

**THE KIVUS:  
THE FORGOTTEN CRUCIBLE  
OF THE CONGO CONFLICT**

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## THE KIVUS:

### THE FORGOTTEN CRUCIBLE OF THE CONGO CONFLICT

#### EXECUTIVE SUMMARY AND RECOMMENDATIONS

December 2002 witnessed the signing of a power sharing agreement between Congolese parties under the auspices of the UN Special Envoy, Mustapha Niasse, and South Africa that should lead to finalisation of the Inter-Congolese Dialogue and a transitional government. Yet, it is unlikely that the agreement alone will bring immediate peace. Serious fighting continues in Eastern Congo, particularly Kivu and Ituri Provinces, which have been the main theatres for direct and proxy confrontation between local, national and regional participants in the Congolese conflict since the cease-fire was signed in Lusaka in 1999. The population there is suffering enormously while there is an almost complete absence of international attention.

Unless peace-building processes are crafted specifically for the East and made central to the transitional government's program, the headlined political agreements and other peace accords that have been brokered will remain never implemented words on paper.

This report focuses on the conflict in the Kivus. This area was the powder keg where ethnic massacres first exploded in the 1990s and regional war in 1996 and 1998. Indeed, it was the centre of three intricately linked conflicts inherited from Belgian colonialism, 30 years of misrule under Mobutu and institutionalisation of ethnic discrimination against Kinyarwanda-speaking citizens, and the extension of the Burundian, Rwandan and Ugandan civil wars. The Kivu situation is now complicated by direct military involvement of external actors, multiplication of local warlords and active exploitation of natural resources by both. All regional actors are making strong efforts to mould the provinces to their own strategic needs. The

withdrawal of most Rwandan and Ugandan troops in 2002 has not fundamentally changed this dynamic.

The agreement signed in Pretoria on 30 July 2002 stipulated that Rwanda would withdraw its army from the Congo, and the Kabila government would disarm the Rwandan Hutu fighters on its part of the Congolese territory. Under heavy international, especially U.S., pressure, Rwanda has indeed changed tactics by pulling most of its troops out. But it has reorganised militarily, restructuring the military branch of the RCD-Goma (hereinafter RCD) and creating a rapid reaction force that can be redeployed as needed into the eastern Congo to address the remaining security threats, but also to continue to exploit the region's resources. It has found alternative allies on the ground to the national RCD leadership who hold the real power in Goma and Bukavu, and it sponsors autonomist movements for the Kivus. Rwanda now seems less interested in controlling Kinshasa and has resolved to consolidate its long-term influence in the eastern Congo by making the most out of the Kivus – a policy akin to that on which Uganda embarked several years ago.

Kinshasa tries to contain the autonomy push by offering the “nationalists” positions and giving military support to the Mai Mai militias in the Kivus in order to weaken Rwanda's proxies. It officially stopped supplying the Rwandan Hutus, pursuant to its July 2002 commitments, but seems unwilling or incapable of preventing these forces from regrouping and reorganising in the Kivus to continue their struggle.

Neither the plans of the UN observer mission (MONUC) to deploy a reinforced 3,000-man contingent in the East nor finalisation of an inclusive

political agreement in Pretoria will be enough to make a difference to the Kivus. MONUC's mandate is insufficient for disarming the Hutu and Congolese militias. The task forces to be set up in Kisangani and Kindu, hundreds of kilometres from the field of operations, will neither deter the militias nor influence them to negotiate, let alone opt to disarm.

Similarly, the political agreement for a national unity government and elections after two years does not address the reality of power in the Kivus or provide credible solutions to the nationality, ethnicity and land crises that fuel the local war. If fighting does not stop in the Kivus, all plans to restore national authority and reunify the territory will be meaningless. The UN envoy, the Facilitator of the Intercongolese Dialogue and South Africa must make the elements of a Kivu settlement central features of the transitional constitution and final peace agreement. The international guarantors of the power-sharing agreement need to encourage a common vision for peace there and hold local and regional actors accountable for their policies.

Finally, it is vital that Congolese elections not be organised until serious progress has been made on the fundamental problems in the Kivus. Electoral competition based on ethnic mobilisation and divide and rule policies were precisely the causes of division and ethnic violence that sent the Congo spiralling into chaos in 1993. The mistakes of that decade should not be repeated.

## RECOMMENDATIONS

**To all the Congolese political forces and military elements, including the current government, the RCD-Goma, the MLC, the RCD-ML, the RCD-N, Mai Mai representatives, political parties and civil society leaders:**

1. Make peace in the Kivus the first priority of the transition, start to work towards creating a peace agenda, desist from political manipulation of the nationality issue, and commit to reconciliation between all Kivu communities.
2. Stop collaboration with foreign forces (especially the *Forces démocratiques de libération du Rwanda* (Democratic Forces for the Liberation of Rwanda, FDLR), and work with all forces present on the ground to achieve a sustainable local ceasefire.

3. Design a constructive DDRRR program (disarmament, demilitarisation, repatriation, resettlement, and reintegration) for both foreign and Congolese militia groups, and negotiate urgently with the Congolese actors on the ground a peace and reconciliation agenda for the Kivus that includes security, political, economic and humanitarian aspects and a border security pact with Rwanda and Burundi
4. Condition elections in the Kivus to progress on resolving the fundamental problems of nationality, land ownership, and fair sharing of the revenues from exploitation of natural resources.

**To the governments of the Congo, Rwanda and Uganda:**

5. Implement fully the Pretoria and Luanda agreements, in particular:
  - (a) withdraw all foreign troops from Congolese territory;
  - (b) cease supplying armed groups on Congolese territory and desist from manipulating Kivutian proxies;
  - (c) immediately stop support for Kivutian autonomy; and
  - (d) cooperate bilaterally to support local peacemaking in the Kivus and the policies of the transitional government of national unity.
6. Contribute to realisation of an international conference for peace, security and sustainable development in the Great Lakes by providing the Special Representative of the UN Secretary General, Ibrahim Fall, with precise details of the security, political and economic demands they consider must be met in order to achieve a regional security and development pact.

**To Mustapha Niasse, UN Special Envoy to the Congolese peace process, Ketumile Masire, Facilitator of the Inter-Congolese Dialogue and the South African government:**

7. Include clear and credible procedures for a permanent solution to the Kivu nationality, land and ethnic discrimination issues in the constitution of transition and the final peace agreement that will be presented at the last session of the Inter-Congolese Dialogue.

8. Equip the transition process with a strong mediation mechanism designed to broker a peace and reconciliation agenda for the local parties to the conflict in the Kivus that should:
  - (a) provide modalities for local ceasefires and power-sharing formulas, re-establish legitimate state authority, and lead to an agreement on transparent mechanisms for managing the exploitation and marketing of natural resources and reconstruction of the local economy; and
  - (b) culminate in the organisation of a Kivu conference, the peace-building recommendations of which should be implemented as an immediate priority.

**To the wider international committee of guarantors of the Pretoria agreement:**

9. Fund MONUC's expansion program adequately, provide it with the needed troops and logistics, and contribute to the UN's consolidated appeal for humanitarian relief in the Congo.
10. Support financially local and international NGOs involved in conflict resolution and reconciliation in the Kivus.
11. Support politically and financially a Kivu mediation mechanism and organisation of a Kivu conference as part of the transitional government's program.
12. Establish a contact group to produce a roadmap for physical reconstruction of the Congo, including clear good governance benchmarks for disbursement of foreign aid and support the implementation of the recommendations of the UN panel on the exploitation of natural resources.
13. Establish a Kivu Trust fund devoted to rebuilding health and education facilities and financed by taxes raised on private companies operating in the Kivus.
14. Condition support for the election process on successful peacemaking in the Kivus.

**To the UN Security Council, Secretary General Kofi Annan, and MONUC:**

15. Update and strengthen MONUC's mandate and concept of operations to support the transition and endow it with the capacity to:
  - (a) deploy a peacekeeping force along the Congo-Burundi-Rwanda border to forcefully restrain armed infiltration from the Congo into Burundi; and
  - (b) isolate Kivu-based military groups targeted for DDRRR.
16. Establish a mediation structure within MONUC that will bring the RCD, the Congo government and Mai Mai leaders together to agree on a common strategy and joint operations for Congolese disarmament in the Kivus, which must include a humanitarian chapter with a framework for the immediate delivery of relief to all internally displaced persons (IDPs) there.
17. Open negotiations with other African states for resettlement of those who do not choose to return to Rwanda.

**To the Government of South Africa:**

18. Encourage Rwanda to establish a promising environment for DDRRR by liberalising its internal political environment and to adopt an open-door policy towards exiled political parties provided that those parties:
  - (a) reject all links with armed groups;
  - (b) contribute to the arrest and prosecution of known *génocidaires* by the International Criminal Tribunal for Rwanda; and
  - (c) clarify their stand on the genocide and their policies regarding reconciliation in Rwanda.
19. Urge Rwanda to accept a UN and/or Africa Union-led political and human rights monitoring regime for demobilised FDLR soldiers inside the country.

**Nairobi/Brussels, 24 January 2003**

## THE KIVUS:<sup>1</sup>

### THE FORGOTTEN CRUCIBLE OF THE CONGO<sup>2</sup> CONFLICT

#### I. INTRODUCTION

On 13 October 2002 a coalition of Mai Mai militia captured the eastern Congolese town of Uvira in South Kivu from the Rwandan sponsored *Rassemblement Congolais pour la Démocratie* (RCD). This dramatically illustrated the fragility of the Lusaka ceasefire and, more generally, the Congolese peace process. Suddenly the entire tripartite dynamic of negotiations – a nationally inclusive political agreement, withdrawal of foreign troops and a DDRRR program for the armed groups identified in the 1999 Lusaka agreement as “negative forces” – was jeopardised. It became clear that the official end of military occupation by the Rwandan Defence Forces (RDF),<sup>3</sup> barely achieved two weeks earlier under the Pretoria agreement of 30 July, would be short-lived.

After the withdrawal of most Rwandan troops, its RCD allies were left without military backup. The Kivutian Mai Mai ethnic militias quickly advanced towards Bukavu, determined to retake territory and show up their foes’ new weakness. While RCD leaders hurriedly evacuated their families to the

neighbouring Rwandan town of Cyangugu, Kigali accused the Congolese government of being behind the offensive and failing to live up to its commitment towards peace. Kigali also threatened to redeploy back into the Congo to avoid destabilisation at its border and prevent *Forces démocratiques de la libération du Rwanda* (FDLR) Hutu forces from infiltrating into Rwanda. Finally, under international pressure, the Kabila government asked the Mai Mai to withdraw and leave Uvira to the RCD. Since October 2002 and despite the power-sharing agreement signed in Pretoria in December, fighting between Mai Mai and RCD has continued unabated in the Kivus.

Thanks to the brief Mai Mai seizure of Uvira, the local dimensions of the Congo peace process have dramatically resurfaced, and national, regional and international attention has been refocused on this apparently forgotten aspect of the conflict. The reality is that no inclusive national power sharing deal in Kinshasa, no Ugandan-Rwandan-Congo bilateral or trilateral agreement, no international humanitarian or political action through MONUC will be enough to stop the war unless the tangled web of security, political and economic interests in the Kivus is dealt with effectively.

The image of the Kivus as the “powder keg” from which rebellions in the Congo exploded<sup>4</sup> has been magnified in recent years. The 1996 and 1998 Congo wars, the inherited sources of conflict from the colonial era, the 30 years of Mobutu’s misrule, and the spread of civil wars in Rwanda, Uganda and Burundi across borders into the Congo have all contributed to this image of the Kivus. While many

<sup>1</sup> Kivu or the Kivus refer here to the Congolese provinces of North Kivu, South Kivu and Maniema. This report does not address the issue of communal violence in the Orientale Province region of Ituri. It has been prepared using information collected over the past two and a half years in the Kivus, through more than half a dozen field trips by several ICG staff and consultants, who interviewed more than a hundred actors in the conflict and the peace process from all sides of the political spectrum.

<sup>2</sup> For simplicity and convenience, the name “Congo” is used throughout this report to identify the state that was called Zaire under Mobutu and is now formally known as the Democratic Republic of the Congo and sometimes abbreviated as DRC.

<sup>3</sup> The Rwanda Patriotic Army (RPA) was renamed Rwanda Defence Forces (RDF) in July 2002.

<sup>4</sup> Jean-Claude Willame, “Kivu: La Poudrière”, in Colette Braeckman, Marie France Cros, eds. *Kabila Prend Le Pouvoir* (Brussels, 1998).

problems in the Kivus were cynically exacerbated during the 1998-2002 war, at least some have their origins in earlier events and are likely to endure beyond it unless explicitly addressed in a national peace deal.

Situated at the utmost periphery of a Congo that is dominated by Lingala speakers, the Swahili-speaking Kivutians belong culturally and economically to East Africa. They have never been fully controlled or trusted by either the colonial or the post-colonial central Congolese government. Home to one of the socialist rebellions brutally repressed by Mobutu in the 1960s,<sup>5</sup> the Kivus were sidelined from national politics until the 1990s when their civil society leaders became prominent in the national conference and the democratisation campaign. The Kivus are a turbulent periphery that challenges the already weak organisation of the Congolese state. A new political approach is needed to satisfy their specific local, regional and national characteristics.

Simultaneously, the Kivus have always been seen as the frontier of the Congo's more densely populated neighbours – Rwanda, Burundi and Uganda – whose contemporary leaders sometimes imagine that they were theirs in pre-colonial times.<sup>6</sup> The Kivus have been substantially influenced by immigrants and their identity formed against the backdrop of foreign domination, whether from across the border or from other provinces of the Congo. This history provided a foundation for the strong resistance in recent years to Rwandan and Ugandan occupation, which the Kinshasa government had to be seen to support as part of its “nationalistic” strategy. At the same time Kinshasa tried to contain autonomy

tendencies that were being actively encouraged by the occupying powers as well as by individual Kivutian leaders.

For all these reasons, the Kivus are now better described as the “crucible” of conflict. All participants in the region seek to shape the Kivus to their own requirements by applying as much coercive leverage as they can muster. The Kivus have been the most violent part of the Congo during the last four years of war. Perpetrators have included:

- the Rwandan army's occupation troops;
- the RCD rebels allied with Rwanda; and
- Kinshasa's proxies, including the local Mai Mai, the Rwandan and Burundian Hutu rebels (respectively FDLR and FDD), and the Banyamulenge forces who opposed the RCD.

Although they are supposed to implement the national agreement on power sharing reached in December 2002 in Pretoria, Kinshasa and the RCD have every incentive to make the situation in the East impossible for each other. The Pretoria talks actually stimulated the competition for alliances with each local ethnic community. Kinshasa promises to reward the “nationalists” who resisted Rwandan occupation with government positions, and the RCD offers to sponsor an autonomist Kivu movement and share local resources.

The Congolese peace process, based on the Lusaka Accord and its subsequent extensions, has never taken into account the local conflicts exacerbated by the war. As Lusaka ignored the local dimensions, MONUC, a product of that agreement, has followed suit. One of the Sun City resolutions adopted in April 2002 by the Peace and Reconciliation Commission of the Inter-Congolese dialogue mentions the need to hold a Kivu reconciliation conference but does not outline the process leading to its organisation or the necessary agenda.

Likewise the Pretoria agreement on power sharing, which should lead to a transitional government, did not account for the local conflict or the necessity of consultation and peacemaking on the ground. The withdrawal of Ugandan and Rwandan troops has merely made more visible a process of political fragmentation that had been lightly-covered by a fig leaf of proxy “administrations”.

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<sup>5</sup> For an insider view of this rebellion in the Fizi-Baraka area of South Kivu see Guevarra (Ernesto), *The African dream: the diaries of the Revolutionary wars in the Congo*, Groves publishers, London, 2001.

<sup>6</sup> No historical record proves that the Rwandan, Burundian or Ugandan kingdoms ever established permanent territorial authority on the Kivu mountains. Pasteur Bizimungu, the former Rwandan president currently jailed in Kigali, propagated this view in October 1996, strengthening the Kivutian population's paranoia about annexation by Rwanda. Cf. Emmanuel Lubala Mugisho, “La contre-résistance dans la zone d'occupation rwandaise au Kivu”, in Filip Reyntjens, Stefaan Marysse, eds., *L'Afrique des Grands Lacs. Annuaire 2000-2001* (Anvers/Paris, 2001), pp. 251-277.

In Uganda's military sphere of influence – the great north of North Kivu – the Nande warlord Mbusa Nyamwisi, initially sponsored by Kampala, has barely managed to secure the major towns of Beni and Lubero. The countryside is in the hands of rival Mai Mai militias that are increasingly prone to banditry. Beni has also been recently threatened by another warlord, Roger Lumbala of the RCD-National, which is allied to Jean-Pierre Bemba's MLC and marched from diamond-rich Bafwasende towards coltan-rich North Kivu, to increase its share in the exploitation of national resources and its bargaining capacity within the institutions of transition. More than 35,000 civilians were displaced in the fighting.

The total disappearance of state authority threatens also to re-ignite conflicts among Nande sub-ethnicities. These old rivalries are based on 40 years of mismanagement of land issues and seem certain to lead to another humanitarian catastrophe. The power vacuum also means that Rwandan Hutu militias can comfortably regroup in North Kivu for a fresh campaign.

Rwanda's four-year occupation of the Kivus did not deal successfully with the Hutu rebels who have been supported and re-supplied by the Congolese government. Since the Rwandan army's withdrawal, all Rwandan Hutu units previously based on Kinshasa-held territory have now joined forces with their comrades in the East. In November 2002 Kinshasa let 1,100 escape from its Kamina air base. Since July 2002, all other units have moved from Kasai and Katanga into the Kivus. They have regrouped under the name of *Forces démocratiques de libération du Rwanda* (FDLR), an organisation created three years before in Kinshasa, and constitute a military force of 15,000 to 20,000 in the Kivus that remains, despite the recent reduction of external support from Kinshasa, a genuine security concern for Rwanda.<sup>7</sup>

The Pretoria agreement, which introduced a third-party verification process (the Third Party Verification Mechanism, TPVM) to deal with this problem, might help neutralise the support given by the Kabila government. However, it will not affect their military structure or agenda. Even the future

government of transition will not have the capacity to dismantle these FDLR units on the reunified territory. The UN Security Council mandated MONUC to carry out voluntary DDRRR, but now that the FDLR have all regrouped in the Kivus, this is likely to become even more difficult.

With such a military threat at its borders and in the face of international – especially U.S. – opposition to any official redeployment in the Congo, Rwanda has reorganised its defences and refocused its objectives to make the most of the Kivus. Its likely strategy will be to give minimal support to the Lusaka agreement, dispense for now with the RCD's ambition to dominate Kinshasa, and instead sponsor a series of Kivutian ethnic warlords whose limited interests will remain firmly under Kigali's influence.

Such new proxies would guarantee that Rwanda could continue to exploit vital Congolese economic resources and maintain discreet control of strategic military positions. This would also allow rapid military deployment, as needed, and hot pursuit of any infiltrating "negative forces". In the absence of an effective central Congolese government, it will be far more difficult for these incursions to be monitored, and therefore condemned or sanctioned.

Such machinations have engendered ever more frenzied attempts by all parties to capitalise on available resources to advance individual and collective positions. As a result, the Kivus remain among the most violent parts of the Congo.

As long as diplomatic attempts to finalise both a security and political settlement do not address the Kivus' web of conflicts, any deal at the national level will remain difficult to implement and make little difference for the people who suffer most. A national unity government will rapidly lose credibility if it cannot stop the war and restore national authority throughout the territory. There will be no peace in the Congo without peace in the Kivus, and there cannot be peace in the Kivus unless much more attention is paid to political negotiations, peacemaking and reconciliation efforts there.

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<sup>7</sup> ICG interview with the FDLR high command chief of military intelligence, December 2002. ICG will publish a subsequent report on DDRRR in the Congo, updating its November 2001 report.



## II. THE KIVUS ON FIRE

The withdrawal of most Rwandan troops from eastern Congo prompted fears in the humanitarian community about a “vacuum” and chaos. However, Rwanda’s army never really controlled the Kivus. It controlled only the specific strategic positions (towns, airstrips, mines) where it was deployed. Most communication axes were left relatively insecure. The RCD-Goma, its Congolese proxy, never established control over the vast hilly terrain it was supposed to administer with the possible exception of the Rutshuru area of North Kivu. Most rural areas were dominated by the Mai Mai militias, who now threaten the towns previously occupied by the Rwandan army. Hence 80 per cent of the Kivus is now under self-administration, lacking any public authority, public services or other manifestation of a national government.

### A. TRIPLE JEOPARDY: A CONFLICT ON THREE LEVELS

The Kivu provinces have been on fire for almost ten years. Three discrete conflicts – local, national and regional – intertwine perniciously.

The origins of local violence are found in inter-communal resentment – a legacy of pre-colonial rivalries and colonial-era migrations that Mobutu used as political instruments. Waves of Rwandan-speaking migrants – both Hutu and Tutsi, also called Banyarwanda – arrived in what is now the eastern Congo from the eighteenth century to the present.<sup>8</sup>

The forced migrations were aimed at providing cheap labour for Belgian settlers but have meant that the nationality of many Rwandophones, both Hutu and Tutsi, has been uncertain since independence. This gave Mobutu a useful political pawn to play periodically. Their status as “ethnic citizens”<sup>9</sup> remained similarly unclear: local Congo political structures are still controlled by traditional chiefs who govern homeland territories based around

ethnic groups deemed indigenous. Rwandophones have been denied such territories,<sup>10</sup> and lack of recognised customary leadership positions has been a historical grievance that has led other communities to question their land rights.<sup>11</sup>

In South Kivu, antipathy between Banyamulenge<sup>12</sup> and the Bafulero and Babembe communities goes back to the period immediately after independence and has been reignited periodically by local leaders.<sup>13</sup> Since the abortive democratisation process in the 1990s, politicians in search of a new power base have consistently made the Banyamulenge scapegoats for economic and political decline. Some fellow Tutsis, such as Barthélémy Bisengimana, a 1959 Rwandan refugee, were powerful Mobutu cronies. Ethnicity has proved the primary basis of grassroots political and economic competition and the most powerful instrument for political mobilisation.

Post-independence unrest in North Kivu gave way to several decades of relative calm until, in 1993, rivalry for customary leadership and land between Hutu and “indigenous” Hunde and Nyanga exploded in the “Inter-ethnic War”. The indigenous minority tribes were mobilised by unscrupulous leaders to displace all Rwandophones before local elections that were to take place after the national conference of 1991-1992 and, it was feared, entrench Banyarwanda influence in the administration. To the indigenous Hunde and Nyanga, this meant they would be marginalised, unable to regain access to land unjustly allocated to or occupied by Banyarwanda settlers who had long stopped paying

<sup>10</sup> The sole historical exception is Rutshuru, North Kivu.

<sup>11</sup> On the system of community exclusion and land alienation built by the land law introduced under Mobutu in 1973, see: Franck Van Acker, “La ‘pembenisation’ du Haut-Kivu: opportunisme et droits fonciers revisités”, in Filip Reyntjens, Stefaan Marysse, eds., *L’Afrique des Grands Lacs. Annuaire 1998-1999* (Anvers/Paris, 1999), pp. 201-236.

<sup>12</sup> Banyamulenge are ethnic Tutsi of Rwandan and Burundian origin who probably settled in South Kivu from the end of the eighteenth to the nineteenth century, but who adopted this new name in the 1960s in order to distinguish themselves from the Rwandan Tutsi refugees who arrived after the 1959 massacres, and so preserve their political rights and access to land by laying claim to the status of authentic Zaireans.

<sup>13</sup> See particularly Jean-Claude Willame, *Banyarwanda Et Banyamulenge: Violences Ethniques et Gestion de L’Identitaire au Kivu* (Paris, 1997); also Koen Vlassenroot, “The Promise of Ethnic Conflict: Militarisation and Enclave Formation in South Kivu”, in Didier Goyvaerts, ed., *Conflict and Ethnicity in Central Africa* (Tokyo, 2000).

<sup>8</sup> See David S. Newbury, “History, Identity, and Politics in Central Africa”, paper presented to the Annual Meeting of the American Anthropological Association, Chicago, November 1999.

<sup>9</sup> See Mahmoud Mamdani, *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda* (Princeton, 2001).

traditional tribute for it to the Hunde and Nyanga chiefs.

Influential Rwandan Tutsis in the entourage of Mobutu had also acquired ranches in Masisi, increasing “indigenous” frustrations. The *Mutuelle Agricole des Virunga* (MAGRIVI) had been created in Rutshuru in the late 1980s to defend these land holdings and the Hutu communities from hostile neighbours.<sup>14</sup> Violence spread rapidly and was directed toward (among others) all Banyarwanda, in particular Tutsi pastoralists and non-Tutsi cattle ranchers in the Masisi. Ethnic militias – the Mai Mai, the Ngilima, and the Mongoles – mobilised frustrated youths, drawing on older traditions of rural insurrection.<sup>15</sup>

Mobutu’s special forces ruthlessly imposed an uneasy peace after some months. However, ethnic resentment was unresolved despite the efforts of Kivutian civil society. Similar grievances and minority community fears of being permanently sidelined by elections can be found among the Batembo of Bunyakiri in South Kivu in their dealings with the dominant and more educated Bashi.<sup>16</sup>

By the end of 1993, the flow to South Kivu of Hutu refugees escaping the turmoil that followed the assassination of Burundi’s President Ndadaye in October of that year worsened the Banyamulenge’s situation. The first Hutu leader of the Burundian rebel CNDD movement, Léonard Nyangoma, reportedly toured the traditionally Banyamulenge-inhabited *Hauts Plateaux* in early 1994 with local Bavira and Bafulero administrators. The intention

was to prepare the settlement of Hutu refugees by expelling the Banyamulenge.<sup>17</sup>

The Rwandan genocide in April-July 1994 added fuel to the Kivus’ fire. A million Hutu refugees spilled across the border, among them ideologues of anti-Tutsi hatred. Regrouping (as *Interahamwe*, *Rassemblement Démocratique pour le Rwanda* and later the *Armée de Libération du Rwanda* or ALiR),<sup>18</sup> recruiting (from North Kivu’s Hutus), retraining, and with Mobutu’s help, rearming, extremists in the refugee camps continued their attacks across the highly permeable border with northwestern Rwanda and Burundi. The migration of Rwandan *génocidaires* to North and South Kivu made matters dramatically worse for Congolese Tutsis. The genocidal ideology rapidly contaminated the area and led to regular attacks on the *Hauts Plateaux* and on the Masisi from combined Rwandan/Congolese militias.<sup>19</sup>

Rwanda invaded the Congo in late 1996 with two stated goals: to destroy the refugee camps and shatter the Hutu insurrection; and to provide security for the Kivutian Tutsis. However, the campaign soon exposed Mobutu’s weakness. The entire country was ripe for the taking, and Kinshasa was captured within nine months by the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL) created *en route*. Laurent-Désiré Kabila, a relatively minor Congolese *maquisard*, was hastily installed as president.

Yet, a new regime in Kinshasa was not enough to end the war or guarantee the security of Banyamulenge communities in South Kivu or Congolese Tutsis of North Kivu. By October 1997, North Kivu was again on fire and by February 1998, the *Hauts Plateaux* of South Kivu were suffering repeated attacks of Mai Mai Babembe and Barega militias allied to remaining ex-Far/*Interahamwe* elements.<sup>20</sup> Banyamulenge soldiers belonging to the AFDL mutinied in Bukavu to avoid being

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<sup>14</sup> Cf. P. Mathieu, P.J. Laurent, Tsongo A. Mafikiri, S. Mugangu, “Cohabitation imposée et tensions politiques au Nord-Kivu 1937-1994 : une trajectoire conflictuelle”, in P. Mathieu, J.-C. Willame, *Conflits et guerres au Kivu et dans la région des Grands lacs : entre tensions locales et escalade régionale*, Cahiers de l’Institut Africain-CEDAF, N°39-40, 1999, pp. 13-20; P. Mathieu, Tsongo A. Mafikiri, “Enjeux fonciers, déplacements de population et escalades conflictuelles (1930-1995)”, *ibid.*, pp. 21-61; P.J. Laurent, “Déstabilisation des paysanneries du Nord Kivu : migrations, démocratisation et tenures”, *ibid.*, pp. 63-84.

<sup>15</sup> See Frank Van Acker and Koen Vlassenroot, “Youth and Conflict in Kivu: Komona Clair”, *Journal of Humanitarian Assistance*, 17 January 2000, [www-jha.sps.cam.ac.uk](http://www-jha.sps.cam.ac.uk).

<sup>16</sup> Cf. Koen Vlassenroot, “Violences et constitution de milices dans l’est du Congo : le cas des Mayi-Mayi”, in Filip Reyntjens, Stefaan Marysse, eds., *L’Afrique des Grands Lacs. Annuaire 2001-2002 (Anvers/Paris)*, pp. 115-152.

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<sup>17</sup> See Joseph Mutambo, *Les Banyamulenge*, (Kinshasa, 1997) and ICG Africa Report N°38, *Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War*, 14 December 2001.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> Cf. Jean-Claude Willame, *L’Odyssée Kabila: Trajectoire pour un Congo nouveau ?* (Paris, Karthala, 1999); Manassé Müller Ruhimbika, *Les Banyamulenge (Congo-Zaïre) entre deux guerres* (Paris, 2001).

transferred to other areas of the Congo while their villages were under threat.

After the mutiny, relations between Kabila and his Rwandan and Ugandan allies rapidly cooled.<sup>21</sup> When the new president dismissed his Rwandan Chief of Staff, James Kaberebe, in July 1998 and severed cooperation with Kigali after discovering plots to overthrow him, the stage was set for renewed war. In early August, a new rebel movement, the RCD (*Rassemblement Congolais pour la Démocratie*) seized power in Goma and moved against Kinshasa. However, heavy military help for Kabila from, especially, Angola and Zimbabwe produced a stalemate.<sup>22</sup> A fully regional struggle was underway on Congolese soil. Once the front froze in 1999, the uneasy Rwanda- Uganda alliance turned to open conflict in Kisangani<sup>23</sup> over control of the RCD (which subsequently split), and its diamond market.

Meanwhile, with strong backing from Harare, Kinshasa embarked on the “Zimbabwe Special Plan”<sup>24</sup> – a strategy to bring the fight to the RCD’s doorstep by arming and supplying the Mai Mai and the ALiR via airlift of arms and supplies from Kasai and Katanga to landing strips captured for the purpose. While major ALiR offensives against the RCD and the Rwandan army were repulsed, for example Operation “Oracle du Seigneur” (Lord’s Oracle) in 2001, the persistence of so-called “negative forces” on Congolese territory remained a primary rationalisation for the presence of Rwandan troops until mid-September 2002.

By mid-2002, Uganda, Zimbabwe and Angola had withdrawn most of their troops, and Rwanda’s – estimated at 25,000 to 35,000 – were the single most important foreign contingent still based inside the Congo. At the Inter-Congolese dialogue in Sun City,

Rwanda did not allow the RCD to make a deal, preferring the status quo of quasi-permanent partition to reconstruction of a viable and sovereign state.<sup>25</sup> By June 2002, however, Kigali was under intense international pressure, from the U.S. in particular, to change its Congo policy.<sup>26</sup> On 30 July, Rwanda and the Congo signed the Pretoria agreement brokered by South Africa, by which Kigali committed to complete withdrawal, while Kinshasa pledged to disarm and dismantle the ex-FAR and *Interahamwe* – all within 90 days.

After the Mobutu government arrested three known *génocidaires* in August and early September 2002,<sup>27</sup> and Kigali came under renewed pressure to prove its commitment to the deal, it abruptly withdrew more than 23,000 men from eastern Congo within two weeks. This rapid withdrawal took everybody by surprise, including the RCD, which became overstretched and started losing localities to Mai Mai warlords (Walikale, Shabunda, Bunyakiri, Baraka, and Uvira), until it mounted a counter-attack to retake Uvira. The local Kivutian dynamics of the Congo conflict had resurfaced.

## B. THE MILITARY METASTASIS OF THREE WARS

At the national level, the frontline confrontation between the official belligerents – Kabila’s Congolese army (the FAC) and the rebels and their allies – has ended. The single recent violation of the ceasefire signed in Lusaka in July 1999 was the February 2002 clash in Moliro, Katanga Province. The FAC and its Burundian FDD rebel allies were ejected by the RCD, with backup from the Rwandan army, just prior to the Sun City talks.

However, all parties to the conflict use violence indiscriminately in the Kivus (and certain other

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<sup>21</sup> Ibid.

<sup>22</sup> For a detailed account of military operations during the second Congo war, see Col. E. Havenne, “La deuxième guerre d’Afrique centrale”, in Marysse, Reyntjens, *L’Afrique des Grands Lacs*, op. cit., pp. 143-174.

<sup>23</sup> The fighting concerned control of the diamond industry. There were 1,000 deaths and 1,700 wounded. Some 80,000 were displaced, and 4,000 houses were damaged or destroyed. Amnesty International, “Amnesty International urges the Presidents of Uganda and Rwanda to stop killings”, AI Index: AFR 47/23/98, June 2000. See also ICG Africa Report N°14, *Uganda and Rwanda: Friends or Enemies?*, 4 May 2000 and ICG Africa Briefing, *Rwanda-Uganda: a dangerous war of nerves*, 21 December 2001.

<sup>24</sup> See ICG Report, *Disarmament in the Congo*, op. cit.

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<sup>25</sup> Cf. ICG Africa Report N°44, *Temps couvert sur Sun City : la refondation nécessaire du processus de paix congolais*, 14 March 2002.

<sup>26</sup> The U.S. government abstained from approving a new IMF loan in early July 2002, giving two specific reasons to the Rwandan government: its hunt for rebel Banyamulenge forces of Patrick Masunzu since February 2002 and the massacre of civil society leaders and other civilians following a mutiny in Kisangani in May. Rwanda had to change its tough military approach to the Congo crisis for a more pragmatic political one.

<sup>27</sup> Gal Augustin Bizimungu, Colonel Tharcisse Renzaho and Jean-Baptiste Gatete.

related parts of the Congolese East such as Ituri). There has been a cancerous metastasis of armies and militias, partly fuelled by the flow of small arms. The tools of violence are in the hands of smaller and more loosely controlled fighting units, which in turn proliferate and subdivide.

### 1. The Rwandan Army versus FDLR (a “foreign war”)

At one level, the population of the Kivus suffers from a war that is not theirs, one that began in Rwanda with the 1990 attack by the Kagame-led RPA based in southern Uganda and ended bloodily but inconclusively with the 1994 genocide and the overthrow of the Habyarimana regime in that country. Since then it has simply been transferred to the Kivus, where the Rwandan refugee camps were first set up in 1994 and then violently broken up in 1996.

Following the return of Hutu refugees and continuous Hutu infiltration from eastern Congo into northwest Rwanda, a new genocidal insurgency was mounted from May 1997 to April 1998 by the ALiR but was decisively beaten by Kigali. Yet, after Kigali’s break with Laurent-Désiré Kabila, this war resumed in the Congo. Up to 10,000 ex-FAR and other Hutu refugees joined Laurent-Désiré Kabila’s FAC and secured the strategic access to the diamond town of Mbuji-Mayi and Katanga’s capital Lubumbashi.<sup>28</sup> Soon thereafter, despite the signature of the Lusaka ceasefire agreement in July 1999, Kinshasa and Harare transferred the war to the East.

They provided the remnants of ALiR with weapons and ammunitions to fight Rwandan forces in the Kivus. FDLR military leaders claim that on 30 September 2000, the Kinshasa-based command of the Rwandan Hutus held a strategic meeting with the Kivu-based ALiR command and agreed to merge forces. They also created a new joint organisation, FDLR. Soon after the death of Laurent-Désiré Kabila, FDLR units on Kinshasa territory started to infiltrate the Kivus.

The FDLR appeared first publicly in September 2001 under the umbrella of the Congolese government to resist any MONUC attempt to proceed with DDRRR and demand political negotiations with Rwanda. FDLR infiltration into

the Kivus proceeded throughout 2001 and 2002 in successive waves, depending on military operations or in response to pressure put on Kinshasa by the international community. In the end, Kinshasa did not show much capacity and/or willingness to fulfill its commitments to disarm and dismantle all ex-FAR and *Interahamwe* forces on its territory.

In their campaign in the Kivus, the Rwandan army and the FDLR exhibited no respect for either the laws of war or international humanitarian norms. The ordinary population were their victims. On New Year’s Eve, 1999, RCD and Rwandan forces massacred more than 300 civilians in Makobola, in eastern Congo.<sup>29</sup> This set the pattern for what would follow. Reports continue to confirm that Rwandan army units operating in the Congo have committed deliberate extra-judicial killings and other serious abuses of human rights such as arbitrary detention, torture, conscription of child soldiers, and rape. Of particular concern is the pattern of killings of civilians by RCD and Rwandan forces in reprisal for guerrilla attacks. The human rights NGO Héritiers de la Justice, for instance, reports a massacre in the village of Kalama, South Kivu, on 25 December 2001 of more than 100 accused of collaboration with the Mai Mai and *Interahamwe*.<sup>30</sup>

However, the FDLR are equally guilty of abusing human rights and flouting the laws of war. People suspected of cooperating with the RCD and Rwanda have been especially targeted. In one typical incident, between 7 and 9 p.m. on 9 July 2000, Rwandese Hutu fighters attacked a camp housing some 370 internally displaced families in Sake town, a main thoroughfare on the road west from Goma. Some 42 civilians, including women, children and the elderly, were killed and 48 wounded.<sup>31</sup> ALiR units prey upon civilians to sustain their military activities and kill indiscriminately when resisted. The threat of rape is used to obtain weapons and ammunition.<sup>32</sup>

<sup>28</sup> ICG interview, FDLR high command chief of military intelligence, December 2002.

<sup>29</sup> “Rwanda: 1999 Country Report on Human Rights Practices”, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2000.

<sup>30</sup> Héritiers de la Justice, “Sud-Kivu: l’insécurité sur fond du règne de l’arbitraire et de l’impunité”, Report, April to December 2001, and Africa Rights, “*The Cycle of Conflict. Which way out in the Kivus?*” (London, December 2000), p. 59.

<sup>31</sup> Amnesty International, “Rwandese-Controlled Eastern DRC: Devastating Human Toll”, AI Index: AFR 62/011/2001, 19 June 2001.

<sup>32</sup> See African Rights, “*The Cycle of Conflict*”, op. cit.

That the FDLR continued to function on Congolese territory was also largely due to funding and supply from Kinshasa, which regarded them as a vital proxy to carry the fight to Rwanda's doorstep. On 31 October 2002, Congolese government troops attacked the remaining FDLR forces at Kamina in order to save face and display a sign of goodwill on DDRR. The FDLR high command claims that 437 of their members were killed in the process, and that since then, all supplies have ceased from Kinshasa.<sup>33</sup>

Overall, while both Kigali and the FDLR show rough respect for the laws of war inside Rwanda, neither exercises any restraint on Kivutian soil. As Human Rights Watch reports:

The apparently more scrupulous respect for human rights and international human rights law by government and rebel forces alike in northwestern Rwanda seems to stop at the border. In the Congo they both reportedly continue to engage in killings and other abuses of civilians...They know that diplomats and other foreign observers find it far easier to travel in northwestern Rwanda to evaluate the situation than they do to war-torn areas of the Congo.<sup>34</sup>

To justify its troop presence in the Kivus since 1998, Rwanda repeatedly insisted that it faced a continued threat from *Interahamwe* and ex-FAR operating under the ALiR sobriquet.<sup>35</sup> Similarly the RCD argue that the Kivutian population (and particularly the Banyamulenge) are threatened by the same groups.

The forces operating under the FDLR banner in the Kivus are now estimated at between 15,000 and

20,000.<sup>36</sup> A few FDLR units in North and South Kivu (approximately 2000 fighters) are reported to have rejected central command altogether and operate by themselves without any direct political objective.<sup>37</sup> South Kivu FDLR units are reported to cooperate with two Mai Mai leaders: the Congolese army-trained General Ermos Lokole a.k.a. Madoadoa, in Fizi-Baraka, and General Padiri in the Shabunda-Bunyakiri territories.

Both Mai Mai leaders maintain unstable relations with their Rwandan allies in view of the crimes they commit against civilians – there are regular reports of attacks against villages, killing of men, women and children, looting and rape (most parties in the East have used sexual violence as a weapon of war).<sup>38</sup> But in the end, Mai Mai need FDLR support for any large-scale military operations.

After all forward operations were frozen by the 1999 Lusaka ceasefire and the subsequent 200-kilometre withdrawal from the frontline in 2001, the Rwandan army limited itself to containing the

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<sup>33</sup> ICG interview, FDLR high command chief of military intelligence, December 2002.

<sup>34</sup> Human Rights Watch, "Rwanda: Observing the Rules of War?", Vol 13, N°8(A), December 2001.

<sup>35</sup> Kigali insists on the ALiR denomination to clearly keep the link between its rebel opponents, the genocidal project of the 1997 insurgents and ex-FAR and *Interahamwe*. The FDLR reject the ALiR denomination which implies their recognition of the 1994 genocide, their official political program respectful of multi-ethnic Rwanda and their alleged severance of all links with those indicted for genocide by the International Criminal Tribunal for Rwanda. For the sake of clarity, impartiality and to respect their own will, ICG will identify the Hutu rebel groups under the FDLR brand name from October 2000 onwards. Cf. ICG interview, FDLR high command chief of military intelligence, December 2002. For more details, see the forthcoming ICG report on DDRR in the Congo.

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<sup>36</sup> In its DDRR report of December 2001 (op. cit.), ICG published much higher figures for FDLR (then identified as ALIR) forces in the Kivus. It is almost impossible to provide fully verified information on these issues. Figures published then estimated FDLR troops at 12,000 to 15,000 in the Kivus, plus an additional 10,000 to 12,000 on government territory, and in Angola, Zambia and Congo-Brazzaville. These figures were consistent with several other detailed UN (UNDP and MONUC) evaluations established for the purpose of DDRR. The current revised evaluation - a total of all Congo based forces of 15,000-20,000 men, now all in the Kivus - derives from detailed figures obtained from both the FDLR themselves and Rwandan intelligence services. Part of the problem lies with establishing the number that each "unit" – battalion – contains. Whereas the command structure of the FDLR and its organisation in brigades is relatively well known, the number of battalions in each brigade and the number of men in each battalion are extremely difficult to establish precisely. Some FDLR battalions in South Kivu are confirmed to be 250 to 300 strong, while others in North Kivu seem to be larger, comprising 500 to 600 men.

<sup>37</sup> ICG interviews, RDF intelligence officers, June 2002.

<sup>38</sup> "Sexual violence has been used as a weapon of war by most of the forces involved in this conflict. Combatants of the RCD, Rwandan army soldiers and the forces opposed to them – Mai-Mai, armed groups of Rwandan Hutu, and Burundian rebels of the Forces for the Defence of Democracy (*Forces pour la défense de la démocratie*, FDD) and Front for National Liberation (*Front pour la libération nationale*, FNL) – frequently and sometimes systematically raped women and girls in the last year". Human Rights Watch, "The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo", Human Rights Watch Report, June 2002.

FDLR security threat in the Kivus. It kept control of most strategic towns and axes and established surveillance on the most important concentrations, launched operations on sizeable groups but refrained from systematically chasing down small units in the hilly terrain. Without local support, such chases would have been inefficient and exposed to ambush.

The withdrawal in September 2002, particularly the speed with which it was implemented, leaves many questions unanswered. Rwanda took all observers by surprise since, despite the 90-day implementation calendar of the Pretoria agreement, it was under no pressure to act so quickly, especially given Kinshasa's failure to fulfil its own promises. This rapid withdrawal provided several advantages, however:

- It allowed Kigali to regain the political initiative by shifting the focus back to Kinshasa's responsibilities and commitments.
- It restored Rwanda's credibility somewhat and rebuilt the confidence of its international backers, especially U.S. Coming just ahead of the publication of the final UN panel report on the illegal exploitation of natural resources in the Congo, it headed off likely international condemnation and possibly even Security Council sanctions.
- The withdrawal also threw the ball back to the Security Council on DDRRR and Kivu peacemaking. As the fall of Uvira illustrated, the withdrawal is likely to lead to destabilisation of key towns,<sup>39</sup> and following the movements of FDLR units from Kasai and Katanga to the Kivus, MONUC's mandate and concept of

operation based on voluntary DDRRR now looks all the more dramatically inappropriate. Rwanda's tactics are, therefore, likely to "prove" that Kinshasa is deceitful and unreliable, that negotiations are pointless, and international pressure is not needed on Rwanda – which should be left to deal militarily with its enemy. For Kigali, there is no such thing as voluntary DDRRR, only military defeat first, then disarmament and demobilisation.

- The withdrawal was so rapid that neither MONUC nor South Africa could monitor it properly under the Pretoria agreement. Furthermore MONUC did not ask questions about the number of troops Rwanda declared it had in the Congo, the number it has pulled out or the likely transfer of some units to its RCD ally.

Over the next few months, Rwanda is unlikely to re-deploy large numbers into the eastern Congo but it is already preparing to deal militarily with FDLR infiltration through tactics based upon rapid reaction, superior fire power and high mobility.<sup>40</sup> Troops left within the RCD (approximately 5,000) and plainclothes detachments left to keep control of coltan mines and other strategic positions will likely provide the necessary intelligence and pre-positioned logistics to guarantee success.<sup>41</sup> Small Rwandan army contingents have already been seen in Kalehe and Idjwi Island (South Kivu),<sup>42</sup> ready to intervene in case "negative forces" attack Bukavu. This strategy of hot pursuit linked to continued exploitation of natural resources with the aid of a proxy is only feasible, however, if the Congo remains a failed state.

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<sup>39</sup> The theory of a dangerous "vacuum" emerging after the Rwandan army's withdrawal must be balanced with the fact that the Kivus, including some key strategic towns such as Kindu, have suffered from constant chaos throughout the occupation. The capital of Maniema is a key example. Although it suffered from renewed fighting and Mai Mai infiltrations after the withdrawal of the Rwandan army, Kindu had already been left recurrently at the mercy of the Mai Mai, presumably to cool MONUC's ambitions to speed up its phase III deployment. The security situation of some strategic Kivu towns has been manipulated throughout the war to score political points. Cf. Obsac, "RDC: Combats presque quotidiens à Kindu", Vol. 5, N°5, 28 January-3 February 2002, and for the post-RDF withdrawal fighting: Agence France-Presse, "RDCongo: l'armée rwandaise poursuit son retrait, nouveaux combats à Kindu", 21 September 2002.

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<sup>40</sup> ICG interview, Rwandan army officer, Kigali, 15 October 2002.

<sup>41</sup> The reshuffle of the RCD's military command prior to the Rwandan army's withdrawal was also destined to strengthen and adapt the chain of command necessary for that purpose. Cf. Obsac, "RDC: la manoeuvre...", Vol. 5, N°42, 14-20 October 2002 and ICG interviews, Western and regional military experts, September-October 2002.

<sup>42</sup> ICG interview, civil society representative, Kigali, 28 October 2002; Agence France-Presse, "RDC: concentration de troupes rwandaises sur l'île d'Ijwi (témoins)", 29 October 2002; REC-CCAC/GLAN, "Enquête sur le retrait des forces étrangères en RDC et le rôle de la MONUC", 4 November 2002.

## 2. BURUNDI versus FDD (the other “foreign war”)

A second, parallel “foreign war” is also inflicting severe damage on the population and territory of the Kivus: the seven-year civil conflict between Burundi’s Tutsi-dominated army (*Forces Armées Burundaises*, FAB) and the insurgent Hutu *Conseil National Pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie* (CNDD-FDD, hereinafter FDD).

Prior to its own September 2002 withdrawal, the Burundian government controlled a narrow border strip of South Kivu territory. While it has mostly remained aloof from the internal politics of the RCD, the Burundi army has pursued its military objectives against the FDD through active cooperation with both the RCD and the Rwandan army. The FDD makes common cause with Babembe and Bifulero Mai Mai fighters around Fizi/Baraka.

The Kabila government has given the Burundian rebels increasingly more weapons in return for help in defending the highly strategic town of Lubumbashi.<sup>43</sup> As well as mounting their own incursions into Burundi from bases in the eastern Congo, these rebels have carried out attacks with large loss of life in the *Hauts Plateaux* of South Kivu, an area of strong Banyamulenge concentration.

Between November 2001 and March 2002, this three-way alliance scored impressive victories, including capture of the Ubwari Peninsula on Lake Tanganyika, an FDD stronghold.<sup>44</sup> However, the Burundi army’s withdrawal has left the way open for the FDD to re-establish itself by transferring troops from North Katanga, via Moliro, and recruiting new fighters from the neighbouring refugee camps of western Tanzania.

So far, the chaotic situation in South Kivu has not derailed the Burundi peace process but it definitely is one of the most serious challenges to the ceasefire signed by the FDD and the Burundi government on 3 December 2002. FDD operations outside Burundi will be difficult for the African verification team, which is to be created under the ceasefire agreement of December 2002, to monitor.

They can easily be used by the belligerents as an excuse to justify renegeing on their commitments. FNL forces can also escape military pressure by crossing the border into the Congo where they already obtain military supplies from the Mai Mai.

A curtain of troops patrolling the border between South Kivu and Burundi and using the necessary force to deter armed groups from moving freely between the two countries would help tremendously to consolidate Burundi’s peace process and play a significant role in cutting the supply routes from the Burundian and Rwandan armed groups based in the Kivus.

## 3. RCD versus Mai Mai (the “domestic dispute”)

Last but not least, the principle Congolese actors pitted against each other in the Kivus are the RCD and the Mai Mai militias. The latter are supported and sometimes trained by Congolese army officers while acting as proxies for Kinshasa but they also follow their own political, cultural, and economic interests.

Initially formed in August 1998 from the fifteen battalions that comprised the 10<sup>th</sup> Brigade of the Congolese army, the military branch of the RCD (the *Armée nationale congolaise*, ANC) includes a mixture of differing tendencies, including: the so-called “Katanyama”, (meat cutters)<sup>45</sup> drawn from Mobutu’s old army; some leftovers from the AFDL “Kadogos” who captured Kinshasa in 1996 and brought Kabila senior to power; Kasaian elements recruited through the patronage of the movement’s current president, Dr. Adolphe Onosumba Yemba; some Banyamulenge fighters first mobilised in the 1990s within the ranks of the RPF movement that is now in power in Rwanda; new recruits from the Congolese Hutu of Rutshuru, and some more recently mobilised Banyamulenge militias.

All these function under an umbrella of Rwandan army command and control, the degree of which varies over time and space. From the beginning Kigali seconded its officers to the RCD command structure and centralised decision-making for military operations with its own general staff. Control of fuel, finances, heavy artillery and armoured vehicles is

<sup>43</sup> Human Rights Watch World Report 2001.

<sup>44</sup> ICG Africa Report N°46, *Après Six Mois de Transition au Burundi : Poursuivre la Guerre ou Gagner la Paix ?*, 24 May 2002.

<sup>45</sup> The name comes from the ex-FAZ practice of demanding that villagers cut and cook meat for them every time they entered a location.

another guarantee that no large-scale military operation takes place without Rwandan approval. A dual military intelligence system, Rwandophone/non-Rwandophone, completes the framework.<sup>46</sup> To an extent, certain RCD units are just extensions of the Rwandan army with a different name.

The RCD reportedly has ten brigades totalling 20,000 to 30,000 men.<sup>47</sup> Differences of welfare between the various units account for much of the lack of discipline and even unwillingness to fight. Rarely paid, RCD soldiers live off the civilian population and are persistently linked to serious breaches of human rights and the laws of war. Massacres of civilians are rationalised by the RCD as reprisals for refusal to feed and entertain its troops or for collaboration with FDLR or Mai Mai militias. One particularly horrific example was the 23 April 2001 attack on the health centre of Ilangi commune in Mwenga territory in South Kivu<sup>48</sup> during which fifteen women (seven pregnant) were accused of collaborating with the Mai Mai and killed. Their bodies were then thrown into the Ulindi River.

If reprisal for collaboration is given as justification, other factors are also clearly at work, such as the need to maintain a climate of terror in the absence of popular acceptance, and the exploitation of mineral, agricultural and economic resources,.

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<sup>46</sup> ICG interviews, RCD officers, Goma, 14-17 October 2002.

<sup>47</sup> The High Command is composed of the following : Comdt. Jean-Pierre Ondekane, defence minister; Comdt. Bob Ngoie Kilubi, liaison officer with the Rwandan army; Comdt. Sylvain Buki, Chief of Staff; Comdt. Malick Kijeye, deputy-chief of staff in charge of operations; Comdt Gabriel A. Kumba, deputy-chief of staff in charge of administration; Comdt Gérard Ndombe, chief of logistics (G1); Comdt John Luboya, chief of military intelligence (G2); Comdt Christian Batamani, chief of operations (G3); Comdt Roger Bosiakali, chief of administration (G4), Comdt. Obed Rwibasira, chief of information (G5); Espérant Masudi, Comdt., 1st brigade; Laurent Nkunda, Comdt. 2nd bgde; Ali Pepe Botamba, Comdt 3<sup>rd</sup> bgde; Chuma Balumisa, Comdt 4<sup>th</sup> bgde; Nyembo Abdallah, Comdt 5th bgde; Siro Nsima, Comdt. 6th bgde; Elie Gishombo, Comdt. 7th bgde; Bernard Biamungu, Comndt. 8<sup>th</sup> Brigade; Jules Mutebusi, Comdt. 9<sup>th</sup> bgde; Eric Rorimbere, 10<sup>th</sup> bgde. Each brigade is supposed to have 2,000 to 3,000 men but the actual figures can vary tremendously. At the time of Uvira's fall into Mai Mai hands, panic gripped the RCD's forces in Bukavu as the brigade in charge of the town's security had only 1,000 men. Cf. "La Gâchette. Mensuel d'information", édité par l'Etat-Major de l'ANC, N°9, September 2002 and ICG interviews, Bukavu, 20 October 2002.

<sup>48</sup> Amnesty International, AI Index: AFR 62/011/2001, 19 June 2001.

The Mai Mai militias try to put themselves forward as the authentic embodiment of Congolese resistance:

We are nationalists. We fight for a noble cause. We have been invaded and we can't swallow it....Kabila doesn't have the strength to do it on his own.... There have been these rumours that Rwanda would annex the Kivus but there is an internal resistance, like in France during the war.<sup>49</sup>

This posturing is directly undermined by the consistency with which Mai Mai fighters also prey on local populations, killing, looting and raping.

The Mai Mai is a highly fluid, fragmentary and internally incoherent phenomenon. Certain commanders, (such as Padiri around Bunyakiri/Walikale and Lokole around Fizi/Baraka) enjoy recognition beyond their ethnic and geographical groups and benefit from regular Congolese army supply and training. They coordinate operations with FDLR and FDD units. However, despite regular cooperation between leaders and the creation of genuinely trans-ethnic command structures around Padiri and Lokole, there is no clear leadership of the Mai Mai as a whole. Each competing faction claims the allegiance of all others.

While the Mai Mai groups pretend to have a national resistance agenda, their fights are, in reality, often much more local. They are as much if not more based on Kivutian grievances that predate the two "liberation wars" of the past decade and will outlast any peace deal at the national level unless it addresses them directly. Control over gold or coltan mines has since 1998 been a prime motive for fighting between the Mai Mai themselves.<sup>50</sup> The anti-Tutsi and, by extension, anti-Banyarwanda agenda is one of the unifying forces since Rwandophones remain the easy scapegoat for all political and economic frustrations in the Kivus.

This explains the relative fragility of Mai Mai allegiance to the Kinshasa government and to any power-sharing agreement that Joseph Kabila might sign with the RCD.<sup>51</sup> Supplies of weapons,

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<sup>49</sup> Spokesman for Padiri's Bunyakiri Mai Mai to ICG, Bukavu, April 10, 2002.

<sup>50</sup> Cf. Vlassenroot, "Violences et constitution de milices dans l'est du Congo : le cas des Mayi-Mayi", op. cit.

<sup>51</sup> A spokesman for Padiri's Bunyakiri Mai Mai boasted to ICG: "Kabila senior was always scared of the Mai Mai



ammunition and communications equipment are the sole means Kinshasa has of keeping a degree of influence - albeit uncertain - over Mai Mai leaders.<sup>52</sup>

The relatively new Mai Mai faction, Mudundu 40,<sup>53</sup> is fairly typical. It is comprised mostly of Bashi fighters from around Ngweshe under the command of Commandant Odilon Zihahirwa, who was one of the Bashi who joined Kagame's RPF movement in 1990. As a Mai Mai, he initially accepted a lieutenant's position under Padiri.<sup>54</sup> However, tensions between *Interahamwe* and Mudundu 40 erupted into fighting. Mudundu 40 distanced itself from Padiri and agreed to cooperate militarily with the Rwandan army on the basis of "the enemy of my enemy is my friend" and "on the understanding that as soon as the *Interahamwe* were defeated the Rwandans would withdraw".<sup>55</sup> Evidence suggests the Rwandans have even recently supplied weapons. Meanwhile, the RCD has also sought contact with Mudundu 40.<sup>56</sup> The group's proximity to Rwanda and the RCD leads other Mai Mai factions to regard it with distinct suspicion.

Overall, the Mai Mai is less movement than magma, the fluidity and lack of coherent political training of which undercut its effectiveness. Its brief capture and administration of Uvira before it lost that town back to the RCD is significant in this respect. This fluidity also leaves the Mai Mai name vulnerable to co-option as a symbolic source of legitimacy by those jockeying for position at the national level.<sup>57</sup>

The Mai Mai are very susceptible to this co-option from a variety of directions. They are highly

fragmented and dependent on outside support (though some Mai Mai have become semi-autonomous through involvement in the mineral economy). Kinshasa supplies arms, appoints Mai Mai leaders as generals in its army (purportedly, and paradoxically, doing so even with Mudundu 40) and claims Mai Mai victories as its own even while retaining a useful distance from the atrocities committed on its behalf.

The Mai Mai also provide a mouthpiece through which to demonise not just Rwanda, but also the Rwandophone population of the Kivus. Anonymous tracts play on deeply-embedded fears of "duplicitous" Tutsi, "foreigners" who "pretend to nationality" and who will "purchase" domination at any price. Given the region's history of genocide, this incitement is the height of recklessness.

#### 4. The Banyamulenge insurrection against the RCD

Lastly, though the RCD claims protection of Congolese Tutsi populations as a primary *raison d'être*, relations with the Banyamulenge have been problematic from the beginning. Since February 2002 they have exploded into open combat around Minembwe, South Kivu.

The Banyamulenge militias are led by Commandant Masunzu and allied to the FRF (*Forces Républicaines et Fédéralistes*), a dissident group formed from safe haven in Burundi in 1998 by Manasse Müller Ruhimbika, a former civil society activist who was a figure in the 1996 AFDL rebellion and has a consistent history of opposing the RCD.<sup>58</sup> The FRF were eventually evicted from Burundi and now organise among the Banyamulenge diaspora in Europe.

Clashes with the Rwandan army raised Banyamulenge fears about the real motivations behind the RCD rebellion as early as 1999.<sup>59</sup> A growing number of Banyamulenge came to doubt Kigali's insistence that its troops were on Congolese soil in order to protect them. They felt rather that the argument was merely a fig-leaf to cover other (economic and political) Rwandan interests while

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because he knew they could replace him. And he knew that when he first came to Congo with the AFDL we didn't like him..." ICG interview, Bukavu, 10 April 2002.

<sup>52</sup> Awarding those leaders senior military rank - another favourite tactic - appears to be much less effective.

<sup>53</sup> The faction's name is given various translations: some fighters talk of a "healing tree" called Mudundu that has 40 different uses. Others talk of Mudundu as the "report" given by a rifle shot and "40 degrees" as the temperature in a warrior's head after he has used the magic that protects Mai Mai fighters from bullets.

<sup>54</sup> ICG interview, Mudundu 40 interlocutor, Bukavu, 7 April 2002.

<sup>55</sup> Ibid.

<sup>56</sup> Via Bizima Karaha, who invited Odilon to a meeting in Bukavu; this meeting did not take place due to Odilon's concern for his security. Ibid.

<sup>57</sup> For more on the struggle to capture Kivutian legitimacy, see ICG, Africa Report N° 37, *Intercongolese Dialogue: Political Negotiation or Game of Bluff?* 16 November 2001.

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<sup>58</sup> Müller and his followers were subsequently marginalised, for which they reproach Kigali as much as Kabila senior.

<sup>59</sup> A rebellion that purportedly "took the Banyamulenge by surprise". ICG interview, Bukavu, 10 April 2002.

the troop presence exposed them to even greater hatred from other Congolese communities.

Patrick Masunzu, leading the current Banyamulenge insurgency, is a former RCD commander. The RCD maintains he is nothing but a mutineer who broke ranks because of his personal problems.<sup>60</sup> While a few hardliners within South Kivutian civil society hold the improbable view that the rebellion is staged “Tutsi propaganda”,<sup>61</sup> many other observers consider it reflects a substantive realignment of Banyamulenge opinion.

The FRF and other Banyamulenge civil society leaders claim hundreds have been killed in the fighting and more than 40,000 displaced, and more than 100 villages have had to be evacuated.<sup>62</sup> Having maintained that the rebellion had been neutralised, the RCD was forced to admit in June 2002 that it was still alive, and fiercer than ever.<sup>63</sup> Masunzu’s forces – gone into the bush and fighting as what the RCD consider “Tutsi Mai Mai” – have been joined by Bafulero, Babembe and Bavira fighters (a clandestine overture by the Mai Mai). The RCD asserts Masunzu is fighting alongside FDLR. He vigorously denies this, although the FDLR themselves acknowledge joint operations.<sup>64</sup> Banyamulenge combatants meanwhile are incensed that Rwandan army units launched against them have included considerable drafts of “reintegrated” former FDLR.

Banyamulenge opinion is now profoundly divided. Some still back the RCD; many feel it has abandoned their interests. Tutsi clan politics enter the political calculus, opposing *abanyabyinshi* in the RCD with *bagorora* in the FRF, but also fomenting rivalries internal to the RCD (a “game of chairs” Kigali manages deftly<sup>65</sup>) and within the FRF/Masunzu axis.

A small number of Tutsi ultra-nationalists,<sup>66</sup> who demand ethnic pre-eminence for the Banyamulenge in the Kivus, are also active, taking their cue from oracles and prophecies predicting “now is the hour of liberation from the Rwandan invader, when we will have the power that we have sought for so long and which belongs to us by right”.<sup>67</sup>

Masunzu’s uprising is yet another Kivutian military phenomenon that can be manipulated for political ends. Uganda is muddying Rwanda’s pool by giving symbolic support to the Banyamulenge anti-Rwandan “resistance”.<sup>68</sup> Meanwhile, Kinshasa cautiously approaches the FRF through its Mai Mai proxies.

### C. SCORCHED EARTH: THE EVER-GROWING HUMANITARIAN DISASTER

The humanitarian consequences of these intertwined conflicts are grave. Since 1998, they have arguably claimed more lives “than have died in all of the other wars in the world combined over this period”.<sup>69</sup> While international agencies have recently reported some improvement in humanitarian access to parts of western Congo, this has not been the case in the most-affected parts of the East. A recent survey in South Kivu found more malnourished adults than children, which is feared to mean that most malnourished children have already died.<sup>70</sup> Oxfam confirms that in some areas as many as one child in four under the age of five has already died.<sup>71</sup>

A recent Food and Agriculture Organisation (FAO) survey confirmed that 10 to 30 per cent of the population of eastern Congo suffers from acute malnutrition. This is attributable to massive

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<sup>60</sup> He is also credited by the RCD with primary responsibility in the Makabola massacre while still serving with it.

<sup>61</sup> “Have you ever seen a war between God and Jesus?”, one civil society leader asked rhetorically during an ICG interview, caricaturing the supposedly intimate relationship between the Banyamulenge and their Rwandan “Godfather”.

<sup>62</sup> Cf. IRIN, “Crise humanitaire sur le plateau de Minembwe/Itombwe”, 2 July 2002; Eben-ezer ministry international, “Worrying humanitarian situation in Minembwe territory”, mimeo, June 2002.

<sup>63</sup> Agence France-Presse, “Les combats continuent dans le Sud-Kivu (est de la RDC)”, Kigali, 28 June 2002.

<sup>64</sup> ICG interview, FDLR high command chief of military intelligence, December 2002.

<sup>65</sup> ICG interview, Bukavu, 24 September, 2001.

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<sup>66</sup> Along the model of Burundi’s Bagaza.

<sup>67</sup> ICG interview, Banyamulenge civil society figure, 13 April 2002, Uvira.

<sup>68</sup> ICG interview, representative of AFRO (African Resistance Organisation), Nairobi, 4 April 2002.

<sup>69</sup> From epidemiological and demographic projections published in a 2001 report of the International Rescue Committee in New York (IRC, 2001:19).

<sup>70</sup> Ibid.

<sup>71</sup> Oxfam International, “The War in the Democratic Republic of Congo is at a Critical Juncture: Submission to the UN Security Council”, 25 April 2002.

displacement resulting from ongoing fighting in the region.<sup>72</sup>

Mortality rates continue to rise in parts of South Kivu, from indiscriminate and widely dispersed violence by armies and militias, and from communicable disease brought on by the twin effects of violent displacement (the UN Office for the Coordination of Humanitarian Affairs estimates 2.3 million people displaced in the Congo, the majority in the East<sup>73</sup>) and agro-economic collapse. 400,000 of the displaced are scattered all over South Kivu without access to any kind of relief.<sup>74</sup>

The extent of the economic collapse can be seen in the recent advent of evening markets in the Kivus. Markets are normally held in the mornings and afternoons. The new evening markets are taking hold because it can take all day for peasants to gain enough ready money to be able to purchase any food at all, so reduced is the margin of survival. The January 2002 volcanic eruptions that devastated the commercial heart of Goma town and displaced tens of thousands were merely the last straw for North Kivu.

### III. POLITICAL DYNAMICS: THE RISK OF ENDLESS FRAGMENTATION

As early as November 1998 (a scant three months into its rebellion) a senior RCD intellectual told ICG that an identity crisis for the nascent movement was imminent: “we have quickly to decide if we are a popular movement or just a government in waiting...”<sup>75</sup> The RCD had been hastily and somewhat randomly assembled from available materials in expectation of a rapid military victory in the Congo. At inception, it was based mostly on former AFDL members. Other tendencies did not begin to appear until the beginning of 1999, such as old Mobutists and diaspora figures like ex-FAZ General Ilunga. When the possibility of rapid victory evaporated, the RCD was the first to suffer from the growing rivalry between Rwanda and Uganda.

The initial split in the movement appeared in May 1999, when its president, Wamba dia Wamba, who was at loggerheads with the former Mobutist Lunda Bululu, fled out of Goma to establish himself in Kisangani. He was supported by Uganda, as the leader of a faction that was to become the RCD-Kisangani (RCD-K). Dr. Emile Ilunga then took over the Goma faction, supported by Kigali.

The quarrel between the two RCDs and their two patrons degenerated into a direct confrontation in the capital town of Oriental Province.<sup>76</sup> The Ugandan army was defeated by Rwanda for the control of Kisangani. Wamba dia Wamba withdrew to Bunia and soon faced defections from within his own camp. Mbusa Nyamwisi rejected his leadership and took control of the “great north” of North Kivu as well as the newly created province of Ituri, supported by some Ugandan generals. South Kivu, the southern part of North Kivu (Goma, Nyiragongo, Rutshuru, Masisi, Walikale), Maniema, North Katanga, Western Kasai, and Kisangani remained under the Rwandan-supported RCD-Goma.

<sup>72</sup> IRIN, “DRC: High rates of malnutrition in the east”, 6 November 2002.

<sup>73</sup> UNOCHA. “Affected Populations in the Great Lakes”, February 2002.

<sup>74</sup> IRIN, “DRC: Access impossible to 900,000 IDPs in the east”, 6 November 2002.

<sup>75</sup> ICG interview, RCD representative, Goma, November 1998.

<sup>76</sup> Cf. ICG Report, *Uganda and Rwanda: Friends or enemies?*, op. cit., and ICG Briefing, *Rwanda-Uganda: a dangerous war of nerves*, op. cit.

## A. THE RCD'S FAILED POLITICAL PROJECT

### 1. A rebellion misunderstood and distrusted

More than anything, the RCD's image has been tarnished by its patent inability to sever the umbilical cord with Rwanda.<sup>77</sup> Kigali ordains reshuffles and appointments, elaborates military strategy and reviews any issue of importance.<sup>78</sup> Because of this, Kivutians see the RCD as a puppet whose strings are pulled to serve others' interests.

A number of factors have contributed to the RCD's extreme unpopularity. First the 1998 "war of rectification" was never understood by Kivutians. Whereas the first Congo war had delivered them from Mobutu and so was perceived as justifiable by Congolese national interest, the second seemed destined to satisfy only Rwandan and Ugandan ambitions to control the Congo and push for a loose federalist system that would serve their interest. Despite his faults, Kivutians remember that during his first fourteen months, Laurent-Désiré Kabila paid civil servants salaries. They do not understand why he was not given more time to prove himself.<sup>79</sup>

Secondly, in addition to the spiral of violence and terror unleashed by its undisciplined troops, the RCD became highly unpopular for constantly increasing local taxation while proving totally incapable of revamping infrastructure in the territories under its control or even maintaining basic health and education services. Not only were civil servants unpaid, but the RCD's own soldiers notoriously preyed on the population because they, too, went without salary.

Exploitation of natural resources combined with increased taxation and total lack of redistribution within the Kivus, brought suspicion that Rwanda was taking everything it could from the "occupied territories". The RCD leadership was seen as keeping the rest for its own lavish lifestyle. Azarias Rubverwa, the secretary general appointed in December 2000 after a second reshuffle, is the only RCD leader not suspected in Bukavu or Goma of building mansions in the Congo, Rwanda or South Africa or otherwise enriching himself. The sole

accusation levelled against him is that of too many expensive trips abroad.<sup>80</sup>

Thirdly, splits, reshuffles and allegations of ethnic favouritism within the movement have weakened its credibility. The haemorrhaging of core personnel is one indicator of political fragility. Of those who signed its founding documents in 1998, perhaps 20 per cent remain. Its presidency has been described by some Congolese, with mordant irony, as "rotating" because of the frequent reshuffles: Ernest Wamba dia Wamba (1998), Emile Ilunga (1999), Adolphe Onusumba (2000), all chosen by Rwanda. The RCD-Goma alone has split so many times that a regular joke in Goma is that one must talk not of separate political wings but merely of "feathers". Since Sun City, three new factions, RCD-Original, RCD-Authentique, and RCD-Congo have appeared.

Fourthly, the concentration of positions of power among South Kivutians shows the movement's poor internal governance. Examples include Azarias Ruberwa as secretary general; Moïse Nyarugabo as chief of the justice department; Bizima Karaha as chief of the home affairs and internal security department; and Joseph Mudumbi as chief of external relations. They decide on RCD management without consulting the other bodies of the movement such as the "college of founding members".<sup>81</sup>

Last but not least, many Kivutians decry the over-representation of Banyamulenge leaders within RCD ranks (three of the four mentioned above are Banyamulenge), especially in positions dealing with security and tax collection.<sup>82</sup> This for them illustrates RCD dependency on Rwanda's Tutsi leadership and lack of consideration for other Kivutian communities.

### 2. A Chronicle of Political Reverses

The new RCD leadership, installed in December 2000, was meant to devise a political strategy to consolidate the movement and reinforce its legitimacy, especially in South Kivu. This effort coincided with another stage of the war. After the

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<sup>77</sup> See ICG Report, *Storm Clouds over Sun City*, op. cit.

<sup>78</sup> ICG interviews, members of the RCD, Goma-Bukavu, June 2000-October 2002.

<sup>79</sup> Cf. accounts of interviews in *African Rights*, "The Cycle of Conflict", op. cit.

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<sup>80</sup> ICG interviews, RCD officials and civil society representatives, Sun City, Goma and Bukavu, March-October 2002.

<sup>81</sup> ICG interview, RCD founding member, Goma, 14 October 2002.

<sup>82</sup> ICG interviews, civil society representatives, Bukavu, May 2000.

Congolese army's defeat in Pweto in November 2000,<sup>83</sup> it was unlikely that Kinshasa would ever regain the East by military means. As a result, the front was significantly stabilised. Additionally, the succession of Laurent-Désiré Kabila by his son Joseph in January 2001 meant a new start for political negotiations and a real chance for the Inter-Congolese Dialogue. The RCD leadership realised that it desperately needed more legitimacy and credibility within its territories and elsewhere to confront politically the young Kabila, who had immediately become the darling of the international community.<sup>84</sup>

The RCD therefore embarked on a number of initiatives to strengthen its political base in the Kivus and present a united Kivutian front for future negotiations. However, Rwanda's occupation, the recurring human rights abuses and the total incapacity of the movement to deliver on its promises to pay salaries regularly and improve the livelihood of the population it administered ruined all its efforts.<sup>85</sup>

Bukavu, a university town and the cradle of Congolese civil society, is the hotbed of anti-RCD feelings. By association it is the source of the Congo's anti-Tutsi propaganda. The Catholic Church of South Kivu and some of its affiliated NGOs are controlled by Bashi elites from Walungu. Due to their education and close links with the university, they always considered themselves the repository of legitimate political leadership in the province. After years of fighting Mobutu, they could not accept Banyamulenge leadership of the province under the auspices of the AFDL and later the RCD.

Moreover, the assassination of Mgr. Munzihirwa by Rwandan elements of the AFDL on 29 October 1996 and the subsequent systematic looting of Catholic churches during the military campaign, allegedly ordered by the Rwandan army, created a long-lasting antipathy between the Church and the rebel

movement. In 2000 and 2001 the Church, the office for the coordination of South Kivu civil society, and university students in Bukavu organised several "dead towns" (general strikes) against RCD rule over the Kivus. These efforts became enveloped in a cloud of ethnically-charged discourse that portrayed the Banyamulenge as collaborators with the Rwandan occupation and propounded conspiracy theories about machinations by foreign Tutsis to annex the Kivus.

The successor of Mgr. Munzihirwa, Mgr. Kataliko – a North Kivutian from Butembo – was forbidden to return to Bukavu in January 2000 after a Christmas Eve sermon calling for resistance against foreign occupation. His death abroad in January 2001 was popularly attributed in Bukavu to poisoning by the Rwandans.<sup>86</sup>

In response, the RCD attempted various tactics. It first tried to co-opt and coerce the unarmed Kivutian opposition into the movement. Civil society figures were pressured, or surprised, into joining: a senior Bukavu intellectual first discovered he had been elevated to a position on the public relations side of the RCD as he listened to a radio announcement. He immediately wrote a courteous, but firm, resignation.<sup>87</sup> A Goma-based human rights activist experienced similar continued pressure to accept a position in the RCD's Provincial Assemblies. These were created in July 2001, after the Gaborone meeting of the Inter-Congolese Dialogue, as an attempt to reach down to the local population,<sup>88</sup> but they have remained moribund.

Individuals who accepted positions in the assemblies are either long-time placeholders – old Mobutists or traditional chiefs with offices acquired through politics rather than heredity – or newer men with an eye to the political main chance.<sup>89</sup> The procedural framework to underpin the assemblies has never been

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<sup>83</sup> See ICG Africa Report N°26, *Scramble for the Congo: Anatomy of An Ugly War*, 20 December 2000.

<sup>84</sup> See ICG, Africa Report N°27, *From Kabila to Kabila: Prospects for Peace in the Congo*, 16 March 2001.

<sup>85</sup> The RCD had created a lot of publicity about its payment of salaries in December 2000 and January 2001. This was the symbol of the reliability of the new leadership and coincided with the establishment of a monopoly for the marketing of coltan. However, the price of coltan fell soon thereafter, the marketing monopoly proved counter-productive, and salaries started to be paid erratically.

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<sup>86</sup> ICG interviews, civil society representatives, Bukavu, May2000-June2001.

<sup>87</sup> ICG interview, Bukavu, April 2002.

<sup>88</sup> For more details about the contest between the RCD and the Mobutu government to capture the Kivutian political capital in preparation for the Inter-Congolese Dialogue, see ICG Report, *Le Dialogue Intercongolais*, op. cit.

<sup>89</sup> For more details on the stormy relations between the RCD and traditional chiefs, see Denis Tull, "A Reconfiguration of Political Order? The State of the State in North Kivu (DR Congo)", Paper presented for the 18<sup>th</sup> Conference of the German African Studies Association, Hamburg, 23-26 May 2002.

finalised, leaving them as little more than talking shops.<sup>90</sup>

Similarly, the Commissions for National Reconciliation established by the RCD in 2001 have been seen as ethnically-biased and incapable of representing the broad range of Kivutian opinion. A letter sent to the RCD President by a member of the movement's political bureau received wide circulation on the Internet and seriously discredited these institutions. It asked:

How can one comprehend that the province of South Kivu should be represented by ten members of whom four are Banyamulenge, five Bashi, and just one Muvira? Can the fact of ignoring the Barega, who are the second largest group in the province, and also the Babembe, the Bafulero, the Batembo, the Banyindu, the Babwari and so on ... can this encourage national reconciliation?<sup>91</sup>

The secretive Camp Kami<sup>92</sup> political re-education sessions for Kivutian cadres and territorial administrators in Kigali were another attempt to mobilise support, defuse the tension between Congolese and occupiers and improve territorial administration through spreading "liberation ideology" developed in Rwanda. Some 400 participants – from civil society, territorial administration and traditional leadership – spent January to March 2001 in classes organised by the political branch of Rwanda's governing RPF movement.

Daily warm-up exercises and patriotic chants were followed by a smorgasbord of (sometimes contradictory) courses: political and ideological instruction, visits to Rwandan *imidugudu* (newly created villages) to become attuned to Rwandan political culture, studies in the theory of nationalism, political organisation, mass mobilisation, good governance and development, ethno-cultural diversity and national identity, strategies of non-violence, maintenance and use of weaponry ("never

be separated from your weapon, either in rest or in the bath..."<sup>93</sup>), the notion of patriotism and the political program of the RCD.

A possibly more genuine attempt to foster peaceful resolution of issues was the Inter-Kivutian Dialogue (IKD) of 22-25 September 2001. The stated goal was to collate Kivutian views prior to the Inter-Congolese Dialogue, so that a common vision for the region could be articulated that would ensure the success of that key element of the Lusaka agreement. Off the record, however, senior RCD figures confirmed to ICG that the aim was "to mobilise the population of the Kivus in order to make the RCD representative and legitimate".<sup>94</sup>

The IKD was instantly controversial. Kivutian civil society was vocally opposed and argued that the Lusaka agreement had stipulated a national dialogue involving all Congolese citizens and not a regional forum convened and facilitated by a rebel movement of questionable credibility. The IKD was also criticised because it could not realise the pan-Kivus scope it promised as RCD-Goma controlled only a relatively small proportion of the Kivus. The IKD went ahead, but with the abstention of key actors and the careful selection by the RCD of the 300 delegates.

Of the Mai Mai factions, only Mudundu 40 attended, adding to popular doubts about its authenticity as a resistance movement.<sup>95</sup> Other participants were selected from traditional leadership, churches and civil society. In most cases they represented internally dissident factions already favourable towards the RCD or were those who "offered their support in exchange for promises of inclusion within the movement's political, administrative or military structures".<sup>96</sup> The RCD maintained strict control over sessions, ensuring motions were in accordance with its policy on such contentious issues as Rwandophone nationality, the presence of "negative forces" on Congolese territory, Congolese federalism, and the future of the Banyamulenge.

<sup>90</sup> ICG interviews, civil society and political leadership, Bukavu, April 2002.

<sup>91</sup> Letter from Paul Musafiri Nalwango, Member of the RCD Political Bureau, to the President of the RCD, 23 June 2001, copy in the possession of ICG. Similar complaints were levelled at the North Kivutian commission.

<sup>92</sup> Camp Kami is a former gendarmerie military barracks situated in Kigali town (Kacyiru Zone).

<sup>93</sup> From Camp Kami curriculum notes in the possession of ICG.

<sup>94</sup> ICG interview, senior RCD cadre, Bukavu, 24 September 2001.

<sup>95</sup> According to an ICG source, Mudundu 40 held meetings "of several hours" with RCD-Goma Secretary-General Azarias Ruberwa.

<sup>96</sup> ICG interview, Camp Kami delegate, 24 September 2001.

At the end of July 2002, the RCD organised political training in Goma for its permanent provincial secretaries in order to begin transforming the rebel movement into a political party.<sup>97</sup> Until now, however, all efforts to strengthen its popularity and legitimacy in the Kivus have foundered on bad management and governance, and local poverty. Patrick Masunzu's rebellion shows RCD incapacity to secure a power base, even among its natural Banyamulenge constituency.<sup>98</sup>

The conclusion of the political chapter of the Inter-Congolese Dialogue on 17 December 2002, the beginning of the transition and the anticipated national elections after two years, present an uphill challenge for the RCD. Less than one month after the training session of the 93 RCD civilian and military leaders, a coup was attempted by its armed wing against the political leadership. It took ten days of hard negotiations under the supervision of the Rwandan chief-of-staff, James Kabarebe, to avoid the dismissal of Adolphe Onosumba and Azarias Ruberwa by the military establishment.

The coup was partly motivated by the lack of transparency of the political branch of the movement in the management of the political negotiations and by major quarrels over sharing of the spoils collected by the department of finance. Only 18 per cent of the resources collected by the movement is allegedly allocated to the military. The current leadership was ultimately maintained in order to guarantee "continuity in the negotiations".<sup>99</sup> Two months after the seminar, it was the turn of the South Kivutian politico-military cadres to denounce the policies of the governor newly appointed by Kigali.<sup>100</sup>

Rwanda must bear a large share of the responsibility for RCD political failures. It has never really given

its Congolese proxy the opportunity to prove its worth and to build an at least partially independent political base. In the Kivus as in the Inter-Congolese Dialogue,<sup>101</sup> Kigali has imposed strict military and political control designed to satisfy primarily its own security, economic and political interests. Can the RCD now succeed after Rwanda's withdrawal? Nothing is less certain.

## **B. BEYOND THE RCD: RISK OF FURTHER FRAGMENTATION AND AUTONOMIST TENDENCIES**

Initially, the RCD was just a patchwork of individuals, assembled to form the government that would follow the overthrow of Laurent-Désiré Kabila. The attempt at a quick coup transformed into a regional war, for which the RCD was a fig leaf that provided slight legitimacy for the intervention and occupation of the Rwandan and Ugandan armies. Since Sun City, the notion that Rwanda might regain complete control of the Kinshasa government's security services has been buried. The U.S. demonstrated clearly that it would not let Kigali re-establish that degree of influence in the Congo. Angola was confirmed as the privileged ally to help stabilise the country, encouraged particularly by the U.S., Belgium and France to reorganise and reform its security services. Simultaneously, President Museveni has undertaken to limit Rwandan influence by becoming Joseph Kabila's alternative godfather.

The Pretoria and Luanda agreements of July and August 2002 in effect confirmed Rwanda's growing isolation. The young Kabila has succeeded in sidelining the rebel movements and re-introducing the primacy of inter-state logic for resolving the Congo's conflict.

Kigali was left with the option of optimising its influence in the Kivus. Rwanda still supports the national RCD leadership but devalued it to a secondary tool of influence in Kinshasa. It has now resolved to create and strengthen autonomous power-bases in the Kivus and to make the most out of its own sphere of influence. It sponsors autonomy movements and offers to share resources and power with certain leaders independently of the political configuration in Kinshasa.<sup>102</sup>

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<sup>97</sup> Cf. "Les secrétaires provinciaux permanents du RCD à l'école du parti", Publi-Reportage, *Le Peuple Souverain*, N°16, 4 October 2002.

<sup>98</sup> Cf. "Azarias Ruberwa joue à l'équilibriste...", interview of the RCD secretary-general, N° spécial "RCD, 4 ans déjà: de la lutte armée au combat politique", *L'étendard*, Goma, 30 August 2002.

<sup>99</sup> ICG interviews, RCD officials, Goma 14 October 2002 and Obsac, "RDC: Divergences profondes entre civils et militaires au sein du RCD-Goma", Vol. 5, N°37, 9-15 September 2002, www.obsac.com.

<sup>100</sup> "Memorandum des cadres politico-militaires du Sud-Kivu présente à la délégation de la haute hiérarchie du RCD en mission officielle au Sud-Kivu en regard de la situation politique et sécuritaire", 16 October 2002.

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<sup>101</sup> ICG Report, *Storm Clouds over Sun City*, op. cit.

<sup>102</sup> This is a policy somewhat similar to Uganda's except that Uganda has offered political support to Joseph Kabila in

## 1. Uganda's legacy of chaos

The territories of Beni and Lubero in North Kivu are almost exclusively populated by the Nande community. They found themselves under Ugandan influence after the RCD split in May 1999 and soon became the power base of the RCD-K/ML leader, Mbusa Nyamwisi. A Nande, Nyamwisi sought to benefit from his dead brother's political legitimacy, which was based on fierce anti-Mobutu credentials and a premature death in 1993. Nyamwisi controls a militia of approximately 3,000 that is supposed to control the "great north" of North Kivu.

In reality, Nyamwisi's militia has brought only chaos and ruthless economic exploitation to Beni and Lubero. Through his personal alliances with Ugandan generals Kazini and Saleh, he has tried since 1999 but failed to establish himself as the Nande supremo. Throughout 2000, Uganda sought to reconcile its Congolese proxies and recreate a joint political movement within its sphere of influence (Equateur and Orientale Provinces the *Front de Libération du Congo* (FLC) that would unite Jean-Pierre Bemba (MLC), Wamba dia Wamba (RCD-K), Roger Lumbala (RCD-N) and Mbusa Nyamwisi (RCD-K/ML). It failed miserably.

Bemba, the designated FLC leader, came to Beni-Butembo at the beginning of 2001 to try to pacify the region and rally local Mai Mai leaders. A short-lived ceasefire agreement was signed on 29 March 2001 with the Mudohu group,<sup>103</sup> while the Vurundo group allied instead with Nyamwisi, and the La Fontaine group remained independent. Bemba never honoured his commitment to pay, arm and train his new Mai Mai allies, hence the collapse of the limited agreement barely two weeks after it was signed. After Bemba arrested RCD-ML officers and attempted to transfer their troops to Equateur, direct confrontations erupted in June 2001 between the Mai Mai, Nyamwisi's militia and the MLC inside the towns of Beni, Butembo and Lubero.<sup>104</sup>

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return for a clear opportunity to pursue its economic interests in Orientale Province.

<sup>103</sup> IRIN, "DRC: Bemba-led rebel group signs accord with Mai-Mai", 29 March 2001.

<sup>104</sup> Cf. Société civile du grand nord du Nord Kivu, "Le Nord Kivu en feu et en sang", Butembo, mimeo, July 2001; IRIN, "DRC: Ugandan forces intervene in FLC rift", 13 June 2001; IRIN, "DRC: Civil society warns over 'catastrophe' in Beni", 14 June 2001.

Soon thereafter, the FLC completely collapsed, and Bemba seemed to have abandoned his ambitions over North Kivu until the recent attack by Roger Lumbala's RCD-National towards Beni that the MLC heavily supported.<sup>105</sup> Nyamwisi has since been struggling to establish his authority in Beni and Lubero but he has never been supported by even the Nande trading community.<sup>106</sup> His control over the territories has varied over the past year and a half, depending on his capacity to co-opt or coerce local Mai Mai groups and to control the exploitation of the local gold and coltan mines by striking business deals with his Ugandan military allies.<sup>107</sup>

In the six months preceding Sun City, Nyamwisi managed to reduce Mai Mai opposition and incorporate and disband the Vurundo, Mudohu and La Fontaine groups.<sup>108</sup> However, since Sun City, he has returned to Kinshasa and abandoned the territories to banditry. The lack of any political authority in the great north of North Kivu has now reached such proportions that the old quarrels over land among Banande sub-tribes have turned into open and violent confrontations.<sup>109</sup>

Nyamwisi and his RCD-K/ML are typical products of Uganda's failed policy of indirect rule in the Kivus. Following Kampala's directions, he negotiated his share of both economic and political power in Sun City.<sup>110</sup> Since then, Kinshasa has allegedly been using Beni Airport to airlift weapons and ammunitions to RCD-ML in North Kivu, in agreement with Kampala. These supplies are allegedly shared with FDLR fighters.

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<sup>105</sup> IRIN, "DRC: Bemba, Mbusa reach a 'compromise'", 17 August 2001.

<sup>106</sup> His connections with South African business interests have helped him increase his credibility. South African companies, for instance, are currently building a dam in the vicinity of Butembo and have built a new airstrip. But Mbusa Nyamwisi is far from popular with the influential Nande business community, partly because of the outrageous excise duties it has to pay at the Kasindi border post to his Ugandan partners. ICG interview, civil society representative, Goma, 16 October 2002.

<sup>107</sup> IRIN, "DRC: North Kivu destabilized by rebel infighting", 11 September 2001.

<sup>108</sup> IRIN, "DRC: RCD-ML seek to incorporate Mai-Mai in dialogue", 11 September 2001.

<sup>109</sup> Administrateur assistant du territoire de Lubero, "Conflit des pouvoirs coutûmiers pour les terres coutûmières en territoire de Lubero: Pistes de résolutions pacifiques et durables", mimeo, 10 October 2002.

<sup>110</sup> ICG interview, Inter-Congolese Dialogue delegates, Sun City, March 2002.



Simultaneously, Nyamwisi is also said to be involved in a negotiation for the creation of a new anti-RCD rebel front in the Great north of North Kivu, to be led by Jean-Bosco-Bahirima and Kin-Kiey Mulumba, two former RCD leaders now supported by Kampala.<sup>111</sup>

The return of Jean-Bosco Bahirima to Goma in January 2003 probably ended the likelihood of such a scenario in the near future. But accusations by Bahirima that Uganda trained anti-Rwandan forces in Uganda contributed to a new deterioration of the relations between the two countries, who risk fighting it out, yet another time, in the Congo.<sup>112</sup>

Uganda's focus on exploiting resources and settling scores with Rwanda tragically consigns the local population to chaos and misery.

## 2. Eugène Serufuli's TPD: Rwanda's model for the Kivus?

In sharp contrast to the great north of North Kivu, the southern territories of the province (Masisi, Nyragongo, Goma, Rutshuru, but with the exception of Walikale) have benefited from the relative restoration of administrative authority since early 2000. Provincial Governor Eugène Sérufuli and his late predecessor, Gafundi Kanyamuhanga, are given some credit even by local people opposed to the RCD as a whole. This limited success is linked to Rwanda's counter-insurgency activities.<sup>113</sup> Its absolute priority has been to prevent the Hutu communities of Rutshuru from supporting and sending recruits to the FDLR, which would present a security nightmare on the border and imperil the relative success in suppressing unrest in its own northwestern provinces of Ruhengeri and Gisenyi across from Rutshuru.

To win over the Congolese Hutus, Kigali developed a double-edged strategy. First, community leaders were given pre-eminence in the provincial administration. Serufuli, a former member of the MAGRIVI<sup>114</sup> executive committee, succeeded

Kanyamuhanga as governor of North Kivu in December 2000 and led the campaign to co-opt his community leadership into the RCD. Former Congolese Hutu fighters were also recruited *en masse* in order to appease and control them.<sup>115</sup>

Secondly, Rwanda tightened its surveillance and control over Rutshuru. From early 1999, non-*génocidaire* ex-FAR soldiers were transferred from the Rwandan army into the RCD's forces to train, recruit and supervise Local Defence Forces (LDF) units in Rutshuru.<sup>116</sup> Demobilised Hutu soldiers from the Rwandan army as well as LDF from Rwanda were also regularly transferred to Rutshuru.<sup>117</sup>

*Tous pour la paix et le développement* (TPD, "All for Peace and Development"), a parastatal NGO directly linked to the Rwandan Directory of Military Intelligence (DMI), was established soon after the RCD itself. It was designed to accompany counter-insurgency and answer socio-economic grievances of the local population by running local development projects. TPD works in North Kivu as an alternative political authority that vets all appointments within the territorial administration, including the RCD's military arm. It provides the backbone of the governor's authority in the province down to the lowest levels.<sup>118</sup>

TPD transport is often used to move LDF units around the province. It is currently in charge of resettling Congolese refugees in Masisi. Serufuli is reputed to have a small army of 10,000 to 15,000 mixed LDF/RCD elements, independent from the latter's high command but closely linked to the Rwandan leadership.<sup>119</sup> A similar pattern is also likely to be taking place in Masisi.

Since the end of June 2002, TPD has forcefully repatriated up to 9,500 Congolese Tutsi refugees

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front for Hutu efforts to achieve customary power in the Kivus.

<sup>115</sup> See African Rights, *The Cycle of Conflict*, op. cit.

<sup>116</sup> The training was taking place at the Mushaki military camp, 50 kilometres north of Goma, which is still allegedly under Rwandan military control. ICG interviews, members of the RCD, Goma, October 2002.

<sup>117</sup> ICG interviews, members of the RCD, Goma, October 2002.

<sup>118</sup> ICG interviews, civil society and RCD representatives, Goma, October 2002.

<sup>119</sup> ICG interviews, members of the RCD, Goma, October 2002 and Aloys Tegera, "Grands Lacs Africains et perspective", Pole Institute, 4 October 2002.

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<sup>111</sup> See below.

<sup>112</sup> See "DR Congo: Ex rebel official says Uganda training *Interahamwe* militia", Radio Rwanda/BBC Monitoring, 6 January 2003.

<sup>113</sup> ICG interviews, Rwandan army officers, Goma, July 2000 and ICG, *Scramble for the Congo*, op. cit.

<sup>114</sup> The *Mutuelle des Agriculteurs de Virunga*; a Hutu self help association seen by other ethnic groups in the area as a

from camps in Byumba and Kibuye Provinces in Rwanda. The Rwanda company ONATRACOM was contracted to transport the refugees, who were dropped in the area of Kahe, near Kitshanga.<sup>120</sup> Forceful repatriation was interrupted at the end of October, however, and approximately 22,000 Congolese Tutsi refugees still remain in Rwanda.

These are not all from Masisi. Some are from Congolese Tutsi communities in Moba, on the Rusizi plains, or are Banyamulenge.<sup>121</sup> The forceful repatriation of refugees in an environment the UN High Commissioner for Refugees considers unsafe and the access restrictions the RCD imposes on humanitarian workers raise suspicions over the ultimate aims.<sup>122</sup> It is alleged that demobilised Rwandan soldiers have been put in charge of training, recruiting and supervising LDF units among the refugees. It is also alleged that prior to the resettlement, some refugees had been transferred to the Iwawa and Gako military camps in Rwanda to receive basic military training and political education.<sup>123</sup>

The US Committee for refugees confirms that “the forced repatriation from Kiziba [one of the two Congolese refugee camps in Rwanda] was done, at least in part, to provide cover for return of the demobilised-Rwandan soldiers to eastern DRC” and to “develop an ethnic Tutsi constituency in eastern DRC, from which, in part, to recruit young men into armed militias”.<sup>124</sup>

Up to 28,000 head of cattle have also been transferred over the last two years from the Gishwati forest to the Kililorwe area of Masisi.<sup>125</sup> Some allegedly belong to the Rwandan and RCD Tutsi establishment and benefit from armed protection that

the LDF units are now meant to reinforce.<sup>126</sup> Suspicions are growing, therefore, that in Masisi and Rutshuru, the tight security aimed at preventing FDLR infiltration is also linked with an economic project to re-establish cattle ranching (formerly enormous in the area but destroyed during the last decade of war).

Rwanda is strongly suspected of trying to build in North Kivu under the RCD umbrella autonomous power-bases that will have stronger political and economic allegiance to Kigali than to Kinshasa. Its methods include entrenching a permanent and efficient surveillance system, despite the troop withdrawals, and pursuing quiet but highly lucrative administration of available economic resources.

This strategy has two dramatic consequences. First, it undermines reconciliation efforts by civil society organisations between Rwandophone and other communities of North-Kivu. The Bahunde, Banyanga, Batembo and Banande communities of Walikale and Masisi territories, despite consultations with Kigali authorities,<sup>127</sup> feel politically marginalised within the province and blame Banyarwanda.<sup>128</sup>

Secondly, the autonomist agenda is by no means shared by all North Kivu leaders, even the Banyarwanda. Jean-Bosco Bahirima, a founding member of the RCD from Rutshuru, left the movement after Sun City in direct opposition to Kigali’s decision not to permit an inclusive political deal. He went to Kampala and attempted to recruit and mobilise young Congolese Hutu against the RCD with the direct support of Kinshasa. He was joined in June 2002 by the RCD’s former

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<sup>120</sup> Société Civile du Nord-Kivu, “Rapatriement de réfugiés congolais au Nord-Kivu”, Goma, 11 September 2002.

<sup>121</sup> ICG interview, civil society representative, Goma, October 2002.

<sup>122</sup> IRIN, “Rwanda: Poursuite du rapatriement forcé des réfugiés en RDC”, 10 September 2002 ; IRIN, “RDC: un groupe rebelle limite l’accès aux rapatriés provenant du Rwanda”, 17 September 2002 ; IRIN, “DRC-Rwanda: Forcible repatriation of Tutsi refugees appears to have ceased”, 25 October 2002.

<sup>123</sup> ICG interviews, RCD members, Goma, October 2002.

<sup>124</sup> See Joel Frustone, “The Forced Repatriation of Congolese Refugees Living in Rwanda”, U.S. Committee for Refugees, Washington DC, 16 December 2002. [http://www.refugees.org/news/press\\_releases/2002/121302.cfm](http://www.refugees.org/news/press_releases/2002/121302.cfm).

<sup>125</sup> ICG interview, Eugene Serufuli, Goma, 16 October 2002.

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<sup>126</sup> ICG interview, local political analyst, Goma, 15 October 2002.

<sup>127</sup> Since Sun City, Rwanda has also attempted to establish strategic partnerships with traditional authorities of North Kivu. Traditional leaders of the Banande, Bahunde, Banyanga and Batembo communities have been regularly invited for consultations with RPF Secretary General Charles Murigande and his deputy, Modeste Rutabayiru, to consolidate Kigali’s influence over North Kivu through the establishment of a common autonomist agenda for the province. ICG interviews, Kigali, Rwandan army officers, July 2002.

<sup>128</sup> See Aloys Tegera, “Situation actuelle au Nord-Kivu (juin 2001)”, Obsac, Vol. 4, N°27, 2-8 July 2001; and for an overview of the multidimensional sources of conflict in North Kivu, Obsac, “Les multiples dimensions des conflits ethniques dans l’est de la RDC: une synthèse des principaux facteurs dans le Nord-Kivu”, Vol. 5, N°8, 18-24 February 2002, [www.obsac.com](http://www.obsac.com).

spokesman, Kin-Kiey Mulumba, over similar grievances, and is now trying to unite anti-Rwandan Kivutian Congolese forces (Banande and Bahunde Mai Mai, ex-Rwandan army fighters, and Banyamulenge refugees in Uganda) and open a new front similar to Patrick Masunzu's in North Kivu.<sup>129</sup>

The creation and spread of ethnic-power bases sharing a common autonomist agenda is, therefore, diametrically opposed to the creation of stability in either North or South Kivu.

### 3. Fragmentation and confusion in South Kivu

In the aftermath of the Sun City debacle, Rwanda once more attempted radical reconstructive surgery on the RCD in South Kivu. Patient Mwendanga, a Shi businessman and purportedly a member of Mudundu 40, replaced the unpopular Norbert Kantintima, who was unceremoniously dropped after three years in his position. His two deputies, Tommy Thambwe and Jean Pierre Manzandi, are from the Bavira and Barega communities of Uvira and Mwenga territories.

The reshuffle aimed to punish the Banyamulenge, who largely supported the Masunzu insurrection, and establish a new power base in South Kivu that would be independent from the Mai Mai leaders affiliated to Kinshasa who have been fighting alongside the FDLR (such as Lokole's Babembe and Padiri's Batembo).<sup>130</sup> Subsequently a number of populist measures were implemented to win the support of the Bukavu population, such as expulsion of Banyamulenge families from houses they have illegally occupied since the beginning of the 1998 war.

Mwendanga and Thambwe have also been trying to mobilise their communities to sponsor the "economic and political autonomy" of South Kivu.<sup>131</sup> The tactics have so far proved totally unsuccessful since Kigali's new interlocutors in Bukavu lack sufficient political credibility. Despite belonging to the extended family of the Mushi

Mwami from Ngweshe – his predecessor, Kantintima, is a Mushi from Kazibaziba very close to the RCD Banyamulenge leaders and hence suspected of Barundi origins – Mwendanga is known in Bukavu as a shady businessman. He previously was jailed in Kinshasa for the theft of Kivu mining society (Société minière du Kivu, SOMINKI) machinery and associated in the coltan trade with Alfred Bisengimana Rugema, Rwandan President Kagame's brother-in-law.<sup>132</sup>

His appointment caused a split within Mudundu 40, with the Mwami from Ngweshe and other Ngweshe leaders violently rejecting it. Moreover, as soon as he was appointed, Mwendanga and his maternal aunt, the Mwamikazi from Kabare – another Bushi territory – started reshuffling the local administrators, stirring violent opposition and conflict within the territory.<sup>133</sup> Last but not least, his appointment, which was imposed by Kigali on the Banyamulenge leadership of the RCD (except Bizima Karaha), led to a scramble for alternative political alliances with other Mai Mai leaders who could help re-establish the movement's credibility in South Kivu and in Kigali through joint military operations against ALiR.

By the beginning of October 2002, Moise Nyarugabo had announced the movement's intention to negotiate ceasefires with all Mai Mai groups, and one month later, despite the Uvira saga, civil society emissaries were circulating all over the Kivus for this purpose.<sup>134</sup>

In the end, Kigali's Plan B to strengthen autonomist tendencies in South Kivu will only lead to further fragmentation and confusion that will make DDRRR more difficult and cause stronger resentment against the Rwandophone communities.

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<sup>129</sup> See Aloys Tegera, "Grands Lacs Africains et perspective", Pole Institute, 4 October 2002, ICG interviews, Rwandan dissidents, Nairobi, August 2002, and "Declaration de la Communauté Tutsi du Rutshuru (RDC)", 27 June 2002.

<sup>130</sup> ICG telephone interviews, RCD and civil society representatives, Bukavu, August 2002.

<sup>131</sup> ICG interview, civil society representative, Bukavu, 18 October 2002.

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<sup>132</sup> Mudundu 40 to the President of the RCD, "Notre constat après la nomination de Patient Mwendanga", Bukavu, 23 June 2002.

<sup>133</sup> Letter of the population from Kabare territory and Bagira commune, South-Kivu province, to His Excellency the RCD-Goma President, "La démission immédiate du gouverneur de province du Sud-Kivu", 10 October 2002.

<sup>134</sup> Cf. Agence France-Presse, "RDCongo: un groupe Mai Mai rejette les offres de négociations du RCD", 3 October 2002, and ICG telephone interview, civil society representative, 6 November 2002.

#### IV. “YOU NEVER FINISH EATING THE MEAT OF AN ELEPHANT”

##### A. EVERYBODY’S DOING IT

Whether or not they were present from the beginning, the war that began in 1998 has acquired strong economic motives. Despite trenchant protests by the Rwandan and Ugandan governments, the unsavoury image painted of them by successive reports from the UN panel of experts inquiring into illegal resource exploitation in the Congo is correct in its broad details. For several years the operation of the war economy in the eastern Congo has been characterised by a vicious circle: violence permits the exploitation of resources, part of the profits from which in turn underwrite a self-financing war.

The lucrative deals concocted between Kinshasa and the Zimbabwean army’s “commercial wing”, OSLEG, that Global Witness and others have brought to light in recent investigative work make it abundantly clear that the regional powers on all sides are profiting enormously from the war.<sup>135</sup> Moreover, there is growing evidence that for several governments, the disastrous drain on the national exchequers from prolonged military action can only be sustained because of access to the Congo’s vast natural wealth. Sources suggest that the Rwandan army’s commercial conglomerate, TRISTAR, is close to bankruptcy and stays afloat only because of its access to Congolese mineral reserves.

In the words of a Swahili proverb, frequently repeated in the Kivus today, “*Nyama tembo kula hawezi kumaliza*” [you never finish eating the meat of an elephant]. The Congo as a whole, and the Kivus in particular, are a vast carcass being relentlessly picked over by all the vultures involved in the conflict.

One of the principal commodities at stake in the Kivus – coltan (tantalum ore) – experienced a meteoric price rise and an equally calamitous price crash over two years.<sup>136</sup> Fuelled by the enormous

global demand for mobile phones – tantalum is a key component in the manufacture of electronic capacitors – the world price jumped from U.S.\$30 per pound at the start of 2000 to U.S.\$240 per pound by the year’s end. This triggered a coltan fever in which scores of young men left their fields in North and South Kivu to turn a rapid profit through artisanal mining.<sup>137</sup>

For a time, rural youth made considerable sums. However the great bulk of profit went to those higher up the commodity chain – both Congolese and Rwandan. The RCD at an official level gathered large revenues from licensing fees and taxes. Informally, multiple bribes and facility payments were given to individual gatekeepers.<sup>138</sup>

In December 2001 the tantalum market dramatically reversed due to a contraction of global demand and a simultaneous increase in supply. The price collapse had important effects within the Kivus. First, many young men abandoned artisanal production of coltan altogether or began to treat it as a seasonal activity, of interest solely in the agriculturally unproductive months. Secondly, it seems to have accelerated military control over the production and marketing of coltan.

The contraction in margin between the price paid to producers and that received on the international market drove many former intermediaries out of the business. Military-commercial actors took their place and “rationalised” production. In some areas they are monopoly buyers imposing controlled prices on artisanal diggers; in others, they control production itself, organising and directing the labour force.

Persistent reports link both RCD and Rwandan army as well as militia forces to coltan production and suggest that in many areas, labour is coerced. In

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Institute/CREDAP, Goma, February 2001 (translations in English and German available).

<sup>137</sup> Stephen Jackson, “Nos Richesses sont Pillées: Economies de Guerre et Rumeurs de Crime dans les Kivus, République Démocratique du Congo”, *Politique Africaine*, Special Issue “République démocratique du Congo : la guerre vue d’en bas”, N° 84, December 2001.

<sup>138</sup> Cf. Didier de Failly, “Coltan: pour comprendre...”, in Filip Reyntjens, Stefaan Marysse, eds., *L’Afrique des Grands Lacs. Annuaire 2000-2001* (Anvers/Paris), 2001, pp. 279-305; Koen Vlasseroot and Hans Romkema, “The Emergence of a New order? Resources and War in Eastern Congo”, *Journal of Humanitarian Assistance*, 28 October 2002, <http://www.jha.ac/articles/a111.htm>.

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<sup>135</sup> See for regular evaluations the UN panel reports on the illegal exploitation of natural resources and other sources of wealth in the Democratic Republic of Congo.

<sup>136</sup> Within the growing literature on coltan exploitation in eastern Congo, the key field based analysis from which the following has largely been drawn remains: Aloys Tegera, ed., “Le coltan et les populations du Nord Kivu”, Pole

particular, the RCD and the Rwandan army are said to have used Hutu prison labour imported from Rwanda for mining<sup>139</sup> or to have conscripted local labour (including children).<sup>140</sup> In areas closer to urban centres, where mining is still largely voluntary, the imposed price is much lower than before:

There has been a real crunch where the diggers now come into contact directly with the military buyers. The buyer organises the diggers, he takes them to a particular part of the forest, he pays their taxes for them, takes their coltan, gives them some kind of a receipt, takes the stuff saying "I will test it in Bukavu and let you know". Then he comes back and just dictates to them "You had 10 per cent purity, you had 15 per cent"...Now it is really the buyer who has all the advantage because he knows very precisely the quality but the seller has no idea.<sup>141</sup>

## **B. MAKING A KILLING**

As military actors have involved themselves in the mining sector across the eastern Congo, it comes as no surprise that military means are used to ensure access to and control of the minerals. A variety of violent strategies are employed.

First, violence is deployed in order to engineer massive population displacement from areas that are mineral rich and so ensure profit for military actors. In South Kivu, a number of villages around Kalonge and towards Bunyakiri were emptied in 1999 and 2000 to clear the way for coltan production.<sup>142</sup> Similar incidents have been

reported in the Masisi: a population of ethnic Nyanga and Hunde from an area near Pinga, towards the border with Walikale territory, were displaced by fighting in 2001 between the RCD and both Mai Mai and FDLR units that aimed at control of coltan deposits as well as territory.<sup>143</sup> The population was displaced to Kichanga, where it has mostly been absorbed into existing Hunde households, adding to their already heavy economic burden.

This particular displacement exemplifies a reversal of previous wartime practice in the Kivus. During the violence of the 1993 "inter-ethnic war", for example, urban centres were the usual targets. Populations tended to flee into the bush for safety. During the present war, rural communities are more likely to be targeted, triggering an enormous movement that has placed great strain on ill-equipped urban economies. The major towns such as Goma, Bukavu and Uvira have all seen their populations swell over the last few years; but so have smaller and more remote urban centres like Nyabiondo and Sake. The basic economic options for those forced into urban areas are much more constrained than they would be in rural areas where host populations traditionally tend to make productive land available to new arrivals.

Secondly, violence has been used to loot mineral stocks and enforce control of existing mining concerns. Looting of stockpiles happened on a large-scale in November 1998 when the RCD removed 2,000 to 3,000 metric tons of coltan ore from the stocks of SOMINKI (Société minière et industrielle du Kivu) in South Kivu.<sup>144</sup>

Smaller, but still significant quantities of coltan already mined by others are regularly targeted in militia and military violence in the Kivus. FDLR hidden in Katoyi forest frequently raid the productive coltan area of Kibabi.<sup>145</sup> At this lower

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<sup>139</sup> ASADHO (Association Africaine de Défense des droits de l'Homme), "République Démocratique du Congo: Une guerre prétexte au pillage des ressources et aux violations des droits de l'Homme", Rapport Annuel, 2000, Kinshasa. Also Société Civile, Goma, Nord-Kivu, "Coltan: Comptoirs, sites et Implication de l'APR dans les territoires de Masisi, Walikale et Goma, Rapport d'Enquête", Goma, April 2001.

<sup>140</sup> UN Security Council, "Interim report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo", S/2002/565, 22 May 2002; observations corroborated by ICG interviews, Goma and Masisi, May 2002.

<sup>141</sup> ICG interview, NGO researchers on coltan, Goma, 13 April 2002.

<sup>142</sup> ICG interview, UN source, Bukavu, 12 April 2002. See also British Parliament, All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention, "Cursed

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by Riches: Who Benefits From Resource Exploitation in DR Congo?", London, November 2002.

<sup>143</sup> ICG interview, NGO researchers on coltan, Goma, 15 April 2002.

<sup>144</sup> UN Panel of Experts, Final Report S/2002/565, 22 May 2002; also ICG interviews, mining industry experts, Goma and Bukavu, April 2002.

<sup>145</sup> ICG interview, chief of localité near Kichanga, 17 April 2002.

level of looting, in fact, the distinction between economic and politico-military motivation blurs completely. Are these attack by militias who first mobilised as “ethnic self-protection forces” and then acquired the taste for dollars through looting coltan? Or are they, as some suggest, bands of youth who, having realised the possibility of gain from looting, have mobilised for that purpose and simply taken on the Mai Mai or *Interahamwe* name for convenience? In some areas, there are even strong suggestions that those now operating as militias are former coltan diggers who were driven out of the business by military action or the price fall.

Across the rural areas of the Kivus, one major impact of coltan fever has been dollarisation:

Now there is a cultural expectation of great riches in very little time with good luck. In the villages, if you mention an amount in Francs Congolais, they do the conversion straight away to [U.S.] dollars and know the value straight away. Everybody now knows that local currency can even devalue. Dollars have become the local money even in the rural areas.<sup>146</sup>

Militia attacks on coltan deposits are common and cause further divisions within the already fragmented militia phenomenon. For example, on 29 April 2001, more than 100 people were reported killed at Kakelo, Bakano *collectivité*, Walikale territory, when forces under Commandant Manyoanyoa sought to seize coltan. Manyoanyoa leads a splinter group of Mai Mai and reportedly was repulsed by other Mai Mai fighters from the area.<sup>147</sup> In many rural areas, the fear of militia attacks is so great that a rumour is enough to cause an evacuation that opens the door to looting. RCD and Rwandan army forces have also attacked in this fashion to “harvest” coltan once it has been mined by either villagers or Mai Mai militias.<sup>148</sup>

Thirdly, direct military involvement in organising the mining of coltan is on the increase. Consistent reports suggest that in the area of Numbi, Kalehe, on the border between South and North Kivu, RPA

soldiers have dominated the productive mines.<sup>149</sup> There are reports of forced labour involving both local villagers and imported prisoners. It is alleged that on 2 July 2001, the Rwandan military was obliged to put down a diggers revolt. The quantities of coltan that reach Rwanda directly from the Kivus without passing through RCD channels are difficult to assess with any accuracy; but even official RCD sources will admit that it may be anywhere between one-third and two-thirds of the total production.<sup>150</sup>

Fourthly, while the overall picture is one of confrontation and violence over mineral deposits, there is also evidence of collusion and cooperation between apparent enemies. Some mines have grown so huge that RCD officials frankly admit “you will find maybe 2,000 or 3,000 people mining, and you can't tell who is who – *Interahamwe*, everybody. When it reaches Bukavu or Goma, you really can't tell if it has been mined by Negative Forces or whoever!”<sup>151</sup> A variety of sources confirm politically unlikely but economically rational cooperation, such as that between Mai Mai and Rwandan army coltan dealers, who then sell on to intermediaries for Rwanda Metals or Grands Lacs Metals.<sup>152</sup>

### C. “WE CAN'T GO BACK TO THE WAY THINGS WERE BEFORE COLTAN”

While the boom in artisanal mineral production has undoubtedly had some very deleterious consequences on food security, the environment, rural dollarisation, overall security and the financing of a ruinous war.<sup>153</sup> the international clamour for a boycott on mineral production misdiagnoses the costs. For all its attendant problems, mineral production has become

<sup>146</sup> ICG interview, coltan researchers, 16 April 2002.

<sup>147</sup> Association pour la protection des droits de l'Homme “Rapport sur la Violation des DHO en Territoire de Walikale”, Goma, July 2001.

<sup>148</sup> UN Panel, op. cit., Paragraph 177.

<sup>149</sup> ICG interview, Goma-based human rights NGO, 3 August 2001; ICG interview, Congolese coltan digger working in mine near Numbi, 17 April 2002.

<sup>150</sup> ICG interview, RCD official, Bukavu, 9 April 2002.

<sup>151</sup> Ibid.

<sup>152</sup> UN Panel, op. cit., Paragraph 179, confirmed by the independent research of the British APPG. See All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention, “Cursed by Riches: Who Benefits from Resource exploitation in DR Congo?”, op. cit.

<sup>153</sup> See Aloys Tegera, “Situation actuelle au Nord-Kivu (June 2001)”, Obsac, Vol. 4, N°27, 2-8 July 2001; and for an excellent overview of the multidimensional sources of conflict in North Kivu, Obsac, “Les multiples dimensions des conflits ethniques dans l'est de la RDC: une synthèse des principaux facteurs dans le Nord-Kivu”, Vol. 5, N°8, 18-24 February 2002, www.obsac.com.

the only available strategy of economic survival for many Kivutians. People's economic means have become so marginal that an entire stratum of micro-intermediaries has been generated, such as the individuals who buy five Kilos of manioc flour that they resell in units of a couple of hundred grams for marginal profit, or who resell petrol in litre units.

Violence and the rumours of impending violence have removed entire areas from agricultural production, resulting in both rural unemployment and rapidly mounting prices. Over the first two years of the war – through 2000 – the price of manioc (a basic staple) rose by over 9,000 per cent in urban and rural markets in North Kivu in local currency.<sup>154</sup> Even calculated in U.S. dollars. It rose by a factor of three to four, and most sharply in rural areas.

The enormous economic decline has been sharply accelerated by the present war but it did not begin there. It is the outcome of the decade of violence and instability that the Kivus have known. From an agricultural point of view, it certainly began in North Kivu with the wholesale destruction of several hundred thousand head of cattle between 1993 and 1996. While the casualties included some major economic godfathers of the Mobutu era, they also included many small producers. As a local chief said:

We can't go back to the way things were before coltan, because before, we used to have cows and goats, but since the war there have been none. Each family here used to have maybe fifteen cows, now there are none any more.<sup>155</sup>

With the collapse of the international tantalum price, some youths involved in digging have returned to agriculture, particularly as certain areas of the Masisi have seen incremental improvements in security over the last six months to a year. Others, as already discussed, have joined existing militias or formed their own. Still others, who managed to get out before the market collapse, took their savings, moved to towns and set up in petty commerce. A final group continue in the mineral sector, attempting to exploit other commodities such as cassiterite (tin ore), a long-time Kivutian product; wolfram (tungsten); and gold (the subject of almost uncontrollable smuggling from eastern Congo) and so on.

While all these – and the coltan which is still produced in large quantity – are ultimately linked with the continued violence in the Kivus, international boycotts would be impracticable because of the diffuse nature of the commodity chains involved and the impossibility of accurately determining provenance once the minerals reached the international market. They would also be irresponsible because of the economic consequences for many poor inhabitants of the Kivus.

Instead, the international community should apply pressure for mineral exploitation to take place within a framework of responsible economic governance as soon as possible. The future of the Congolese economic patrimony needs to be addressed explicitly in any future negotiations deriving from the Lusaka process or its possible successors. It is irresponsible to assume that economic governance will simply emerge as a product of some new Congolese political dispensation. For geographical and logistical reasons, the economic development of the Kivus will inevitably involve cooperation and commercial integration with neighbours who are currently enemies.

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<sup>154</sup> Price data from FAO, Goma analysed by ICG.

<sup>155</sup> ICG interview, local chief near Kichanga, 17 April 2002.

## V. FINDING SUSTAINABLE SOLUTIONS FOR THE KIVUS

The disasters visited upon the Kivus have received unjustifiably little attention. The eastern Congo is paying the price for 30 years of Mobutu's bad governance that led to the collapse of the national state, and ultimately to the war. MONUC has so far proved inadequate to promote conflict resolution. Kivutian leaders themselves and other Congolese have jockeyed for advantage throughout the Inter-Congolese Dialogue while manipulating the unholy trinity of local issues – nationality, ethnicity and land – for political mileage. Unless action is urgently taken not only to reconstruct the Congolese state but also to provide it a minimum of good governance, these issues will continue to be manipulated in a manner that will frustrate any eventual national or wider regional peace deal.

### A. ADDRESS THE UNDERLYING CONFLICTS: NATIONALITY, ETHNICITY, LAND

The nationality question, which concerns the legal status of hundreds of thousands of Rwandophones in Eastern Congo, haunts the political scene. A political football throughout the Mobutu era, it remains easy to manipulate in today's uncertain climate and likely to fuel ethnic violence in advance of the elections envisaged at the end of the present transition. Rwandophones who have fled ethnic violence perpetrated against them and taken refuge on the Rwandan side of the border are accused of having "revealed their true colours" as crypto-Rwandan infiltrators whose claims to Congolese citizenship were never more than a ruse.

The nationality question arises from postcolonial Congo's problematic reliance on ethnic "indigenism" to determine citizenship. According to Article 6 of the 1964 Constitution:

There exists only one, sole Congolese nationality. It is granted, beginning from the date of 30 June 1960 [independence] to all persons having now, or at some point in the past, as one of their ancestors a member of a tribe or the part of a tribe established on the territory of the Congo before the 18th October, 1908.

Rwandophone populations moved into the area now eastern Congo in continuous waves of migration over several hundred years but they were not recognised as members of "indigenous tribes", so their access to Congolese nationality was blocked until Bisengimana Rwema, a Rwandan Tutsi refugee, rose to power as director of Mobutu's Office of the Presidency. Bisengimana piloted a change in legislation which retroactively granted Congolese nationality to Rwandophones, thus angering other ethnic groups in the Kivus, who felt their power and position threatened. After Bisengimana's fall at the beginning of the 1980s, new legislation reversed the situation, leaving Congolese Rwandophones once more in legal limbo.<sup>156</sup>

In South Kivu, the nationality question principally affects the Banyamulenge's relations with other ethnic groups. Since it is overlaid with the ingrained suspicion of all things Tutsi, and with the bitter "Nilotic"/"Bantu" distinction which infects Central African identity politics,<sup>157</sup> it presents very considerable challenges.

In North Kivu, the nationality question affects Hutus as much as Tutsis. Having become a demographic majority over the decades since their first arrival, the nationality question meshes with the equally vexed matter of "ethnic citizenship" – that is the tight equation between ethnic identity and the political recognition of traditional leadership in the Congo. This decrees that each indigenous ethnic group effectively controls a "home territory" and that the non-indigenous have no natural claim on

<sup>156</sup> For a detailed legal and historical analysis of these issues see Célestin Nguya-Ndila Malengana, *Nationalité et citoyenneté au Congo-Kinshasa. Le cas du Kivu* (Paris, 2000).

<sup>157</sup> 'Nilotic' and 'Bantu' were initially linguistic categories, created by colonial anthropologists to classify African languages. The two categories were also used by the Belgian colonisers in the Great Lakes to differentiate between the ethnic groups speaking these languages, associate them with certain ways of life – pastoralist Nilot, agriculturalist Bantu – and ultimately, establish a political hierarchy between them – aristocratic Nilots, inferior Bantus. These distortions have been re-appropriated and amplified by the leaders of each ethnic group, who base part of their struggle for liberation/supremacy on the extermination/protection of these invented categories. For a dramatic example of this poison, see Liisa Malkki, *Purity and exile: Violence, memory and Hutu Cosmology among Hutu refugees in Tanzania* (Chicago, 1995).



leadership.<sup>158</sup> A principal function of traditional leadership in the ethnic home territories is to govern land relations. Intense demographic pressure and the acquisition of many productive hectares for cattle pastures by economic elites during the Mobutu era made land questions explosive.

Suspicion that the Hutu were plotting to seize both traditional power and productive land from the allegedly more indigenous Nyanga, Hunde and Tembo in 1993 was enough to ignite great inter-ethnic violence. While the Hutu relationship with these groups is said to have stabilised for now – based on a perception that all have suffered equally, but also with more than a dash of “the enemy of my enemy is my friend” – it is far from certain that this conflict will not erupt again. The underlying issues have not been resolved. Rather, they have been greatly exacerbated by Rwanda’s military presence, political control and economic exploitation of eastern Congo.<sup>159</sup>

Nationality and ethnicity continue to be mixed together in a cauldron of distorted Kivutian land relations. Without land reform, the basic determinants of violent local conflict remain. As one civil society figure put it:

For me, the chronological question of who arrived when is just not going to touch this other question of the land relations, that of those who ten years ago, twenty years ago bought our village and still own our village. So the only way to redress this injustice around property is either through political action or else through violent means (the Mai Mai and so on), which means that even if people remain the legal owners of territory they are prevented from profiting from it through chronic, continual insecurity which prevents you from developing huge plantations and productive agriculture.

So the Mai Mai is not a nationally-focused movement, not about that, but an entirely local phenomenon. The same Mai Mai will not accept, after Sun City, to be demobilised,

since the real problem they were organised to confront will still be there.<sup>160</sup>

In fact, successive waves of war in the Kivus over the last ten years have already thrown existing land arrangements into huge disarray. Large cattle ranchers have seen their herds annihilated and their land taken by communities of the war displaced. Commercial small-farmers have returned to subsistence level as insecurity blocks access to their more distant fields. Large population movements have piled ethnic groups on top of each other. In many cases traditional leaders have generously apportioned land to the new arrivals. Even in the unlikely event of a stable national peace deal, can a land reform be put in place that guarantees a sustainable livelihood for the impoverished rural populations without igniting again incendiary debates about political and ethnic citizenship? Sadly the reverse seems more likely.

Ethnicity, nationality and land will continue to provide grounds for cynical manipulation by political elites of every stripe. These issues must be dealt with as a priority and comprehensively before any post-transition elections if the same communal violence that rocked the Kivus in 1993 is to be prevented.

The current attempt to finalise the Inter-Congolese Dialogue after the signature of the power sharing agreement on 17 December 2002 in Pretoria cannot afford to forget the Kivus. The mid-October 2002 upheavals in Uvira dramatically illustrate the urgency of building a peace process that will provide credible solutions to Kivutian grievances.

Sun City’s resolutions were totally insufficient to cope with either the nationality question, land issues, or the ongoing threat of ethnic discrimination.<sup>161</sup> They referred settlement of the nationality issue to a parliamentary commission, while restating that only those residing in the Congo at independence were Congolese. All parties agree on this, in principle, but they strongly disagree whether nationality should be

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<sup>158</sup> See particularly Mamdani. *When Victims Become Killers*, op. cit., for analysis of the relationship between ethnic and political citizenship in the Kivus.

<sup>159</sup> See Tegera, “Situation actuelle au Nord-Kivu (June 2001), op. cit.; and Obsac, “Les multiples dimensions des conflits ethniques dans l’est de la RDC”, op. cit.

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<sup>160</sup> ICG interview, senior civil society figure, Bukavu, 11 April 2002.

<sup>161</sup> The Sun City resolutions agreed to postpone the search for final solutions to these problems until parliamentary commissions have been established. The agreement that all members of communities residing on Congolese territory at independence are Congolese could easily be reviewed then and lead to a new political crisis. These issues are at the centre of the peace process and raise serious questions that cannot be left unanswered.

conferred individually or collectively, and whether or not Congolese Rwandophones should actually apply for it.

In view of the transfer of Rwandan soldiers to RCD forces and the resettlement of demobilised Rwandan Hutu and Tutsi soldiers in North and South Kivu, the individual identification of Congolese Rwandophones risks becoming a source of conflict and discrimination. At the same time, collective recognition of nationality will be strongly opposed by non-Rwandophones and create a major source of tension before the elections. Similar conflicts will arise for the determination of land ownership and for the sharing of the proceeds from the exploitation of natural resources.

Any inclusive political agreement and peace deal that emerges from finalisation of the Inter-Congolese Dialogue must contain a political framework that outlines the tools and the process – including mediation – that will immediately be set-up to address these Kivutian problems decisively. The mandate of the UN special envoy for the peace process, Mustapha Niasse, has just been prolonged to finalise the constitution of transition, supervise the negotiations over army reorganisation, and accompany the establishment of the transitional government. He should ensure that the final peace agreement and the constitution of transition both make a central commitment to peacemaking and provide the future government with mediation instruments.

The mediation mechanism should organise shuttle diplomacy between the principal actors in the Kivu conflict (RCD, Kinshasa government, Mai Mai, traditional authorities, civil society leaders). The goal should be to work out a common vision between the different actors on a local peace process and the modalities of cooperation between the Congolese populations to:

- establish consensual mechanisms to deal once and for all with the nationality issue;
- find a consensus on formulas for local power-sharing and the restoration of a political and administrative authority in the Kivus;
- establish local mechanisms to guarantee the transparent and equitable exploitation of natural resources; and

- work out a plan of action to sow the seeds of reconciliation and establish a permanent mechanism for conflict resolution in the Kivus.

Ultimately, this mediation should prepare the political basis for the organisation of a conference in the Kivus to involve all the aforementioned actors and seal the political, economic and social pact necessary for a meaningful and sustainable peace and reconciliation process among Kivutians.

## **B. STRENGTHENING CIVIL SOCIETY: NO ALTERNATIVE TO STATE RECONSTRUCTION**

There is a tendency within the international community to consider civil society organisations as the embodiment of democratic values and that strengthening these organisations will solve every challenge in weak states – especially peace, reconciliation and good governance. With many African states considered to be suspect at best for both economic and political good governance, civil society in the last decade has become the privileged partner of aid policies across the continent, at the expense of civil administration. Yet, civil society in the Kivus is no guarantor of good governance either. It provides a network of goodwill that is a potential democratising force but it is also riven with inconsistencies and opportunism that can all too easily be manipulated by unscrupulous leaders.

During Mobutu's final decade, the Kivus were more isolated than ever from contact with Kinshasa and developed considerable political and economic autonomy. Development goals were largely pursued by non-state actors: principally the churches and emerging local NGOs.<sup>162</sup> Powerful and capable as these structures have been, they are ethnicised to a degree that undercuts their efficacy as forces for peace and reconstruction.

Kivutian civil society was, from the beginning, suspicious of the AFDL rebellion that established Kabila the elder in Kinshasa and overtly hostile to the RCD. But the line between democratic political opposition and ethnic nationalism is often blurred. As already noted, the Catholic Church diocese of Bukavu has been both a major symbol of resistance

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<sup>162</sup> Friedhelm Streiffeler, "State Substitution and Market Liberalization in Northern Kivu, Zaire", *Sociologia Ruralis*, XXXIV, 1994, N°1: pp. 63-70.

against the RCD and the power base in South Kivu of the Bashi from Walungu and has too frequently indulged in anti-Tutsi and anti-Rwandan discourse.<sup>163</sup> Other churches are particularly identified with one or another ethnic group. The large majority of Banyamulenge attend Pentecostal Protestant churches that followed Swedish and Norwegians missionaries.

Similarly, many local NGOs are coloured with a particular ethnicity. In their defence, some will argue that development demands a community base that, like it or not, remains ethnically defined in the Congo. More forward-looking local NGOs either deliberately choose a mixed staff or create structures of cooperation with NGOs with contrasting ethnic ties.<sup>164</sup> However, some of the propaganda promoting ethnic scapegoating in the Kivus emerges from extremist NGOs that are as riddled with corruption, nepotism and ethnic favouritism as any government administration.

Kivutian civil society remains far too open to the tendency to divide and rule on the basis of geographical origin. Its strength and legitimacy have also been sapped by its use as a “trampoline” for those with political ambitions. It does not take a long memory to recall that several senior RCD figures, such as Joseph Mudumbi, were trenchant critics of earlier regimes from within human rights NGOs in the Kivus.

Not all civil society organisations try to settle scores and make political careers through mass action. Some local NGOs attempt to calm inter-ethnic tensions; there were important initiatives between Banyamulenge and Bafuliro/Babembe groups in 1998 and 1999, for example. The potential of Kivutian civil society remains under-capitalised.

Reconciliation and mediation efforts conducted by civil society organisations even led to a signed peace agreement between Babembe Mai Mai and Banyamulenge leaders in the territory of Fizi-Baraka. Unfortunately it was never implemented and ultimately collapsed due to RCD and Kinshasa

interference.<sup>165</sup> In North Kivu, another initiative sponsored by local civil society led to creation of an inter-communal forum, the “Barza”, which has managed in some cases to reduce tensions and establish local mechanisms for conflict resolution.<sup>166</sup>

Civil society often provides alternatives to non-existent public services and contributes greatly to the population’s survival by its local developmental achievements. If properly organised and mobilised, it is an asset on which any conflict resolution efforts will need to rely. However, it cannot replace the physical and human reconstruction of the Congolese state and the establishment of good governance in the country.

### C. UPDATE MONUC’S MANDATE

MONUC’s mandate falls dramatically short of what is needed for a successful peace process in the Kivus. One year after it announced the beginning of phase III of its deployment, which was supposed to shift the centre of gravity of the operations to the East, MONUC is still largely absent from the Kivus – where it is needed most. Its plan of operations still looks inadequate despite the September 2002 revision and reinforcements designed to accommodate implementation of the Pretoria agreement. Based in Kisangani and Kindu, hundreds of kilometres from the Kivus, its new DDRRR task force, made up of South Africa’s additional contribution to the military observer mission, will be totally incapable of controlling movements of the “negative forces” toward Rwanda and Burundi or

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<sup>163</sup> See Section IIIA(2) above.

<sup>164</sup> Hans Romkema, “An analysis of the Civil Society and Peace Building Prospects in the North and South Kivu Provinces Democratic Republic of Congo”, Life and Peace Institute, Uppsala, Sweden, 2001.

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<sup>165</sup> Cf. Comité de Coordination intercommunautaire, “Compte-rendu de la réunion de réconciliation intercommunautaire Vira-Fuliru, Bembe, et Banyamulenge tenue à Goma en date du 22 décembre 1998”; PREFED, “Action pour contribuer à la convivialité dans les zones de Fizi et de Uvira”, Rapport de l’Atelier tenu à Uvira du 8 au 11 décembre 1997. The peace agreement between the Babembe and Banyamulenge communities was shot down by RCD officials in particular since it involved a mediation initiated and sponsored by the FRF with Mai Mai leaders. Cf. Joseph Mutambo (President des FRF) et Charles Simba (pour les populations Babembe), “Résolutions de la Conférence pour la paix en République démocratique du Congo tenue à Stockholm du 31 mai au 03 juin 1999” et “Accord de Paix entre les communautés Babembe et Banyamulenge”, 17 October 1999.

<sup>166</sup> Cf. Institut Pole, “Le dialogue intercongolais 2 : Le travail de paix intercommunautaire au Nord-Kivu”, *Regards Croisés*, 3 April 2000.

providing a credible voluntary DDRRR process for the Rwandan Hutu rebels.<sup>167</sup>

Some permanent members of the Security Council and senior UN officials are totally opposed to the international community enforcing peace in Eastern Congo and finishing Rwanda's war against the FDLR but they could at least take the necessary measures to contain it. The 15,000-20,000 FDLR fighters regrouped in the Kivus are not going to get lost in the Congo forest or become law abiding Congolese citizens. Even if their leadership is captured and the military structure of the movement dismantled, as prescribed by the Pretoria agreement, the remaining combatants will have to be repatriated or resettled.

A highly politicised population of former fighters indoctrinated with Hutu power ideology cannot be left alone indefinitely at Rwanda's doorstep without a proper strategy and in particular, a political and reconciliation process inside Rwanda coupled with a serious resettlement program for those who choose not come back to Rwanda. That would be a recipe for future disaster, either creating further tensions with the Congolese custodians of the land or providing opportunity for another rebellion.

True, MONUC can only achieve what the parties to the conflict allow. The first DDRRR priority remains for Kinshasa to end all military supply to the FDLR units and for Kigali to end any military involvement in the Congo. But MONUC should have the capacity to engage the forces it intends to disarm, talk to them, learn details of their operational situation, create confidence in the DDRRR process, offer direct incentives for putting down their weapons, and, ultimately, forcefully contain their movements towards Rwanda or Burundi.

With a self-evaluation of its contribution to the peace process barely more assertive than a travel agency's, MONUC's DDRRR program cannot achieve anything. It is waiting for disarmed forces to be delivered to its doorstep so that it can arrange travel plans of repatriation or resettlement. In the past ten months, it has not even been able to accommodate the requests from Mai Mai leaders to take charge of captured FDLR fighters or the call

from desperate FDLR combatants and their civilian hangers-on to be voluntarily demobilised.<sup>168</sup>

The repatriation exercises organised from Kamina, Butembo or Beni with voluntary candidates have been indicative of MONUC's incapacity to take charge of the political dimension of the process. The recent allocation of an additional 3,200 personnel to the UN mission will bring more people to the East but it is no guarantee of making MONUC more efficient at DDRRR if the same methodology is applied. MONUC has to become more pro-active and take the risks that such an approach requires.

The Security Council needs to change MONUC's mandate and concept of operation decisively to give it the capacity to isolate fighters on the ground and take full charge of the political process that accompanies disarmament operations. Providing logistics is not enough. First, the Congo-Burundi border should be secured and a force deployed to deter the FDLR from moving further east.

Secondly, to achieve any significant result, the UN desperately needs full cooperation from the Congolese populations. It must, therefore, immediately create a professional mediation structure solely dedicated to gaining it. The mediation exercise will need to formulate a common DDRRR agenda between the RCD and Mai Mai leaders, have it accepted, endorsed and implemented by all parties, and provide the necessary humanitarian incentives to show the Congolese militias that there are more rewards from peace than war.

Thirdly, the UN and South Africa, which facilitated the Pretoria agreement, must immediately start negotiations to facilitate the resettlement into other African countries of disarmed soldiers unwilling to return to Rwanda, while providing political guarantees for those who do decide to return. It is then essential for South Africa to persuade Rwanda to liberalise its political environment and for UN agencies operating inside Rwanda to establish credible political and human rights monitoring for the returnees. This is the price for a successful DDRRR in the Kivus. South Africa and the UN should be ready to pay it.

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<sup>167</sup> ICG will subsequently publish a briefing paper containing additional information on and a detailed analysis of MONUC's plan of operation for DDRRR.

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<sup>168</sup> Cf. for instance, the Life and Peace Institute situation update, "UN appears to be not ready for DDRRR task", 7 August 2002.

Lastly, the negotiations leading to the much-touted international conference on security and sustainable development in the Great Lakes must be more strongly supported by the Security Council and connected to the other dimensions of the peace process. If he is to broker a deal on security pacts as well as the establishment of transparent rules for free trade and free movement of people and goods in the region, Ibrahima Fall, the UN Secretary General's special representative, cannot be isolated from the dynamics of the peace processes in the region. His mandate should allow him to shape a regional strategy closely linked to progress in both the Congo and Burundi.

The recommendations issued by the UN panel on the exploitation of Congolese resources concerning the strengthening of border mechanisms to improve the transparency of cross-border trade and the fairness of economic integration in the Great Lakes should also become part of the international conference's agenda.<sup>169</sup>

## VI. CONCLUSION

If the Kivus were once the province where insurrections originated, they are now the crucible for the white heat generated by the clash of wider regional and national rivalries. Kivutian political actors retain some role in and responsibility for the political impasse and humanitarian tragedy that afflicts their provinces and the Congo as a whole, of course, but powerful outsiders – Uganda, Rwanda, Zimbabwe, and others – continue to make use of the Kivus for their own ends.

These involve themselves in some instances because they have genuine security concerns, but also because the Kivus provide both abundant economic resources (tantalum, gold, and other minerals) and political and cultural symbols that can be manipulated and exploited for cynical ends. The effective end of the macro-level struggle for military supremacy across the Congo as a territorial entity has not fundamentally changed this dynamic.

More than ever, Rwanda, Uganda, Zimbabwe and Angola remain eager to cement their influence over portions of the Congo: Rwanda on the Kivus to satisfy security concerns and for economic gain; Uganda on Orientale Province for the same motives; Zimbabwe on Kasai and Katanga to siphon off vast profits that can partly underwrite financial mismanagement at home;<sup>170</sup> Angola on Kinshasa and Bas-Congo to secure access to off-shore oil, frustrate secessionist tendencies in its own Cabinda enclave and extend its ambitions as a regional powerbroker now that its civil war is over.<sup>171</sup>

After being ruthlessly exploited by colonial and neo-colonial masters, Congolese wealth is now the prey of the country's African neighbours. Its people deserve better than four different systems of indirect foreign rule. The ruthless exploitation of Congolese resources by Belgian interests under colonisation and by other Western powers during the Mobutu era (France, U.S.), does not justify its perpetuation by Rwanda, Uganda, Zimbabwe and Angola.

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<sup>169</sup> See UN, "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of the Congo", S/2002/1146, 16 October 2002.

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<sup>170</sup> Global Witness, "Branching Out: Zimbabwe's Resource Colonialism in Democratic Republic of Congo", 2002.

<sup>171</sup> The Cabinda enclave contributes 40 per cent of Angola's oil production. A secessionist "liberation" movement has been operating from the Congolese province of Bas-Congo, and a second secessionist movement, sponsored by the traditional king would like to do the same.

Now that a transitional government of national unity is to be established in early 2003, it is time to define responsibilities for the peacemaking process. The transitional government should have as its first priority to lead these efforts in the Kivus. Indeed, without stopping the war there, it will quickly appear as weak and lose legitimacy.

A multidimensional approach is vital for finding a comprehensive solution to the crisis. Regional security, guarantees of good governance at the centre and at the periphery, credible solutions to the nationality, ethnicity and land issues as well as a strong mediation structure tasked with operational implementation of declared principles and signed agreements are all complementary pieces of the same puzzle. Without each of these integral elements, the house of cards that is the Congo peace process risks a rapid collapse. Worse still it might remain irrelevant to the populations who need it most.

Success requires good will and political common sense from Congolese politicians, as well as international pressure on regional and local actors alike to put the Congolese peoples' interests before their own.

The international community will need to come together and support a strategic plan to restore a meaningful peace in the Congo at large and in the Kivus in particular. The international committee of guarantors that will soon be set up to ensure respect for the Pretoria power-sharing agreement should insist that the future government of national unity

develops a common vision on how to address the problem and support politically and financially a Kivu mediation mechanism and organisation of a Kivu conference as part of the transitional government's program. The committee also should establish a contact group to produce a roadmap for physical reconstruction of the Congo, including clear good governance benchmarks for disbursement of foreign aid, and to support the implementation of the recommendations of the UN panel on the exploitation of natural resources. A Kivu Trust fund devoted to the rebuilding of health and education facilities and financed by taxes raised on private companies operating in the Kivus could be set up.

The security, stability and sustainable development of Rwanda – the outside country most genuinely at risk because of some of the armed movements still loose on its giant neighbour's territory – need to be respected but not at the expense of the Congolese. All countries in the region and the Congolese leadership must become accountable for their policies.

Finally, it is absolutely essential that no Congolese elections be organised until serious progress on the peacemaking process in the East is achieved. Electoral competition triggered ethnic violence in 1993, and the international community should ensure that the mistakes of that decade are not repeated.

**Nairobi/Brussels, 24 January 2003**

## APPENDIX A

### MAP OF THE DEMOCRATIC REPUBLIC OF THE CONGO



## APPENDIX B

### GLOSSARY

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AFDL	<i>Alliance des forces démocratiques pour la libération du Congo-Zaïre</i> : Kabila senior's original rebel group.
ALiR	<i>Armée de Libération du Rwanda</i> . A Hutu rebel group, based in the Kivus, made of ex-FAR and Interahamwe who led an insurgency in Northwestern Rwanda in 1997-1998.
ADF	Allied Democratic Forces. Ugandan insurgent movement whose operations out of the Eastern DRC served as a justification for Uganda's intervention in the war.
Banyamulenge	Ethnic Tutsi pastoralists who have lived on the Highlands of South Kivu since the late 1800s.
Banyarwanda	Congolese Rwandophones of North Kivu, both Hutu and Tutsi.
Ex-FAR	Former Rwandan Armed Forces which took part in the 1994 genocide.
FAC	<i>Forces Armées Congolaises</i> or Congolese Armed Forces. The military force of the Kinshasa government.
FAP	<i>Forces d'Autodéfense Populaire</i> . The official name of some Mai Mai militias.
FAZ	<i>Forces Armées Zairoises</i> . The Mobutu regime's military.
FDD	<i>Forces de défense de la démocratie</i> . A Burundian Hutu rebel group led by Jean-Pierre Nkurunziza.
FDLR	<i>Forces démocratiques de libération du Rwanda</i> . A Hutu rebel group created in September 2000 out of the ALiR forces based in the Kivus and other Rwandan Hutu, ex-FAR, Interahamwe, and non-génocidaire refugees integrated in the Congolese army defences.
FRF	<i>Forces Républicaines Fédéralistes</i> . A Munyamulenge political movement mobilised against the Rwandan occupation of the Kivus and allied to the anti-Rwandan and anti-RCD insurgency of Comdt Patrick Masunzu.
<i>Interahamwe</i>	An extremist Hutu militia group that committed the bulk of Rwanda's 1994 genocide.
Mongole/Ngilima	Hutu militias formed in the early 1990s to defend the interests of the North Kivu Banyarwanda.
MONUC	United Nations Organisation Mission in the Democratic Republic of the Congo, created in August 1999 and authorised to deploy 5,537 observers and armed troops by the Security Council.
MLC	<i>Mouvement pour la Libération du Congo</i> . Jean-Pierre Bemba's Equateur-based guerrilla group.
RCD	<i>Rassemblement Congolais pour la Démocratie</i> or the Congolese Rally for Democracy



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RCD-K/ML	<i>RCD Kisangan / Mouvement de Libération.</i> A faction of the RCD that followed Wamba dia Wamba when he split from the Goma based RCD in March 1999, now led by Mbusa Nyamwisi.
RCD National	A faction of the RCD that split from the RCD K/ML, now led by Roger Lumbala and allied to the MLC.
RCD Congo	A faction of the RCD that split from the Goma based rebel group in June 2002 and is led by Kin-Kiey Mulumba.
RPA/RDF	Rwanda Patriotic Army, renamed Rwandan Defence Forces in July 2002. The military force created by the Rwandan Patriotic Front rebel movement in 1990 became the Rwandan army after its victory over the <i>génocidaire régime</i> of the late Juvénal Habyarimana in July 1994.
TPD	<i>Tous pour la Paix et le Développement.</i> North Kivu NGO linked to Rwandan military intelligence and involved in the repatriation of Hutu and Tutsi refugees.
UPDF	Uganda People's Defence Forces. The army of Uganda.