

WARID: Democratic Republic of Congo (CNDP) 2006-2009

STARDATE: 25 November 2006

ENDDATE: 31 December 2009

Related cases: DR Congo (AFDL) 1996-1997

DR Congo (MLC) 1998-2002

DR Congo (RCD) 1998-2004

Rwanda (FPR/PALIR, FDLR) 1990-2002

Last update: 7 September 2015

Authors: Hannah Pehle, Anna Schwarz

Reviewer: Kai Koddenbrock

Conflict overview

During the Second Congo War (August 1998-December 2004), the Rwandan-backed rebel organization RCD-Goma (RCD-G)¹ was the government's main opposition in the eastern provinces, especially in North and South Kivu. In 2002, the belligerents signed a peace agreement and agreed on security sector reforms, aiming to integrate former rebel forces into a newly created national army, the 'Forces Armées de la République Démocratique du Congo' (FARDC). However, former RCD-G General Laurent Nkunda refused to join the FARDC, stating he did not want to be redeployed outside the Kivus. Consequently, ex-RCD-G soldiers deserted and allied themselves with Nkunda. On 26 July 2006, Nkunda merged his political movement 'Synergie pour la paix et la concorde' with his armed forces, the 'Conseil militaire pour la défense du peuple' (CMDP), into the 'Congrès national pour la défense du peuple' (CNDP) and launched a new rebellion.

We consider the war between the CNDP and the Government of the Democratic Republic of Congo (DRC) a renewed outbreak of the conflict between the RCD/RCD-G and President Kabila in the Second Congo War because a number of the conflict parties remained the same. Moreover, the rebels fought for the same objectives. Both the RCD-G and the CNDP repeatedly demanded the elimination of the threat posed by Hutu rebels in eastern Congo.² As provided for in the peace agreement from 2002, the government committed itself to dismantling and disarming the Hutu 'Forces Démocratiques de Libération du Rwanda' (FDLR) and to

1 The RCD-G was the main faction of the former 'Rassemblement Congolais pour la Démocratie du Peuple' (RCD), which split into different factions in 1999.

2 Since 1998, the rebels were persistently fighting against the presence of what had been the former Rwandan 'Génocidaires' in the eastern provinces.

ending its support for the rebels. The CNDP, however, deemed the government never to have upheld its pledge as FDLR militia remained present in the Kivus.

The CNDP's rebellion was limited to North Kivu, where the rebels had maintained their zone of influence since the end of the Second Congo War. Although the CNDP sometimes presented itself as a movement with national ambitions³, its key demands were linked to the community in North Kivu. These demands included the dismantling of the FDLR and the return and repatriation of approximately 45,000 Congolese Tutsi refugees from Rwanda to the Kivus. Hence, North Kivu is considered disputed territory, not all of the DRC.

In December 2006, the government and the CNDP agreed on the integration of CNDP forces into the FARDC. Rebel forces and FARDC units were merged into six 'mixed' brigades and deployed in the Kivus in order to fight the FDLR.⁴ However, this 'mixing' failed and Nkunda's forces withdrew from the campaign in May 2007 and the CNDP became stronger than before. Fighting continued until an agreement was signed in Goma in January 2008 by the governments of Rwanda and the DRC along with 22 rebel groups and militias; this agreement stipulated the end of hostilities. The ceasefire only lasted a few months and heavy fighting resumed in August. On 29 October 2008, the CNDP announced a unilateral ceasefire. UCDP assesses this date as the end of the war [WARENDUC=2]; however, armed struggle and one-sided violence continued.⁵ Negotiations on a bilateral ceasefire agreement finally commenced in mid-March 2009, ultimately leading to the signing of a peace agreement between the CNDP and the government on 23 March 2009.⁶ However one-sided violence against civilians continued. Government forces and newly integrated ex-CNDP soldiers killed hundreds of civilians during the military offensive 'Kimia II', which lasted until September.⁷ Thus, the war ended after 36 months of conflict at the end of 2009, by which point actions carried out by the warring parties had decreased and the criterion of 25 battle-related deaths was no longer met [WARENDOS=5; WARDUR=37].

According to UCDP estimates, fatalities caused by armed struggle between the DRC Government and CNDP rebel forces numbered 1,041. One-sided violence by the parties involved

3 On 2 October 2008, Nkunda called for the 'liberation' of the Congo, indicating that the CNDP aimed to overthrow the government (ICG 2010: 1).

4 In contrast to the initial integration process (called 'brassage') that started in 2004, the 'mixing' did not stipulate a re-deployment of former rebel units outside the Kivus, which Nkunda had strictly opposed.

5 We deviate from the UCDP's assessment, as 'Patriotes Résistants Congolais' (PARECO) and 'Mayi-Mayi' (lose groups of ethnic militias in eastern Congo) forces launched an attack against the CNDP on 4 November 2008. Moreover, the CNDP skirmished with FARDC troops in the same month and, for January 2009, one-sided violence can be attributed to the CNDP causing further fatalities.

6 For a conflict overview, see HRW 2007; ICG 2005; ICG 2006a; ICG 2006b; ICG 2010; Johnson 2008; Kisangani 2012; Prunier 2009; Stearns 2008; Stearns 2011; Stearns 2012.

7 Military operations against the FDLR included 'Umoja Weto' in January 2009, 'Kimia II' in March 2009 and 'Amani Leo' in February 2010 (ICG 2010: 6).

in the conflict and fighting between non-state actors in this dyad resulted in an additional 1,545 deaths.⁸ Thus, the UCDP estimates a total death toll of 2,586 [**FATALUC=3000**].⁹ Estimates by the UNHCR confirm these findings [**FATALOS=3000**].¹⁰ The United Nations Development Program (UNDP 2009: 2) reports a population of 4.5 million for 2005 [**PREWARPO=4500000**]. As such, 0.07% of the pre-war population was killed by the war [**INTENSUC=0.07; INTENSOS=0.07**].

The military balance at the end of the war

According to Cunningham et al. (2009), the CNDP was in control of several villages in North Kivu. Nkunda initially only controlled parts of the Masisi territory, though later roughly a third of the Masisi and Rutshuru territories in North Kivu [**REBTERR=1**].¹¹ The rebels had established a civil administration, a parallel police and intelligence service and a political wing with an executive committee and congress (Stearns 2008: 252, 257; UN 2008a: para. 3). They also collected taxes in areas under their control and had de fact control over the customs service at the Ugandan border (UN 2008b: para. 35-47). Moreover, the CNDP was able to recruit from refugee camps in Rwanda and had created radio stations and communication teams in order to disseminate the movement's ideology.¹² The rebels also acquired revenue from the mineral trade in North Kivu (Stearns 2008: 258; UN 2008b: para. 57-60).

By the end of the war, the CNDP had maintained their parallel administrative structure as well as their political-military chain of command in North Kivu. They had even expanded areas under their control in the course of the armed struggle.¹³ However, the CNDP did not control the larger part of the disputed territory [**MORETERR= -1**].¹⁴

According to Cunningham et al. (2009), the CNDP's relative fighting capacity was 'low'. However, CNDP combatants prevailed in almost every military confrontation with the gov-

8 For 2006, we only count 50 (out of 153) fatalities from one-sided violence by the government (UCDP estimates); most of the attacks against civilians occurred in Ituri and some in three other provinces, which are not part of the disputed territory of this dyad.

9 See UCDP Conflict Encyclopedia, http://www.ucdp.uu.se/gpdata/gpcountry.php?id=38®ionSelect=2-Southern_Africa# (5 Jun 2014).

10 The UNHCR estimates direct conflict deaths between 2006 and 2009 at 6,425. However, this number does not distinguish between the various conflict dyads in the DRC. When applying the share of fatalities related to the CNDP dyad (calculated by comparing the fatalities estimated by the UCDP), this number must be revised down to 3,389 (<http://www.unhcr.org/4f8d606d9.pdf>, 4 Jun 2014).

11 See UN 2008b: para. 20.

12 See Stearns 2008: 257, 264-265; Stearns 2012: 26, 28; UN 2008b: para. 22.

13 See HRW 2007: 21-22; ICG 2010: 4, 6, 13-15; Stearns 2008: 247, 252; Stearns 2012: 26, 28.

14 See Manahl 2009: 3; Stearns 2012: Map 2. Given that the two Kivu provinces had been a restive region for approximately a decade by 2009, and several militias were constantly challenging the state's authority, it is difficult to assess to what extent the government was able to efficiently exert control in areas outside of the CNDP's stronghold. However, we assume that the Congolese state obtained at least some civilian presence in larger parts of the disputed territory. Thus, we code this item in favor of the government.

ernment between 2006 and 2009 (Stearns 2008: 256; Stearns 2012: 31).¹⁵ In terms of the mere number of forces, Nkunda's rebels were inferior; however the CNDP was better organized, had superior troop morale and was supported by Rwandan soldiers and a supply of weapons.¹⁶ Hence, we assess that the CNDP's relative fighting capacity as at least moderate **[REBFIGHT=0]**.

Both warring parties commanded troops that continued fighting in more than a few areas of the Kivus in more than a sporadic manner. The rebels were not severely weakened by government offensives during the war and the national army had enough troops at its disposal to carry on with the armed struggle **[CONFIGHT=0]**.

Following a UN report revealing that the governments of Rwanda and the DRC were fighting a proxy war in the Kivus, international pressure mounted (Kisangani 2012: 160). Kigali was evidently backing the CNDP and Nkunda while Kinshasa supported Mayi-Mayi militias and FDLR rebels. Eventually, Kabila and Rwandan president Paul Kagame agreed to a joint military operation against the FDLR, which allowed Rwandan soldiers to cross into the DRC. In return, Rwanda ended its support for Nkunda and arrested him on 22 January 2009 (Ostheimer 2009: 1; Stearns 2012: 34-35). Although it was not Congolese government forces that captured Nkunda, his removal led to a split between loyalty to Nkunda and Bosco Ntaganda, which ultimately weakened the CNDP. The military balance thus shifted slightly in favor of the government and Ntaganda as the new leader entered into peace negotiations with the government **[LEADER= -1]**.

Government forces were unable to eliminate the CNDP rebels and even had to accept defeat in several incidents (Boshoff 2010: 10). The CNDP had defended and even expanded its stronghold in North Kivu. Nonetheless, it would be misleading to deem the rebels the military victor as they were likewise unable to fully exert control in the disputed territory or expel government forces from the Kivus. Hence, neither side can be considered the military victor of the armed struggle **[VICTORY=0]**.

In sum, the military balance at the end of the war slightly favored the side governing at the beginning of the war **[WARBAL= -0.17]**.

15 Regierungstruppen flüchten aus Goma. Rebellen im Vormarsch – Zehntausende von Flüchtlingen, Neue Zürcher Zeitung, 29 October 2008, <http://www.unis.unvienna.org/pdf/MONUC%20Backgrounder%20November%202008.pdf> (1 Aug 2014).

16 See International Alert 2012: 27; Stearns 2008: 257-258; UN 2008b: para. 61-68.

The military balance in the post-war period

In accordance with the 2009 peace agreement (Article 1), between 5,300 and 5,800 (of 7,000 officially registered) CNDP soldiers were integrated into the FARDC in 2009.¹⁷ Furthermore, CNDP combatants were integrated into the national police after 2009 (Scherrer 2012: 155). Despite defection of ex-CNDP soldiers, the majority of former rebel troops remained within FARDC units until at least April 2012 (Conflict Barometer 2012: 36; Stearns 2012: 51; UN 2012a: para. 17). Thus, both former warring parties substantially participated in the state's military forces [**STATEFOR 2010-2012=0**].

However, both sides also had separate armed forces at their disposal [**SEPFORCE 2010-2012=0**]. Kabila maintained his presidential guard, the 'Garde Républicaine' (GR) and did not subject this force to the integration process. The GR under the president's direct command numbered between 6,000 and 8,000 in the post-war period (IISS 2011-2013). The rebels themselves had not integrated all of their armed troops, commanding separate armed forces. At least 1,200 CNDP troops¹⁸ did not join the national army and ex-CNDP officers within the FARDC maintained de facto control over government units composed of former CNDP troops (UN 2012b: para. 66).¹⁹ Moreover, the CNDP retained a parallel police force of over 1,000 men in Masisi throughout the post-war period (UN 2012b: para. 88, Box 4).

Due to a lack data on the numbers of government soldiers deployed in the Kivus or on the exact number of CNDP rebels, we cannot assess whether there was a change in the number of troops in favor of either side [**TROOPS 2010-2012=n.d.; ARMS 2010-2012=n.d.**]. However, we can with certainty say that the CNDP was able to increase its number of troops throughout the war and even in the post-war period.²⁰

The government established a civilian presence in the disputed territory after the elections in July 2006 when it seized the vast majority of political positions in the official Kivu parliament and administration. Officially, Kabila maintained this civilian presence throughout the armed struggle as well as in the post-war period. The rebels, for their part, were also in control of important territory – including mining areas – as they preserved their parallel administration

17 See ICG 2010: 5, 13; Stearns 2012: 41; UN 2009a: para. 5.

18 See UN 2009a: para. 5; <http://www.irinnews.org/report/89494/drc-who-s-who-among-armed-groups-in-the-east> (4 Aug 2014).

19 "Ex-CNDP leader Gen. Ntaganda exercised de facto operational command of all FARDC units in North and South Kivu" (UN 2012b: para. 66). Separate CNDP forces also profited from the desertion of newly integrate FARDC soldiers (ICG 2010: 12-16, UN 2011a: para. 3; UN 2012a: para. 78).

20 The rebels benefitted considerably from the 'mixing' process. Before the army integration process in 2007, CNDP troops numbered between 3,000 and 5,000 (Boshoff 2007: 4-5, 7; IISS 2008; Stearns 2008: 258). Afterwards, this figure was significantly higher, with approximately 8,000 troops (HRW 2007: 20-21). After the 2009 peace agreement, ex-CNDP officers incorporated Rwandan soldiers into FARDC units loyal to former rebel officers.

and taxation system as well as their parallel military command.²¹ Hence, both former warring parties controlled important territory in the post-war period [**TERRCON 2010-2012=0**].

The rebels had expanded their territory during the war and in the aftermath of the 23 March peace agreement in 2009. As they were integrated into the FARDC and obtained strategically important military positions in mineral-rich areas, the former rebels enhanced their financial resources (ICG 2010: 4; Simonis 2013: 1; Stearns 2012: 35). Yet, in the post-war period beginning in 2010, the CNDP was no longer able to expand its territory. However, it is uncertain if the government succeeded in re-establishing state control in North Kivu after the end of the war (UN 2010: para. 7). Thus, neither side controlled more important territory in the post-war period compared to the end of the war and shortly thereafter [**TERRWIN 2010-2012=0**].

Given that the government controlled the larger part of the disputed territory as well as the rest of the DRC expanse, the governing side is considered strategically less vulnerable in its territory [**VULNERAB 2010-2012= -1**]. At the same time, one must consider the fact that the DRC remained a weak state unable to effectively control territory in the periphery, especially in the war-torn east of the country.

UN peacekeeping forces were present in the DRC after 2000 under the 'Mission de l'Organisation des Nations Unies en République Démocratique du Congo' (MONUC).²² One of the mission's explicit aims was the stabilization of the Kivu provinces (Boshoff 2003: 136, 139).²³ The mandate was extended throughout the years; in 2010, the mission was renamed MONUSCO²⁴ and has been ongoing in the entire post-war period [**PEACKEEP 2010-2012=0**].

None of the permanent members of the UN Security Council would have, at any point, intervened militarily on behalf of either of the warring parties [**P5ALLY 2010-2012=n.r.**].

Overall, the post-war order slightly favored the government [**POSTBAL 2010-2012= -0.17**]. In total, the scores for the military balance at the end of the war and for the post-war period were to the advantage of the governing side [**BALANCE 2010-2012= -0.17**].

21 See BTI 2010: 6; BTI 2012: 7; ICG 2010: 6, 13, 15; UN 2011a: para. 12. The CNDP's illegal taxes in Rutshuru, Masisi and Nyiragongo were allegedly lifted after the signing of the peace agreement in 2009, but only dismantled in June 2010, after CNDP members were nominated to administration posts (ICG 2010: 14).

22 <http://www.un.org/en/peacekeeping/missions/past/monuc/facts.shtml> (27 May 2014).

23 Against the backdrop of the aggravation of the situation, 90% of all MONUC soldiers (more than 15,000) were deployed in the Kivus by 2008, see: <http://www.unis.unvienna.org/pdf/MONUC%20Backgrounder%20November%202008.pdf> (1 Aug 2014).

24 Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo; www.un.org/en/peacekeeping/missions/monusco/background.shtml (8 Aug 2014).

Economy

According to World Bank estimates, the gross domestic product (GDP) per capita steadily increased after the end of the war. Despite this, the DRC was one of the least developed countries in the world in 2012 and ranked last on the UN Human Development Index in that year (UNCTAD 2012; UNDP 2013: 155).

Table 1: GDP per capita in current USD²⁵

<i>Year</i>	<i>Population (total)</i> ²⁶	<i>GDP per capita</i>
2010	62,191,161	211
2011	63,931,512	246
2012	65,705,093	262

The scale of compromise after the war

Following their transformation into a political party as provided for in the peace agreement (Art. 1), the CNDP was granted posts in the territorial administration as well as positions as provincial advisors and one provincial ministry (UN 2010: para. 14). The peace agreement stipulated the redeployment of CNDP administrative officials (Art. 8, 9, 12.1-12.4) but remained vague about the amount and level of the positions. Although Kabila guaranteed the rebels posts at the national level in April 2009, former CNDP members never received a ministerial position in Kinshasa in the post-war period (ICG 2010: 14; Stearns 2012: 41). Apart from one ministry at the provincial level, the CNDP had very limited access to the political arena in the disputed territory. As such, we conclude that only the side governing at the beginning of war participated in the provincial governments of North and South Kivu [GOVERN 2010-2012= -1].²⁷

There were no political decisions in North Kivu that the CNDP had to agree to – the government retained exclusive decision-making powers [VETO 2010-2012= -1; VETOSAT=n.r.]. Although the last elections before the beginning of the post-war period were considered ‘basically free and fair’ (Freedom House 2007) and the CNDP’s predecessor party RCD-Goma competed in the 2006 national and provincial elections, it would be misleading to extrapolate the value ‘0’ for the first to post-war years. As early as 2007, the political climate had changed and opposition parties were banned, their members being increasingly suppressed or

25 Data on GDP per capita and the population available at: <http://api.worldbank.org/v2/en/country/cod?downloadformat=excel> (26 Aug 2014).

26 These figures refer to the total population of the DRC. We lack reliable sources on the total population of the Kivus for the respective post-war years.

27 The CNDP repeatedly complained that they did not obtain any ministerial positions (UN 2010: para. 14). Hence, it would be misleading to consider one minor provincial ministry granted to the former rebels as substantial participation in the government.

arrested (BTI 2010: 7; Freedom House 2008-2012). Furthermore, the political rights ranking by Freedom House (2009) worsened from ‘5’ to ‘6’ in 2008 on account of political violence. Hence, we code ‘-1’, indicating that the period without elections until 2011 was advantageous to the government [**ELECT 2010-2011= -1**].

The 2011 presidential and parliamentary elections were held on 28 November. In 2009, the CNDP had committed to transforming itself into a political party. For the 2011 presidential campaign, the CNDP joined the ‘Alliance pour la majorité présidentielle’ (AMP) and supported Kabila in the hope that it would obtain positions in the national government (UN 2011a: para. 13; UN 2012b: para. 68).²⁸ However, the elections were accompanied by irregularities, violence and fraud.²⁹ An amendment to the electoral law in January eliminated the necessity of run-up elections in the case that one candidate did not obtain the required majority. This was viewed as intentional manipulation to secure the re-election of incumbent president Kabila.³⁰ In the provincial parliamentary elections, the former rebels attempted to force the election of CNDP members through military pressure. However, this led to the nullification of election results in parts of North Kivu (UN 2012b: Box 1). Considering these shortcomings during the elections and the Freedom House (2012) political rights rating of ‘6’, we determine that the elections were not basically free and fair, which was to the advantage of the government [**ELECT 2012= -1**].

The warring parties neither fought over the secession of territories nor over borders between federal or sub-state units or over the allocation of competences among the different political levels [**EXBORDER 2010-2012=n.r.; INBORDER 2010-2012=n.r.; COMPETEN 2010-2012=n.r.**].

Discord over the economic order was not a primary motivator for the armed conflict [**ECONOMY 2012-2012=n.r.**].

The government and the rebels agreed on measures to promote the repatriation of Tutsi refugees from Rwanda in Article 6 of the 2009 peace agreement. The return of refugees had been one of the main demands of the CNDP since 2006. Eventually, the parties signed an agreement on mechanisms for the return of refugees in 2010. Despite this compromise on paper, very few Congolese Tutsis returned from Rwanda (ICG 2010: 4, 17; Stearns 2012: 41). The security situation remained tense, with many communities hostile to the repatriation of refugees and the government fearing that the return of the Tutsi would shift the political balance

28 See <http://iwpr.net/report-news/drc-armys-loyalties-uncertain-around-election> (25 Feb 2014).

29 See Freedom House 2012; Githaiga 2012: 1, 6-8.

30 See BTI 2012: 8; Carter Center 2011: 5; Freedom House 2012; Githaiga 2012: 3; Kisangani 2012: 161. This amendment indeed came into effect as Kabila was announced winner of the 2011 elections polling only 49% of the votes.

in the Kivus and increase conflicts over land.³¹ Thus, we code this item in favor of the government: the tripartite UNHCR-Congo-Rwanda agreement not led to the desired outcome; the situation of Congolese Tutsi remained unchanged [**SPECPRO 2010-2012=-1**].

The CNDP rebellion in 2006 was triggered by former RCD-G general Nkunda's refusal to join the national army in the course of the army integration process after the Second Congo War because he rejected deployment outside the Kivus. Likewise, the CNDP's main demand regarding the integration of its troops into the FARDC in 2009 was that none of its soldiers be deployed outside the two Kivu provinces until the FDLR had been eliminated, which would guarantee the safety of the Tutsi (ICG 2010: 14). In the aftermath of the peace negotiations, CNDP officers acquired high positions among FARDC units deployed in North and South Kivu, which enabled them to actively fight the FDLR as part of the national army (Stearns 2012: 41). Ntaganda was even made deputy commander of the military offensive 'Kimia II'. Moreover, Ex-CNDP officers benefited considerably from the integration process and their deployment in the Kivus (UN 2012b: para. 66-67). As part of the FARDC, ex-CNDP rebels expelled FDLR and Mayi-Mayi militias from mining sites during the course of the military campaigns, thus taking control of resource extraction in the Kivus.³² Efforts to restructure the army throughout the post-war period remained unsuccessful (UN 2010: para. 55).³³ Whereas the government abided by its commitment, the rebels did not give up their parallel system of administration, taxation and military chain of command despite their formal integration into the Congolese institutions (ICG 2010: 14-15, 24; UN 2012b: Box 4), nor did they hand over their heavy weaponry (Stearns 2012: 36; UN 2012b: para. 113-119). As such, there was no implemented compromise with respect to the integration of rebels and the constitution of the CNDP; the rebel side prevailed on this issue [**ISSUE 2010-2012=1**].

During the negotiations for the Goma Agreement in 2008, the belligerents agreed on an amnesty law (excluding war crimes) covering the period since 2003. Unofficial guarantees even promised impunity to CNDP members accused of war crimes (ICG 2010: 4). The peace agreement in 2009 provided for such an amnesty bill as well as the release of political prisoners (Article 2 and 3). On 7 May 2009, the parliament passed the stipulations into law and granted amnesty for 'acts of war' committed by rebels in the Kivus (including the CNDP)

31 Traditional leaders, in particular, felt that their authority over land allocation would be undermined once land was allotted to thousands of refugees by the CNDP administration (ICG 2010: 17).

32 See Conflict Barometer 2010: 30; Simonis 2013: 1; Stearns 2012: 35; UN 2009b: para. 6.

33 When the government attempted to deploy CNDP soldiers outside the Kivus in 2010, Kabila faced strong opposition from the CNDP (ICG 2010: 15; UN 2012b: para. 67). In early 2011, the government tried to incrementally weaken the CNDP's position in the FARDC by merging army units into regiments of 1,200 soldiers in order to get rid of parallel chains of command. This step failed, however, and Ntaganda was able to place loyalist into new command positions (Stearns 2012: 39-40).

between 2003 and 2009. Although ‘war crimes’ were officially excluded, CNDP officer Ntaganda was able to join the FARDC as a general despite the ICC’s arrest warrant against him (ICG 2010: 9-10; Krüger/Hund 2013: 2).³⁴ By mid-2010, the government complied with the rebels’ other demand and released 400 prisoners (ICG 2010: 14). Since it was the government who made major concessions, allowing the CNDP to get its maximum demands, there was no implemented compromise: the former rebels clearly prevailed [**ISSUE2 2010-2012=1**].

There were no additional central issues that emerged in the post-war time [**NEWCON 2010-2012=n.r.; NEWCON2 2010-2012=n.r.**].

Despite the provisions from the 23 March 2009 peace agreement, there were no other implemented compromises until 2012 [**BENEFIT 2010-2012=n.r.; BENEFIT2=2010-2012=n.r.**]. Militarily, the former rebels were able to establish a rather strong position throughout the post-war period; politically, they remained excluded. Government plans between 2010 and 2012 – especially with respect to reform the national army – increasingly threatened the CNDP’s position in the military, which ultimately sparked a renewed war in 2012. In sum, the post-war order moderately favored the Congolese government [**COMPROM 2010-2012= - 0.33**].

The stability of peace

As of 2010, the government decided to embark on army reforms that include the redeployment of troops in order to weaken the CNDP’s role in the army.³⁵ Prior to the elections, ex-CNDP commanders within the FARDC suspected that the elections might pose a risk to their positions in the national army (Stearns 20012: 40). Ntaganda feared his arrest in the face of mounting international pressure on Kabila for his detention.³⁶ Beginning in April 2012, ex-CNDP units within the FARDC deserted in North and South Kivu and started to attack FARDC positions.³⁷ The mutineers claimed that the government had failed to implement the

34 Apart from Ntaganda, some other ex-CNDP officers accused of having committed war crimes were also not prosecuted (ICG 2010: 10).

35 See Conflict Barometer 2012: 36; Simonis 2013: 1; UN 2011b: para. 12-13, 15, 17; UN 2011c: para. 14; UN 2012b: para. 67.

36 See Stearns 2012: 42-43; UN 2012a: para. 17; UN 2012b: para. 72. Following the first desertions of integrated CNDP soldiers, Kabila called for the arrest of rebel leader Ntaganda in April; <http://www.bbc.com/news/world-africa-17683196> (27 Aug 2014).

37 See Stearns 2012: 43, 48; UN 2012a: para. 17, UN 2012b: para. 72. Temporarily, the rebels retreated to rear bases in Rwanda and Uganda from which they re-crossed into the DRC to launch attacks. Both Uganda and Rwanda supported the mutineers, supplying them with weapons and even backed the rebellion with troops (Stearns 2012: 8, 44, 47; UN 2012c).

23 March peace agreement; they repeated their demands³⁸ and aimed to pressure the government to refrain from redeploying CNDP officers outside the Kivus (UN 2012b: Box 2). On 6 May 2012, former CNDP members announced the creation of the new ‘M23’³⁹ movement with Sultani Makenga at the head of the rebellion [SAMEWAR=1, ANYWAR=1]. Following some initial skirmishes in April, fighting intensified in early May [DATESAME=9 May 2012, DATEANY=9 May 2012].⁴⁰

Despite ongoing skirmishes between local militias – including Mayi Mayi and FDLR forces – and the government in the eastern provinces, there was a 28-month period of peace among the warring parties in this dyad [PEACMON1=28, PEACMON2=28].⁴¹

References

- Bertelsmann Transformation Index (BTI) 2010 and 2012, available at <http://www.bti-project.org/reports/country-reports/wca/cod/> (26 May 2014).
- Boshoff, Henri 2003: Overview of MONUC’s Military Strategy and Concept of Operations, in: Malam, M/Gomes Porto, J. (eds.): Challenges of Peace Implementation. The UN Mission in the Democratic Republic of Congo, ISS, 135-145.
- Boshoff, Henri 2007: The Demobilisation, Disarmament and Reintegration process in the Democratic Republic of Congo. A never-ending story, ISS Situation Report.
- Boshoff, Henri 2010: Completing the demobilization, disarmament and reintegration process of the armed groups in the Democratic Republic of Congo and the link to security sector reform of the FARDC, ISS Situation Report.
- Heidelberg Institute for International Conflict Research 2010 and 2012: Conflict Barometer, available at: <http://www.hiik.de/en/konfliktbarometer/> (26 Sep 2014).
- Cunningham, David E./Gleditsch, Kristian Skrede/Salehyan, Idean 2009: It Takes Two. A Dyadic Analysis of Civil War Duration and Outcome, in Journal of Conflict Resolution, 53:4, 570-597, data available at: http://privatewww.essex.ac.uk/~ksg/data/nsa_v3.3_7March2012.asc (22 Nov 2013).
- Freedom House 2007-2013: Freedom in the World: Democratic Republic of Congo, <http://www.freedomhouse.org/report/freedom-world/2007/congo-democratic-republic-kinshasa> (21 May 2014).
- Githaiga, Nyambura 2012: The 2011 DRC Elections Polls and Beyond, ISS Situation Report, 21 June 2012.
- Human Rights Watch Report 2007: Democratic Republic of Congo, Renewed Crisis in North Kivu, 19:7.
- International Alert 2012: Ending the deadlock: Towards a new vision of peace in eastern DRC, September 2012, <http://www.international-alert.org/sites/default/files/publications/201209EndingDeadlockDRC-EN.pdf> (30 May 2014).
- International Crisis Group 2005: The Congo’s Transition Is Failing: Crisis in the Kivus, ICG Africa Report No. 91, Nairobi and Brussels.
- International Crisis Group 2006a: Security Sector Reform in the Congo, ICG Africa Report No. 104, Nairobi and Brussels.
- International Crisis Group 2006b: Congo’s Elections: Making or Breaking the Peace, ICG Africa Report No. 108, Nairobi and Brussels.

38 These demands included the return of refugees, political integration of CNDP members and better treatment in the army (UN 2012a: para. 17; UN 2012b: Box 2).

39 The name M23 refers to the peace agreement between the government and the CNDP, signed on 23 March 2009.

40 See UN 2012b: para. 95; UN 2012d: para. 11; UCDP Conflict Termination dataset, dyadic version 2014, available at: http://www.pcr.uu.se/digitalAssets/125/125018_1dyadicdataset1-2014.xlsx (29 Sep 2014). Until the end of our investigation period in 2012, the threshold of at least 1,000 fatalities caused by the armed struggle between the M23 and the government had not been met. However, in 2013, it was; see <http://www.ucdp.uu.se/gpdata/gpcountry.php?id=38®ionSelect=2-Southern Africa#>, 27 Aug 2014). Thus, we consider the armed struggle as a renewed outbreak of war.

41 See Conflict Barometer 2012: 36-38.

- International Crisis Group 2010: Congo: No Stability in Kivu despite a Rapprochement with Rwanda, ICG Africa Report No. 165, Nairobi and Brussels.
- IISS 2007-2013: The Military Balance, London.
- Johnson, Dominic 2008: Kongo. Kriege, Korruption und die Kunst des Überlebens, Frankfurt am Main.
- Kisangani, Emizet F. 2012: Civil Wars in the Democratic Republic of Congo, 1960-2010, London.
- Krueger, Steffen/Hund, Diana 2013: Kampf gegen Straflosigkeit. Verfahren gegen Rebellenführer Bosco Ntaganda verschoben, Konrad-Adenauer-Stiftung Länderbericht.
- Manahl, Christian R. 2009: Eskalation im Ostkongo: Staatliches Kapazitätsdefizit als Konfliktfaktor und internationale Herausforderung, VICD Newsletter 5.
- Ostheimer, Andrea E. 2009: Die Präsenz ruandischer Truppen im Osten des Kongo. Eine neue Dimension in den kongolesisch-ruandischen Beziehungen oder das Déjà vu mit bitterem Nachgeschmack?, Länderbericht DR Kongo, Konrad-Adenauer-Stiftung.
- Peace Agreement between the Government and the Congres National Pour La Defense du Peuple (CNDP) 23 March 2009, <http://www.ucdp.uu.se/gpdatabase/peace/DRC%2020090323.pdf> (21 May 2014).
- Prunier, Gérard 2009: From Genocide to Continental War, London.
- Scherrer, Vincenza 2012: The Democratic Republic of Congo, in: Bryden, Alan/Scherrer, Vincenza (eds.): Disarmament, Demobilization and Reintegration and Security Sector Reform, Geneva Center for the Democratic Control of Armed Forces, Muenster and Berlin, 143-177.
- Simonis, Claudia 2013: Kein Frieden in der Demokratischen Republik Kongo, SWP-Aktuell 47, Berlin.
- Stearns, Jason 2008: Laurent Nkunda and the National Congress for the Defence of the People (CNDP), in: Maraysee, de S.; Reyntjens, F, Vanderginste S. (eds.): L'Afrique des Grands Lacs, Annuaire 2007-2008, Centre D'Étude de la Région des Grands Lacs d'Afrique, Paris, 245-267.
- Stearns, Jason K. 2011: Dancing in the Glory of Monsters. The Collapse of the Congo and the Great War of Africa, New York, NY.
- Stearns, Jason 2012: From CNDP to M23. The evolution of an armed movement in eastern Congo, London.
- UNCTAD 2012: The Least Developed Countries Report, New York, NY, and Geneva.
- UNDP 2009: Province du Nord-Kivu. Profil résumé. Pauvreté et conditions de vie des ménages, http://www.cd.undp.org/content/dam/dem_rep_congo/docs/povred/UNDP-CD-Profil-PROVINCE-Nord-Kivu.pdf (30 Jun 2015).
- UNDP 2013: Human Development Report, New York. NY
- UNOCHA 2009: Plan d'Action Humanitaire 2009. République Démocratique du Congo, https://docs.unocha.org/sites/dms/CAP/2009_DRC_HAP_FR_VOL1_SCREEN.pdf (26 Sep 2014).
- UN 2008a: Fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, S/2008/728.
- UN 2008b: Final Report of the Group of Experts on the Democratic Republic of the Congo, S/2008/773.
- UN 2009a: Twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, S/2009/160.
- UN 2009b: Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, S/2009/623.
- UN 2010: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2010/512.
- UN 2011a: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2011/20.
- UN 2011b: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2011/298.
- UN 2011c: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2011/656.
- UN 2012a: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2012/355.
- UN 2012b: Interim Report of the Group of Experts on the Democratic Republic of the Congo, S/2012/348.
- UN 2012c: Addendum to the interim report of the Group of Experts on the Democratic Republic of the Congo, S/2012/348/Add.1.
- UN 2012d: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2012/838.