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Special Report

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AFRICA

DR Congo

Scenario Analysis and Commercial Implications of Fighting in Eastern Democratic Republic of Congo.

Key Judgment

Nkunda's CNDP has the capability to take Goma, but Nkunda is reluctant, primarily for political reasons, to engage in a direct confrontation with MONUC forces occupying the city and airport. Lack of progress in beginning direct talks between Nkunda and the DRC government increases the risk of escalation. If the decision by Southern African Development Community (SADC) member states to intervene on the government side is implemented, it will likely increase pressure on Nkunda to pre-empt any reinforcement by moving on Goma, with capture of the airport as the likely outcome. MONUC is unlikely to offer an effective defence in the event of a CNDP attack. If, as is likely, more regional third parties enter the fighting on the government side, this will also limit the possibilities for a negotiated settlement, as the government will likely feel it is in a position to reverse the gains made by CNDP forces. In a widening conflict, it is likely demobilised Tutsi troops from Rwanda and Burundi will join the CNDP.

Some Recent Risk Relevant Events

- **11 Nov 08** Angolan authorities announced that an unspecified number of troops would be deployed to the DRC; their

mission was not described.

- **10 Nov 08** SADC member states announced that they would deploy peacekeeping troops in the east if it was deemed necessary.
- **10 Nov 08** EU members rejected France's proposal to deploy 1,500 EU soldiers to Congo to support UN forces.
- **09 Nov 08** A UNICEF cargo plane delivered humanitarian supplies to Goma Airport despite ongoing fighting outside the town.
- **08 Nov 08** During a media interview, CNDP leader, Laurent Nkunda, reportedly pledged to continue fighting up to Kinshasa.
- **08 Nov 08** The UN reportedly accused CNDP rebels and pro-government Mai Mai militia of war crimes during fighting at Kiwanja.
- **07 Nov 08** A regional summit on the crisis in the east called for an immediate ceasefire and the establishment of a humanitarian corridor.
- **07 Nov 08** The president of the UN General Assembly said that MONUC's mandate was unachievable after a recent escalation in the conflict.
- **07 Nov 08** Near Goma, a MONUC official claimed that Angolan military units were fighting alongside the FARDC; this was denied in Kinshasa.
- **06 Nov 08** Indian authorities announced plans to deploy 1,200 Ghurkha troops to support MONUC peacekeeping operations.
- **05 Nov 08** New UN special envoy Olusegun Obasanjo said MONUC may require a stronger mandate to counter increasing violence.
- **04 Nov 08** Rwanda agreed to attend a regional summit on the fighting in North Kivu but denied that it was supporting rebels.
- **04 Nov 08** A spokesperson for CNDP rebels claimed that Angola and Zimbabwe were mobilising troops for deployment to the DRC.
- **04 Nov 08** MONUC reported that Rwandan Army tanks and heavy artillery had fired across the Congolese border in support of CNDP rebels.

- **03 Nov 08** MONUC escorted a 12-vehicle medical convoy past rebel lines to Rutshuru, North Kivu, after rebels assured them safe passage.
- **03 Nov 08** CNDP rebels threatened to overthrow President Kabila's government if it did not agree to direct negotiations.
- **01 Nov 08** Near Rutshuru, Uruguayan MONUC peacekeepers reported that their base was operating normally despite rebels controlling the area.
- **29 Oct 08** MONUC peacekeepers deployed helicopter gunships to support the FARDC in response to advances by rebels in the east.
- **28 Oct 08** Reports said that CNDP rebels were advancing on Goma, in North Kivu, forcing government and UN troops to retreat.
- **27 Oct 08** The commander of MONUC, Lt. Gen. Vicente Diaz de Villegas, resigned citing personal reasons.
- **27 Oct 08** In Goma, local residents protesting the continued advance of rebels towards the town reportedly attacked MONUC offices.
- **26 Oct 08** In Rumangabo, CNDP rebels retook a key military base from the FARDC and FDLR; they had first captured it earlier in October.

Context

Recent fighting in eastern DRC stems from the failure of the DRC government to disarm Rwandan Hutu militias accused of committing the 1994 Rwandan genocide.

In mid-October 2008, General Laurent Nkunda's rebel National Congress for the Defence of the People (CNDP) began an offensive against the Congolese Army. After taking a series of positions from the Army in North Kivu, including the strategic Rumangabo barracks, the CNDP advance was halted just outside Goma, the capital of the eastern North Kivu Province, after Nkunda had declared a unilateral ceasefire, ostensibly to limit civilian casualties. Fighting between the CNDP and the Army and other armed groups has been ongoing since the end of the Congolese civil war in July 2003. The CNDP

claims to be fighting to protect ethnic Tutsis from Rwandan Hutu militias, known as the Forces Democratiques de Liberation du Rwanda (FDLR), who fled from that country into eastern DRC at the end of the Rwandan genocide in 1994. (The FDLR have some eight battalions (seven - 10,000 men) deployed in the North and South Kivus.) There has been a series of agreements between the CNDP and the government to cease fighting, and for the CNDP to reintegrate into the national Army. The latest agreement was signed in January 2008 and required the government to disarm the FDLR, a task that the national government has failed to do. Nkunda claims to have launched the latest attack in order to achieve the forced repatriation of the FDLR. The UN peacekeeping force in the DRC, MONUC, which has been supporting the Congolese Army in North Kivu to pacify the region and implement the 2003 Ceasefire Agreement, failed to halt the CNDP advance, but currently holds Goma town and airfield. Like Nkunda, EU and UN diplomats have ruled out a military solution to the fighting, instead calling on the government to negotiate. However, calls for talks are likely to be ignored by Congolese government authorities, who have labelled the renegade general a war criminal. On 8 November, Nkunda indicated his intention to overthrow President Kabila's government, should Kabila not enter into direct negotiations with the CNDP. A decision by Southern African Development Community (SADC) member states to intervene if necessary on the government side, is also likely to embolden the government's resolve not to negotiate, but will likely increase pressure on Nkunda to pre-empt any reinforcement by moving on Goma. It is therefore likely that the fighting will escalate in various ways; some scenarios are considered below.

Scenarios and Analysis

The CNDP pushes out of the area it is now holding and captures Goma city. This is likely if Nkunda doesn't achieve his aim of direct talks with the DRC government, particularly if, as seems probable, additional Angolan, and possibly Zimbabwean, troops deploy to the eastern DRC in support of the government forces.

The CNDP is a relatively coherent , well-armed and disciplined force numbering around 6,000 fighters and currently controls all major towns surrounding Goma, maintaining a wide front on the western and northern edges of the town. Our sources indicate that these troops have been consolidating their hold on Masisi, Sake, Kibumba, Kibati and Rumangabo towns and their environs. In some places, CNDP troops are only six km away from the centre of Goma. Any further advances would take the CNDP into Goma proper, probably exploiting their advance to overrun the airport, which is currently under MONUC control. However, an advance into Goma would carry some risk for Nkunda, particularly as it would mean the CNDP leaving the Virunga National Park, which is directly behind the current CNDP frontline, and offers a strategically very useful base to regroup and resupply. Nkunda is wary of over-stretching his forces, and exposing them to possible air attack from MONUC, by engaging in a battle for Goma. In addition, Nkunda has refrained from engaging in a direct confrontation with MONUC forces, as he seeks to present the CNDP as the only legitimate armed force in the east. The CNDP support area in the park is difficult to attack from the air or using armour, which limits the capability of the weak and ill-disciplined Army, even in the unlikely event that they were actively supported by MONUC, to recover the ground lost to the CNDP advance. The Army has been accused by the UN of committing rape and looting as it has retreated. In the event of a CNDP attack on Goma, the Army, which has hitherto simply fled at the CNDP advance, would be forced to stand and fight, as there would be little room to escape, with Rwanda to the east and Lake Kivu to the south. Mining activities in the area are unlikely to be significantly disturbed in the province, as they are principally carried out by artisanal miners under the protection of the various armed groups in the area, including the CNDP and the FDLR.

CNDP takes control of Goma airport. If Nkunda decides to advance on Goma, accepting the risk of a confrontation with MONUC, the likely outcome will be the capture of the airport. Nkunda's forces are only likely to engage MONUC aircraft if they

come under fire and are unlikely to target other aircraft deliberately; however, the risk of accidental shoot down would increase

While Nkunda will initially likely be reluctant to extend his forces by advancing further on Goma, and will wish to avoid direct engagement with MONUC, his frustration with a lack of progress in establishing direct talks, and the military advantage of pre-empting any third party reinforcement of the Army, could precipitate a CNDP attack on the city and its airport. Nkunda will likely also be motivated to take the airport if MONUC were to allow Congolese Army troops to withdraw from the town to take refuge within the airfield perimeter, or if SADC troops attempted to bolster the Army. It is probably within the CNDP's capability to capture and hold the town and its airport. CNDP capture of the airfield would be a major blow to the DRC government and would give the CNDP access to Gisenyi and Rwanda, important for their strategic resupply. MONUC, which currently controls the airport, has warned that its peacekeepers will repel any rebel advance on the town; however, their application to date of rules of engagement limited to self-defence makes it unlikely that they would effectively defend the town or the airport. Additionally, the location of the airport makes it very difficult to mount a robust defence without causing civilian deaths, something MONUC would wish to avoid. Goma airport is surrounded by the low-lying buildings of Goma city that are built right up to the perimeter fence. The north-south runway has Lake Kivu immediately to the south and CNDP held territory to the north, up to the shores of Lake Edward. The Rwanda/DRC border lies a few hundred metres from the eastern boundary of Goma airport down to the water's edge of the lake. Unlike many other airport sites that are remotely located away from the cities they serve, the whole of Goma itself and would need to be held by defending forces to afford any chance of the airport continuing to operate. Flights could enter and exit from over the lake to the south and avoid territory to the north, but only if the wind direction is favourable. A smaller airport two kilometres to the east of Goma across the Rwandan border at Gisengi is the next nearest available alternative airhead, followed by Kigali itself, approximately 150 kms by road from

Goma. Few other airports of useful size exist in the eastern DRC, with the exception of Kisangani over 600 kms to the north west. An attack on the airport would put aircraft that were on the runway at risk of damage. However, even if the CNDP took control of the airport, Nkunda would likely allow the humanitarian passage for relief aircraft. On 3 November, he allowed MONUC to escort a relief convoy behind his front lines. The CNDP would likely only engage MONUC aircraft if they came under fire from MONUC gunships; however, the confusion generated by possible fighting for Goma would increase the risk of accidental shutdown.

Third parties like MONUC, or SADC member states, enter the fight on the side of the government forces, tipping the balance in their favour. Additional Angolan, and possibly Zimbabwean, troops are likely to deploy within a week. There would then be a slight risk of Rwandan military intervention in support of the CNDP; however, this is more likely to involve demobilised Tutsi soldiers than the Rwandan army.

Since the end of the civil war in 2003, Zimbabwe and Angola have maintained a limited military presence in the DRC. In the case of Zimbabwe, this has been in the form of 'military advisers' who stayed after 2003, ostensibly to train the Congolese Army. However, our sources indicate that Angolan troops have been doing some of the fighting alongside Army troops, as well as acting in an advisory role. These reports have been corroborated by UN peacekeepers, who have reported encountering Portuguese-speaking troops outside Goma town. At the moment, the involvement of foreign fighters is limited but could well escalate, now that Angola has agreed the DRC's request for additional troops. On 9 November SADC member states resolved to send troops to fight alongside the DRC Army if it was deemed necessary. This resolution would enable states such as Angola, Zimbabwe and Namibia, who intervened on the government side during the civil war, to return to the DRC. This would most likely happen if the CNDP overran Goma and attempted to widen their campaign beyond the Kivus. However, such direct involvement is

also likely to provoke a response from Rwanda, which would view support for the Congolese Army as extending to support for the FDLR (FDLR units have been observed fighting alongside the Army). There is a slight risk that Rwandan forces could enter Congo, although this is tempered by Rwanda's need to retain Western goodwill (Rwanda relies significantly on donor aid), which would be adversely affected by increased military engagement in the DRC. Additionally, demobilised Tutsi troops from Rwanda and Burundi would likely join the ranks of the CNDP, if the number of third parties in the conflict increased. Tutsi people in DRC, Rwanda and Burundi share common family lineages and they consider the FDLR a general enemy of Tutsi people.

MONUC fails to increase its operational capacity through timely reinforcement and robust exercise of its mandate to use force in self-defence. This is a probable outcome. MONUC is unlikely to play a decisive role in any fighting for Goma, given the reluctance of EU and UN Permanent Security Council members to support an increase in its force level, and, more particularly, no indication to date that MONUC has the will to use force against the CNDP, even in self-defence.

On 12 November 2008, Alain Le Roy, the head of UN peacekeeping asked the UN Security Council to send in an extra 3,000 troops to help with protecting civilians in North Kivu. MONUC, which has 17,000 troops in the DRC but only 6,000 in the east, has been severely constrained and has appeared to lack the will to stop the CNDP, despite having superior airpower and armour. Unless MONUC significantly increases its troop strength in Goma and in North Kivu generally, and shows itself more robust in exercising its right to use force in self-defence, it will not be able to halt further advances by the CNDP. In the early stages of the CNDP advance, UN peacekeepers were attacked by civilians, disappointed at MONUC's failure to prevent their displacement by rebel forces. As more displaced Congolese have now entered Goma, another CNDP advance into the town will likely expose peacekeeping troops and other UN workers to violent attacks from angry refugees. Although the

head of UN peacekeeping has made a request for additional troops, it is unlikely that any additional UN troops will be available to deploy on the ground within the next four weeks, particularly as the EU, which would have the capability to deploy one of its quick-reaction battlegroups earlier, has indicated that it will not intervene, instead arguing that MONUC should make better use of its current force, which is still mal-deployed. The available MONUC troops will likely only be able to hold the strategic Goma airport if CNDP troops hold their current positions and do not advance on the town.

A negotiated settlement is reached between the government and the CNDP. While a negotiated settlement is sought by Nkunda, given his present military advantage, it has no attraction to the government, as long as there is a prospect of regional reinforcements deploying to help reverse the CNDP's gains.

The Congolese government has thus far refused to hold talks with Nkunda, arguing that the government will not talk to a 'war criminal' . However, EU diplomats, who are not keen on providing more forces, either to MONUC or by means of a stand-alone EU battlegroup, have been applying pressure on the government to negotiate. On 10 November, EU defence and foreign ministers quashed French proposals to send a 1,500-strong force into North Kivu. Similarly, at an emergency meeting held in Nairobi, Kenya on 7 November 2008, leaders from the Great Lakes region called for the belligerents to negotiate. The Congolese government will be forced to reconsider its position if multilateral organisations, such as the UN, EU and AU, refuse to send in troops. The inability of the Army to withstand any advance by Nkunda's troops leaves the government with no option but to negotiate. If a negotiated settlement is reached between the CNDP and the government, it is unlikely that the rebel troops will withdraw to their original positions. It is more likely that they will maintain most of the territory they are currently occupying, as this would make it relatively easy to maintain their supply routes from Rwanda. Additionally, if talks are held, it is likely that Nkunda will insist on a more

robust approach to the disarmament of the the FDLR. The recent indication of possible regional SADC reinforcements will likely encourage the government to hold out longer from direct talks, taking the risk that Nkunda may take pre-emptive action.

Key Players and Locations

Joseph Kabila: The President of the DRC. He is credited for bringing an end to the 1998-2003 civil war. He won the 2006 presidential election promising to bring peace to eastern Congo

Laurent Nkunda: A former general in the Congolese Army and leader of the CNDP.

CNDP: The political-military organisation formed by Nkunda to represent the interests of Congolese Tutsis. The CNDP operates in the eastern province of North Kivu.

Goma: Goma is the capital of North Kivu.

Tutsi and Hutu: Tutsi people are one of the native peoples of the Rwanda and Burundi and eastern Congo. The others are Hutus and Twas. Tutsis are a minority group in all these countries.

FDLR: The FDLR is an anti-Rwandan militia based in eastern Congo. The group was implicated in the 1994 Rwandan genocide, during which Hutus killed more than 800,000 Tutsis

Rwanda: Rwanda is the neighbouring country on the eastern border of the DRC next to North Kivu province.

Paul Kagame: Kagame is the president of Rwanda. He is a Tutsi.

MONUC: The UN peacekeeping force for the DRC. It has 17,000 troops throughout the Congo.

EU: The European Union is an economic and political union of 27 member states primarily located in Europe. It has been involved in peacemaking initiatives in the DRC.

Angola: Angola is a southern African country

bordering the DRC to the south and the west. It sent troops to support the government during the 1998-2003 civil war.

Zimbabwe: Zimbabwe is a southern African country and a member of SADC. It sent troops to help the government during the civil war.

Namibia: Namibia is a southern African country and a member of SADC. It sent troops to the DRC during the civil war.

SADC: The Southern African Development Community is a grouping of southern African states. Its members, who include the DRC, are signatories to a mutual defence pact.

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