



FAQ: current situation in the eastern Democratic Republic of Congo August 2012

What is the new rebellion in eastern Democratic Republic of Congo (DRC)?

- A new rebellion against the Congolese government was launched in April 2012 in eastern DRC. The insurgent group is known as the M23 and is thought to comprise around 600 fighters, the core of whom formerly belonged to a rebel group called the Congrès National pour la Défense du Peuple (CNDP).¹ The CNDP, after many years of insurgency in North and South Kivu, integrated into the Congolese army (FARDC) in a 23 March, 2009 peace agreement. The name 'M23' was apparently chosen to signal the group's disgruntlement with the Congolese government's alleged failure to meet the terms of the 2009 deal.
- The highest-ranking officer in the M23 is General Bosco Ntaganda, a warlord indicted by the International Criminal Court on charges of recruitment of child soldiers and crimes against humanity. Ntaganda held a prominent position in the national army for over three years following the 2009 peace deal, exercising de facto control over all military operations in North and South Kivu. However, it is not clear what role Ntaganda currently plays in the M23 rebellion. Colonel Sultani Makenga, close ally of former CNDP leader Laurent Nkunda, also holds a leadership position within the M23.
- According to a recent United Nations report, the M23 has received significant military, financial and political support from senior members of the Rwandan government, including the country's Minister of Defence and Chief of Defence staff. Rwandan support has included provision of weapons, ammunition and soldiers to the rebellion.²

What has the humanitarian impact of the rebellion been so far?

- Since it began in April, fighting between the Congolese army and the M23 rebels has displaced over 220,000 civilians in North Kivu province alone, according to the UNOCHA. Reports from the Kivus suggest that attacks against civilians are increasing and ethnic tensions heightening in a region that has already suffered over fifteen years of violence and instability.³ Reports from early August suggest that the M23 rebellion has installed its own administration in North Kivu's Rutshuru territory and has begun imposing taxes on commercial vehicles.⁴
- The FARDC focus on the rebellion has created a security vacuum elsewhere. In certain parts of North and South Kivu this has allowed other armed groups, such as the Forces

¹ Since it was formed in April, the M23 has continued to recruit fighters, including forced recruitment of minors. The exact number of fighters now in the group is unknown.

² For more information about Rwanda's support of M23 see the Addendum to the Interim report of the UN Group of Experts on the DRC, June 2012, www.un.org/ga/search/view_doc.asp?symbol=S/2012/348/Add.1.

³ For more information about the current humanitarian situation in eastern DRC, including ethnic tensions in Goma and attacks on civilians see: www.irinnews.org/Report/95715/DRC-Understanding-armed-group-M23, www.pole-institute.org/site%20web/echos/echo173.htm, www.un.org/apps/news/story.asp?NewsID=42507&Cr=democratic&Cr1=congo.

⁴ <http://radiokapi.net/actualite/2012/08/07/nord-kivu-le-m23-installe-progressivement-son-administration-locale-rutshuru-2/>

Démocratiques de Libération du Rwanda (FDLR) rebels and the local militia group Raia Mutumboki, to regain territory and in some cases attack new areas.

What are the links between the M23 and the minerals trade?

- Since April, M23 activity has largely been restricted to an area to the north and east of North Kivu's provincial capital of Goma. The rebellion appears to have concentrated on taking several strategic towns, notably Bunagana on the Uganda - DRC border, and Rutshuru, a trading post some 70 kilometres north of Goma. The M23 has also targeted Masisi territory, a mineral-rich area traditionally controlled by the CNDP, although the extent of the rebellion's control over these mines and trading routes is unclear.
- The ex-CNDP has a track record of illicit control of eastern DRC's minerals trade. Following the group's integration in 2009, General Bosco Ntaganda and his cronies used their positions within the Congolese army to illegally control some of the region's richest mining areas, making millions of dollars per year from the trade. Just one example of Ntaganda's illegal profiteering is the minerals trafficking network that he has built up, making sums of up to US\$15,000 per week by smuggling minerals into Rwanda across property that he owns on the DRC-Rwanda border. Global Witness believes it is highly likely that proceeds from the general's racketeering are being used to finance the current fighting.⁵
- Laws like the Dodd Frank Conflict Minerals Provision that requires companies to disclose whether they are supporting abusive groups like the M23 through their mineral purchases, can play a key role in cutting off funding to warring parties in eastern DRC.

Can companies still buy minerals from eastern DRC?

- Yes, they can. If companies undertake checks along their supply chains – known as due diligence – to ensure that their purchases are not funding conflict or associated human rights abuses, they can source conflict-free minerals from eastern DRC.
- The M23 rebellion is currently confined to a relatively small area within North Kivu province. While the activities of the M23 and other rebel groups operating in the Kivus create instability and increase risks for companies sourcing from the region, rigorous due diligence is designed to enable companies to identify and mitigate these risks and source from areas not controlled by armed groups.
- The Dodd Frank Act Conflict Minerals Provision requires companies sourcing from DRC and surrounding countries to carry out due diligence on their supply chains. Detailed guidance has been developed by the UN Security Council and the Organization for Economic Cooperation and Development (OECD) in conjunction with governments, companies and NGOs. There is broad consensus around standards and ample guidance available to industry in Congo and abroad, and companies can and should do due diligence now and buy minerals from areas in eastern DRC that are not controlled by men with guns.

⁵ For more information about Bosco Ntaganda's involvement in the minerals trade see Global Witness, 'Coming Clean', May 2012, www.globalwitness.org/library/coming-clean-how-supply-chain-controls-can-stop-congos-minerals-trade-fuelling-conflict; and the final report by the UN Group of Experts on the DRC, December 2011, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/738.