



When Good Intentions Are Not Enough ...

**THE STATE OF SIEGE
IN NORTH KIVU AND
ITURI PROVINCES**

INSECURE LIVELIHOODS SERIES

The Insecure Livelihoods Series publishes independent and field-driven information and analysis on the complexity of conflict and security in the Democratic Republic of Congo. Its reports are based on independent, non-partisan and collaborative research.

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Executive Summary

This report analyses the state of siege declared in the provinces of North Kivu and Ituri since 2021. This Congolese government policy is deemed a failure, as the government's efforts to reclaim control over its territory and address security issues have fallen short. Rooted in both domestic and regional challenges, the DRC's persistent institutional fragility and the exploitation of its weaknesses by neighbouring elites contribute to the failure. Key causes include a lack of clear strategy and resources, inadequate communication and dialogue, limited capacity for remedial action, and a weak and unprepared military. The hurried implementation of the state of siege without proper planning and consultation has led to a loss of momentum and increased opportunities for domestic and regional spoilers. The failure is exacerbated by a lack of transparency in decision-making, exclusion of key stakeholders, and a weak military unable to effectively address armed groups. The text emphasizes the need for comprehensive reform, to address the complex challenges facing the DRC.

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Introduction

For the last 30 years, the eastern provinces of the Democratic Republic of the Congo (DRC) have faced a deep security crisis that comes at a heavy human, social and economic cost. The region continues to attract the interests of sub-regional and national elites with an often exploitative agenda. The Congolese state and its agents are not absent from this dynamic. State actors, particularly those within the military and security forces, have become deeply ingrained in the regional and local political, social, and economic fabric. Sovereign control is diffused over a wide array of politicians, entrepreneurs, chiefs, and a multitude of armed actors – several originating in neighbouring states (Rwanda, Uganda or Burundi).

In recent decades, Kinshasa has sought to regain a measure of control, most often through the deployment of additional military and security forces. Up to the declaration of the *État de Siège* (state of siege) in May 2021, this has mostly been attempted through the launch of brief military operations, sometimes in partnership with some of the neighbouring states (Burundi, Rwanda, and Uganda). Such operations targeted (occasionally specific) armed groups – pushing combatants to return to their country of origin or to join one of the several rounds of Disarmament, Demobilization, and Reintegration (DDR) programmes. These attempts have had a limited effect, reducing some groups, particularly the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), and otherwise focusing on those that present a great political threat, particularly the *Mouvement du 23 Mars* (M23). Most often, operations have

contributed to the further fragmentation of the armed group landscape.¹ They have also resulted in the development of “mafia-like networks” that have become deeply ingrained into the state and security services (as was stated by President Tshisekedi during his 2021 visit to the region).²

When President Tshisekedi came to power in 2019, one of his main promises was to break this cycle of violence in the east and re-establish state authority. The first two years of his mandate were an uneasy cohabitation with his predecessor, Joseph Kabila, during which he only had limited control over the state, in particular the army and the security forces. The Ituri and North Kivu Provinces were important bastions for the Forces Armées de la République Démocratique du Congo (FARDC), with considerable numbers of troops deployed and considerable opportunities for profiteering through the porous borders with Rwanda and Uganda. The persistent violence in the eastern provinces, particularly the deadly attacks attributed to the Allied Democratic Forces (ADF) in the Grand Nord (the Beni and Lubero territories of North Kivu) and the renewed ethnic mobilization and violence in Ituri, inflicted a great human toll. The deadly chaos in the eastern provinces diminished the President’s standing and blocked any meaningful attempt at reform and reconstruction.

In 2021, when Tshisekedi took control of the government with his new parliamentary majority, his first priority was the stabilization of the east.³ The approach included several steps, such as active regional diplomacy (particularly with Rwanda, Uganda, and Burundi) and taking the initiative on the ground by declaring the state of siege in allegedly the two most

¹ Verweijen, Judith and Iguma Wakenge, Claude. 2015. Understanding armed group proliferation in the Eastern Congo. Rift Valley Institute. <https://riftvalley.net/publication/understanding-armed-group-proliferation-eastern-congo>.

² Congovirtuel. 2021. “RDC: “Magouille et mafia” au sein des FARDC, “FATSHI” a mis les pieds dans l’ancienne “chasse-gardée de son prédécesseur.” 21 June 2021. <https://congovirtuel.com/information/rdc-magouilles-ets-mafia-au-sein-des-fardc-fatshi-a-mis-les-pieds-dans-lancienne-chasse-gardee-de-son-predecesseur/>.

³ Gouvernement de l’Union Sacrée de la Nation. 2021. “Programme d’Actions 2021 – 2023 – Construire un État Fort, Prospère et Solidaire.” April 2021. https://congominer.org/system/attachments/assets/000/002/086/original/PROGRAMME_D%27ACTIONS_DU_GOUVERNEMENT_DE_L%27USN__2021-2023__Final.pdf?1623232542.

conflict-affected provinces: Ituri and North Kivu.⁴ Both were effectively placed under the control of the central government through the appointment of military governors. All efforts would be concentrated on assuming control.

Local, national, and international reactions to this approach were mixed. Some hoped there would be a concerted strategy and resource mobilization. Others expressed scepticism over the capacity of the Congolese state and its institutions to break the existing networks of predation. By late 2021, it appeared that the strategy had been more akin to kicking a hornets' nest. The violence seemed only to increase. In particular, the reappearance of M23 from November 2021 and the associated rapid decline of the relationship with Kigali represented a watershed. As was the case a decade earlier, M23 represented a direct political threat. It not only changed the narrative but led to the return under another name of old practices, such as the (complex) collaboration with local Congolese armed groups. The approaching elections contributed to an upsurge in nationalist fervour and a further deepening reliance on the military.

The information in this report is based on fieldwork in Ituri, North Kivu, and Kinshasa in the first few months of 2023, as well as on existing literature and media reporting. This report analyses the state of siege, including the domestic political context, the regional, popular, and political responses, and the position and role of the security forces. It considers that the M23 conflict has fundamentally changed the dynamics on the ground. The political focus has shifted away from the well-identified structural problems and weaknesses that have further limited the effectiveness of the government to stabilize the eastern DRC and toward the narrative of victimhood from Rwandan aggression. In the past two years, despite an attempt to assert its sovereignty, the DRC has effectively increased its dependency on foreign (primarily regional) military support. Furthermore, the relationship with several armed groups has been profoundly transformed, as several joined the fight against M23 (and were also targets of the group). Therefore, despite the seeming break with the past, there is a remarkable level of continuity.

⁴ It remains unclear why South Kivu was not included in the decision.

At the beginning of his mandate in January 2019, President Félix Tshisekedi declared the stabilization of the eastern provinces a top priority. At the start of his presidency, there was some spontaneous demobilization by armed groups while the DRC government started drawn-out discussions with donors about a new, community-based DDR – anchored at the provincial level. To confront the hardcore groups, primarily the ADF, promises were made to move the armed forces headquarters (HQ) to the country's east.⁵ Peace and security were also the main priorities that emerged from the broad national consultations organized by President Tshisekedi in November 2020 when he terminated his political alliance with Joseph Kabila. In Tshisekedi's speech concluding these sessions, he announced his intention “to establish an appropriate administration in the areas in conflict, notably Beni and Butembo”.⁶

In February 2021, ahead of an announced presidential visit, a military delegation was sent to North Kivu and a temporary HQ was installed in Goma.⁷ Only a few weeks later, on 22 February 2021, the Italian Ambassador to the

⁵ Anadolu. 2020. “RCC : Le président Tshisekedi délocalise le QG de l'armée – En pleines tensions avec Joseph Kabila”. 11 November 2020. <https://www.aa.com.tr/fr/afrique/rdc-le-président-tshisekedi-délocalise-le-qg-de-l-armée-/2040557>.

⁶ Présidence de la République. 2020. “Discours de son Excellence Monsieur le Président de la République, chef de l'État, a l'issue des consultations présidentielles de novembre 2020”. 6 December 2020.

⁷ Actualité.cd. 2021. “RDC : en attendant l'arrivée de Félix Tshisekedi au Nord-Kivu, l'armée affirme avoir installée son 'QG avancé' à Goma.” 4 February 2021. <https://actualite.cd/2021/02/04/rdc-en-attendant-larrivee-de-felix-tshisekedi-au-nord-kivu-larmee-affirme-avoir-installe>.

DRC and two other individuals were killed in an attack on their convoy just outside Goma.⁸ This high-profile attack amidst the general trend of a worsening security situation in Ituri and North Kivu increased pressure on the government, which seemed powerless to act beyond making “declarations”.⁹

In the programme of the new Union Sacrée de la Nation (Sacred Union of the Nation, or USN) government, presented in April 2021, the pacification of the country was the priority objective. The government announced that to pacify Beni, Minembwe, Butembo, and Ituri, it intended “to proclaim a state of emergency in the concerned zones and to decree a war effort for the entire national territory”.¹⁰ The USN government, led by the new Prime Minister Sama Lukonde, held its first council of ministers on 30 April. Only a few days later, on 3 May, the state of siege was decreed for the Provinces of North Kivu and Ituri.¹¹ The ordinance imposing the state of siege, No. 21/015 (3 May 2021), stated as ground for the decision:

Considering that the situation in Ituri and North Kivu provinces is of increasing concern in its nature and gravity and that it constitutes, in an immediate manner, a threat to the integrity of the national territory, thus affecting the regular functioning of the institutions. Considering the harmful consequences of the security crisis caused by this recurrent cycle of violence, which requires the taking of exceptional measures to contain these serious threats and secure the population and their property.

⁸ Jeune Afrique. 2023. “En RDC : Six hommes condamnés à la perpétuité pour le meurtre de l’Ambassadeur d’Italie”. 7 April 2023. <https://www.jeuneafrique.com/1434503/politique/en-rdc-six-hommes-condamnes-a-la-perpetuite-pour-le-meurtre-de-lambassadeur-ditalie/>.

⁹ CENCO. 2021. Message du Comité permanent des Évêques Membres de la CENCO. Kinshasa: CENCO. https://www.comboniensaucongo.org/upload_kcfinder/files/Message%20du%20comité%20permanent%20de%20la%20Cenco%20Fv%202021.pdf; Le Monde. 2021. “Dans l’Est de la RDC, “un grand nombre de combattants démobilisés reprennent déjà le maquis.” 25 February 2021. https://www.lemonde.fr/afrique/article/2021/02/25/dans-l-est-de-la-rdc-un-grand-nombre-de-combattants-demobilises-reprennent-deja-le-maquis_6071182_3212.html.

¹⁰ Gouvernement de l’Union Sacrée de la Nation. 2021. Programme d’Actions 2021 – 2023 – Construire un État Fort, Prospère et Solidaire. Kinshasa.

¹¹ In a speech on 12 October 2023, President Tshisekedi announced a gradual easing of the state of siege, including ending the curfew and allowing peaceful demonstrations. The provisional measures included the return of civil administrations in some areas. However, the military remained in ultimate charge at provincial level. This followed a round-table convened by the President in August 2023.

The decision has its legal base in Article 85 of the 2006 Constitution.¹² The state of siege allows the President to “take those measures necessary to confront the situation” by decree.¹³ The August 2011 Law on the organization and functioning of the armed forces provides a definition of the state of siege:

L'état de siège est un régime restrictif des libertés publiques décrété par ordonnance du Président de la République sur tout ou partie du territoire lorsque des circonstances graves menacent, d'une manière immédiate, l'indépendance ou l'intégrité nationale ou qu'elles provoquent l'interruption du fonctionnement régulier des institutions.¹⁴

The Constitution limits the duration of the state of siege to 30 days. Parliament can extend it 15-day periods, upon the proposal of the government. At least in theory, this procedure allows for some checks and balances.¹⁵ In September 2021, in his speech at the UN General Assembly, President Tshisekedi stated that the “state of siege would be lifted when the circumstances that motivated it disappear”.¹⁶

In the DRC, civilian provincial and local governments have a non-negligible role in security. At the provincial and local levels, provincial leaders preside security committees, composed of civilian authorities (governor, provincial government members, mayor, territorial administrator, etc.) and representatives of the security forces. These meet regularly and are a platform for exchange of information. The security councils can also take decisions, such as the imposition of a curfew. Under the state of siege, most of these civilian

¹² “Lorsque des circonstances graves menacent, d'une manière immédiate, l'indépendance ou l'intégrité du territoire national ou qu'elles provoquent l'interruption du fonctionnement régulier des institutions, le Président de la République proclame l'état d'urgence ou l'état de siège, après concertation avec le Premier ministre et les Présidents des deux Chambres, conformément aux articles 144 et 145 de la présente Constitution. Il en informe la nation par un message. Les modalités d'application de l'état d'urgence et de l'état de siège sont déterminées par la loi.”

¹³ Art. 145 of the 2006 Constitution.

¹⁴ Loi organique n°11/012 du 11 août 2011 portant organisation et fonctionnement des forces armées, article 2(14), Kinshasa: 2011.

¹⁵ For a comprehensive legal analysis on the state of siege: RRSSJ. 2022. La réforme du secteur de sécurité à l'épreuve de l'état de siège en République Démocratique du Congo. Kinshasa: RRSSJ <https://www.rssjrdc.org/wp-content/uploads/2022/02/LaRSSetEtatdesieegeAnalyse.pdf>.

¹⁶ https://estatements.unmeetings.org/estatements/10.0010/20210921/AT2JoAvm71nq/xWfv53XQGblV_fr.pdf.

authorities at the provincial (governor, provincial government), decentralized (*territoires*), and local government levels (*villes, communes*) were replaced by military or police officers. This fundamentally changed and expanded their roles.¹⁷ The only administrative levels that are not included or replaced are the “chefs de secteurs” and the traditional chiefs. The provincial assemblies were also suspended. The measure also included the replacement of all the civilian courts, including for civil matters, by military courts and tribunals.

The officers in charge of the different structures are appointed by the President. It has to be noted that, before the state of siege, only the authorities at the provincial level were democratically elected (in this case, in December 2018); all the others (mayors, burgomasters, territorial administrators) were previously appointed by the government – based on their political affiliations and loyalties to the ruling party coalition.¹⁸ The suspended members of the civilian provincial governments and provincial assemblies – in principle – continued to receive their salaries and social advantages. However, their immunities and privileges, protecting them from prosecution, were lifted (Article 4). According to the interpretation of the Military Court, this also extends to national MPs.¹⁹

The state of siege came into force on 6 May 2021. In addition to the President and Prime Minister Sama Lukonde, three other Ministers were charged with the implementation: the (then) newly appointed Ministers of the Interior, of Justice, and of Defence. The military governors operate under the jurisdiction of the Minister for Defence.²⁰ They were also put in charge of the military operations in their respective provinces and received considerable special

¹⁷ Kahombo, B. 2022. Rapport sur les perceptions des populations des villes de Kinshasa, Goma et Bukavu sur la Police nationale congolaise. African Security Sector Network (ASSN). <https://www.rrssjrdc.org/wp-content/uploads/2022/11/Rapport-sur-les-perceptions-des-populations-des-villes-de-Kinshasa-Goma-et-Bukavu-sur-la-Police-nationale-congolaise.pdf>.

¹⁸ Awaiting the organization of local elections, local authorities of the decentralized entities are appointed by presidential decree. The territorial administration is also appointed by the national government. The most recent appointment cycle was in November 2022.

¹⁹ This is illustrated by two different cases: an opposition MP for Goma, Josué Mufula, was briefly detained on 8 February 2023 for criticizing the inefficacy of the state of siege while he was at the end of his parliamentary leave in Goma; and in March 2023, Edouard Mwangachuchu, another MP from North Kivu, was tried following the discovery of weapons and military materials in his possession in North Kivu and Kinshasa.

²⁰ Their civilian counterparts are under the Ministry of the Interior.

powers (listed in Article 4 of Decree 21/016 (2 May 2021)). Lt Gen Constant Ndima and Lt Gen Johnny Luboya N’Kashama were appointed military governors of North Kivu and Ituri respectively.²¹ On 25 May 2021, the administrators for the local and territorial authorities for the two provinces were appointed by presidential decree. In urban areas most of these were senior police officers, with a mix of police and military officers for the territorial administration.

In addition to the changes at the level of the provincial and local administrations, several senior military commanders for the two provinces were replaced.²² New commanding officers were appointed for the Ituri (32nd) and North Kivu (34th) Military Regions and at the head of several “operational sectors” (Sukola I and II in North Kivu and Ituri operational zone in Ituri).²³ The introduction of the military governors at the head of the military operations in both provinces added a new layer of complexity in the already complicated command structures. This increased complexity was also extended to a lower level. It is not immediately clear what the role of the police military officers in the territorial administration is vis-à-vis the police or the army forces deployed

²¹ In both cases, senior police officers were appointed deputy governors. There was some controversy about the selection of the governors. The North Kivu governor, General Constant Ndima, for instance, was a former member of the MLC and was involved in the Effacer le Tableau operation in Ituri and North Kivu in 2002. RFI. 2021. “Etat de siège en RDC: d’anciens rebelles nommés gouverneurs militaires”. 5 May 2022. <https://www.rfi.fr/fr/afrique/20210505-état-de-siège-en-rdc-d-anciens-rebelles-nommés-gouverneurs-militaires>. In September 2023, following a massacre committed by the army against followers of a sect in Goma, the military governor of North Kivu, Constant Ndima, was recalled to Kinshasa; he was replaced by General Peter Cirimwami, who reactivated the military front against M23 as soon as he took office, after several months of calm on the ground. Jeune Afrique. 2023. “RDC: un nouveau gouverneur intérimaire au Nord-Kivu”. 20 septembre 2023.

²² There have been several reshuffles of commanding officers since, including a major reshuffle within the armed forces and police in October 2022.

²³ The territorial organization of the Congolese military divides the country into three defence zones, each in turn divided into military regions. The defence zones have the operational responsibility while the military regions oversee the administrative organization of the military forces deployed in their areas. The east is covered by the 3rd Defence Zone and the military regions within that zone are: 31st Military Region (Tshopo Bas-Uélé), 32nd Military Region (Haut-Uélé/Ituri), 33rd Military Region (South-Kivu/Maniema), 34th Military Region (North Kivu). In addition, to deal with the mounting insecurity, in 2014 the government initiated long-term operational sectors. For the provinces under the state of siege these are: Operational Sector Grand Nord (Sukola I), Operational Sector Rutshuru, Masisi, Walikale (Sukola II), and Operational Sector Ituri. The commanders of these operational sectors depend directly on the heads of the defence zones. Since late November 2021, there has also been the joint UPDF-FARDC Operation Shujaa with a Ugandan force commander and a Congolese deputy.

in their areas,²⁴ even though the newly appointed officers did preside over the local security committees at their different levels.

On 17 July 2021, the North Kivu Military Governor visited Beni and announced the creation of a new HQ in the city to support operations in the Grand Nord, an area of considerable volatility due to persistent, deadly attacks attributed to the ADF. This decision followed a period of significant tension in Beni caused by the detonation of multiple improvised explosive devices (IED's) and an attack in the city's periphery. These persistent attacks, immediately after the start of the state of siege, led to considerable popular unrest and violent protest in Beni and Butembo. Several leaders and members of local pressure groups were arrested in response.

In August 2021, during the meeting of the 14th Council of Ministers, President Tshisekedi asked all government ministers to include the state of siege in their planning, as achieving the governments' social aims was considered particularly pressing in the eastern provinces. He also asked the military governors to provide detailed reports about the improvement of the human rights situation in their respective provinces. In addition to the directly involved departments, there has also been supporting work by the Ministries of Mines and Finance. Due to the developing tension with Rwanda, this dimension quickly became more prominent. It materialized through the rapid development of a Congolese artisanal gold company (in partnership with the UAE). The Congolese Minister of Finance considers this a direct response to Rwanda's profiteering from Congolese resources.²⁵

²⁴ Pole Institute. 2022. État de Siège au Nord-Kivu et en Ituri, et turbulences politiques en RD Congo, Regards Croisés N°39. Goma: 2022. <https://dpl.pole-institute.org/publication/etat-de-siege-au-nord-kivu-et-en-ituri-et-turbulences-politiques-en-rd-congo>.

²⁵ The Financial Times. 2023. "DRC says Rwandan mineral smuggling costs it almost \$1bn a year." 21 March 2023. <https://www.ft.com/content/ecf89818-949b-4de7-9e8a-89f119c23a69>; https://twitter.com/nskazadi/status/1628200770465153024?s=61&t=1fA_5_ohjxhlgZowGEbM3A.

The year 2021 was not only one of political transformation in Kinshasa. For the DRC it was also packed with regional and continental diplomatic activity. President Tshisekedi was chair of the African Union (AU), the DRC negotiated its entry into the EAC, and there was an intense bilateral diplomacy with immediate neighbours. It goes well beyond the scope of this report to explore these developments in depth, but numerous aspects of the regional diplomacy are of considerable importance with respect to the state of siege.²⁶

For President Tshisekedi, transforming the complex relations with Rwanda, Burundi and Uganda was a vital component of the attempt at stabilization in the east. In recent decades the tensions and proxy conflicts between regional states (Burundi, Rwanda, and Uganda) have been extended into eastern DRC and regional elites have maintained extensive economic tentacles in the commodity and minerals trade in the Kivu provinces. In addition, there are the unresolved issues of refugee populations, and the foreign armed groups (“negative forces”) established in eastern DRC. To reassure regional states, upon his arrival in Goma, the Military Governor declared that these negative forces were an important focus. As a result, from June to September 2021 the (limited) military operations in North Kivu focused on Congolese armed groups with connections to the FDLR.

²⁶ 2023. Regional solutions to regional problems ? GIC Report. https://www.gicnetwork.be/wp-content/uploads/2023/12/18_ILS_Regional-solutions-to-regional-problems_WEB.pdf

Also in 2021, the DRC and Rwanda signed three agreements on economic collaboration. Cooperation in security matters also appeared to occur smoothly. Rwandan President Paul Kagame expressed cautious support for the state of siege in the margins of a meeting with Félix Tshisekedi in Paris in May 2021.²⁷ In an interview with France 24 he stated:

The state of emergency is a bit like saying that there is a huge problem here. Let us take the steps that will give us a good basis to deal with things better. That is why I said it is one thing to implement a state of emergency. I will follow this as well by thought out and planned actions to deal with things in a concrete way and not to pass on things and to have the same problems after five years or an even bigger problem.²⁸

In June 2021, as a sign of the apparently good relations between the two countries at the time, the Rwandan newspaper *The New Times* reported on the arrest of a high level FDLR commander by the FARDC. According to the newspaper: “In the past two years, hundreds of FDLR fighters were repatriated to Rwanda by Congolese authorities. Pressure from the Congolese army coupled with internal wrangles has seen the FDLR gradually weaken.”²⁹

In December 2021, the DRC and Rwanda signed an agreement on joint police collaboration, which also covered the illegal trade in minerals and was supposed to set up a joint police coordination in Goma.³⁰ At the time, there was also close collaboration on border security with a joint FARDC-RDF cell operating on the Rwandan side of the border.

²⁷ Radio Okapi. 2021. “Paul Kagame soutient l'état de siège décrété dans l'Est de la RDC.” 17 May 2021. <https://www.radiookapi.net/2021/05/17/actualite/securite/paul-kagame-soutient-letat-de-siege-decrete-dans-lest-de-la-rdc>.

²⁸ France 24. 2021. “Rwanda’s Kagame hails French report on 1994 genocide as a ‘big step’ forward.” 17 May 2021. <https://www.france24.com/en/tv-shows/the-interview/20210517-rwanda-s-kagame-hails-french-report-on-1994-genocide-as-a-big-step-forward>.

²⁹ The New Times. 2021. “DR Congo military captures another top FDLR commander.” 3 June 2021. <https://www.newtimes.co.rw/article/186482/News/dr-congo-military-captures-another-top-fdlr-commander>.

³⁰ Rwanda National Police. 2021. “Rwanda, DRC Police institutions sign cooperation pact.” 13 December 2021. <https://www.police.gov.rw/media-archives/news-detail/news/rwanda-drc-police-institutions-sign-cooperation-pact/>.

In the Grand Nord, the focus was on the ADF, which had caused numerous civilian casualties in the months preceding the declaration of the state of siege and developed into the most prominent and potentially regionally contagious threat.³¹ From the early days of the state of siege, the Congolese and Ugandan governments had talks about joint military operations against the ADF.³² In May 2021, both countries established a joint operations centre, followed in late November 2021 by a joint Ugandan-Congolese military operation, “Shujaa” (“Hero”).³³ In between these two dates, the DRC and Uganda had signed several agreements, including on the construction and rehabilitation of roads in North Kivu by the Ugandan company Dott Services. The road building was to be protected by the UPDF. In December 2021, the DRC and Uganda signed a bilateral agreement on defence and security cooperation after two days of security talks in Bunia, Ituri.

In November 2021, the then head of the Congolese general staff, General Célestin Mbala, visited Kampala (5 November 21) and Kigali (10 November 21) for talks with his counterparts. According to the Rwanda Ministry of Defence, General Mbala framed his visit as follows:

Our delegation is here to discuss a framework of plans established with our neighbouring countries in dealing with terrorist groups and other transnational threats. This conforms with recommendations from the African Union to combine effort in fighting threats that hinder our collective development.³⁴

³¹ Afrikarabia. 2021. “État islamique : quelle menace en RDC.” 09 September 2021. <https://afrikarabia.com/wordpress/etat-islamique-quelle-menace-en-rdc/>. Thompson, Jared. 2021. “Examining Extremism: Allied Democratic Forces.” CSIS, 29 July 2021. <https://www.csis.org/blogs/examining-extremism/examining-extremism-allied-democratic-forces>.

³² Early 2021, the US designated the group also known as the Islamic State of Iraq and Syria-Democratic Republic of the Congo (ISIS-DRC) as a foreign terrorist organization. U.S. Department of State. 2021. State Department Terrorist Designations of ISI Affiliates and Leaders in the Democratic Republic of the Congo and Mozambique. Media note. 10 March 2021. <https://www.state.gov/state-department-terrorist-designations-of-isis-affiliates-and-leaders-in-the-democratic-republic-of-the-congo-and-mozambique/>.

³³ Congo Research Group/Ebuteli. 2022. Uganda’s Operation Shujaa in the DRC – fighting the ADF or Securing Economic Interests? <https://www.congorresearchgroup.org/en/2022/06/14/ugandas-operation-shujaa-in-the-democratic-republic-of-congo-fighting-the-adf-or-securing-economic-interests/>.

³⁴ Rwanda Ministry of Defence. 2021. “DRC Armed Forces Chief of General Staff visits Rwanda.” 10 November 2021. <https://www.mod.gov.rw/news-detail/drc-armed-forces-chief-of-general-staff-visits-rwanda>.

This was however also the period that M23 reappeared on the scene with attacks against Congolese forces and eco-guards of Virunga National Park (VNP) in Rutshuru Territory. M23's potential support from Rwanda or Uganda was an immediate source of concern. The first reports on the matter by the Extended Joint Verification Mechanism (EJVM) of the International Conference for the Great Lakes Region (ICGLR) reportedly showed no discernible proof of such support. In June 2022, the UN Group of Experts (see below) would provide public proof of considerable Rwandan support.

There is considerable speculation as to the causes of the sudden breakdown in relations between Kinshasa and Kigali. The most prominent are Rwandan frustration with the DRC/Uganda road project that was launched in November 2021, and the free hand offered to Uganda to conduct military operations in North Kivu. In addition, the DRC also allowed Burundi to pursue military operations in South Kivu. Kigali, with a (recent) history of covert and semi-covert military activities in the DRC, was at this stage not allowed such latitude. Public opinion in the DRC remained generally hostile to Kigali and was very suspicious about any sign of generosity to Kigali.³⁵ In addition to a troubled past with Kinshasa, Rwanda also has a chequered history with Uganda and Burundi and Kigali may well have been very concerned about regional isolation. A combination of these factors, combined with an M23 well aware that their demands were not going to be met (the group was no longer considered a major cause for concern), have led to the resurgence of M23 – de facto a front for Rwandan interests.³⁶

It is only from April/May 2022, upon the DRC's integration into the East African Community (EAC), that the M23 offensive started gathering momentum and the DRC government publicly accused Rwanda of supporting the group. This support was confirmed in reports by the UN Group of Experts

³⁵ The signing of the police cooperation agreement in December 2021 led to riots in Goma as the rumour had spread that Rwandan police would be deployed in the city. DW.com. 2021. "RDC: la population refuse la venue de la police rwandaise". 20 December 2021. <https://www.dw.com/fr/rdc-rwanda-police-opérations-conjointes-paix-sécurité-manifestations/a-60200989>.

³⁶ Rwanda's ire was increased as Burundi was also allowed to operate with a relatively free hand in its zone of interest, in South Kivu, while Rwanda did not obtain such liberties.

in June and December 2022.³⁷ At the same time, Rwanda accused the DRC of supporting and collaborating with the FDLR, a narrative that was picked up by M23. The M23 offensive's justification increasingly became the fight against "genocidal ideology".³⁸ As the relationship with Rwanda grew increasingly tense – up to the point of a complete breakdown – there were also growing concerns about the role of Uganda. M23's capture of the border town of Bunagana was not challenged by Uganda. The group maintains the border post and Uganda does not stop it from collecting taxes in the area. In the meantime, Joint Operation Shujaa against the ADF continues. And despite concerns about the real impact of this operation on the ADF,³⁹ the crucial role of Ugandan forces is recognized by Congolese army officers and local politicians. One officer said:

Je puis dire que n'eut été l'armée ougandaise, nous serions déjà dans un gouffre difficile à surmonter face à l'ADF car au même moment que nous avons déployé les FARDC contre le M23 dans le petit nord ; ce sont les Ougandais qui ont pris la relève ici et qui font presque l'essentiel du travail.

The officer added that the operational limits for Joint Operation Shujaa were set for the south of Irumu territory and the Bashu chefferie, specifically at Route Nationale 4, as there were concerns from the two FARDC operational commands in the area (Ituri and Sukola I) that the joint operation was there to replace them. This limit was also inspired by:

...la déclaration du président Museveni qui disait à Kampala qu'il allait poursuivre les ADF même jusqu'à Kisangani avait frustré certaines sensibilités politiques à Kinshasa, qui voyaient

³⁷ United Nations (UN) Security Council. 2022. Final report of the Group of Experts on the Democratic Republic of Congo 14 June 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/338/70/PDF/N2233870.pdf?OpenElement>; UN Security Council. 2022. Midterm report of the Group of Experts on the Democratic Republic of Congo. 16 December 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/757/86/PDF/N2275786.pdf?OpenElement>.

³⁸ Vogel, Christoph and Verweijen, Judith. 2023. How to avoid false narratives around DR Congo's M23 conflict. The New Humanitarian. <https://www.thenewhumanitarian.org/opinion/2023/01/23/M23-Congo-Kishishe-information-warfare>.

³⁹ Congo Research Group/Ebuteli. 2022. Uganda's Operation Shujaa in the DRC – fighting the ADF or Securing Economic Interests? <https://www.congoresearchgroup.org/en/2022/06/14/ugandas-operation-shujaa-in-the-democratic-republic-of-congo-fighting-the-adf-or-securing-economic-interests/>.

derrière cette déclaration un envahissement de l'armée ougandaise. Il est vrai que si l'armée ougandaise se décide de nous retourner les canons, nous ne sommes pas équipés comme eux. Mais l'interprétation des opérations conjointes visant à détourner l'intention de la population sont à condamner.

In the Beni region the joint UPDF-FARDC operations were welcomed with some enthusiasm, despite the involvement of Uganda and its army in the two wars in eastern DRC (with Rwanda) of the late 1990s. When questioned, residents told us they were so tired of ADF violence and attacks that they were ready to “ally with the devil” to end it.⁴⁰ However, enthusiasm has dwindled considerably due to continued ADF attacks including in UPDF deployment areas and continued allegations of Ugandan involvement with M23 and Rwanda in the ongoing M23 conflict.

⁴⁰ Interviews in Beni, December 2021.

The State of Siege and the Security Forces

From the start, there were wide-spread concerns about the capacity of the Congolese security forces – most prominently the Forces Armées de la République Démocratique du Congo (FARDC) – to overcome their structural and operational limitations and contribute to the stabilization of the eastern provinces. The issues that affect the operational capacity of the FARDC and their relationship to local communities have been analysed in depth in an earlier GIC report.⁴¹ Of relevance for this report are the lack of operational and logistical support to troops deployed in the field and the involvement of the military in corruption. None of these, or other, issues have been addressed during the state of siege, even though they have been identified by political and military leaders alike.

In both scope and ambition, the state of siege goes beyond what previous governments have undertaken. In previous years, there has been a succession of primarily brief national and combined national/regional military operations aiming to eradicate armed groups. The one enduring legacy, which also remains in place during the state of siege, are the “operational zones” in both provinces, which have been placed under the operational control of the military governors. However symbolically important, the simple act of putting military officers in charge of the provincial institutions but failing to provide them with any meaningful additional military or financial resources amounted to little. During hearings with the Congolese Parliament in 2021,

⁴¹ Hoebeke H., Chiza C. and Mukungilwa B. 2022. The Old is Dying and the New Cannot be Born (Yet?) – Security Sector Reform in the Democratic Republic of Congo. GIC Report. <https://www.gicnetwork.be/wp-content/uploads/2022/01/2022-GIC-SSR-EN.pdf>.

the (now former) Minister for Defence, retired General Gilbert Kabanda recognized that the decision to declare the state of siege was taken in a difficult context without a concrete timeline or a financial plan to cover the operational requirements. He concluded that the state of siege had been positive but neither satisfactory nor sufficient.⁴² A senior official in North Kivu stated:

We do not have significant means to deal with the situation. When we arrived here, the governor did not want to go to Beni, to the operations headquarters, because he had nothing to bring there; What would he have said to the soldiers at the front?⁴³

At the start of the state of siege in 2021, there were some attempts to tackle issues of corruption that had been highlighted by the Military Governor upon taking office and later by President Tshisekedi during his tour in the east. In July and August 2021, the FARDC Inspector-General, General Kumba Amisi (aka Tango four), led an investigation into accusations of corruption. As a result, several mid-ranking officers in the two provinces were arrested for embezzlement of operational funds and for maintaining “ghost soldiers” (inflated numbers). Later that year several of them were convicted by the military courts.

The FARDC maintains considerable numbers of soldiers deployed in the eastern provinces. There are no clear figures but the December 2021 report by the Minister of Defence stated 34,000 troops in North Kivu and 15,000 in Ituri – which would be approximately 50 percent of the FARDC at the time. According to a recent SADC assessment mission, the number of troops for North and South Kivu is more than 20,000.⁴⁴ Most of these troops have not been rotated for a long time – and have thus become ingrained in the local conflict and socio-economic dynamics. It must however also be recognized that many in the FARDC and security forces have paid a heavy price. According to Congolese military sources, during 2022, the FARDC Sukola II operation alone (in the southern territories of North Kivu), suffered at least 300 soldiers killed and several hundred wounded, on top of considerable material losses (including one helicopter). The 2023 SADC assessment details

⁴² Assemblée Nationale. 2021. Rapport Synthèse des auditions sur l'évaluation de l'État de Siège proclamé par l'Ordonnance N°21/015 du 03 mai 2021, sur une partie du territoire de la République Démocratique du Congo, tel que prorogé à ce jour. Kinshasa: August 2021.

⁴³ Interview of senior official, Goma, October 2021.

⁴⁴ SADC field assessment mission to eastern DRC, March 2023.

the lack of FARDC capabilities in terms of aviation and artillery assets that affect its operations in the Kivus.

In the words of a local observer:

When we speak with the military authorities here locally, they say that there is a serious lack of adequate means to carry out operations.⁴⁵

According to an FARDC officer, compared to regional forces such as the Uganda People's Defence Forces (UPDF):

When we are with them, we feel that we are under-equipped compared to them... Heavy artillery, helicopters, we see armoured vehicles that we do not have in our units. And so, it is Uganda that is pulling out all the stops to fight the rebellion.⁴⁶

A major element of critique is that under the state of siege the authorities have not been able to launch major military operations against armed groups. Rather, the government forces deployed in operations to counter M23 (and the RDF) have been overrun by these forces. As stated by a junior officer based in North Kivu:

In North Kivu the M23 defied the State of Siege, they only occupied territories despite the presence of the military authorities, no armed group was defeated.⁴⁷

Another FARDC officer adds:

The authorities of the state of siege, who have not organized any large-scale operations, do not really support us in these joint operations. This means that our relations are sometimes tense in the face of a well-structured and organized Ugandan army.⁴⁸

In essence, if the state of siege in North Kivu is not an entire disaster (given the significant advances by M23), it is primarily due to the collaboration with

⁴⁵ Interview N°16, Oicha, 2 March 2023.

⁴⁶ Interview N°11, Beni, 1 March 2023.

⁴⁷ Interview N°17, Beni, 3 March 2023.

⁴⁸ Interview N°12, Beni, 1 March 2023.

the UPDF in the joint operation. A mid-ranking FARDC officer stated that:

With the Shujaa joint operations, we were able to control the situation in several areas. ...the Ugandans have demonstrated how they are better than us, they have contributed a lot both in intelligence and in artillery.⁴⁹

In terms of governance and the deeply entrenched corruption in the FARDC, effective reform of the security forces was (and remains) limited. These concerns are still very present, also within the security forces as is confirmed by a senior officer deployed in North Kivu:

[A]s for certain military leaders, war means money, they try to place banana peels in our path and as a result we are in operations which were planned for six months, and now we are in them for a year and a few months.⁵⁰

Furthermore, as used to be the case before the state of siege, a FARDC officer expressed considerable doubts about the real intentions of more senior ranks:

Faced with this disorganization linked to the interests of general officers who do not like security to be re-established, we are ashamed to operate with an organized army like the UPDF.⁵¹

It reinforces a recurring concern that the state of siege is an opportunity for some for to engage in corruption and self-enrichment, as was observed by a local politician:

We see all these authorities of the state of siege buying houses and cars.⁵²

A civil society member from Ituri states:

The idea of launching State of Siege wasn't that bad. A mechanism was needed to put an end to the activism of armed groups and the President had made the right decision. But I think that some officers who are at the head of the state of siege have no longer focused on security issues. They handle it very lightly and others have immersed themselves in the illicit mineral trade with armed groups.⁵³

⁴⁹ Interview N°17, Beni, 3 March 2023.

⁵⁰ Interview N°12, Beni, 1 March 2023.

⁵¹ Interview N°11, Beni, 1 March 2023.

⁵² Interview N°16, Oicha, 2 March 2023.

⁵³ Interview N°6, Mambisa, 24 January 2023.

Some these sentiments may be amplified by local and provincial MPs who have been struggling to get their payments and in response to the communication by the military provincial authorities that under their management provincial financial revenue has increased. But given the state of the deployed security forces, it seems that the funds have not been injected into the operations on the ground or translated into better material conditions for the deployed soldiers.

According to military officers involved in operations in North Kivu, a lack of unity in vision between the multitude of command levels has also been one of the factors limiting the effectiveness of the collaboration with the UPDF in Joint Operation Shujaa. The lack of resources is amplified by these deficiencies and the lack of trust and cohesion, resulting in frustrations that do not go unnoticed, by astute observers, including our local politician:

[T]he military governor does not even want to repair vehicles engaged in operations. Which means that the commanders of the different units engaged at the front are frustrated.⁵⁴

If the aim of the state of siege was also to reassert the DRC's national sovereignty, it has been an utter failure. As was the case during the 2012–13 M23 crisis and earlier moments in the country's history, when faced with a major situation, the DRC has to rely on international or regional political and military support. Since the state of siege, we have seen the entry of the UPDF to fight the ADF, the deployment of the EAC Regional Force (EACRF), and decisions by Angola SADC to send yet other military forces.⁵⁵ There is also a lingering lack of clarity on the presence and role of mercenaries.⁵⁶ These forces come in addition to the several regional diplomatic initiatives and programmes deployed in the country and of course the presence of the

⁵⁴ Interview N°16, Oicha, 2 March 2023.

⁵⁵ Actualité.cd. 2023. "RDC: le contingent angolais prêt à être déployé en quelques jours afin d'assurer la sécurité des éléments du M23 qui seront désarmés et cantonnés (João Lourenço)." 9 May 2023. <https://actualite.cd/2023/05/09/rdc-le-contingent-angolais-pret-etre-deploye-en-quelques-jours-afin-dassurer-la-securite/>; Africa Defence Forum. 2023. "SADC troops to join the effort to secure the DRC." 24 May 2023 <https://adf-magazine.com/2023/05/sadc-troops-to-join-the-effort-to-secure-the-drc/>.

⁵⁶ The East African. 2023. "European mercenary question in the DR Congo conflict." 22 January 2023. www.theeastafrican.co.ke/tea/news/east-africa/russian-question-in-congo-conflict-4093620.

faltering UN force, MONUSCO. For obvious reasons this is also a significant source of critique, including by a local politician interviewed in Beni:

It was during the state of siege that we saw the armies of the EAC enter our home. As if to say that the national army was not capable.⁵⁷

For a North Kivu Provincial MP this shows the lack of strategy and preparation:

The Congolese government is rather groping. Sometimes it is a state of siege, sometimes joint UPDF-FARDC operations, sometimes regional forces. All this is not good policy.⁵⁸

Rather than being a grand gesture that showed the state's capacity and intention to take the initiative and control instability, it has shown the state's weakness, observed a FARDC officer:

...today the politicians who defended the State of Siege are caught up in their mistakes and as the situation only gets worse they no longer know whether to lift this measure and return to square one. It will be a little difficult, especially since the current situation corresponds well to the justification of the context.⁵⁹

Although it is beyond the scope of this paper, the deployment of these forces – and the accompanying diplomatic initiatives – comes with complexities and controversies. Most clearly, the DRC government has expressed its frustration with the passivity of most of the EAC force, which thus far has not engaged in robust action against M23.⁶⁰ The lack of clarity and cohesion about the mandate and rules of engagement of international forces against this nationally identified threat is a significant contributor to popular frustrations and protests against the presence of these forces.

⁵⁷ Interview n°14, Beni, 2 March 2023.

⁵⁸ Interview N°16, Oïcha, 2 March 2023.

⁵⁹ Interview N°17, Beni, 3 March 2023.

⁶⁰ RFI. 2023. "En Chine, Félix Tshisekedi remet une nouvelle fois en cause la force est-africaine déployée en RDC." 26 May 2023. <https://www.rfi.fr/fr/afrique/20230526-en-chine-felix-tshisekedi-remet-une-nouvelle-fois-en-cause-la-force-est-africaine-deployee-en-rdc>.

This complexity has been fully exploited by Rwanda and its proxy, M23, but also by armed groups in Ituri that exert territorial control in several areas of the province, including in close proximity to the provincial capital, and operate their taxation schemes with complete impunity. In many areas, the FARDC have been relegated to a mere observer and have been forced by local armed groups in Ituri to redeploy – which is rather the opposite of what the state of siege aimed to achieve.

Neither the former Minister for Defence or his colleague of the Interior have been seen in charge or as particularly dynamic actors. Both were replaced in the March 2023 government reshuffle. Tellingly, shortly after, at the opening of the first 2023 parliamentary session, National Assembly Speaker Christophe Mboso stated:

I hope with the arrival of a new minister at the head of defence things will change...I hope... I hope...⁶¹

At the same time, the speaker invited MPs to work together and discuss the security situation:

We all have to work together...the security situation in the country in general and more particularly in North Kivu, Ituri, South Kivu, I believe in North Katanga too, Kwamouth, Bakata... And the plateaus, part of the city of Kinshasa, the city of Lubumbashi.

However, there is another dimension. First the state of siege and now the crisis with M23 have put the state of the Congolese security forces at the centre of the political debate. And at several moments during the past two years, the President, Parliament, and the responsible Ministers have shown themselves to be acutely aware of some of the structural deficiencies. The President and others have openly spoken about “the mafia” in the security forces (“the black sheep” in the parlance of others).

⁶¹ Enquete.cd. 2023. “RDC: Pourquoi croire en Jean-Pierre Bemba? Christopophe Mboso s'exprime.” 2 April 2023. <https://enquete.cd/2023/04/02/rdc-pourquoi-croire-en-jean-pierre-bemba-christophe-mboso-sexprime/>.

When taking over the Ministry of Defence, the newly installed Deputy Prime Minister, Minister of Defence and political heavyweight Jean-Pierre Bemba focused on the broader context of corruption:

Aware of the remarks according to which a culture of anti-values and public immorality has been established in the Democratic Republic of Congo for almost half a century which undermines the socio-economic development of our Country in general and of our FARDC in particular, we will make it our primary concern.⁶²

At the strategic level, there have been some initiatives such as the adoption in July 2022 of the long-awaited Loi de Programmation Militaire (2022–25), which provides a long-term plan for investment in the FARDC.⁶³ In September 2022, the government also adopted the country's first national defence policy.⁶⁴ Then, in October 2022, there was the comprehensive reshuffle of the FARDC command structure, including most of the commanders affected to the operational zones in the eastern provinces. And lastly, in December, after considerable diplomatic pressure on the UN (including the increased popular pressure on MONUSCO), there was the lifting of the primarily administrative arms embargo on the DRC. This removes some administrative barriers for suppliers of military goods and services to the DRC. Since then, we have seen the already present private military contractors (PMCs) expand their services and provide training to the army, including more specialized (artillery) training. In May 2023 the first new, Chinese built, attack drones were delivered to Kinshasa. According to media reports these are to deploy to Bukavu.⁶⁵

⁶² Actualité.cd. 2023. "Le premiers mots de Bemba en tant que VPM de la défense: "Restaurer l'autorité de l'Etat, assurer l'intégrité territoriale et essayer l'humiliation". 29 March 2023. <https://actualite.cd/2023/03/29/les-premiers-mots-de-bemba-en-tant-que-vpm-de-la-defense-restaurer-lautorite-de-letat>.

⁶³ Ordonnance-Loi N°22/019 du 28 juillet 2022 portant programmation militaire 2022 – 2025, Kinshasa: 2022.

⁶⁴ Document de Politique de Défense de la RDC, ministère de la Défense Nationale et Anciens Combattants, RDC, Kinshasa, 9 September 2022 (presented in December 2022).

⁶⁵ Africa Intelligence. 2023. "Kinshasa receives first batch of three Chinese attack drones." 22 May 2023. <https://www.africaintelligence.com/central-africa/2023/05/22/kinshasa-receives-first-batch-of-three-chinese-attack-drones,109976363-bre>.

Other Relevant National Policies and Developments

The decision to impose the state of siege in North Kivu and Ituri cannot be isolated from several other policy decisions by the Congolese government and from the broader national political context. The first policy decision is the new national DDR programme, the Programme de Désarmement, Démobilisation, Relèvement Communautaire et Stabilisation (P-DDRCS). The second major policy intervention is the Programme de Développement Local des 145 Territoires (PDL-145T), an ambitious, nationally funded policy focused on the development of basic infrastructure in the DRC's 145 territories. The third is the preparation for the December 2023 elections, where the government aimed to “show some positive results” from its years in power. An interesting element in the P-DDRCS, the PDL-145T and the (promise) to organize local elections is a renewed focus on the importance of decentralization and a firm intent to reaffirm the role of the state, expressed most clearly in the state of siege.

5.1. A New DDR: The P-DDRCS and the Nairobi Process

The P-DDRCS was launched by the government on 4 July 2021.⁶⁶ On 7 August 2021, Tommy Tambwe Ushindi Rudima was appointed as coordinator of its

⁶⁶ Ordonnance n°21/038 du 04 juillet 2021 portant création, organisation et fonctionnement d'un programme de Désarmement, Démobilisation, Relèvement Communautaire et Stabilisation, en sigle “P-DDRCS”. Kinshasa 2021. The text also includes the provisions to integrate the previous DDR programme (PNDDR) and the government's stabilization initiative for the east – STAREC – under the programme.

national coordination structure.⁶⁷ It would take another eight months for the P-DDRCS to be validated on 4 April 2022 by key partners and donors. The P-DDRCS's guiding principles have been discussed with the UN and other international partners. They include: a decentralized approach and response, DDR as part of the broader stabilization effort, the non-integration of former combatants in the FARDC, and no amnesty for war crimes.⁶⁸

The launch of the new programme was a long-awaited step in the process to reinvigorate the DDR of local armed groups. In previous years, there had been several cases of armed group member demobilizations, either spontaneous (such as the wave of surrenders that followed the installation of President Tshisekedi) or as the result of local negotiations. These had all ended with dozens of armed group members uncertain about their future, languishing in underfunded camps in Mubambiro (Masisi), Rumangabo (Rutshuru), and Kalunguta (Beni). The living conditions in these camps were dire and contributed to the incidence of crime. These phases squandered an opportunity to remove several hundred armed group members from their environment. Several of the individuals in these camps returned to the bush or were recruited by other armed groups – including at a later stage M23.⁶⁹ It is recognized by the government that this chaotic situation has contributed to scepticism of the state of siege.

⁶⁷ Agence Congolaise de Presse (ACP). 2021. "Ituri: la société civile salue la nomination des animateurs de P-DDRCS." 11 August 2021. <https://acp.cd/province/ituri-la-societe-civile-salue-la-nomination-des-animateurs-de-p-ddrcs/>. On 20 October 2023, President Tshisekedi appointed Jean-Bosco Bahala as the new coordinator of the Disarmament, Demobilization, Community Rehabilitation and Stabilization Programme (P-DDRCS). A native of South Kivu like his predecessor, Bahala has a completely different profile. A man of the cloth, very active in civil society, he has extensive experience in demobilization processes and negotiations with armed groups in the east. LaPrunelle.cd. 2023. "P-DDRCS : la page Tommy Tambwe tournée, Jean-Bosco Bahala nommé Coordonnateur National". 20 October 2023.

⁶⁸ Stratégie Nationale pour la mise en œuvre du programme de Désarmement, Démobilisation, Relèvement Communautaire et Stabilisation "P-DDRCS". Présidence de la République, Kinshasa, Mars 2022.

⁶⁹ The combatants that participated in this phase of the process, which was halted by the M23/RDF operations, are amongst those considered Wazalendo by the North Kivu Military Governor.

The selection of Tommy Tambwe, with a past in the RCD-Goma (including a position of deputy governor of South Kivu from 2002 to 2004 and, according to some, former association with M23), resulted in sharp criticism. The controversy contributed to the confusion at the start of the process and to the reluctance of several armed groups to participate in the DDR process.⁷⁰ The CMC-FDP in North Kivu, for instance, refused to participate under Tambwe. Such criticism was also expressed by (allies of) political leaders who had hoped to occupy the (potentially lucrative) seat themselves. Furthermore, during his first meetings with national and international organizations involved in DDR, the new coordinator did not seem very open to the development of constructive communication.⁷¹

A few days after the validation of the P-DDRCS in April 2021, the DRC entered the East African Community (EAC) and President Tshisekedi participated in several “conclaves” with EAC heads of state that led to the “Nairobi process”. This includes talks between the DRC government and armed groups, facilitated by the EAC. During the first meeting, on 22 April, M23 was excluded from the discussions on the request of Kinshasa and in May 2022 Kinshasa declared the group a terrorist organization, thereby excluding it from further talks (despite continued engagement with M23 by regional states and the Nairobi process facilitation). Thus far three rounds of talks have been organized and a fourth is being prepared.⁷² The first round of these Nairobi talks was to a large extent improvised. It was also not immediately clear how the Nairobi and P-DDRCS processes were linked. This includes some confusion over the messaging regarding the demobilization conditions and the possibility of honouring wishes to integrate the army or state services.⁷³ Occasionally, there also seem to be local initiatives relating to DDR – such as a weapon-buying initiative in Butembo in December 2022. At least part of the

⁷⁰ El Miviri, Reagan and Boisselet, Pierre. 2021. “Does the New Disarmament and Demobilization Program Stand a Chance of Success?” Kivu Security Tracker, 16 September 2021. <https://blog.kivusecurity.org/tag/p-ddrcs-2/>.

⁷¹ Communication with UN official, 14 October 2021.

⁷² Communication released by the Office of the Facilitator of the East African Community led Nairobi Process for the Restoration of Peace and Stability in the eastern DRC, Nairobi, 3 April 2023.

⁷³ Brabant, Justine. 2022. “En RDC, les débuts tâtonnants d’un nouveau ‘dialogue’ avec les groupes armés”. *Mediapart*; 15 May 2022.

confusion is due to the political dynamics in Kinshasa, where the P-DDRCS coordinator is not included in the EAC process that is handled by President Tshisekedi's advisor Serge Tshibangu.

The P-DDRCS developed provincial coordination structures, led by the provincial governors. They developed Provincial Operational Plans (POP) and established a budget, through local consultations and intercommunity dialogue at the provincial level. The POP for Ituri, for instance, contains the following pillars:

- 1 conflict resolution and social cohesion (democratic dialogue and transitional justice);
- 2 restoration of state authority and security;
- 3 community reintegration and recovery;
- 4 stabilization and socio-economic development;
- 5 communication and awareness-building.

The POP Ituri was debated and finalized by the end of 2022, and in February 2023 National P-DDRCS Coordinator Tommy Tambwe declared that the programme for Ituri could effectively start. As for North Kivu, Tambwe stated:

The P-DDRCS will take place when the ongoing M23 war will end; you can't demobilise when the area is at war.⁷⁴

The budgets for these POPs are considerable. The government aims to achieve synergies and coordination with other policies such as the PDL-145T (see below). The P-DDRCS is prudently supported by a number of donors, including the UN through the DRC Stability Coherence Fund in Support of the International Stabilization Strategy (ISSSS). On 19 October 2022, the World Bank agreed to provide programmatic and financial support to the reintegration pillar by the end of 2023. In the view of a Congolese official:

⁷⁴ Interview in Kinshasa with Tommy Tambwe, February 2023.

The financing promises of the international community (Coherence Fund, Peace Stabilization Fund, the World Bank) always remain promises.⁷⁵

However, the confusion and stagnation around DDR would not end there. In March 2023, the Congolese government announced the creation of a National Reserve Force, the Reserve Armée de la Défense (RAD) to support the FARDC.⁷⁶ The law was promulgated on 22 May 2023.⁷⁷ Based on the declarations of several government ministers, this new structure could very well include armed group members, creating further concerns for the DDR process.⁷⁸ These members would thus not be integrated into the FARDC but serve in a parallel force.⁷⁹ At the same time, in response to the M23 offensive, the government has appealed for recruits to the armed forces and introduced legislation to provide elementary military training to students.⁸⁰ These policy initiatives borrow from the arsenal of a broad “popular defence” serving the national narrative of mobilization in the face of foreign aggression. In a speech in November, President Tshisekedi had also called for the mobilization of local vigilante groups.⁸¹

⁷⁵ Interview in Kinshasa with Congolese senior official, February 2023.

⁷⁶ Ministère de la Communication et Médias. 2023. “Compte rendu de la quatre-vingt-neuvième réunion du Conseil des Ministres.” 03 March 2023. The creation of a reserve force was an option identified in the December 2022 “Document de Politique de Défense”.

⁷⁷ Loi N°23/014 du 22 mai 2023 portant institution de la réserve armée de la défense en République Démocratique du Congo, Kinshasa: 2023.

⁷⁸ *AfriquActu*. 2023. “RDC, réserve armée de la Défense : ‘je suis inquiète de ce que ce mécanisme pourrait être interprété par les groupes armés comme un moyen d’intégrer les FARDC’ (Bintou Keita).” 19 May 2023 <https://afriquactu.net/2023/05/19/rdc-reserve-armee-de-la-defense-je-suis-inquiete-de-ce-que-ce-mecanisme-pourrait-etre-interprete-par-les-groupes-armes-comme-un-moyen-d-integrer-les-fardc-bintou-keita/>.

⁷⁹ Few organizational details have been published at the time of writing. The RAD would have a national steering committee led by the President and Prime Minister and include the ministries responsible for security as well as the budget and finance ministers. They would lead a national executive. There would also be five provincial coordination committees: Tanganyika, North and South Kivu, Maniema and Ituri.

⁸⁰ *7sur7.cd*. 2023. “RDC-ESU: Les jeunes feront 15 jours de formation militaire à Kibomango (Muhindo Nzangi).” 5 January 2023. <https://7sur7.cd/2023/01/05/rdc-esu-les-jeunes-feront-15-jours-de-formation-militaire-kibomango-muhindo-nzangi>; *Africanews.com*. 2022. “DRC announces general mobilisation of youth to tackle M23 insurgency.” 6 November 2022. <https://www.africanews.com/2022/11/06/drc-announces-general-mobilisation-of-youth-to-tackle-m23-insurgency/>.

⁸¹ Adresse à la nation de son excellence monsieur Félix-Antoine Tshisekedi Tshilombo, Président de la RDC, chef de l’État, Président en Exercice de la SADC suite à la détérioration de la situation sécuritaire dans l’Est du pays, Kinshasa, 3 November 2022.

5.2. Local Development and the PDL-145T

In December 2021, the government launched the PDL-145T.⁸² The programme represents \$1.66 billion for the development of social and economic infrastructure at the level of the 145 territories (about \$10 million per territory). It is funded with national funds. The aim is to focus on the development of basic infrastructure for rural communities, and improve access to essential services and rural infrastructure. The programme also aims to promote local economic development and value chains and reinforce local management capacities. The investment covers the construction of schools, health centres and administrative buildings in each of the 145 territories. The PDL-145T was the focus of the 2022 Annual Conference of Governors. During that meeting, this priority programme was concretely linked to “the restoration of state authority in all corners of each of the provinces”. The governors are expected to “play the role of administrative police officers in the coordination of the PDL-145T.”⁸³ For North Kivu and Ituri, implementation is managed by an agency dependent on the Congolese Finance Ministry, the Central Bureau for Coordination (BCeCO). A total of 103 projects are planned in Ituri and 82 in North Kivu.

At the launch of the PDL-145T in Ituri, in October 2022, the Military Governor linked the PDL-145T to the state of siege: the latter has to re-establish state authority while the PDL-145T supports the developmental dynamic. Activities in the context of the PDL-145T are ongoing in several territories in Ituri and North Kivu Provinces (as they are elsewhere in the country). In general, the reception seems to be positive. People have been anxiously waiting for better infrastructure (health centres and schools), although this is less than what was hoped for: a return of state authority. Our interlocutors stated that they would prefer to see effective stabilization and pacification before the building of infrastructure. This was also a recurrent

⁸² Gouvernement RDC. 2021. Programme de Développement local des 145 territoires (PDL-145T). <https://awa-afrika.com/veillejuridique/ProgrammedeDeveloppementLocaldes145T.pdf#page50>.

⁸³ Agence Congolaise de Presse (ACP). 2022. “Programme des 145 territoires: stratégie de Tshisekedi pour restaurer l'autorité de l'Etat.” 22 December 2022. <https://acp.cd/uncategorized/220281/>.

point of critique of previous stabilization efforts.⁸⁴ In the view of a North Kivu provincial MP:

[T]he development programme tries to put in place infrastructure, it is not a priority. We must first impose peace before considering any project to build basic social infrastructure.⁸⁵

This opinion may be debatable and, being a local politician, he may see a missed opportunity to claim the investment as his own doing. However, in some areas the order of implementation has considerable structural effects. In Ituri, several PDL-145T projects are protected by non-state armed groups. While in the short term this might work locally, it totally defeats the purpose of the state of siege and of the PDL-145T. A representative of an armed group stated that they also managed to get some of their people employed in construction, and that the group works together with the territorial administrator in getting the work done. He added:⁸⁶

In relation to the local development programme of 145 territories, we have instructed our fighters not to attack those who carry out this programme anywhere in our chiefdoms. This programme strengthens our basic social infrastructure such as health centres; I'm a nurse, I can't destroy a health centre, no. This is why we deployed our elements to MAKABO, for example, to ensure the safety of construction work on a primary school there.⁸⁷

It is a questionable strategy to pursue this programme in these conditions in provinces theoretically under a centralised military government with several territories effectively under control of armed groups and therefore under their protection. This further embeds these non-state forces in the exercise of their state-like function.

⁸⁴ De Vries, Hugo. 2015. Going around in circles – The challenges of peacekeeping and stabilization in the Democratic Republic of the Congo. Clingendael CRU Report. August 2015. https://www.clingendael.org/sites/default/files/pdfs/going_around_in_circles.pdf.

⁸⁵ Interview N°16, Oicha, 2 March 2023.

⁸⁶ The same has been observed with road-building projects executed under control of armed groups, see Schouten, P., Verweijen, J., Murairi, J. and Batundi, S. K. (2022). Paths of authority, roads of resistance: Ambiguous rural infrastructure and slippery stabilization in eastern DR Congo. *Geoforum*, 133, 217–227.

⁸⁷ Interview N°3, Nyakunde, 23 January 2023.

5.3. The Shadow of the December 2023 Elections

The state of siege was introduced two years into Félix Tshisekedi's presidency and immediately after his political divorce from the Kabila camp. It was a time for a new beginning and when numerous minds both in the DRC and beyond looked towards the December 2023 national, provincial, and local elections. Concerns about the impact of this initiative were considerable in the two provinces. Memories remain fresh of December 2018 when the Independent Electoral Commission (CENI) decided to delay the election in several conflict and Ebola affected areas for security reasons: Beni Ville, Butembo Ville and Beni territory (as well as Yumbi in the west of the country). Inhabitants of the three areas in the north do not want to be left out again and the same goes for those throughout North Kivu and Ituri Provinces, who are concerned that a continuation of the state of siege could affect this.

In 2022, both Prime Minister Sama Lukonde and the newly installed head of CENI assured the population that the two provinces would participate in the elections at the same time as the rest of the country. Since then, the first real step of the electoral process on the ground was voter registration. This process started in the east on 17 February and was to last for one month. A few days before the planned end, only 29 per cent of the 15.2 million voters in the six provinces in CENI's eastern zone were effectively registered and the operation has since been extended twice.

On the ground the situation is complex. Large parts of North Kivu Province are under the control of M23. CENI cannot organize its operations there, so residents must travel a great distance to participate in the process. CENI also set up a structure to register IDPs. But this creates another set of problems, including identification and where these individuals will eventually be able to vote. As a further hindrance for those who travel to register, despite the assurances of CENI, people often must pay to get into the registration office, in addition to the risk taken to travel through the front lines and the considerable cost this represents. But the problem of those trapped behind the lines remains. CENI plans to register them as these territories are reconquered by the FARDC or diplomatic advances are made; otherwise, their registration will take place after completing the process elsewhere, in order

to avoid postponing the elections.⁸⁸ Much of the electorate, who have not been able to register or have experienced difficulties in doing so, are likely to be Congolese Tutsi associated with M23 and Rwandan interests. Armed groups controlling some areas collaborate with CENI to register their fighters and communities. Their aims are clear, in the words of an FPIC cadre:

[W]e want to send some of our political leaders there through these elections so that our people are listened to so that our political demands will go through these executives of ours... We will work to ensure that these people are elected. We will not tolerate other candidates that will not help us.⁸⁹

This type of arrangement is a clear cause for concern:

Even on the Beni-Butembo axis, it is the UPLC which secures these operations. So, how can we believe that elections can contribute to the return of peace?⁹⁰

In the Lubero Territory, two small local armed groups have even declared a ceasefire in order to allow the smooth running of voter registration operations. As a former senior CENI official told us, CENI has in the past collaborated with armed groups in operational areas, even if it meant funding them directly to secure CENI offices.⁹¹ This collaboration had perverse effects, as the armed groups influenced the outcome by participating in registration operations, flaunting legal age constraints, influencing voters, or stuffing ballot boxes. This is where links appear between armed groups and politicians:

It is the candidates themselves who seek the support of armed groups. During elections, some ballot boxes are stuffed with the support of armed groups. How can we understand that a deputy who was elected thanks to the support of an armed group can accept that this armed group is ending. It's impossible. I don't expect anything from his elections as we know what will happen. These elections will not solve our problems of insecurity here at home. It's clear. We will go to the elections as usual but without any big changes.⁹²

⁸⁸ Interviews in Kinshasa, February 2023. Jeune Afrique. 2023. "RDC-Denis Kabima : 'J'ai hâte d'en finir avec ces élections.'" 15 March 2023. <https://www.jeuneafrique.com/1427360/politique/rdc-denis-kadima-jai-hate-den-finir-avec-ces-elections/>.

⁸⁹ Interview N°3, Nyakunde, 23 January 2023.

⁹⁰ Interview N°14, Beni, 2 March 2023.

⁹¹ Interviews in Kinshasa, February 2023.

⁹² Interview N°14, Beni, 2 March 2023.

6 |

The Political and Popular Response

From the start, the introduction of the state of siege had a mixed response, with a particularly sceptical civil society.⁹³ There were immediate doubts and concerns about the individuals selected to lead the two provinces.⁹⁴ Commentators browsed their CVs and took offence with the past of both officers. Lt Gen Ndimba had been active in Jean-Pierre Bemba's Uganda-supported Mouvement pour la Libération du Congo (Movement for the Liberation of Congo, or MLC) during the 1998–2003 war and Lt Gen Luboya had been active in the pro-Rwanda Rassemblement Congolais pour la Démocratie (Congolesse Rally for Democracy, or RCD-Goma). The immediate critique also focused on the persistence of human rights violations by members of the security forces, judicial delays, and the situation in prisons.

As the security situation in both provinces was rapidly deteriorating, many on the ground had some hope that the state of siege would disrupt the status quo and result in visible government actions against the armed groups and the networks that support them. At the start there were even voices from

⁹³ Le Monde. 2021. "RDC : l'état de siège décrété dans l'est inquiète la société civile." 5 May 2021. https://www.lemonde.fr/afrique/article/2021/05/04/rdc-l-etat-de-siege-decrete-dans-l-est-inquiete-la-societe-civile_6079105_3212.html.

⁹⁴ In North Kivu the debate on the imposition of the state of siege and its leadership was quickly overtaken by the urgent response to the eruption of Mount Nyiragongo, which tested the limits of the Congolesse national and provincial crisis response capacities.

South Kivu asking why the state of siege was not declared in their province.⁹⁵ Nevertheless, both locals and outsiders were at least sceptical of the capacity and intentions of the Congolese security forces to manage a transformation of the security situation, not least due to the often nefarious role played by the FARDC and security forces in perpetuating the insecurity.⁹⁶

At several moments, the government took measures to adapt aspects of the state of siege to respond to some of the early critiques. For instance, the decision to replace the civilian legal jurisdictions by the military justice – for all matters, was reversed by the Minister of Justice, Rose Mutombo on 8 July 2021. The Military tribunals had proven unable to cope with the caseload and were quickly overburdened. In September 2022, the government also decided to lift the curfew in Goma and Bunia as it had an important impact on livelihoods (it was maintained in other areas of the provinces).⁹⁷

One particularly predictable, and complex, relationship was between the new military provincial authorities and the suspended provincial MPs. In Ituri Province the suspended provincial MPs had a meeting with the Military Governor upon his taking office but were kept out of the loop after that and not consulted by the new authorities. In August 2021, there was vivid political tension in North Kivu after the Military Governor's spokesperson accused several MPs from the region to support armed groups.⁹⁸ Provincial MPs protested this "intimidation" and asked not to be the target of military operations.

⁹⁵ L'interview.cd. 2021. "État de siège : "Pourquoi pas au Sud-Kivu où l'insécurité bat son plein?" s'interroge Fidèle Mugisho de l'UNC." 5 May 2021. <https://l'interview.cd/etat-de-siege-pourquoi-pas-au-sud-kivu-ou-linsecurite-bat-son-plein-sinterroge-fidele-mugisho-de-lunc/?amp>; Congorassure.cd. 2021. "Ne pas placer le Sud-Kivu en état de siège c'est laisser un refuge aux groupes armés (Collectif des citoyens indignés)." 7 May 2021. <https://congorassure.cd/actualite/2022/11/10/ne-pas-placer-le-sud-kivu-en-etat-de-siege-cest-laisser-un-refuge-aux-groupes>.

⁹⁶ "La réforme du secteur de sécurité à l'épreuve de l'état de siège en République Démocratique du Congo", Bulletin Spécial/RRSSJ/2022, January 2022.

⁹⁷ "Sama Lukonde promet de soumettre au Chef de l'État Félix Tshisekedi, le rapport d'évaluation de l'état de siège en Ituri et au Nord Kivu"; Agence Congolaise de Presse (ACP). 25 September 2022 <https://acp.cd/nation/sama-lukonde-promet-de-soumettre-au-chef-de-letat-felix-tshisekedi-le-rapport-devaluation-de-letat-de-siege-en-ituri-et-au-nord-kivu/>.

⁹⁸ 7su7.cd. 2021. "Nord-Kivu : L'administration militaire affirme que certains députés provinciaux originaires de l'Est entretiennent des groupes armés." 16 August 2021. <https://7sur7.cd/2021/08/16/nord-kivu-ladministration-militaire-affirme-que-certains-deputes-provinciaux-originares>.

At the same time, they denounced the lack of results and requested the lifting of the state of siege on most of the provincial territory and a concentration of efforts on those areas most affected by the violence.⁹⁹

In addition to their concerns about the lack of positive results, the provincial MPs seemed particularly concerned about their payment and the already incurred arrears.¹⁰⁰ Usually, in both provinces and in other areas affected by armed groups and violence, the provincial assemblies are not the most prominent actors engaged in stabilization (the provincial assemblies have no formal role in military affairs). In addition to the provincial MPs, the national MPs representing both provinces have been engaged and vocal during the regular votes concerning the extension of the measure. Provincial politicians and civil society also expressed their concerns about the interventions by the new provincial authorities in the economic and social domains. They believe the focus should have been on the security situation. Yet there seemed to be positive results in the economic and social domains. Observers note the investment in new infrastructure (tarmacked roads in Bunia), increased provincial revenue, improved service delivery and a reduction of (some) petty corruption.¹⁰¹ There are however also concerns about the enrichment of senior military officers.¹⁰² The systematic exclusion of the provincial MPs and the lack of care in covering their salaries has contributed to the creation of a near institutional and automatic opposition to the military provincial authorities and to the state of siege.

At the national level, in August 2021, the Defence and Security Committee of the National Assembly held a series of hearings on the implementation of the state of siege, which resulted in a thorough report with several constructive

⁹⁹ Mashariki. 2021. "Nord-Kivu/Politique: État de siège: Un bras de fer s'installe entre les députés Provinciaux et le Gouverneur militaire." 17 August 2021. <https://masharikirdc.net/?p=11382>.

¹⁰⁰ In Ituri they already had arrears of about one year before the start of the state of siege.

¹⁰¹ Communication with local researcher, Bunia, May 2023; Büscher Karen and Bilembo David. 2023. Goma under siege: witnessing the militarisation of a city. LSE Blog, 12 January 2023. <https://blogs.lse.ac.uk/africaatlse/2023/01/12/goma-under-siege-witnessing-the-militarisation-of-a-city/>.

¹⁰² Büscher, K. and Bilembo, D. 2023. Goma under siege: witnessing the militarisation of a city. LSE Blog, 12 January 2023. <https://blogs.lse.ac.uk/africaatlse/2023/01/12/goma-under-siege-witnessing-the-militarisation-of-a-city/>.

recommendations on the implementation and wider-ranging issues of Security Sector Reform (SSR). These, however, remain mostly shelved to this day. From the start, MPs were involved in the regular evaluation missions by members of the national government (Prime Minister, Minister for Defence) (see below).

Criticism of the state of siege increased rapidly, as it was considered ineffective in responding to the persistent and deepening security crises in North Kivu and Ituri Provinces. This frustration was most vociferously expressed in the Grand Nord, owing to persistent attacks attributed to the ADF. In response, provincial authorities emphasized the duration of the crisis. As one said:

People are impatient for results even though the situation we are facing dates back to 1994, when Rwandan refugees arrived in our country. The problem dates back almost 30 years and we want to have solutions in less than three years!¹⁰³

In Goma, criticism was also driven by the prevailing urban insecurity, with criminal acts (theft, murder, kidnappings, and home attacks) often attributed to security force members. The surge in crime (after a few months of improvement at the start of the state of siege) damaged the credibility of the military, police, and local authorities. Relations between administrative levels continues to this day to be very difficult, which contributes to chaotic governance.¹⁰⁴ Also, while all authorities, from the President down to the Military Governor, have called out corruption and the lack of respect for human rights in the military, only a limited number of mid-ranking officers have been arrested and tried. The official acknowledgment of these structural issues, which are well known to the population, is welcome but has had little to no effect on the ground or in citizens' experience.

¹⁰³ Interview with senior official, Goma, October 2021.

¹⁰⁴ Actualité.cd. 2023. "Est de la RDC : surmilitarisation, présence des miliciens 'wazalendo', Goma et Nyiragongo confrontés à une insécurité grandissante, au moins 10 personnes tuées en mars en plein état de siège." 31 March 2023. <https://actualite.cd/2023/03/31/est-de-la-rdc-surmilitarisation-presence-des-miliciens-wazalendo-goma-et-nyiragongo>.

Space for dialogue and contestation, which is already scarce in the DRC, particularly in the east's complex security environment, has also been further limited. Under the state of siege, civil liberties in the two provinces are severely restricted, including via a (now partially lifted) curfew and a ban on public protests.¹⁰⁵ As a result, venting public anger and frustration carries an immediate risk of violent escalation in confrontations with security forces. The restrictions, which also severely affect livelihoods (for instance, those of moto-taxi drivers), and the persistent problems with crime and violence often attributed to members of the security forces alienate public support. Several sources of potential tension come together in this cauldron, including security concerns, socio-economic frustrations (such as a motorbike tax introduced in Ituri in January 2022), and partisan mobilization by political leaders.

The popular response and political concerns cannot be seen in isolation from the December 2023 elections. The currently suspended provincial MPs could stand to profit from being reinstated. For others, local elections (they would be the first under the current constitution) could provide a powerful incentive to make themselves seen and heard. Key moments such as deadlines for the preparation of the elections are all potential flashpoints.

Protest is also driven by the permanent flow of disinformation and manipulation, as was the case in December 2021, when messages circulated that the Rwandan police would be deployed in Goma following the signing of a police cooperation agreement. During this violent protest, several people lost their lives. The persistent disinformation also affects the position of MONUSCO (which is already highly unpopular, as it is widely perceived as passive). UN peacekeepers are often accused of supplying weapons or support to armed groups or to be involved in the traffic of minerals. The peacekeepers are now generally considered part of the problem and of a wider ploy to balkanize the country or at least perpetuate their stay for personal profit. Such disinformation also has a negative impact on the freedom of movement of UN staff and the deployment of forces, as supply convoys have already come under

¹⁰⁵ Amnesty International. 2023. RDC. Les autorités doivent lever l'"état de siège" sans plus attendre." <https://www.amnesty.org/fr/latest/news/2023/05/drc-authorities-must-lift-state-of-siege-now/>.

violent mob attacks. In July 2022, such anti-UN protests caused the death of several UN peacekeepers. Similar concerns now also affect the East African Community Regional Force (EACRF), which was deployed from August 2022 as part of the EAC-facilitated Nairobi process.¹⁰⁶

The organizers of the protests in North Kivu include groups such as Lucha, Veranda Mutsanga, and Génération positive, and they work within the “Synergie des mouvements citoyens et groupes de pression du Nord Kivu”. The criticism is also taken up by national voices, such as the Conférence Episcopale Nationale du Congo (Episcopal Conference of the Catholic Church, CENCO) and its equivalent in the Protestant Église du Christ au Congo (Church of Christ in Congo, ECC). Butembo MP Tembos Yotama, the founder of Veranda Mutsanga, produced several reports on the state of siege and listed attacks and civilian deaths. It is pretty likely that at least part of the protest and violence is part of an active strategy to weaken MONUSCO. It is also interesting to note that several of the organizations now calling for the mission to leave were protected by the UN during the 2015–18 political crisis caused by the delayed elections.

The criticism of and popular focus on the state of siege waned with the resurgence of M23 and tension with Rwanda. The dominant narrative became strongly nationalist, with appeals to support the FARDC.¹⁰⁷ This also affected the attitude of several local armed groups (see below) toward the state, including their labelling themselves “wazalendo” (“patriots”).¹⁰⁸

¹⁰⁶ International Crisis Group. 2022. East Africa's DR Congo Force: The Case for Caution. 25 August 2022. <https://www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/east-africas-dr-congo-force-case-caution>.

¹⁰⁷ Digitalcongo. 2022. “Soutien aux FARDC: Les confessions religieuses et la Société civile dans la rue ce Samedi 19 novembre.” 19 November 2022. <https://www.digitalcongo.net/article/6378bfa95ca26084bda6afc1/>.

¹⁰⁸ Afrique Europe Média. “Constant Ndimba, Gouverneur militaire du Nord Kivu parle de Wazalendo.” Uploaded on 29 April 2023 YouTube video. <https://www.youtube.com/watch?v=slfzaCQxKk>; France 24. 2022. “RD Congo : contre le M23, des jeunes s'engagent dans l'armée pour 'aller au front le plus vite possible'.” 8 November 2022. <https://observers.france24.com/fr/afrique/20221108-rdc-m23-goma-rwanda>.

The State of Siege in Practice

The two years of the state of siege can effectively be divided in two distinct periods. The first, from the start of the state of siege in May 2021 to late 2021/early 2022, was mostly concentrated on the local armed groups in Ituri and North Kivu, with the ADF as the major threat and focus of (international) attention. The second started with the surprise resurgence of M23 and the growing tension with Rwanda from late 2021 onwards. This development was profoundly disruptive. Operations against the ADF continued (see below), but Kinshasa was forced to focus its resources on the M23 conflict. The conflict with M23 also deeply affected the DRC government's attitude towards local armed groups.

7.1. A Slow Beginning

The catastrophic eruption of Mount Nyiragongo, on 22 May 2021, created a false start for the new governor and the state of siege in North Kivu.¹⁰⁹ The eruption, near Goma, resulted in the displacement and evacuation of 450,000 people. It caught the authorities by surprise and overwhelmed local response capabilities. A few months after the establishment of the state of siege the Deputy Governor deplored the lack of substantial means, and the eruption:

There was the Nyiragongo eruption, which took all our means and resources the first month. We need means and time to achieve results. We must give time to time.¹¹⁰

¹⁰⁹ Plan de Transition et Compte rendu des discussions pour le retrait échelonné, responsable et durable de la MONUSCO, Groupe Conjoint de Travail MONUSCO – RDC, Kinshasa, Septembre 2021.

¹¹⁰ Interview with senior official, Goma, October 2021.

While Goma and its population were affected by the eruption and the possibility of new eruptions, violent attacks attributed to the ADF continued in the Grand Nord and Ituri, symbolising a lack of positive change or control. The Congolese and UN response to the ADF remained weak and both the security forces and MONUSCO had to contend with a frustrated population and regular unrest. Amidst the scepticism, there was some expectation that the government would take charge:

[F]or us, the state of siege was the fight against armed groups with greater firepower than that of SUKOLA I. We thought that the army was going to deploy a military arsenal here to put an end to the armed groups but what was our desolation to see that the FARDC remained the same as before the state of siege.¹¹¹

To reclaim the initiative, on 21 July 2021, the Military Governor announced the start of military operations against armed groups during a meeting in Kitchanga. Before this announcement, there had been talks between the FARDC's Sukola II operation and several armed groups about possible surrender. During this period, the FARDC also tried to isolate the FDLR from its local allied armed groups in preparation for potential future military action against the group. In this phase of the state of siege, the government had not yet finalized the P-DDRCS – there was no agreed or funded framework for DDR. Despite the uncertainty on the future DDR framework, the Military Governor made it clear that there would be no negotiations with armed groups about their demands or integration into the FARDC. The DRC government claimed its approach reaped some results. In September 2021, the DRC reported in a joint document on the future of MONUSCO that in the first three months of the state of siege, 3,524 members of armed groups (FDLR RUD, FOCA, Nyatura and NDC Rénové) surrendered to the FARDC. Approximately two-thirds of them surrendered weapon.¹¹²

During the initial stages of the state of siege, the only concerted and long-term offensive operation that was launched (and continues to this day) is the military campaign against the ADF. In May 2021, the first step was the creation

¹¹¹ Interview N°14, Beni, 2 March 2023.

¹¹² Plan de Transition et Compte rendu des discussions pour le retrait échelonné, responsable et durable de la MONUSCO, Groupe Conjoint de Travail MONUSCO – RDC, Kinshasa, Septembre 2021.

of a joint operations centre with the UPDF. This was followed in November 2021 by the launch of Joint Operation Shujaa (see above). As the FARDC were faltering in their anti-ADF operations, the UPDF delivered increased intelligence capacity and firepower. According to a North Kivu provincial MP:

If the Ugandan soldiers had not come, we would have witnessed the worst.¹¹³

However, the joint operation did not stop Congolese non-state armed groups from joining efforts to build ad hoc coalitions to fight the ADF on their turf.

We decided to form a coalition between us (FPIC) and the BILAS of MAMBASA to drive out the ADF in MAMBASA territory. We had already sent our fighters there...¹¹⁴

Despite the rapidly developing conflict in Ituri, resulting in a major movement of refugees, the FARDC's operational tempo and ambitions in the province were limited from the start. To the positive surprise of a leader of the Patriotic Resistance Front of Ituri (FPIC):

[F]irst of all we never wanted its imposition, it's because we knew that with this special measure, we would be attacked all the time. This was a great fear on our part. But to the greatest surprise, we had not witnessed a very large-scale operation. Apart from the one that dislodged us here in Nyakunde at the very beginning of the state of siege, but we became diluted among the population and then we negotiated the unilateral cessation of hostilities.¹¹⁵

This aligns with an internal Congolese government report from December 2021 that stated that armed groups initially retreated out of concern but again gathered steam once they noticed the operational limitations of the security forces.¹¹⁶ The resulting situation was not promising for the establishment of state authority. Armed groups continue to dictate their law and collect taxes under the eye of the state:

¹¹³ Interview N°16, Oicha, 2 March 2023.

¹¹⁴ Interview N°3, Nyakunde, 23 January 2023.

¹¹⁵ Interview N°3, Nyakunde, 23 January 2023.

¹¹⁶ Jeune Afrique. 2022. "Etat de siege en RDC: l'inquiétant rapport confidentiel du ministre de la Défense". 12 January 2022. <https://www.jeuneafrique.com/1294432/politique/etat-de-siege-en-rdc-linquiétant-rapport-confidentiel-du-ministre-de-la-defense/>.

For the moment since the state of siege, we are in our zones and the FARDC in theirs. No one can attack the other, this allows us to continue to lay down our laws on the ground. We pay our taxes on minerals, for example, without any problem. A gold hole for example pays us 10,000 FC per week and this money allows us to feed our fighters estimated at more than 3,000 scattered across the entire extent of our chiefdoms.¹¹⁷

In conclusion, even before the advent of M23, the state of siege had failed to change anything on the ground. There was more than an air of improvisation as the entire exercise showed a complete lack of planning and resources. The only meaningful military initiative was the joint operation with Uganda that was and continues to be carried out mainly by Ugandan forces. And while it is abundantly clear that this operation inflicts considerable damage on the ADF, neutralizing the group and its linkages with local powerbrokers and members of the Congolese security forces will require a broader strategy.

7.2. The Return of M23

In November 2021, around the start of the intensified cooperation between Uganda and the DRC in the fight against the ADF, a new crisis was brewing at the border with Rwanda. M23 (and its Rwandan support) started operations against the FARDC and eco-guards of the VNP in the Rutshuru borderlands. The first six months of M23's return were defined by hit and run operations and ambushes by both sides. Occasionally, in a show of force, the FARDC would use its rocket artillery – with doubtful efficiency – against the mobile rebel force. In March the group was deemed responsible for the downing of a MONUSCO helicopter, seriously affecting the already limited role of the mission against M23. Even the Force Intervention Brigade (FIB), composed mostly of regional Southern African Development Community (SADC) troops, launched a decade earlier to neutralize M23, remained passive.

The profound disruption and surprise of this renewed conflict are most clearly reflected in the transition plan for the scaling down of MONUSCO, which was adopted by the DRC government and the MONUSCO leadership in September

¹¹⁷ Interview N°3, Nyakunde, 23 January 2023.

2021.¹¹⁸ The detailed (29-page) document provides a comprehensive assessment of the security environment at the time. M23 are mentioned in passing in the context of 2012–13, but the group and Rwanda are not considered in the threat assessment, action plan, or priority assessment. The report also somewhat prudently assesses the regional environment as mostly benign.

From May 2022 to early March 2023, M23, supported by the Rwandan Defence Forces (RDF), systematically defeated the FARDC in numerous confrontations and claimed increasing swaths of territory in Rutshuru, Masisi, and Nyiragongo Territories, creating an effective noose around Goma.¹¹⁹ According to humanitarian sources M23's expansion triggered a massive displacement of more than 800,000 persons. The increasingly tense situation with Rwanda – including several border incidents – reduced the all-important economic interaction between border towns; the Congolese border was closed daily at 3pm, increasing the pressure on the embattled population of Goma.

In response to the M23 crisis, the government changed the operational command structures for North Kivu. In July 2022, the FARDC Chief of General Staff instructed the Military Governor to see only to the political/administrative management of the province.¹²⁰ Operational command reverted back to the commander of the third military zone, responsible for the eastern provinces, the recently appointed Lt Gen Philémon Yav Irung.¹²¹ Around the same time the command of the FARDC Sukola II operational sector, which was leading operations against M23, was reshuffled. In March 2023, the FARDC returned

¹¹⁸ Plan de Transition et Compte rendu des discussions pour le retrait échelonné, responsable et durable de la MONUSCO, Groupe Conjoint de Travail MONUSCO – RDC, Septembre 2021.

¹¹⁹ UN Security Council. 2022. Midterm report of the Group of Experts on the Democratic Republic of Congo. 16 December 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/757/86/PDF/N2275786.pdf?OpenElement>.

¹²⁰ Actualité.cd. 2022. "Nord-Kivu/M23 : nouveau changement de commandement des opérations, le gouverneur militaire chargé de s'occuper seulement de la politique et de l'administration." 7 July 2022. <https://actualite.cd/2022/07/07/nord-kivum23-nouveau-changement-du-commandement-des-operations-le-gouverneur-militaire>.

¹²¹ Lt Gen Philémon Yav was arrested in September 2022, under suspicion of collaboration with Rwanda and M23 (Interview President Tshisekedi with France 24). He was replaced in a wider reshuffle in October 2022 by Lt Gen Marcel Mbangi Mashita, who had been in command of the Kasai Region before and had previously commanded the Sukola I operation in North Kivu and has also served as deputy commander of the North Kivu Military Region (2013).

operational command for North Kivu to the Military Governor.¹²² In general, there have been quite a few personnel changes and reshuffles within the military command structures during the state of siege, but the structure of the operational entities have remained unchanged.

The threat represented by M23 and the RDF has mobilized FARDC resources from other areas in the east. It has also weakened the operational capacity of the FARDC in Ituri. In several areas in the province, it results in a de facto cohabitation between the FARDC/state and armed groups – a fundamental contradiction of the aims of the state of siege. According to a regionally based diplomat:

The ADF and the other armed groups are the main beneficiaries of the M23 actions.¹²³

This new crisis with M23 began when expectations about the state of siege had already been reduced and both criticism of the government and frustration about the ineffectiveness of the FARDC and MONUSCO were rising rapidly. The FARDC incurred severe losses during fighting with the group but failed to halt its progress. Quite rapidly, the dissatisfaction with the FARDC and the government and its local representatives fuelled widespread popular anger focused on Rwanda and what were perceived as its local allies – the Rwandophone communities in eastern DRC.

Kinshasa, having lost political standing during the first year of the state of siege, capitalized on this widespread anger. North Kivu Military Governor Constant Ndimba, while recognizing problems, blamed the lack of positive results on the Rwandan offensive.¹²⁴ Politically, the offensive led to Kinshasa's refusal of any talks or negotiations with M23, which the former branded

¹²² According to media reports this could be linked to the personal relationship between North Kivu Military Governor Constant Ndimba and the new Deputy Prime Minister and Minister for Defence Jean-Pierre Bemba. Jeune Afrique. 2023. "Jean-Pierre Bemba, du MLC à l'armée, les réseaux du nouveau ministre." 21 May 2023. <https://www.jeuneafrique.com/1446374/politique/jean-pierre-bemba-du-mlc-a-l-armee-les-reseaux-du-nouveau-ministre/>.

¹²³ Interview, Kinshasa, February 2023.

¹²⁴ Les Coulisses RDC. 2023. "RDC. État de siège (2 ans). Constant Ndimba "La guerre de RDF/ M23 est venue freiner l'élan d'engagement pour la paix au Nord-Kivu." 9 May 2023. <https://lescoulissesrdc.info/rdc-etat-de-siege-2-ans-constant-ndimba-la-guerre-de-rdf-m-23-est-venue-freiner-lelan-dengagement-pour-la-paix-au-nord-kivu/>.

terrorists. M23's violence against civilians, such as the massacre of civilian populations in Kishishe, became central to the Congolese government's narrative.¹²⁵ Kinshasa also attempted to increase popular and political support of the FARDC and shifted the blame for the army's weak performance on to the international community for maintaining its arms embargo against the DRC while providing financial support to the Rwandan military.¹²⁶

The nationalist mobilization, including of youths, has pushed the debate on the state of siege somewhat to the margins, as numerous youths have been recruited into the armed forces, while others have enthused about contributing to the defence by supporting or joining armed groups under the vague banner of being “wazalendo” (“patriots”). This dynamic has been recognized by the national and provincial authorities in North Kivu.¹²⁷ Furthermore, with the 2023 foundation of the National Reserve Force (although not yet formally created), the government has created confusion around the status of armed groups and the formal DDR process.

7.3. Collaboration with Armed Groups

From 8 to 9 May 2022, in the context of the growing M23 offensive, leaders of several Congolese armed groups active in the affected region (APCLS, NDC-R Guidon, Nyatura FAPC, and Nyatura Abazungu) met in Pinga (North Kivu). The talks were initiated by NDC-R Guidon and attended by FARDC officers of the Sukola II operation. The groups signed an “*Acte de non-agression*” in which they pledged to end hostilities between the signatories and the FARDC (on the condition that the latter adopt patriotic and non-provocative behaviour) and

¹²⁵ Gouvernement de la RDC. 2022. Le Livre blanc – Agression avérée de la République Démocratique du Congo par le Rwanda et crimes commis dans ce contexte par le Rwanda Defence Force et le M23 (21 novembre 2021 – 08 décembre 2022). December 2022. <https://communication.gouv.cd/assets/livre-blanc-crimes-m23.pdf>.

¹²⁶ VOA. 2022. “Injustice réparée’ : l’ONU permet désormais à la RDC de s’armer librement.” 21 December 2022. <https://www.voaafrique.com/a/injustice-réparée-l-onu-permet-désormais-à-la-rdc-de-s-armer-librement/6885212.html>; Mediacongo.net. 2022. “Guerre RDC – M23/ RDF: les congolais révoltés par l’aide financière de 20 millions de l’UE accordée à l’armée Rwandaise qui agresse la RDC.” 3 December 2022 https://www.mediacongo.net/article-actualite-114440_guerre_rdc_m23_rdf_les_congolais_revoltés_par_l_aide_financiere_de_20_millions_de_l_ue_accordee_a_l_armee_rwandaise_qui_agresse_la_rdc.html.

¹²⁷ “Constant Ndimba, Gouverneur militaire du Nord Kivu parle de Wazalendo”, Afrique Europe. Net, 29 April 2023. <https://afriqueurope.net/?p=2780>.

to stop all aggressors in North Kivu and the DRC.¹²⁸ Another armed group, the *Forces patriotiques populaires – armée du peuple* (FPP-AP), joined the coalition on 13 July 2022. The collaboration went under the name: “*Coalition Patriotique*”.

Since this agreement, several reports confirmed cooperation between FARDC members and the coalition of armed groups – first in Rutshuru and later in Masisi. According to reports by the UN Group of Experts and Human Rights Watch (HRW), this also included cooperation with the FDLR.¹²⁹ Collaboration with the *Coalition Patriotique* continued until August 2022, when the armed groups retreated to their respective areas. According to an HRW report, it was relaunched in October 2022. Officially, the DRC government has distanced itself from these developments. During an FARDC seminar on military deontology and ethics in Kinshasa shortly after the Pinga meeting, President Tshisekedi stated:

I have received information about schemes between certain officers of our armed forces and certain armed groups, schemes aimed at getting together to fight the M23. I don't think that's the way to fight the M23. I will not accept that individuals violate ethics for schemes with negative forces in order to fight other negative forces...you don't extinguish the fire by throwing oil on the fire.¹³⁰

The officer in command of the Sukola II operation during this phase, Brig Gen Peter Cirimwami, was reassigned to Ituri Province on 6 July 2022.¹³¹ In September, the commanding officer of the third military zone, Lt Gen

¹²⁸ Acte de non-agression, Pinga, 9 May 2022 (document on file).

¹²⁹ “DR Congo: Army Units Aided Abusive Armed Groups – Vetting, Demobilization Program Needed”, Human Rights Watch, 18 October 2022. <https://www.hrw.org/news/2022/10/18/dr-congo-army-units-aided-abusive-armed-groups>; Human Rights Watch. 2022. RD Congo: Les atrocités de la rébellion du M23, soutenue par le Rwanda, Human Rights Watch. <https://www.hrw.org/fr/news/2023/02/06/rd-congo-les-atrocites-de-la-rebellion-du-m23-soutenue-par-le-rwanda>; UN Security Council. 2022. Midterm report of the Group of Experts on the Democratic Republic of Congo. 16 December 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/757/86/PDF/N2275786.pdf?OpenElement>.

¹³⁰ Afro infos 243. 2022. RDC: alliance entre des officiers FARDC et des groupes armés contre le M23, Fatshi s'inscrit en faux. YouTube video, uploaded 13 May 2022. <https://youtu.be/dkih2aSDB0A>.

¹³¹ UN Security Council. 2022. Midterm report of the Group of Experts on the Democratic Republic of Congo. 16 December 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/757/86/PDF/N2275786.pdf?OpenElement>.

Philémon Yav, who for a brief period led the operations against M23, was placed under arrest for treason. In October 2022, President Tshisekedi carried out a comprehensive reshuffle of the FARDC hierarchy. HRW reports however that two senior FARDC officers with a history of involvement with armed groups were deployed to the region. In December 2022, the two reportedly had meetings with armed group representatives in Kitchanga. HRW and other sources also confirm that beyond these meetings there have been several instances where armed groups have received supplies, including ammunition, from the FARDC. In response to these reports, the Congolese government spokesperson, Minister Patrick Muyaya, told HRW:

We have to distinguish between collaboration than can be systematic and isolated events, because these are not things that are tolerated or that can be accepted.¹³²

In the months thereafter, several other Mai Mai groups have joined the fight against the M23. The re-appearance of the M23 and its recruitment drive have set-in motion a dynamic that also leads to increased recruitment for the FDLR and other of its opponents. This local mobilisation also included several hundreds of unemployed and formerly demobilised AG members from Lubero territory. More recently, armed groups from South Kivu have also mobilised to join the fight in the neighbouring province.

Several of the armed groups that are now de facto collaborating with the FARDC have a long-standing collaboration with the FDLR. While the military threat of the FDLR to Rwanda can be considered limited, its mere existence is regarded as a political threat in Kigali. Amid the increased ethnic tension in the Kivus, the FDLR is also an important reminder of potential systematic violence against Congolese Tutsi. Therefore, as was underlined by President Kagame in a candid interview with *Jeune Afrique* (which was reprinted in Rwandan media), the pursuit of the remnants of the forces involved in the 1994 genocide remains a main objective.¹³³

¹³² Human Rights Watch. 2023. DR Congo: atrocities by Rwanda-Backed M23 rebels. Human Rights Watch. <https://www.hrw.org/news/2023/02/06/dr-congo-atrocities-rwanda-backed-m23-rebels>.

¹³³ Jeune Afrique. "Paul Kagame : M23 en RDC, Tshisekedi, Macron, présidentielle, ... L'entretien exclusif à JA", uploaded on 31 January 2023. <https://youtu.be/R5dKr0ai7RI>.

M23's narrative has also increasingly centred around the protection of the Congolese Tutsi community against genocide and the modalities of return for the Congolese refugees in Rwanda (a community amongst whom M23 is recruiting). In M23 communications, military operations by the Congolese armed forces (which have a notorious past of human rights abuses) are systematically decried for targeting civilians. Visually, M23 also tries to portray an image of a well-kept, disciplined force, in contrast to the often rag-tag FARDC. The narratives of "protection" and "genocide", with their concerns about "spies", infiltration, traitors, etc., risk provoking a self-fulfilling prophecy, thus increasing the vulnerability of the Tutsi community. This is dangerous and can spark violent dynamics when public opinion is heated and people are enduring increasingly difficult living conditions.

The FARDC's use of proxy forces is problematic in more than one way. It further weakens the restructuring efforts of the Congolese security forces and hinder the collaboration of international partners. The risk for armed groups demands of direct integration of the FARDC may be mitigated by the creation of the National Reserve Force. This creates in itself a whole new set of complexities and possible contradictions with the P-DDRCS. The "Wazalendo" may provide some support and flexibility in operations, but this is a dynamic that the FARDC will not be able to control and it exposes the state to serious threats concerning human rights. In strategic and political terms, it also provides a justification for M23 to recruit amongst local communities who are or feel threatened by the armed groups in alliance with the FARDC. For Rwanda, collaboration with the FDLR, however direct or indirect this proves to be, is a justification for involvement.

While this collaboration seems to have some level of local and domestic support, as it is part of a nationalist surge against foreign intervention, the use of and collaboration with armed groups undermines stabilization efforts in eastern DRC and weakens the government's international position, including with regional partners, especially the EAC and its regional force, the EACRF.

In the two years that the state of siege has been implemented in the two provinces, there have been quite a few moments of evaluation and a few detailed reports have been produced, including by the Congolese Parliament and the Ministry of Defence. Both (unpublished) reports have been very candid and show that the political leadership in Kinshasa is very aware of the structural and operational challenges and shortcomings of the Congolese security forces – and their impact on the state of siege and the security situation in general.

From 3 to 17 August 2021, the National Assembly's Defence and Security Committee held hearings with actors involved in the state of siege. It produced an extensive, detailed and critical report.¹³⁴ Its recommendations focused on the need to restructure and renew the FARDC command structure, to renew the command structures in the two provinces under the state of siege, and to investigate and trace the funds allocated to the state of siege (as it uncovered that more than 68 percent of these funds was consumed in Kinshasa). Parliament also asked the government to produce an exit plan and create a special follow-up committee composed of delegates of the parliamentary commissions most involved in the state of siege.

The hearings and the report were an important exercise in governance and demonstrated a realistic and constructive approach. However, in November 2021, due to the lack of follow-up and increasing frustrations, a group of MPs, including many from North Kivu and Ituri, signed a declaration denouncing the lack of results and announcing their refusal to participate in votes on the extension of

¹³⁴ Some elements of the report have been published. Jeune Afrique. 2021. "État de siège en RDC : ce que contient l'accablant rapport de la commission défense de l'Assemblée." 28 October 2021. <https://www.jeuneafrique.com/1258137/politique/etat-de-siege-en-rdc-ce-que-contient-laccablant-rapport-de-la-commission-defense-de-lassemblee/>.

the state of siege.¹³⁵ In March 2022, the Defence and Security Committee presented the final report of this exercise to the president of the National Assembly.

From 23 November to 11 December 2021, the Minister of Defence, a delegation of military officers, MPs from the two provinces and officials from the Interior and Justice Ministries visited both provinces for another assessment mission. This delegation spent several days in Goma, Beni, and Bunia. In meetings with the Minister, civil society actors described the state of siege as a failure. The resulting confidential report recalled the frustrations of political and economic operators concerning losses of revenue. Other observations included the lack of mobilization of communities (“social forces” according to the report), referring to the complex relationship between the military and the civilian population: “[According to] tradition the man in uniform is not the comrade of the little people”. The report also pointed at the lack of collaboration between the different security services and the lack of logistics and funding.¹³⁶

On the eve of the first anniversary of the state of siege, with the Rwanda-supported M23 offensive gaining momentum, Prime Minister Sama Lukonde Kyenge travelled to the east at the head of another delegation composed of members of the armed forces, Parliament, and several other government departments for the purpose of preparing an evaluation. He also aimed to reassure the population that the state of siege would not affect the organization of the election in both provinces. At the time of the visit several options on the future of the state of siege circulated, from a total lifting to limiting it to a number of territories. The political momentum for a lifting was rising, as national MPs for both provinces had boycotted the 18 April 2022 parliamentary session whose purpose was to vote on whether to renew the state of siege. A few days later, several MPs introduced a draft law to end the state of siege. None of these parliamentary initiatives have borne any fruit or led to a broader debate, as the majority of the MPs supporting the government accepted the regular extensions without much debate.

¹³⁵ Politico.cd. 2021. “Des députés constatent la détérioration avancée de la situation sécuritaire malgré l'état de siège en Ituri et Nord-Kivu”. 1 November 2021. <https://www.politico.cd/encontinu/2021/11/01/des-deputes-constatent-la-deterioration-avancee-de-la-situation-securitaire-malgre-letat-de-siege-en-ituri-et-nord-kivu.html/96473/>.

¹³⁶ Jeune Afrique. 2022. “État de Siège en RDC : l'inquiétant rapport confidentiel du ministre de la défense.” 12 January 2022. <https://www.jeuneafrique.com/1294432/politique/etat-de-siege-en-rdc-linquiétant-rapport-confidentiel-du-ministre-de-la-defense/>.

In May 2022, based on the mission by Prime Minister Lukonde, the presidency organized a meeting with MPs from both provinces. The President announced the organization of a round-table on the future of the state of siege. On 19 May, in a meeting with a large group of senators on the situation in the east and the PDL-145T, the President stated that he was open to suggestions, from maintaining the state of siege to replacing it with something else with the aim of ending the violence.¹³⁷

Six months later, in September 2022, the Prime Minister conducted another evaluation tour to the two provinces. As an immediate outcome of the visit, the curfew in Goma was lifted, as was requested by several MPs, civil society, and business interlocutors. This second evaluation mission by the Prime Minister took place in the shadow of the intensifying war with M23 and increased tension with Rwanda. It was thus also at least as much a demonstration of solidarity and support for the FARDC as a critical evaluation of the state of siege. In October, the result of the mission was discussed in a meeting in Kinshasa presided over by the President and attended by MPs from both provinces. At the meeting the launch of the PDL-145T was announced, and it was clarified that the programme would also be implemented in the provinces under the state of siege.

In December 2022, recognizing the uncertainty of continually requesting Parliament for 15-day extensions, the President reconfirmed via several speeches his commitment to the organization of an evaluation. The Minister of Justice subsequently announced that preparations for the round-table were proceeding and that the meeting was imminent: “[T]he future of the state of siege is to be determined before the next parliamentary break.”¹³⁸ The round-table was finally held in August 2023, and in October Tshisekedi announced a slight easing of the state of siege.¹³⁹

¹³⁷ Actualité.cd. 2022. “La prochaine table ronde sur l’état de siège et l’implémentation du PDL-145T au centre des échanges entre Félix Tshisekedi et les sénateurs.” 20 May 2022. <https://actualite.cd/2022/05/20/rdc-la-prochaine-table-ronde-sur-letat-de-siege-et-implémentation-du-pdl-145t-au-centre>.

¹³⁸ Actualité.cd. 2023. “Évaluation de l’état de siège en Ituri et au Nord-Kivu : reprise des travaux préparatoires pour une table ronde.” 17 May 2023. <https://actualite.cd/2023/05/17/evaluation-de-letat-de-siege-en-ituri-et-au-nord-kivu-reprise-des-travaux-preparatoires>.

¹³⁹ France 24. 2023. “RD Congo: Fe2lix Tshisekedi annonce un ‘allègement graduel’ de l’état de siège dans l’Est”. 13 October 2023. <https://www.france24.com/fr/afrique/20231013-félix-tshisekedi-annonce-un-allègement-graduel-de-l-état-de-siège-dans-l-est-de-la-rd-congo>.

As can be concluded from our analysis, at its core, the state of siege is a failure. Where the Congolese state purposefully made a commitment to reclaim the initiative on the ground, and to gain – by force, if necessary – sovereign control over its territory, it mostly failed to do so. Even before the M23 crisis the state was struggling to reconcile its promises with the realities on the ground. However, the return of M23 and the crisis with Rwanda have created an entirely new situation: the Congolese security forces had been struggling to face local armed groups; since M23's involvement, they have come to condone and justify armed group activities. In short-term political calculations, this may solve a number of issues and provide Kinshasa with some local support, but in the words of President Tshisekedi, you don't extinguish fire by pouring oil on it. The government has also had to increase its reliance on regional partners for military and political support. This is proving to be a difficult balancing act that may require sensitive trade-offs in the future.

This failure has many causes. These exist at the regional level, where the structural weaknesses of the Congolese state continue to be unscrupulously exploited by elites in neighbouring states. But most causes exist at the national level, where they are deeply rooted in the persistent fragility of key state institutions.

• ***A lack of strategy and resources***

It was a powerful signal to launch the state of siege immediately after the installation of the Sama Lukonde government. But such speed also meant that there was little time for reflection and preparation. The presidency and government lacked the understanding of and control over the actors on the ground, including the military and security forces. Decisions have occurred in a top-down manner with little to no consultation with or inclusion of local stakeholders.

Crucial supporting policies such as the P-DDRCS and the PDL-145T were not yet ready for deployment, even though they were necessary to offer a path to combatants and demonstrate on the ground that considerable resources were invested in communities and in the return of the state as a provider of security and vital social services. These policy processes have also either taken a very long time to develop (P-DDRCS) or have been introduced in a haphazard, improvised way (the decision and modalities of the state of siege).

However defensible each of these decisions and policy choices may have been, there seems to be no clear national direction or coherent policy vision or sense of urgency. The combination of these factors, the active resistance, and legitimate concerns of individuals and communities have contributed to the loss of their “momentum”. Valuable time and energy have been squandered, which has increased the margin of manoeuvre for those domestic and regional spoilers that aim to maintain a profitable status quo. For instance, the appointment of the controversial leadership of the P-DDRCS has caused a lot of concern amongst local and international actors and contributed to the delays in the implementation of this (under-resourced) programme. Confusion has also increased due to the lack of clarity of the linkage between this national DDR programme and the talks with local armed groups in the frame of the EAC-facilitated Nairobi process.

• ***Inadequate communication and dialogue***

There was no adequate reflection on the political message to a sceptical domestic public. There were also no formats to allow local and provincial political leaders, civil society, economic operators, and religious groups to exchange with the new provincial and local authorities. The structural exclusion of some, such as provincial MPs, almost institutionalized a vocal opposition that focused on the state of siege itself. (An opposing voice which is also incapable of proposing concrete alternatives.)

The selection of areas included in the state of siege also lacks transparency. While large areas of North Kivu and Ituri Provinces justify a tough policy response, the same can also be said of South Kivu.¹⁴⁰ There are also reports

¹⁴⁰ A considerable number of armed groups is active in South Kivu and in November 2021 there was an attack on the provincial capital Bukavu. Armed groups originating in Rwanda and Burundi are active in the province as are troops and government-affiliated militia from Burundi.

some actors from North Kivu subsequently moved their activities to neighbouring South Kivu Province (GIC, 2022).¹⁴¹

In a broader sense, there has also been a lack of a clear and transparent communication strategy vis-à-vis the general public on major decisions and policy choices (such as the entry of the DRC into the EAC or the deployment of regional troops).

Furthermore, due to the improvised nature of the state of siege, there was also a lack of communication on the aims and possible joint approaches with regional and international partners (in particular, MONUSCO).

• **Limited scope and capacity for remedial action**

Some initial mistakes, such as the replacement of the civilian courts by the military courts for civilian cases, were quickly remedied, showing a willingness to engage and adapt the policy to the complex circumstances on the ground. Similar steps were taken in some cases to streamline military command. However, such actions were few and far between, despite the President saying, when he announced a round-table to evaluate the state of siege, that he was open to other options. At the time, no concrete timeline for the round-table was announced. The current priority for the government is its campaign to stop the offensive by M23 and its foreign support, but processes should have been possible in parallel.

The work of the August 2021 Defence and Security Committee to this day remains an important piece of work. Some recommendations have been implemented – such as restructuring the FARDC chain of command (but that would most likely have happened without the committee’s report). It could, and should, have formed the basis for a regular involvement of Parliament with more regular hearings. This would also have served the presidency and the government in creating a broader domestic support base and, ultimately, greater legitimacy. Despite some legitimate security concerns, there should,

¹⁴¹ Muzalia G., Bahati A., Batumike E. and Bisimwa S. 2022. Neither peace nor war? The continuation of conflict and insecurity in Kalehe, South Kivu. GIC. <https://www.gicnetwork.be/peace-nor-war/#:~:text=This%20report%20investigates%20the%20security,same%20area%20in%20May%202021.>

in the same vein, have been some effort to better involve members of the provincial assemblies and organize regular briefings for civil society groups.

The appointment of new Ministers of Defence and the Interior raises the expectation that they will at least reinvigorate the approach, mobilize political resources to reach out to local communities and leaders, and invest new resources in the ongoing processes. One necessary step would be to replace the provincial leadership comprehensively. Parliament should also be more structurally involved in the follow-up and regular evaluation.

• ***A weak and unprepared military***

Even before the return of M23, the FARDC were struggling to get the upper hand. No significant operations against the armed groups were launched, and neither was there a comprehensive recycling and replacement of the troops deployed in the two provinces. Reports by the Congolese Parliament and the Ministry of Defence and public declarations by the President and several senior personalities showed that the government was not blind to these structural issues – yet there was no clear path for reform. Despite these fragilities the army and security forces were placed at the centre of the strategy to reclaim sovereign control over the eastern provinces.

On the ground, the continued co-existence and collaboration with non-state armed groups is the most painful reminder of the failure to create a new dynamic. It also creates new expectations for integration and is thus a foundation for future frustrations.

At the beginning, there were some indications that the state of siege could serve as a catalyst for further, profound reform. Still, however realistic those assumptions may have been, the major strategic and political emergency of the conflict with Rwanda and M23 effectively stopped whatever structural reform and capacity building might have occurred. And in a twist of fate, it created – at least for the short term – an alliance between those vying for change and the corrupt networks in place. By going all-in and failing to reform and communicate openly, the government has effectively become dependent on those structures it aimed to dismantle. In this case, the rallying

around the flag in the mobilization against Rwandan aggression serves a useful political purpose: it distracts from the failed strategy.

The revamped government, with a political heavyweight as Minister for Defence (the first time in recent history), offers some renewed perspective. The government will have to juggle difficult challenges: it will have to offer a platform for regular debate and evaluation and accept some dependency on regional and international forces and partners (EAC, MONUSCO) and at the same time do some serious house cleaning: replacing commanders and rotating troops away from the deployment areas where some have become entrenched in the local landscape of insecurity.

In essence, the declaration of the state of siege should have been accompanied by the freeing of adequate resources and strategies contributing to the stabilization and state-building effort: the P-DDRCS and the PDL-145T, for instance. Sufficient numbers of police to provide security for the areas least affected by armed group activity, rotation of long-deployed units for recycling and reconditioning, and a deployment plan for fresh troops to provide a shock effect for those armed groups that do not immediately get the message that the game had effectively changed. Sadly, not even a variation of this was put in place. The measure was well-intended, but due to its lack of adequate planning and resources, it demonstrated the state's lack of capacity rather than the opposite.

After a year, when some of the puzzle pieces were slowly falling in place, the push by Rwanda and its M23 proxy proved impossible to contain for the Congolese armed forces. In a way, the developments serve a useful political purpose. The focus is now less on the structural national deficiencies – which have been so blatantly exploited by Rwanda and, to a certain degree, Uganda and other neighbours – than on this aggression. The result is a push for national mobilization and an attempt to gather regional and international support to neutralize the threat. In the short term, President Paul Kagame may have done President Tshisekedi a favour by drawing attention to the (real and problematic) outside threat and aggression, and away from the limited domestic results.

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