 ICGLR, *Annual Report 2010–2011 of the Executive Secretary, Amb. Liberata Mulamula*, Bujumbura 2011.

7 Cf. G. Prunier, *Africa's world war: Congo, the Rwandan genocide, and the making of a continental catastrophe*, Oxford 2009; R. Lemarchand, *The Report of the National Commission to Study the Question of National Unity in Burundi: a Critical Comment*, in: *The Journal of Modern African Studies* 27 (1989) 4, pp. 685–690; J. Bigagaza et al., *Land Distribution and Conflicts in Rwanda*, in: J. Lind and K. Sturman (eds.), *Scarcity and Surfeit: The Ecology of Africa's Conflict*, Pretoria 2002, pp. 51–84; C. Vidal, *Le génocide des Rwandais tutsi et l'usage public de l'histoire*, in: *Afrique Contemporaine* 17 (1995) 2, pp. 53–663.

8 For instance Bigagaza et al., *Land Distribution and Conflicts in Rwanda*; J. Gahama, *Les Causes des Violences Ethniques Contemporaines dans l'Afrique des Grands Lacs: Une Analyse Historique et Sociopolitique*, in: *Afrika Zamani* (13 & 14) (2006), pp. 101–115.

9 Lemarchand, *Report of the National Commission*; Vidal, *Le génocide des Rwandais tutsi*, pp. 53–663; J. Chrétien, *The great lakes of Africa: two thousand years of history*, New York 2003.

10 Gahama, *Les Causes des Violences Ethniques*.

to maintain popular support and have control of the state.<sup>11</sup> In Rwanda, for instance, the 1959 Hutu revolution was indeed grounded in the post Hutu-Tutsi ethnic division created by the Belgian administration.<sup>12</sup> However, this ethnic division was later exploited by the Hutu post-independence political elites, who managed to establish what they described as *the Hutu power* and aimed to turn the racist ideology against Tutsis.<sup>13</sup> The *Hutu power* was conceived of as the legitimate revenge of the indigenous Ba Hutu against the Tutsi minority previously portrayed by colonial administrations and missionary rhetoric as superior.<sup>14</sup>

Once in power, new Hutu leaders engaged themselves in a political process whose aim was to replace the privileged Tutsi elites by Hutus and one oppressive regime by another. In order to suppress political ambitions of the Tutsi elites in the postcolonial era, new Hutu leaders established a hegemonic regime characterized by the systematic persecution of Tutsis and the increasing destabilization of democratic institutions at the benefit of Hutu nationalist leaders and agendas. This resulted in many post-independence conflicts, which left about 500 Tutsis killed, 22,000 internally displaced, and about 130,000 refugees in neighbouring countries during the early 1960s. Furthermore, the failure of respective governments to address ethnic divisions and promote national cohesion exacerbated ethnic violence, internal civil wars and armed conflicts in the region. Each regime change in Burundi, Rwanda and Uganda resulted in massive cross-border movements of Tutsis or Hutu refugees.

Contrary to Rwanda, Burundi and Uganda, ethnicity is not viewed as the most important root cause of conflicts in the DRC. The Congolese community did not experience major ethnic conflicts during its post-independence era until escalation of ethnic violence in neighbouring countries were driven by the huge movement of refugees and illegal armed groups into the eastern DRC. The DRC comprises over three hundred “ethnic groups”, which co-existed peacefully until ethnic conflicts in neighbouring countries triggered ethnic violence in the eastern DRC. Between 1990–1994, the Congolese community witnessed a “tribal” conflict between the Katangese and Kasaïen communities living in the Katanga province.<sup>15</sup> This was more a xenophobic crisis than an ethnic conflict. It was triggered by the Katangese political elite such as Gabriel Kyungu-wa-Kumwanza, with the tacit support of President Mobutu Sese Seko.

The escalation of ethnic violence in Rwanda, Burundi and Uganda during the early 1990s fuelled ethnic conflict and extreme violence in the eastern DRC. The Hutu-Tutsi conflicts were transplanted by the massive movement of refugees into the North and

11 Vidal, *Le génocide des Rwandais tutsi*.

12 Ibid.

13 Chrétien, *The Great Lakes of Africa*.

14 M. Mamdani, *Understanding the crisis in Kivu: report of the CODESRIA mission to the Democratic Republic of Congo*, September 1997, Dakar 2001.

15 D. Dibwe dia Mwembu, *État de la question sur le conflit Katangais-Kasaïen dans la province du Katanga (1990–1994)*, in: B. Jewsiewicki and L. N'sanda Buleli (eds.), *Constructions, négociations et dérivées des identités régionales dans les États des Grands Lacs africains: approche comparative*, Québec 1990, pp. 9–48, [http://www.congoforum.be/upldocs/approche\\_comp\(1\).pdf](http://www.congoforum.be/upldocs/approche_comp(1).pdf) (accessed 27 November 2013).

South Kivu provinces.<sup>16</sup> Before the independence of the DRC, both Hutus and Tutsis from Rwanda and Burundi were encouraged by the Belgian colonial masters to work in mining corporations in the eastern part of the country. This decision prompted the emergence of the Banyamulenge ethnic group in the North and South Kivu provinces. With the majority originating from Rwanda, the Banyamulenge (Tutsi Congolese) became Congolese citizens following the adoption of the first Constitution of Luluabourg, which granted citizenship to all people and ethnic groups found on the Congolese territory before its independence on 30 June 1960.

However, the Banyamulenge's citizenship was contested by other Congolese ethnic identity groups and their rights to land, traditional authority, as well as local, provincial, and national leaderships were denied.<sup>17</sup> Even though lower level ethnic conflicts did exist between the Banyamulenge (Tutsi Congolese) and other Congolese ethnic groups fighting over citizenship and land ownership in South and North Kivu provinces, these never escalated into serious wars.<sup>18</sup> The 1972 Citizenship Decree, the 1981 Citizen Law as well as the 1991–1992 Sovereign National Conference addressed the Banyamulenge's citizenship issue by recognizing them as being of Congolese origin. Thus, until the 1994 Rwandan genocide ethnicity in the DRC never led to serious civil wars.

### Land Disputes as a Triggering Factor of Ethnic Conflicts

The failure of states institutions to implement the equal distribution of scarce land resources aggravated ethnic tensions and violence in the Great Lakes countries. Bigagaza et al., for instance, explain the dynamics of conflicts in Rwanda by examining the struggle between Hutus and Tutsi elites and communities over limited land resources.<sup>19</sup> They demonstrate the significant role played by competition for and control over land in triggering wars and ethnic conflicts in Rwanda. Accordingly access to land contributed to conflict in two ways. First, the population pressure led to competition for land. Furthermore, there was an inequitable distribution of land, most of which was controlled by elites. As demonstrated by Bigagaza et al., access to land resources has been a serious problem in the history of Rwanda, where over 90 per cent of the population earn their living from agricultural activities.<sup>20</sup> The demographic pressure makes it very difficult for the population to find enough arable land for farming activities. Rwanda is described as having the highest density in Africa.<sup>21</sup> Homer-Dixon argues that in 1991, for instance, the Rwandan population was estimated at about 7.5 million, growing at 3.3 per cent per year, and 271 persons living per square kilometre. Of the overall population, 95 per

16 Mamdani, *Understanding the Crisis in the Kivu*.

17 Ibid.

18 Ibid.

19 Bigagaza et al., *Land Distribution and Conflicts in Rwanda*, pp. 51–84.

20 Ibid.

21 T. Homer-Dixon, *Environmental scarcities and violent conflict: Evidence from cases*, in: *International Security* 19 (1994) 1, pp. 5–40.

cent inhabited 43 per cent of the total cultivated land.<sup>22</sup> This resulted in an inequitable distribution of land, which demonstrates a clear linkage between access to land and ethnic conflicts. Thus, control over scarce land resources is at the core of the power struggle between political elites in Rwanda and it is framed along ethnic lines.

In Uganda the post-independence elites inherited a fractured state embedded in north/south divisions. Despite the attempt of the post-independence elites to bring unity, the country has remained divided along ethnic lines. Milton Obote formed an alliance between his political party, the Ugandan People's Convention (UPC), and the Buganda monarchy party, Kabasa Pekka. This led to a power-sharing arrangement with Obote as premier minister and King Kabaka Mutesa II as president and head of state. However, this political arrangement collapsed soon after the establishment of the post-independence government. The land disputes between the Buganda and Bunyoro kingdoms over lost counties precipitated the divorce between the Obote and Mutesa and plunged the country into a serious political crisis. Obote dismissed the king and detained five ministers originating from the Bantu (northern Uganda) region. He took over as president of the republic, forced Mutesa into exile, and changed the 1962 Constitution. The power struggle between these two political leaders quickly accelerated and transformed into a Bantu versus non-Bantu (Nilotic) ethnic conflict. Similar ethnic grievances were raised by Museveni to fight the Obote regime.

### 3. The Regional Dimensions of the Great Lakes Conflicts

#### The Refugee Problem

The refugee problem is a crucial factor that triggered and escalated ethnic conflict and internal civil wars from one Great Lakes country to another. For instance, as early as 1960, Tutsi refugees felt marginalized and started military incursions from Burundi into Rwanda. In December 1963, Rwandan refugees launched a surprise attack from the Burundian camps with the support of the Tutsi-dominated government in Burundi.<sup>23</sup> With the support of Belgian troops, former Rwandan President (1962–1973) Grégoire Kayibanda and his government managed to repulse the military offensive. This was followed by a massive repression against the Tutsi community. About 10,000 Tutsis were killed between December 1963 and January 1964, including all the remaining Tutsi politicians. This increased the number of Tutsi refugees to 336,000 or 75 per cent of the Tutsi population fleeing to neighbouring countries by the end of 1964. About 200,000 more Tutsi refugees fled to Burundi and 78,000 to Uganda. Like during the 1960s and 1990s, the recent aborted military coup in Burundi in 2015 resulted in a huge movement of refugees into neighbouring countries. Since then, the government of Burundi as well as the UN Group of Experts have accused the Rwandan government of recruiting

<sup>22</sup> Ibid.

<sup>23</sup> Mamdani, *Understanding the Crisis in the Kivu*.

Burundian refugees from camps and train them to launch military attacks against Hutu-dominated Bujumbura.<sup>24</sup>

Similarly, ethnic conflict in Rwanda resulted in Tutsi refugees which had an impact on armed conflicts during the 1980s in Uganda. The conflicts of 1959 and 1963 forced a number of Tutsi into exile.<sup>25</sup> They were denied the right of return by the regime of Juvenal Habyarimana. The civil wars in 1963 and the 1990s between the Rwandan Patriotic Front (RPF) and the Rwandan government, which escalated into the 1994 genocide, was in part caused by the denial of the right to return of Tutsi refugees to Rwanda.<sup>26</sup> Thousands of Rwandan refugees were recruited from camps in Uganda by the then leader of the National Resistance Army (NRA) to fight against the Obote regime in Kampala. Once in power, Ugandan President Yoweri Museveni helped Tutsi refugees to form the RPF, which, under the leadership of Paul Kagame, launched military campaigns into Rwanda.<sup>27</sup> In the early 1990s, the 1993 Arusha Ceasefire Agreement was signed between the RPF leader Kagame and the former Rwandan President Habyarimana.

Following the assassination of President Habyarimana in a plane crash on 6 April 1994, the Hutu-dominated army and militias conducted the systematic extermination of over 800,000 Tutsis and moderate Hutus within 100 days. In so doing, the Rwandan interim government left the RPF with no choice but to launch a military incursion to reverse the Hutu regime and stop the genocide. Even though Rwandan rebels (RPF) managed, since July 1994, to establish a Tutsi regime, no successful reconciliation process took place. By contrast, the coming into power of the RPF changed the balance of power in favour of the Tutsi ethnic group sending into exile several hundreds of thousands of the Hutu refugees, militias, and armed groups into the eastern DRC. This is discussed further in next section of this article.

Like in Rwanda, internal civil wars in Angola, Burundi, and Uganda resulted into a substantial movement of refugees which took these conflicts into the eastern part of the DRC. It triggered insecurity and ethnic violence in the eastern DRC in general and the north and south provinces in particular.<sup>28</sup> The existence of the defeated former Rwandan national army (ex-Rwandan Armed Forces [French: FAR] / Democratic Forces for the Liberation of Rwanda [French: FDLR]) and Burundian rebels (National Council for the Defence of Democracy [French: CNDD]-Forces for the Defence of Democracy [FDD]) on Congolese territory increased tensions between ex-Zaire on the one hand, and Rwanda and Burundi on the other. These military groups started using the eastern DRC as a rear base to launch military attacks against Rwanda and Burundi.<sup>29</sup> And in

24 A. Ntumba Luaba, Interview by the author with the ICGLR Executive Secretary, Bujumbura, 30 July 2015; UNSC, Final report of the Group of Experts on the Democratic Republic of the Congo, UN doc. S/2015/19 (2015), [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_19.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_19.pdf) (accessed 3 April 2019).

25 See Bigagaza et al., Land Distribution and Conflicts in Rwanda.

26 Ibid.

27 G. Nzongola-Ntalaja and M. Lee, *The State and Democracy in Africa*, Harare 1997.

28 Ibid.

29 Ibid.

addition, the fact that the FDLR and CNDD-FDD rebel movements were mainly composed of Hutus from Rwanda and Burundi triggered ethnic violence between Hutu and Tutsi Congolese in the North and South Kivu provinces.<sup>30</sup>

### A Weak DRC Government

The weakness of the DRC government to address the security grievances posed by neighbouring countries – including Angola, Burundi, Rwanda and Uganda – explains to a great extent the complexity of the conflicts in the Great Lakes region. The failure of the Mobutu regime to disarm Rwandan and Burundian forces and to initiate in his capacity as a key leader of the Economic Community for the Great Lakes Countries (French: CEPGL), a serious dialogue for their repatriation worsened the climate of mistrust and suspicion between president Mobutu and his two new colleagues, Pasteur Bizimungu and Pierre Buyoya, precipitating the collapse of this regional organization.<sup>31</sup> Mobutu was accused by Bizimungu and Buyoya of supporting and allowing these rebel forces to illegally operate in the eastern DRC. During late 1994 and early 1996, ex-FAR and CNDD-FDD militias launched several military attacks against the new regimes in Rwanda and Burundi. The Mobutu regime failed to stop these foreign forces to use its territory as a rear base against neighbouring countries. Thus, the Pluralistic Security Community, imagined by Mobutu, Habyarimana, and Bagaza, did not materialize. Instead, in 1996 the CEPGL collapsed.

As a response to what they described as Mobutu's aggressive behaviour, Burundi and Rwanda, together with other Great Lakes countries such as Angola, Sudan, and Uganda, supported the Congolese rebel group Alliance of Democratic Forces for the Liberation of Congo (French: AFDL). The AFDL managed to oust Mobutu in May 1997, and Laurent-Désiré Kabila became president.<sup>32</sup> Rwanda, Uganda, and Burundi raised similar security grievances, supported other Congolese rebels such as the Congolese Rally for Democracy based in Goma (French: RCD-Goma), the Movement of the Liberation of Congo (MLC), the Congolese Rally for Democracy-National (RCD-N), and the Congolese Rally for Democracy-Kisangani Liberation Movement (RCD-KLM) against their former ally. This second Congolese war started on 2 August 1998 with a presidential decree authorizing the withdrawal of all Rwandan, Burundian, and Ugandan military forces who accompanied Kabila in his military struggle against the Mobutu regime.

By August 1998, a similar issue was raised by Rwandan and Ugandan government to justify their military invasions and support to other Congolese rebel movements, such as the RCD-Goma, MLC, the National Congress for the Defence of the People (French: CNDP), and the Movement of 23 March (M23), against their former ally Kabila. This

30 Mamdani, *Understanding the Crisis in the Kivu*.

31 A. Ntumba Luaba, Interview; A.M. Bwenge, *D'une CEPGL à une autre: quelles alternatives dans les stratégies actuelles d'intégration et de coopération pour le développement?* Dakar 2010, <http://www.codesria.org/IMG/pdf/5-Bwenge.pdf> (accessed 27 November 2013).

32 Nzongola-Ntalaja and Lee, *The State and Democracy in Africa*.



created a climate of insecurity in the region, resulting in the first regional war fought by nine countries in the eastern DRC. Two fighting blocs were created: the DRC government supported by Angola, Namibia, Zimbabwe, and Chad versus the RCD-Goma and MLC rebel movements supported by Rwanda, Uganda, and Burundi.<sup>33</sup> Only a few years after the signing of the Sun City Agreement (ICPN 2003), which put an end to the 1998–2003 war, the governments of Rwanda and Uganda started supporting rebel groups such as the CNDP and M23 rebels (see below).

### Illegal Exploitation of Natural Resources

Many observers view the illegal exploitation of natural resources as the most important underlying factor that motivated the Rwandan and Ugandan support to several Congolese rebel groups involved in armed conflicts in the eastern DRC. When analysing the underlying root causes of the transregional conflict, it becomes clear that the security grievance was used by Rwanda, Burundi and Uganda to cover their economic greediness in the eastern DRC. Since 1996, the governments of Rwanda, Burundi, and Uganda have justified their military interventions in the eastern DRC and support to rebel forces because of security concerns. On several occasions, the presidents of Uganda and Rwanda claimed that their military interventions in the eastern DRC sought to dismantle the FDLR, the Allied Democratic Forces-National Army for the Liberation of Uganda (ADF-NALU), and the Lord's Resistance Army (LRA), operating near their respective borders.<sup>34</sup> Yet, since 1997 the Rwandan Patriotic Army (RPA) never launched any serious military offensive against the FDLR in their operational zones, but rather targeted mining sites.<sup>35</sup>

In the past, all actors involved in the Congolese conflict had engaged in the illegal exploitation of natural resources, including the M23 and Rwanda.<sup>36</sup> They continued to be involved in the illegal exploitation of natural resources – despite the signing of the Lusaka Declaration by all ICGLR member states.<sup>37</sup> Thus, interests in natural resources remain the genuine underlying reason for Rwandan military interventions in the eastern DRC, though they are often hidden by security concerns. On several occasions, the RPA entered the DRC, either in support of Congolese rebels or the Congolese national army, but it never seized this opportunity to completely eradicate FDLR rebels. For instance, joint DRC-Rwanda military operations against FDLR rebels – such as the Kmia 1 and 2, Amani leo and Amani kamilifu – failed to eradicate them.

33 Ibid.; M. Malan and J. Gomes Porto (eds.), *Challenges of Peace Implementation: the UN mission in the Democratic Republic of the Congo*, Pretoria 2004.

34 Nzongola-Ntalaja and M. Lee, *The State and Democracy in Africa*.

35 T. Dagne, *The Democratic Republic of Congo: Background and Current Development*, Washington DC 2011; O. Lanotte, *République Démocratique du Congo: Guerre sans frontières*, Paris 2003.

36 UNSC, Final report; Baregu et al., *Understanding Obstacles to Peace*.

37 ICGLR, Lusaka Declaration of the ICGLR Special Summit to Fight Illegal Exploitation of Natural Resources in the Great [sic] Lakes Region, 15 December 2010, <https://www.oecd.org/daf/inv/mne/47143500.pdf> (accessed 15 November 2013).

## 4. The ICGLR Peace and Security Architecture

### Historical Background

The ICGLR was established in December 2006 by the heads of states and government as an institutional framework to address the regional and national dimensions of the Great Lakes conflicts. Following the 1994 genocide in Rwanda and interstate wars in the eastern DRC, the United Nations and the African Union (AU) pushed for an ad hoc International Conference on the Great Lakes Region to address the root causes of conflicts and their transregional dimensions and also to promote sustainable peace, security, stability, and economic development in the region.<sup>38</sup> On 30 December 1999, the UN secretary-general appointed Berhnu Dinka as his special representative for the Great Lakes region and instructed him to consult with regional leaders on the project. Subsequently, the UN Security Council recalled in all its resolutions on the DRC the importance of organizing a conference on the region, under the auspices of the UN and AU. Thus, initially the ICGLR was not initiated as a permanent, but as an ad hoc institution to address issues concerning peace, security, and development.

Three main reasons motivated the UN to transform the ICGLR into a permanent regional institution. First, there were the transregional dimensions of the DRC conflict in terms of the root causes and actors involved. Second, it was believed that the existence of ethnic, social, political, cultural, and linguistic ties between peoples of the Great Lakes region would make it easier for instability caused by internal factors to quickly spread through the entire region. Third, the regional approach was believed to be more suitable in finding sustainable solutions to internal conflicts and instability in each of the countries of the region. However, the conference idea was received with deep scepticism and strong resistance by regional stakeholders in general and Rwanda and Uganda in particular. The latter believed that such a regional initiative could only succeed if the security issues in the eastern DRC were effectively addressed. For other observers, the ICGLR was perceived as a Western strategy to weaken existing regional initiatives.<sup>39</sup> Despite their resistance, the UN Security Council pushed the conference idea by adopting Resolutions 1292 and 1304 in 2000, which called for the implementation of such a regional project. In April and May 2002, the UNSC deployed its work team in the region.<sup>40</sup>

After this, the official process of establishing the ICGLR started in June 2003, soon after signing the Sun City Agreement in South Africa to end war in the DRC.<sup>41</sup> This dem-

38 G. Khadiagala, *Mediation efforts in Africa's Great Lakes Region*, Africa mediator's retreat, 23 April 2007, [https://www.hdcentre.org/wpcontent/uploads/2016/08/112MediationeffortsinAfricas\\_GreatLakesRegion-April-2007.pdf](https://www.hdcentre.org/wpcontent/uploads/2016/08/112MediationeffortsinAfricas_GreatLakesRegion-April-2007.pdf) (accessed 4 January 2017).

39 F. Grignon, *Economic Agendas in the Congolese Peace Process*, in: M. Nest (ed.) *The Democratic Republic of Congo: Economic Dimensions of War and Peace*, Boulder CO 2006, pp. 63–98.

40 UNSC, *Report on Exploitation of Resources of Democratic Republic of Congo is Challenged in Security Council*, UN doc. SC/7561 (2002), <https://www.un.org/press/en/2002/SC7561.doc.htm> (accessed 3 April 2019).

41 ICPN (Inter-Congolese Political Negotiations), *The Final Act*, Pretoria, 2 April 2003, [https://peacemaker.un.org/sites/peacemaker.un.org/files/CD\\_030402\\_SunCityAgreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_030402_SunCityAgreement.pdf) (accessed 3 November 2014).

onstrates the direct link between peace initiatives in the DRC and the process relating to the establishment of the ICGLR. Firstly, the Sun City Agreement paved the way for the establishment of the ICGLR. The addendum to the Final Act of the accords called for the organization of an “International Conference on Peace, Security and Development in the Great Lakes Region and Central Africa”.<sup>42</sup> Secondly, the agreement was preceded by the signing in 2002 of the Pretoria Accord between Rwanda and the DRC and the Luanda Agreement between Uganda and the DRC. Through these two agreements, Rwanda and Uganda committed themselves to withdraw their military forces from the eastern DRC. The DRC government on its part, committed to disarm, demobilize and repatriate Rwandan and Ugandan rebels (FDLR, ADF-NALU) operating in the North and South Kivu provinces to destabilize the Kampala and Kigali regimes.<sup>43</sup> These two agreements addressed Rwandan and Ugandan security concerns as a prerequisite for establishing the ICGLR.

After the signing of the Pretoria, Luanda, and Sun City agreements, the idea to establish the ICGLR materialized in November 2004 with the holding of the first meeting of heads of states and government of eleven countries of the Great Lakes region in Dar es Salaam, Tanzania, and the signing of a declaration.<sup>44</sup> Two years later, regional leaders met in Nairobi in December 2006 and signed the Pact on Security, Stability and Development. It entered into force in May 2007 and marked the operationalization of the ICGLR, followed by the establishment of its Executive Secretariat in Bujumbura as a coordinating body of the organization.<sup>45</sup>

### The ICGLR’s Peace and Security Architecture

The December 2006 pact was signed with the intention to transform the Great Lakes region from a space of wars into a space of sustainable peace and security.<sup>46</sup> Basically, the institutional framework of the ICGLR’s peace and security architecture was inspired by the Conference on Security and Cooperation in Europe (CSCE) model.<sup>47</sup> The ICGLR pact established a Regional Programme for Peace and Security under the coordination of the ICGLR’s Executive Secretary. It aims are

*to promote the joint management of the security of common borders; to promote, maintain and enhance cooperation in the field of peace, conflict prevention, and peaceful settlement of disputes; and to promote inter-states cooperation on general security issues including combating the illicit proliferation of small arms and light weapons, preventing and combating organized transnational criminal activities and terrorism.*<sup>48</sup>

42 Ibid.

43 Ibid.

44 E. Mokodopo, Interview by the author with senior ICGLR officer for Gender, Women and Children Programme, Bujumbura, 15 December 2015.

45 ICPN, The Final Act.

46 CGLR, Pact on Security, Stability and Development (PSSD) in the Great Lakes Region, 14–15 December 2006, <https://www.icglr.org> (accessed 1 March 2019).

47 Khadiagala, Mediation efforts.

48 CGLR, Pact on Security, Stability and Development.

With the adoption of the ICGLR's pact, the stated policies and priority guiding principles were translated into sub-programmes and projects. Three main sub-programmes were designed to address the regional dimensions of the Great Lakes countries, namely the Joint Security Management of Common Borders, the Inter-State Cooperation on All Security related Issues, and the Conflict Prevention, Management and Peaceful Settlement of Disputes. The sub-programme on Joint Security Management of Common Borders and its related projects aimed at managing and improving the security situation in twelve border zones within the region identified by ICGLR member states.

## **5. ICGLR Mediation between DRC Government and Armed Groups in Eastern DRC**

The ICGLR has been involved on several occasions in conflict mediation between the DRC government and Congolese rebel groups. This sub-section analyses the role played by the ICGLR in mediating peace processes in the DRC – namely the 2008 Goma Agreement, the 2009 Nairobi Communiqué, the 23 March 2009 Peace Agreement, the 2013 Addis Ababa Agreement, and the 2012/13 Kampala Dialogue.

### **The 2008 Goma Agreement**

The ICGLR was actively involved in facilitating the 2008 Goma Agreement between the DRC government and several insurgencies groups that were operating in the provinces of North Kivu and South Kivu provinces. Following the outbreak of the conflict between the DRC government and the CNDP, the ICGLR on 7 November convened an extra-ordinary summit to address the root causes of the conflict.<sup>49</sup> In her capacity as the Executive Secretary of the ICGLR, Ambassador Liberata Mulamula worked closely with two co-facilitators appointed by the ICGLR Summit, namely former Nigerian President Olusegun Obasanjo, representing the UN secretary-general, and former Tanzanian President Benjamin William Mkapa, as ICGLR chairperson.<sup>50</sup> The Goma conference brought together the DRC government and about 22 armed groups, including the CNDP and other local militias. It addressed a number of issues, including a cease-fire and a progressive disengagement of major rebel forces and several Mai-Mai militia groups.

Besides the specifically military aspect, the Goma Agreement also addressed a political component with a draft amnesty law that the government agreed to present to the DRC parliament. In the end, on 23 January 2008 all parties signed an “act of engagement”. The agreement also created an environment conducive to the signing the Nairobi Communiqué on 17 January 2009 between the DRC government and its three neighbour-

49 ICGLR, Annual Report 2011–2012 of the Executive Secretary, Prof Alphonse Ntumba Luaba, Bujumbura 2012; A. Sumaili, *La CIRGL et le Règlement des Différends dans la Région des Grands-Lacs: Cas de la Rébellion du M23*, in: *Revue québécoise de droit international* 28 (2016) 1, pp. 203–218.

50 Ibid.

ing countries. Known as Tripartite Plus, the Nairobi regional peace initiative led to the deployment of joint military operations between the DRC and Rwanda and between the DRC and Uganda to eradicate all foreign and local rebel forces.<sup>51</sup> These joint military operations contained these forces only for a short time but never managed to completely eradicate them. Foreign rebel forces such as the FDLR, ADF-NALU, and the National Liberation Forces (French: FNL) were dislodged from their military positions and headquarters, but they regained them shortly after the end of the joint military operations. The DRC army and the UN Stabilization Mission in the DRC (French: MONUSCO) had failed to enforce security and maintain state authority after Rwandan and Ugandan national armies were withdrawn.

The Goma conference also led to the signing of the peace agreement between the DRC government and the CNDP in March 2009 in which the two parties agreed to work together to fight against foreign rebel forces.<sup>52</sup> In addition, the ICGLR Executive Secretariat also organized a mini summit in Addis Ababa in February 2010, in which the co-mediators concluded their mission and presented their final report with recommendations to leaders of the region. However, the implementation of these agreements came to a sudden halt with the creation of the M23 (see below).

### The 23 March 2009 Agreement

The ICGLR has played an active role in mediating the conflict between the DRC and the CNDP rebel movement. This resulted in the signing on 23 March 2009 of a peaceful agreement between belligerents, the integration of former CNDP combatants into the DRC national army, and the government. In his capacity as the chairperson of the ICGLR summit, Mkapa played a significant role in mediating and co-facilitating the signing of the 23 March 2009 Peace Agreement between the CNDP and the DRC. Before the signing of the final agreement, preparatory meetings were convened at several occasions in Goma and Nairobi.<sup>53</sup> The primary aim of the agreement was to stop the fighting between the DRC army and CNDP rebels.<sup>54</sup> First, the two parties agreed on the “transformation of the CNDP” into a political party.<sup>55</sup> The CNDP committed itself to “integrate its police elements and armed units respectively into the Congolese National Police and the Armed Forces of the Democratic Republic of Congo”; “become a political party and fulfill the formalities required for this purpose”; and “to solve all problems

51 Ibid.; Dagne, The Democratic Republic of Congo.

52 DRC (Democratic Republic of Congo), Peace Agreement between the Local Government and Le Congress National Pour la Defense du Peuple (CNDP), Goma 23 March 2009, [https://peacemaker.un.org/sites/peacemaker.un.org/files/CD\\_090323\\_Peace%20Agreement%20between%20the%20Government%20and%20the%20CNDP.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_090323_Peace%20Agreement%20between%20the%20Government%20and%20the%20CNDP.pdf) (accessed 15 March 2013).

53 Sumaili, La CIRGL et le Reglement des Differends; Dagne, The Democratic Republic of Congo; ICGLR, Annual Report 2011–2012.

54 DRC, Peace Agreement.

55 Ibid., Article 1.

by strictly political means in full respect of the institutional order and the laws of the Republic".<sup>56</sup>

Second, the two parties agreed on the release of political prisoners, mainly CNDP combatants.<sup>57</sup> As a first step, the CNDP was to provide the government with a list of these prisoners. In the same vein, the two parties agreed on the proposal of a decentralization model that should lead to the creation of fifteen new provinces in addition to the eleven existing provinces in the country. The aim was to promote the rapprochement and reconciliation between administrators and the administered.

Third, the agreement also laid the foundation for the establishment of a national mechanism to enable a safe return of Congolese refugees and internally displaced persons (IDPs) in the DRC. The DRC government pledged to revive in the shortest time possible, tripartite commissions on Congolese refugees and to undertake necessary action for their repatriation, rehabilitation, and reintegration into their respective communities.<sup>58</sup>

Fourth, belligerents agreed to declare the provinces of North and South Kivu "disaster areas", which should benefit integration and development projects starting with the most affected territories and residences of demobilized soldiers, returning refugees, and IDPs.<sup>59</sup> It was also agreed that integration and development projects should draw its workforce among IDPs and refugees returning in their territories.

Fifth, the agreement also included the reform of the national army and other security services as well as the integration of CNDP forces into the Armed Forces of the Democratic Republic of Congo (French: FARDC) and the Congolese National Police (French: PNC), with the recognition of their grades.<sup>60</sup> The agreement also called for the liberation of prisoners.<sup>61</sup> and an amnesty law in favour of combatants, covering the period from June 2003 until the date of its promulgation.<sup>62</sup>

Finally, the CNDP and the government agreed on the need to establish reliable and effective national and local mechanisms for reconciliation of communities at the local and national levels as well as promote good governance at all levels and in all fields, including the certification, operation, evaluation and control of natural resources.<sup>63</sup> Three years later, leaders of the former CNDP rebel movement accused the DRC government of violating the agreement and started a new war against Kinshasa.<sup>64</sup> In May 2012, about one battalion of former CNDP combatants withdrew from the national army and started a mutiny which later resulted into the creation of the M23 rebel movement in the North and South Kivu provinces. Leaders of the M23 accused the government of not respecting its engagements. Thus, the agreement was not 100 per cent respected by either

56 Ibid.

57 Ibid., Article 2.

58 Ibid.

59 Ibid., Article 6.

60 Ibid., Article 10.

61 Ibid., Article 2.

62 Ibid., Article 4.

63 Ibid., Articles 4–5.

64 HRW 2012; Dagne, The Democratic Republic of Congo; Sumaili, La CIRGL et le Reglement des Differends.

side. While the DRC government honoured about 60 per cent of its commitments, the CNDP leadership violated almost the majority of its commitments under the 23 March 2009 Peace Agreement.

Among other commitments, the DRC government recognized the CNDP as a political party. In 2010, the CNDP joined the Alliance for the Presidential Majority (MP), a platform that supported President Joseph Kabila during the 2011 elections (he had followed his assassinated father into office in January 2001). The CNDP had remained a MP member and some of its militants had obtained important positions in national and provincial institutions as well as the army until its withdrawal in May 2012. Regarding the release of political prisoners, the CNDP provided the list to the government and most of them were released and taken back to their homes.<sup>65</sup> Furthermore, the amnesty law was adopted on 5 May 2009 by the parliament and promulgated two days later. It covered “acts of war and insurrection committed in the provinces of North Kivu and South Kivu” between January 2003 and May 2009.<sup>66</sup> It should be noted that even before the promulgation of this law, on 9 February 2009 a circular issued by the minister of justice already called for the end of all prosecutions and investigations involving the members of the CNDP. Following the adoption of the law, the amnesty was granted to “all Congolese residing in the territory of the DRC or abroad”, but it excluded acts of genocide, war crimes and crimes against humanity.<sup>67</sup> As pointed out by Mwamba, the national coordinator of the Steering Committee of the Addis Ababa Agreement, not a single member of the CNDP has been prosecuted by the DRC judicial system for the acts that are the subject of this law.<sup>68</sup>

International crimes claimed against members of the CNDP, all well documented by the UN and non-governmental organizations, have not (yet) been prosecuted by the Congolese judiciary. The International Center for Transitional Justice (ICTJ) and others criticized the government for promoting impunity.<sup>69</sup> The DRC government honoured other parts of its commitment by establishing “permanent local conciliation committees” and later on national consultation, as stipulated in Articles 4 and 5 of the 23 March 2009 Agreement.<sup>70</sup> Local reconciliation committees were established in the North Kivu province in order to prevent forms of extrajudicial resolution of conflicts. These committees were operational for more than eight months, but they only had limited impacts in reconciling the Banyamulenge ethnic (Tutsi Congolese) group with other ethnic groups in the North Kivu province.<sup>71</sup>

65 F. Mwamba Tshishimbi, Notes by the author on press conference by the National Coordinator of the Follow Up Mechanism of the Addis Ababa Accords, Kinshasa, 30 July 2015.

66 Ibid.

67 Ibid.

68 Ibid.

69 L. Waldorf, *Transitional Justice and DDR. The Case of Rwanda*, New York: International Centre for Transitional Justice.

70 Mwamba Tshishimbi, Notes by the author.

71 Sumaili, *La CIRGL et le Reglement des Differends*.

Similarly, national consultations were held in Kinshasa from 7 to 30 September 2013, but not all opposition parties took part in this political dialogue.<sup>72</sup> Major opposition parties, such as the Union of Democrats for Social Progress (French: UDPS), the Union for the Congolese Nation (French: UNC), and the Movement for the Liberation of Congo boycotted this political forum. Regarding the return of refugees and IDPs, the government established tripartite commissions on Congolese refugees in neighbouring countries and initiated necessary rehabilitation actions for their reintegration.<sup>73</sup> However, since 2009 only very few Congolese refugees have returned from neighbouring countries in general, and particularly from Rwanda where more than 50,000 refugees (mainly Tutsi) are hosted. The persistence of insecurity caused by the FDLR and Congolese armed groups in the territories of Masisi and, to a lesser extent, Rutshuru have continued to be the main obstacle to the return of refugees and displaced persons.<sup>74</sup>

Pertaining to the security sector reform, CNDP elements were integrated into the PNC and the FARDC until the outbreak of hostilities in March 2014. However, most of these CNDP combatants refused to be redeployed outside North Kivu.<sup>75</sup> This attitude clearly showed a hidden political agenda on the side of the CNDP leadership, that is to say maintaining control over the territory previously under their control, thereby leading to a future regression to violence. This fact made it easier for its dissident leaders and combatants to start a new rebellion. At the creation of the rebel movement in 2003, the CNDP's leader Laurent Nkunda Batware claimed to protect the minority Tutsi Congolese against military attacks of the FDLR and other Hutu militias in the Kivus.<sup>76</sup> Later on, this argument appeared to be less convincing – even within the Tutsi communities themselves – to justify a new rebellion.<sup>77</sup> Tutsi elites were still occupying important positions in the Kabila government, the FADRC, and the PNC before the outbreak of the M23 rebellion.

While the CNDP leaders Runiga and Makenga accused the DRC government of violating the 23 March 2009 Peace Agreement, this allegation seemed not to be true. As demonstrated in the previous paragraphs, most important CNDP grievances such as ethnic discrimination and tensions were addressed by the government through the signing of the agreement and even prior to it. CNDP leaders lacked clear political grievance to justify their insurrection.<sup>78</sup> After the capture of Goma, the M23 expanded its claims

72 Radio Okapi, 2013.

73 Mwamba Tshishimbi, Notes by the author.

74 Ibid.

75 Ibid.; Dagne, *The Democratic Republic of Congo*; E. Kets and H. de Vries, *Limits to Supporting Security Sector Interventions in the DRC*, Pretoria 2014.

76 The New Humanitarian, Interview with rebel general Laurent Nkunda, 2 September 2004, <http://www.thenewhumanitarian.org/report/51228/drc-interview-rebel-general-laurent-nkunda> (accessed 4 April 2014); IPIS (International Peace Information Service), *Mapping Conflict Motives: M23*, Antwerp, November 2012, [http://ipisresearch.be/wp-content/uploads/2012/11/20121231\\_Mapping\\_Conflict\\_MotivesM23.pdf](http://ipisresearch.be/wp-content/uploads/2012/11/20121231_Mapping_Conflict_MotivesM23.pdf) (accessed 30 July 2014).

77 IPIS, *Mapping Conflict Motives*.

78 Ibid.; Dagne, *The Democratic Republic of Congo*.



to human rights issues, democracy, and good governance, accusing Kabila of cheating in the elections in November 2011 that kept him in power until 2016 (actually he stayed on until January 2019). Rather, the M23 rebellion seem to have been motivated by economic greed. Only after the arrest of CNDP military chief of staff Bosco Tanganda and his transfer to the International Criminal Court were political grievances added to the M23 agenda.<sup>79</sup>

### The Kampala Dialogue 2012–2013

The ICGLR has held seven extraordinary summits in Kampala in search of a solution to the crisis between the Congolese government and the M23 rebel movement. After six failed attempts, the seventh Kampala summit resulted in the resumption of negotiations between the government and M23 in October 2013. In his capacity as the ICGLR chairperson, Ugandan President Yoweri Museveni was actively involved in mediating and facilitating the Kampala peace process during December 2012 and December 2013.<sup>80</sup> Started in December 2012, the Kampala Dialogue was concluded on 12 December 2013 with the signing of the Nairobi Declaration which officially put an end to armed conflict between government and M23. The negotiations included M23 leadership, the representatives of the opposition, civil society and the Congolese diaspora. The Kampala negotiations process was supported by the good offices of the international community, including the UN Special Representative Mary Robinson, MONUSCO head Martin Kobler, AU Special Representative Boubacar Diarra, EU Senior Coordinator Koen Verwaeke, and the US Special Representative Russell Feingold.<sup>81</sup>

The Kampala mediation process was also strengthened by several bilateral DRC/Uganda and DRC/Rwanda meetings as well as multilateral meetings within the ICGLR framework. These efforts led to the signing on 7 November 2013 of the Kampala Declaration which was, later on, endorsed by the Nairobi Declaration, separately signed on 12 December 2013.<sup>82</sup> The Kampala summits contributed to the resolution of the crisis in the North Kivu province. It was at the end of these successive summits that the ICGLR proposed the deployment of a neutral international force to disarm the M23 and other

79 IPIS, Mapping Conflict Motives; HRW 2012.

80 Sumaili, La CIRGL et le Reglement des Differends; T. Perriello, Final Speech as US Special Envoy, Washington DC, 15 December 2016, [https://2009-2017.state.gov/s/greatlakes\\_drc/releases/2016/265727.htm](https://2009-2017.state.gov/s/greatlakes_drc/releases/2016/265727.htm) (accessed 20 November 2014); UNSG, Report of the Secretary General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo submitted pursuant to article 39 of Security Council resolution 2147 (2014), UN doc. S/2014/957 (2014), [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2014\\_957.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_957.pdf) (accessed 4 April 2019).

81 Perriello, Final Speech as US Special Envoy; UNSG, Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, UN doc. S/2015/1031 (2015), [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_1031.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_1031.pdf) (accessed 4 April 2019).

82 L. Burakuvia, Interview by the author with senior ICGLR officer in charge of documentation and conferences, Bujumbura 12 July 2015.

illegal armed groups operating in eastern DRC.<sup>83</sup> It was also under the pressure of the extraordinary ICGLR Summit that the M23 had been ordered to leave the city of Goma, which it had conquered on 20 November 2013. This idea of force was later recovered by the UNSC which created, through Resolution 2098 in 2013, the United Nations Force Intervention Brigade (FIB), incorporated into MONUSCO and holding an offensive mandate.<sup>84</sup>

Even though the two parties signed separately, the Nairobi Declaration revolved around eleven key issues on the M23 conflict. These include the end of the M23 rebellion, amnesty, return and resettlement of refugees and IDPs, justice and national reconciliation, the monitoring implementation mechanism, governance and social-economic reforms, and the disarmament, demobilization, and reintegration of ex-M23 combatants.<sup>85</sup> The last point is the most important, calling for justice to be done in order to hold accountable those responsible for war crimes and crimes against humanity.<sup>86</sup>

Contrary to previous agreement, the Nairobi Declaration did not grant a blanket amnesty to M23 for mass atrocities. It further did not include any provisions for their reintegration into the FADRC. Despite its focus on the key of issues of the conflict, the implementation of the Nairobi Declaration has remained slow. Both the DRC government and M23 have accused each other mutually of violating the declaration, especially regarding the repatriation of former M23 combatants. The amnesty law to speed up the repatriation of M23 ex-combatants from Uganda and Rwanda was voted upon and promulgated by the DRC on 11 February 2014.<sup>87</sup>

Similarly, the government took over one and half years before, sending a technical team to Uganda and Rwanda, in April and July 2014 respectively, to identify former ex-M23 combatants prior to their repatriation. This identification took place in the presence of representatives of the Office of the Special Envoys of the UN, MONUSCO and the ICGLR.<sup>88</sup> The government delegation met on 5 December 2014 with Rwandan and Ugandan officials in order to discuss the way forward on how to grant amnesty and repatriate ex-M23 combatants and their dependents. The Congolese delegation identified and registered a number of former M23 combatants who were present in their cantonments at the time of the visit.<sup>89</sup>

However, after the delegation's report, the government was reluctant to accept all 2000 combatants kept in refugee camps in Uganda and Rwanda as ex-M23 combatants.<sup>90</sup> This attitude raised suspicions, tensions and mistrust between the DRC and Rwanda and Uganda. The DRC accused Rwanda and Uganda of recruiting, training and re-

83 Ibid.; UNSG, Report 2014.

84 Sumaili, *La CIRGL et le Reglement des Differends*.

85 ICGLR and SADC, Joint ICGLR-SADC Final Communiqué on the Kampala Dialogue, Nairobi, 12 December 2013, <https://www.peaceagreementsorg/masterdocument/793> (accessed 3 November 2014).

86 Ibid.

87 UNSG, Report 2014.

88 Ibid.

89 Ibid.

90 Mwamba Tshishimbi, Notes by the author.

organizing defeated former M23 troops to start a new war against the DRC.<sup>91</sup> On his part, M23 leader Beterain Bisimwa accused the DRC government of failing to comply with the provisions of the Nairobi Declaration, namely regarding the voluntary repatriation its troops.<sup>92</sup> Coordinator Mwamba rejected M23 accusations, arguing that the DRC government was still fully engaged and committed to implementing the Nairobi Declaration.<sup>93</sup> These controversies led to the signing of the Protocol Agreement between the DRC, Uganda, the ICGLR, and the Southern African Development Community (SADC) to regulate a voluntary repatriation of ex-M23 combatants and their dependents. As demonstrated in the next section, only few ex-M23 combatants have been voluntarily repatriated to the DRC, while many more refuse to be repatriated and are still in Rwanda, Uganda and Burundi despite the fact that these governments have threatened to grant refugee status to remaining combatants.<sup>94</sup>

## 6. ICGLR's Challenges and Limitations in Addressing Peace and Security

Despite major progress made thus far, peace and security have remained fragile for the last ten years following the establishment of the ICGLR and the signing of its Pact on Security, Stability and Development, several protocols, and declarations. The ICGLR has a well-designed peace and security architecture that could enable this regional organization to achieve its objectives. However, it is facing several challenges that undermine its capacity to promote sustainable peace and security in the region (this section draws on Museka 2017).<sup>95</sup> These include the lack of political will of the heads of state and government as a major obstacle to sustainable peace and security in the Great Lakes region; the lack of coercive measures to oblige member states to abide with norms, values, and principles; the persistence of armed groups and insecurity in the Great Lakes region; the weakness of state institutions in countries such as the Burundi, the CAR, the DRC, and South Sudan and its negative impacts on peace and security; the persistence of mistrust and suspicions between member states; double standards of the ICGLR and the international community in addressing peace and security issues in the Great Lakes region; and the multiple membership of Great Lakes countries in several other RECs at the same time undermine the capacity of the ICGLR in addressing peace and security issues.

91 Ibid.

92 B. Bisimwa, Press conference on Radio Okapi, 2014, <https://www.radiookapi.net> (accessed: 10 November 2015).

93 Mwamba Tshishimbi, Notes by the author.

94 Bisimwa, Press conference on Radio Okapi 2014.

95 N. Bondo Museka, *The Establishment of the International Conference on the Great Lakes Region: From Wars to Sustainable Peace and Security?*, Saarbrücken 2017.

### Lack of Political Will of Heads of State and Government

The lack of political will to fully implement the pact and its ten protocols severely undermines the capacity of the ICGLR in promoting sustainable peace and security in the region. Many principles, norms and values enshrined in the pact and its protocols are violated by the same leaders who voluntarily have signed them. Great Lakes countries such as Rwanda, Burundi, Uganda, the DRC, South Sudan, and Sudan have been accusing each other of violating the pact and its Protocol on Non-Aggression and Mutual Defence by supporting illegal armed groups against each other. These mutual accusations have led to a continual climate of mistrust, suspicion, and serious tensions between ICGLR member states. The same argument applies to lack of respect for democratic values enshrined in the ICGLR's pact and its Protocol on Democracy and Good Governance. A number of heads of state and government of Great Lakes countries such as Burundi, Rwanda, Uganda, Congo (Brazzaville), and Angola have changed the constitution of their respective countries to enable them to remain in power beyond the two presidential terms in violation of the Protocol on Democracy and Good Governance, which promotes democratic principles, norms, and values.

In the DRC, several attempts have been undertaken to change the constitution in order to allow President Joseph Kabila to contest the presidential elections previously scheduled for December 2016, extended to 2018, for a third time. Article 70 of the Congolese Constitution limits the presidential mandate to one term, which is renewable once.<sup>96</sup> Yet, several members of the ruling party (the Party of People for Reconstruction and Development, PPRD) claimed on several occasions that Kabila could contest presidential elections for a third time until the deadline for submitting names of presidential candidates to the National Independent Commission. Due to national, regional, and international pressure, Kabila has finally decided to appoint the permanent secretary of his ruling political party as a presidential candidate. In the end, Kabila settled opposition politician Felix Tshisikedi, who surprisingly won the poll held in January 2019.

### Lack of Coercive Mechanisms

The ICGLR has no coercive mechanism to oblige heads of state and government to abide with the pact and its several protocols. The implementation of these instruments is left to their free will. The summit is the highest and most important organ of the ICGLR in terms of the decision-making. However, this organ is chaired and co-chaired within the Troika framework by leaders who have installed authoritarian regimes in their home countries for over three decades, for instance in Angola or Uganda. This makes it difficult for the summit to oblige other member states to abide with democratic principles, norms and values of the ICGLR.

96 Constitution, Congo (Democratic Republic of)'s Constitution of 2005 with Amendments through 2011 (2012), [https://www.constituteproject.org/constitution/Democratic\\_Republic\\_of\\_the\\_Congo\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Democratic_Republic_of_the_Congo_2011.pdf?lang=en) (accessed 24 April 2019).

## Weakness of State Institutions

The weakness of state institutions and national armies to dismantle foreign and local rebel forces and to establish the state monopoly of violence explains to a great extent the persistence of illegal armed groups – for instance in the DRC, the CAR, Burundi, and South Sudan. While the ICGLR has established security cooperation mechanisms to strengthen individual state capacity in addressing the security threat perceived along common borders, it has no authority to change their security and defence apparatus. Maintaining national defence and security still remains the primary responsibility of each sovereign member state. Once it fails to do so, the ICGLR has the mandate to support state efforts, but not taking over its sovereign responsibility or imposing a security sector reform without the consent of the incumbent government.

In the same vein, through its Protocol on the Fight against Illegal Exploitation of Natural Resources, the ICGLR has put in place regional mechanisms to eradicate illegal exploitation of natural resources often used by illegal armed groups to fuel violence and armed conflicts in the region.<sup>97</sup> However, the domestication and implementation of these tools remain the responsibility of individual states. The cases of the DRC, the CAR, and South Sudan have proved that in the absence of a state monopoly over the means violence, illegal armed forces and officers of national armies as well as some government officials can easily continue to illegally exploit and trade natural resources to finance their military activities or pursue their political ambitions. Thus, in spite of the six tools put in place by the ICGLR to eradicate illegal exploitation of natural resources in the region, natural resources continue to be illegally exploited and exported from neighbouring countries to international markets.

## Double Standards of the International Community

Both the United Nations and the African Union apply double standards when it comes to dealing with Great Lake countries in conflict. While on several occasions pressure was put on the governments of some countries – such as the Burundi, the CAR, the DRC, and South Sudan – to negotiate with their armed and non-armed opposition in a bid to ensure sustainable peace, security and sustainability in the region, this has never been the case with other countries such as Rwanda and Uganda. Yet, all these countries are facing similar security challenges due to the persistence of illegal armed groups. These groups such as ADF-NALU, LRA, and FDLR have conditioned their voluntary disarmament on political dialogue processes in their respective countries. However, neither the UN nor the AU have taken seriously these requests, putting pressure on Rwanda and Uganda to hold a political dialogue that can enable these groups to voluntarily disarm. In the absence of a political dialogue between these groups and their respective governments, namely Rwanda and Uganda, the ICGLR will be simply address the symptoms and consequences of the Great Lakes conflicts instead of solving its underlying root causes.

97 ICGLR, Lusaka Declaration.

## Lack of Effective Coordination between the ICGLR and other RECs and the UN

Even though an effective approach in addressing peace and security in the Great Lakes region, the regional-global partnership approach adopted by the ICGLR has shown some limitations in practice. Among other limitations, this regional-global partnership approach poses a serious problem of institutional coordination between the ICGLR and a wide range of stakeholders, including the UN Security Council, UN agencies, MONUSCO, the African Union and the various RECs, as well as civil society organizations. Furthermore, several partners such as the Office of the Special Envoy of the UN secretary-general, the AU, the East African Community (EAC), the Inter-Governmental Authority Development (IGAD), and the Economic Community of Central African States (ECCAS) have played a significant role in supporting the ICGLR efforts in promoting sustainable peace and security. However, the lack of an effective coordination has sometimes led to a duplication and even competition between the ICGLR and its international and regional partners in addressing peace and security issues in the Great Lakes region. The role of the ICGLR in mediating conflicts in some Great Lakes countries has been either hindered or duplicated by other regional organizations.

For instance, the ICGLR has only played a secondary role in mediating internal conflicts in South Sudan, the CAR and the ongoing political crisis in Burundi. In the case of South Sudan, the conflict was mainly mediated by the IGAD, with the ICGLR only providing technical support. In the CAR, the entire mediation process and peacekeeping operations were subsequently conducted by the ECCAS and the African Union. The ongoing mediation process in Burundi was initiated by Ugandan President Yoweri Museveni in his capacity as EAC chairperson. While its Executive Secretariat is headquartered in Bujumbura, the ICGLR's role in mediating the ongoing political crisis in Burundi has remained unclear and controversial.

Far from complementing each other, the ICGLR and the Office of the UN Special Envoy to the Great Lakes region are following contending agendas. Although having the same agenda – addressing peace and security related matters –, the coordination between these two organizations has remained insignificant and unclear. While the ICGLR Executive Secretary reports to the chairperson of the Summit of Heads of State and Government, the special envoy reports directly to the UN secretary-general. There is still lack of coordination and harmonization of views between the ICGLR and the Office of the UN Special Envoy to the Great Lakes region. The reality on the ground gives the impression that the Office of the UN Special Envoy is more empowered and financed than the ICGLR it is meant to support. This argument applies to the crucial competing role played by the SADC within the Force Intervention Brigade. All the three troop-contributing countries (South Africa, Tanzania, and Malawi) are SADC member states. With the exception of Tanzania, which is both a member of the ICGLR and SADC, none of the ICGLR member states provided troops and military equipment to support the joint FIB-DRC army in their military operations against rebel forces in the eastern DRC.

### The Multiple Membership of ICGLR Member States

The multiple membership of Great Lakes countries in several RECs hinders the ICGLR's effectiveness in promoting sustainable peace and security in the region. Since 2010, the ICGLR has been experiencing serious financial challenges. After a failed attempt within the financial round table, organized in 2008 by the ICGLR, to mobilize funds, the running of day-to-day activities of the Executive Secretariat became the responsibility of member states themselves.<sup>98</sup> Given the financial constraints facing most Great Lakes countries coupled with their multiple membership in several other RECs, each government wants to prioritize the organization that safeguards most of its political and economic interests – at the detriment of the ICGLR. Member states fail to pay regularly and on time the full amount of their annual contributions.<sup>99</sup> Member states are engaged at various levels depending on which organization better serves them and their interests. The DRC, for instance, shows more commitment towards the SADC than the ICGLR. This is partly because of its strong economic relationship with South Africa than other ICGLR member states.<sup>100</sup> In the same vein, Rwanda, Uganda, Burundi, Kenya, and Tanzania have more political and economic interests in the EAC than in the ICGLR.<sup>101</sup> The CAR and Congo (Brazzaville) seem to have more economic and political interests in the ECCAS and the Economic and Monetary Community of Central Africa (French: CEMAC) than in the ICGLR. Sudan and South Sudan are more committed to the IGAD than they are to the ICGLR. Thus, the multiple membership, linked with the lack of political will and interests of individual member states vis-à-vis the ICGLR, explains to a great extent the delays and lack of regular financial contributions to the Executive Secretariat and the Special Development Fund since 2010 to date. This undermines the capacity of the Executive Secretariat to implement efficiently and effectively its programmes of action, projects, and activities.

98 N.B. Museka, International Conference of the Great Lakes Region (ICGLR), in: U. Engel and F. Mattheis (eds.), *The finances of regional organisations in the Global South – Follow the money*, Abingdon (in print).

99 Ibid.

100 Ibid.

101 Ibid.