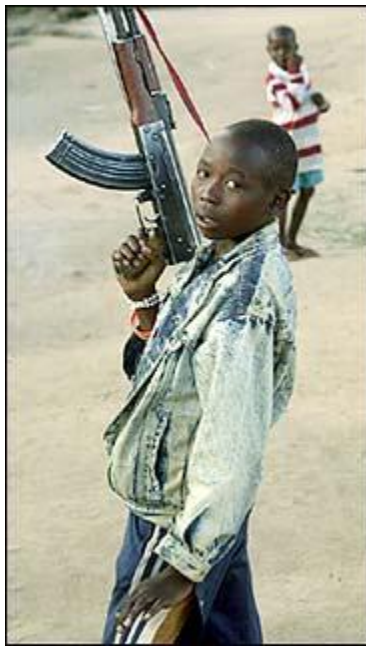


Four Million Dead

The Second Congolese War, 1998-2004



Michael Kamber/ New York Times

Alroy Fonseca

18 April 2004

Large tracts of territory have been ceded to the Association by native chiefs....

- American President Chester A. Arthur on Congolese lands, 1883

We are banqueting on such sights and odours that few would believe could exist. We are like children ignorantly playing with diamonds.

- Henry Morton Stanley in Congo, c. 1885

Lumumba, do not forget your brothers in Ituri.

- Belgian King Baudouin, 1960

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List of Key Acronyms

ADF	Allied Democratic Forces
AFDL	Allied Forces for the Democratic Liberation of Congo
ALIR	Army for the Liberation of Rwanda
FAC	Congolese Armed Forces
FAZ	Zairian Armed Forces
FDD	Front for Defense of Democracy
FDLR	Democratic Liberation Forces of Rwanda
FIPI	Front for Provincial Integrity in Ituri
FNI	Front for National Integration
FNL	National Liberation Front
FRPI	Patriotic Force for Resistance in Ituri
ICD	Inter-Congolese Dialogue
IKD	Inter-Kivutian Dialogue
IPC	Ituri Pacification Commission
LRA	Lord's Resistance Army
MAGRIVI	Mutuelle des Agriculteurs de Virunga
MLC	Congolese Liberation Movement
MONUC	United Nations Organization Mission in the Democratic Republic of Congo
PUSIC	Congolese Party for Unity and Saving Integrity
RCD/RCD-Goma	Rally for Congolese Democracy - Goma
RCD-ML	Rally for Congolese Democracy - Liberation Movement
RCD-N	Rally for Congolese Democracy - National
RPF	Rwandan Patriotic Front
RPA	Rwandan Patriotic Army
UPC	Union of Congolese Patriots
UPDF	Ugandan People's Defense Force
WNBFB	West Nile Bank Front

Note: RCD and RCD-Goma refer to the same rebel organization based in Goma, North Kivu.

I. Introduction

Seventy-four years ago, the Belgian cartoonist, Georges Remi, sent the popular children's comic book character that he created, the 16-year-old journalist named Tintin, to Congo with his companion dog, Milou. While on his visit to the colonized territory, Tintin taught elementary arithmetic to Congolese children, helped fix a broken train, and defended a school from a hungry leopard.¹ Among his more noble achievements, however, was the diffusion of tension between the fictional *Babaoro* and *Hatouvou* ethnic groups. After Tintin showed the Babaoro his video projection equipment, they were filled with awe and made him their grand chief. But foreign thieves scheming to get a hold of Congo's diamond wealth viewed Tintin with suspicion: with his sharp journalistic skills, he would doubtlessly uncover their plans. To counter this, they manipulated the Hatouvou chief into viewing the Babaoro as a threat to his people, leading him to start a war to kill the Babaoro – along with Tintin. When the Hatouvou attacked, however, the young Belgian once again impressed them with his technological wonders and they also became filled with awe and called off their assault.

This story was set in 1930. Two years before, in 1928, the Belgian colonial administration in Congo began a program of land redistribution in the eastern region of Kivu. Indigenous ethnic groups such as the Hunde and Nyanga were pushed off their lands to make room for Rwandan Hutu and Tutsi, who were relocated to Kivu in order to provide a steady labour supply for white settlers' plantations, also cultivated on redistributed land. Far from bringing interethnic harmony to Congo, as Tintin did, Belgian policies sowed the seeds of destruction in the region. The newly dispossessed began developing much

¹ In the original edition of *Tintin Au Congo*, Congolese children were taught about their "fatherland: Belgium." The section was removed from later editions by Remi, however, in light of the African independence movement of the 1950s. Tintin's help in fixing the train (which he was responsible for breaking) involved issuing orders to the Congolese. In his adventures in the bush, moreover, Tintin dynamited a rhinoceros, shot an elephant in the head, and accidentally butchered dozens of wild deer.

animosity for the recent immigrants, the legacy of which the Congolese are still living out, in its full horror.

“Before they ever crack open ‘*The Heart of Darkness*’”, comments Norimitsu Onishi, “many French speakers first encounter Congo by reading Tintin.”² In the broader Western world, it appears, no encounter takes place at all. In August 1998, the Second Congolese War began in the Kivus and soon engulfed much of the country as foreign armies joined a myriad of armed groups in the fighting. In May 2001, reports emerged estimating that as many as 2.5 million Congolese had perished as a result of the war and that the fighting showed no sign of abating. On April 7, 2004, when the 10th anniversary of the 1994 Rwandan genocide arrived, one question reverberated loudly within the Western news media, which also became the title of an article published in the *Christian Science Monitor*: “Would the world allow another genocide?”³ The opinion of Retired Lieutenant-General Roméo Dallaire, the Canadian responsible for UN forces in Rwanda in 1994, was often provided as an answer:

I still believe that if an organisation decided to wipe out the 320 mountain gorillas there would be still more of a reaction by the international community to curtail or to stop that than there would be still today in attempting to protect thousands of human beings being slaughtered in the same country.⁴

Dallaire is right, but it was unnecessary to cite his remarks to answer the question. Instead, events that unfolded in Congo the year before were far more instructive. During the first half of 2003, a steady flow of reports streamed out from humanitarian organizations operating in Congo indicating that genocide was about to unfold in the northeastern Ituri-region, where 50,000 Congolese had already lost their lives since the war began. Some prominent figures, such as Carla del Ponte, then chief prosecutor of the United Nations (UN) International Criminal Court for Rwanda, even suggested that genocide had perhaps already started. As the massacres mounted, human rights organizations called

² Norimitsu Onishi. “Tintin at 70: Colonialism’s Comic-Book Puppet?”, *New York Times*, 8 January 1999.
³ Abraham McLaughlin. “Would the world allow another genocide?”, *The Christian Science Monitor*, 7 April 2004.
⁴ “UN Chief’s Rwanda Genocide Regret”, *BBC News*, 26 March 2004.

for the deployment of a special UN intervention force to the region, but it would not arrive until June. Even then, the deployment was meagre and a virtual consensus quickly developed among humanitarian workers in the region that the killings would continue, as indeed they did. Fortunately, in the end, the massacres did not escalate to the level of Rwanda in 1994, but they easily could have and, it seems, the world would have allowed these to happen.

It appears, however, that many current affairs commentators and journalists, such as the one who produced the article for the *Monitor*, are oblivious to much of what has unfolded in Congo since 1998. This study is therefore intended to cast some greatly needed light on the Second Congolese War, to make sense of what can oftentimes appear to be a hopelessly impenetrable conflict. Constructing an account and providing an analysis of the war is a challenge as there are few scholarly studies on the subject. As of this writing, *The African Stakes of the Congo War*, edited by John F. Clark, remains the only attempt at producing a comprehensive English volume on the war. Even so, it makes almost no mention of the war and politics of the northeastern Ituri-region of Congo. When it comes to scholarly journals, moreover, there is also a lack of adequate coverage of the war. As of April 2004, for instance, the *Journal of the Royal African Society* had only published a total of three items on the Second Congolese War, two of which were short briefings.⁵ As a result, this study of the war relies heavily on newspaper and magazine articles, newswire services, and, most importantly, reports from a variety of humanitarian organizations and research institutes. Nevertheless, in combination with the few scholarly sources available, it is possible to construct a detailed picture and analysis of several important aspects of the conflict.

Section II of this study, "Sowing the Seeds of Destruction", will trace the historical roots of the war from the colonial period to the eve of the fighting in 1998. Three points will be made: first, the Belgian colonial administration in the Kivus sowed the seeds of future

⁵ See Reyntjens (1999), (2001) and Tull (2002).

interethnic warfare by creating a combustible social and political atmosphere through its policies; second, in the post-colonial period, local political elites exacerbated interethnic tensions – at times leading to violence – in their desire to acquire and hold on to power; and third, the stability of eastern Congo is highly dependent on the stability of neighbouring Burundi and Rwanda as it is the refugee flows from these countries, particularly in 1993-4, that primarily contributed to the almost continuous warfare in the Kivus since then.

Section III, “The Second Congolese War”, will examine the war’s immediate causes and several of its dimensions. Four points will be made: first, the threat of genocide against Congolese Tutsi provided Rwanda with a legitimate reason for intervening in Congo; second, the Rally for Congolese Democracy (RCD), the rebel organization that was created early in the war in the name of defending the Tutsi, has in fact worsened their security situation and further polarized relations between ethnic groups in the Kivu region; third, the expansion of interethnic warfare in Ituri is a direct result of the RCD’s fragmentation in 1999 and the competition for power between unscrupulous politicians, sometimes supported by Uganda; and fourth, the reasons offered by Rwanda and Uganda for their invasion of Congo, though reflecting legitimate concerns, cannot explain their prolonged occupation of large parts of the country.

Section IV, “Ending the Second War”, will investigate the peace process that began with the Lusaka Agreement of 1999 and international efforts at implementing an effective humanitarian intervention since then. Three points will be made: first, the Lusaka Agreement was inadequate but could have succeeded in achieving a ceasefire if it were assisted by an international intervening force mandated by the UN; second, the agreement that was reached in 2002 at Sun City, South Africa, calling for the creation of a transitional power-sharing government in Kinshasa, Congo’s capital, would likely have achieved its purpose sooner – thereby shortening the war and saving countless lives – if the UN had applied economic sanctions on Rwanda and Uganda to compel them to withdraw their forces from Congo; and third, the UN failed again in providing much needed civilian protection by

not intervening in a timely and adequate manner in the northeastern Ituri region during the first half of 2003.

The overarching conclusion of this study, found in section V, "Future Prospects", is that although the fighting in Congo has tapered off substantially since the end of 2003, it continues in some regions and may flare up again. The transitional power-sharing government in Kinshasa is far from becoming a *fait accompli* and could break-up if the security situation in Congo degenerates. In addition, if the United Nations continues to respond to the Congolese War as it has since 1998, Congo's chances of successfully transitioning to peace will be significantly reduced. Furthermore, the ongoing instability has two major reasons: first, the various Congolese peace agreements, including the important one made at Sun City, do not address the underlying sources of tensions in the Kivu region, namely the antagonism between local ethnic groups; and second, many rebels in the east will only seriously consider disarming when the political situations in Burundi and, in particular, Rwanda, make it worthwhile for them to do so.

II. Sowing the Seeds of Destruction

Present day Rwanda and Burundi were first colonized by Germany. These two territories, known as Ruanda-Urundi, were a part of German East Africa, which also included present day Tanzania. During the Second World War, Belgium occupied the territories and was formally given mandatory powers over them by the League of Nations in 1921. Even though the mandate required Belgium to treat Ruanda-Urundi as a separate administrative entity, the territory was integrated into the Belgian Congo by 1925.⁶ The Belgians then proceeded to interfere with the norms of the indigenous population to suit colonial interests and also instituted a damaging immigration policy. That is, to provide a steady labour supply for Belgian settlers in eastern Congo, large numbers of Rwandans – both Tutsi and Hutu – were moved from their homelands and into the present day Kivus. Several ethnic groups, including the dominant Hunde, Nyanga, and Nande, however, already populated that territory.

It should be noted that Rwandans are believed to have first migrated to the North Kivu region beginning in the sixteenth century by virtue of the extensions of the Rwandan Kingdom at the time.⁷ Yet, the great flow of Rwandans to Congo during the colonial years had a far more profound effect on the region than previous immigration. In a detailed study of the Muvunyi-Kibadi area of the Masisi zone of North Kivu, Bucyalimwe Mararo has carefully traced the effects of Belgian settlement policy on the region.⁸

Beginning in the late 1920s, whites and Rwandans settled in the area in what Belgians dubbed “a dual colonization.”⁹ In 1928, the colonial administration created the National Committee of Kivu (NCK), a chartered company that would oversee the distribution

⁶ Georges Nzongola-Ntalaja, *The Congo: From Leopold to Kabila* (London: Zed Books, 2002), 216.

⁷ Shally B. Gachuruzi, “The Role of Zaire in the Rwandese Conflict” in Howard Adelman and Astri Suhrke, eds., *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire* (London: Transaction Publishers, 1999) 52.

⁸ Bucyalimwe Mararo’s study remains the only comprehensive English language treatment of the political history of the Masisi area of North Kivu known to the author. The following pages dealing with Masisi’s history are mostly based on his work. See Bucyalimwe Mararo, “Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s-1994”, *The International Journal of African Historical Studies*, Vol. 30, No. 3 (1997), 503-538.

⁹ *Ibid.*, 508.

of “vacant lands” – that is, lands already occupied by ‘indigenous’ groups – in the region. The NCK allocated blocks of land for lease by whites, most of whom were pyrethrum farmers, and declared that remaining land would be apportioned for Rwandan settlement. In 1934, because of growing public discontentment with colonial land policies, the Belgians instituted a policy by which the NCK could only allocate territory with the approval of the indigenous population; yet, in practice, this had little effect. The Hunde chief in the area, André Kalinda, had been installed by the Belgians in 1921 and knew that the security of his position of power depended on the colonial administration; he thus acquiesced to the NCK’s wishes.

The first swath of land marked for Rwandans was established in 1937 and encompassed over fifty thousand hectares. Muvunyi-Kibadi is located within the southern section of this block, taking up some 33,600 hectares of land. Within the next two decades, then, an estimated 6,000 Rwandan families immigrated to area, overtaking control of large sections of territory from the indigenous population. To put this figure in perspective, it should be noted that in 1983 the locality had a total population of some 41,631, nearly 37,765 of whom were Rwandan Hutu and Tutsi, collectively known as the Banyarwanda.¹⁰ As the Banyarwanda presence in the area increased, the indigenous population had a choice: leave, or stay and accept Banyarwanda rule.¹¹ The same process of political and social change that took place in Muvunyi-Kibadi was repeated across the Masisi zone and other parts of North Kivu; by 1954, some 170,000 Banyarwanda had settled in the region. Furthermore, this flow of Banyarwanda into Congo dramatically increased in 1959, as a result of the Rwandan *muyaga* massacres, which pitted Hutu against Tutsi. Over the next few years, some 130,000 Rwandans fled their homes, many of them taking refuge in the Kivu region.¹²

¹⁰ Ibid., 507.

¹¹ To be sure, the Belgians remained the ultimate rulers of the land, but they delegated responsibility in a hierarchical fashion to various ethnic groups across the territory.

¹² Gerard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1997), 199.

As fervent nationalism swept Congo in the late fifties and the breakaway from Belgium became inevitable, Hunde elites in North Kivu saw an opportunity to marginalize the Banyarwanda in the post-independence period. If the Belgian colonials had elevated the Banyarwanda to a powerful and oppressive position, their reasoning followed, independence would provide the 'indigenous' population a chance to regain authority. As such, Chief André Kalinda's son, Albert Kalinda, sought to have three chieftaincies in the region endorse a petition demanding that, being foreigners, the Banyarwanda be excluded from national elections planned for 1960. Kalinda's attempt was unsuccessful, however, as the chiefs refused to lend their support, citing that many Banyarwanda had lived in North Kivu long before Belgium instituted its migration policies.¹³ This view was solidified with a regional decree, passed in November 1959, which stipulated that the Banyarwanda would also be allowed to run for the region's seats in the forthcoming national elections. Furthermore, in March 1960, a similar decree was passed nationally that opened elections for all levels of government to the Banyarwanda. And so when Congo became independent in 1960, the Banyarwanda gained a large number of seats in local politics. In the case of Masisi, more or less in proportion to their demography, they won 80 percent of elected seats in the local council. But this situation was soon to change.

Beginning in 1957, a slew of political parties emerged within Congo, espousing particular conceptions of a future independent government. The debate soon became divided along a general line between federalists, headed by Joseph Kasavubu (who became the first president), and those favoring a centralized government, led by Patrice Lumumba (who became the first prime minister). On the eve of Congolese independence, a constitution known as the Fundamental Law was introduced, written to satisfy both camps by creating a central government but also calling for the creation of provincial

¹³ Pole Institute (Congo). *Democratic Republic of Congo: Peace Tomorrow?*, (Goma), March 2003, 7.

governments.¹⁴ Following this, Hunde, Nyanga, and Nande representatives of North Kivu petitioned for the creation of a province by the same name and the removal of the Banyarwanda's political rights, something that the Banyarwanda opposed, naturally. The petitioners argued in turn, however, that the Banyarwanda objected to the creation of the province because they intended to eventually have the region secede and merge with Rwanda. Nevertheless, in August 1962, the province of North Kivu was created and the Hunde, Nyanga, and Nande acquired almost full political control.¹⁵

During the same period, Hunde elites in Muvunyi-Kibadi began a process of marginalization against the Banyarwanda.¹⁶ Assisted by their acquisition of provincial power, Hunde elites succeeded in removing Banyarwanda from local administrative positions and replacing them with members of their own ethnic group. In 1964, local elections were held in the Masisi zone and the Banyarwanda achieved an overwhelming win, not surprising given their majority status in the area. The North Kivutian governor, who apparently despised the Banyarwanda, nullified the election results, however, further escalating interethnic tensions.

While this was unfolding in North Kivu, in Kinshasa, Congo's first Prime Minister, Patrice Lumumba, was dismissed by President Joseph Kasavubu, who assumed power in his place. In reaction, an insurrection against the new leadership, led by Pierre Mulele, began in the eastern Kwilu region. Government forces attacked the rebel fighters and the fighting soon spread to the Kivus, which – in combination with the high level of local interethnic tensions – led to a violent crackdown against the Banyarwanda, who had initiated their own rebellion against the provincial administration. This chapter in Congo's post-independence civil war, known as the Kanyarwanda, lasted until 1965, at which point the Banyarwanda fighters were defeated. The same year, furthermore, a young army chief named Joseph

¹⁴ Mararo, "Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s-1994", 519; for a good account of the politics of the immediate post-independence period see Nzongola-Ntalaja, *The Congo*; and also Luddo de Witte, *The Assassination of Lumumba* (London: Verso Books, 2003).

¹⁵ Pole Insitute. *Peace Tomorrow?*, 8.

¹⁶ Mararo, "Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s-1994", 520.

Desiré Mobutu, known later as Mobutu Sese Seko, staged a coup and emerged as Congo's president.

During the next fifteen years, then, the Hunde succeeded in maintaining almost exclusive power in North Kivu. In their new position of dominance, Hunde elites in Masisi proceeded to retake as much land as they could from the Banyarwanda. Even in this socio-political climate, however, the national government managed to pass a new law in January 1972 that stipulated that all Banyarwanda who were residing within Congo prior to June 30, 1960 (Independence Day), would be considered Congolese nationals.¹⁷ This was a reflection of a widespread pattern of Mobutist patron-client relationships across Congo. Seeking to maintain power and order in Congo's various provinces, Mobutu established local clients that would carry out his directives. These clients would often consist of elite sectors of a particular ethnic group and, in North Kivu, Mobutu found the Banyarwanda who, being in desperate need of support, served his interests as repayment.

Barred from political life during this period, the Banyarwanda sought – and achieved – a measurable success in business, a development that Hunde elites viewed with displeasure. Indeed, the need to seek out and forge connections with government officials in Kinshasa in order to be successful in business also garnered the Banyarwanda a less visible form of political power.¹⁸ For instance, Mobutu's chief of staff, Bisengina Rwema, had close connections with the Tutsi Banyarwanda during the 70s and early 80s, once even turning over a large land concession in Masisi to them. But when Rwema – who over time became a key supporter of the Tutsi within Mobutu's government – died, the Banyarwanda's situation changed. In June 1981 the Citizenship Law was introduced, thereon preventing the Banyarwanda from running or voting in political leadership races. Furthermore, ethnic divisions in North Kivu over the years led to the formation of local ethnically based political organizations known as *mutualités*. These organizations usually served the land interests of

¹⁷ Note that the law in fact referred to "Zairian nationality" to reflect the country's name during the period of the Mobutu regime. See Mahmood Mamdani, "African States, citizenship and war: a case-study", *International Affairs*, Vol. 78, No. 3, (2002), 501-503.

¹⁸ Gachuruzi, "The Role of Zaire in the Rwandese Conflict", 55-57.

the ethnic groups they represented; in the case of the Banyarwanda, the *Mutuelle des Agriculteurs de Virunga* (MAGRIVI) was used to protect Tutsi land holdings and provide security for the Hutu.¹⁹ The MAGRIVI also became an important organ of dissent and protest for the Banyarwanda, providing them with the forum and structure for pursuing organized action. Hutu peasants, for instance, began to refuse to accept Hunde authority in their respective localities by refusing to pay taxes and forming their own tribunals to resolve disputes. This development led to several violent confrontations between Hunde authorities and the Banyarwanda, but the former could not restore control over several of the protesting jurisdictions.²⁰

In 1991, with growing opposition to and pressure on the Mobutu regime, a Sovereign National Conference was held in Congo – then called Zaire. As Georges Nzongola-Ntalaja notes, the idea of a national conference became particularly popular after one was held in Benin a few months before the Congolese event. In Benin, the popular conference managed to remove the then dictator Matthieu Kerekou from power and instituted a formal change in the national government.²¹ The Congolese conference, then, brought together some 2,800 representatives from different segments and ethnic groups of society. Moreover, the conference proceedings, which lasted eight months because of interruptions by Mobutu’s regime, were broadcast across the country on television and radio. The goal of the conference was to allow participants to investigate their country’s past and determine the reason for Congo’s failed nation-building after independence. In addition, conference delegates sought to work-out and present a detailed plan for the future: everything from what kind of governmental structures and institutions the Congolese wanted to see in their

¹⁹ International Crisis Group, “The Kivus: The Forgotten Crucible of the Congo Conflict”, *Africa Report No. 56*, 24 January 2003, 5.

²⁰ Jean-Pierre Chrétien, *The Great Lakes of Africa: Two Thousand Years of History* (New York: Zone Books, 2003), 342-3; see also Maroro, “Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s-1994”, 533.

²¹ Nzongola-Ntalaja, *The Congo*, 190.

country to writing a new draft constitution for the democratic transition that was to take place.²²

Of all the delegates representing Masisi at the conference, none were Tutsi or Hutu; the Banyarwanda were excluded from attending the conference by Hunde elites who did not want to allow them the chance to voice their concerns over North Kivutian politics and, critically, their citizenship question. Moreover, while the conference faced many obstacles, one clear general message that emerged from it was that political authority had to be decentralized and democratized while maintaining the unity of the country. As such, local elections for local governments were to take place in the various provinces, including North Kivu. The local elites there, though, had no interest in giving up their power; given that the Banyarwanda constituted a large majority in the Masisi zone (as is still the case), Nyanga and Hunde leaders believed that they would likely not win in democratic elections. Realizing that a large majority of Banyarwanda were Hutu, however, Hunde leaders found it expedient to ally with Tutsi elites who, being more interested in their own ethnically-based power than that of the Banyarwanda as a whole, willingly collaborated to ensure that the Hutu were excluded from power.

The alliance lasted for a short while, though. In the tense socio-political environment of the time, large-scale fighting broke-out in March 1993 as Nyanga militants killed several Hutu peasants. The goal of Hunde and Nyanga elites directing the violence became to cleanse large sections of North Kivu of Banyarwanda, thereby ensuring a consolidation of 'indigenous' power. As such, the Hunde-Tutsi alliance collapsed and the Tutsi joined the Hutu in securing mutual interests in the war, which saw dramatic success in Muvunyi-Kibadi. In this locality, Hutu and Tutsi leaders replaced Hunde politicians and in some instances Hunde land was even overtaken. Attempting to quell the situation, Kinshasa intervened in the region and succeeded in establishing some temporary stability.²³

²² Nzongola-Ntalaja, *The Congo*, 196-8.

²³ Maroro, "Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s-1994", 534-5.

The Kivutian War Triangulates

By the end of 1993, the situation in the Kivus became dramatically more complicated as Burundian refugees streamed into eastern Congo. To understand the effect that this large flow of foreigners would have on the Kivus, it is necessary to briefly examine Burundi's turbulent history and politics. Burundi consists of two major ethnic groups, the Hutu and Tutsi, making up roughly 85 and 14 percent of the population, respectively.²⁴ But after independence in 1962, Burundi's politics became effectively controlled by Tutsi elites and the Tutsi-dominated military, leading to many confrontations with Hutu groups vying for power. In 1972, some Hutu groups staged a major violent uprising against the Tutsi government of Michel Micombero that resulted in an atrocious repression of the Hutu population. Relations between the two ethnic groups continued to worsen over the next decade and a half and in 1988 the military once again launched a massive assault on the Hutu, killing several thousands.

The year before, however, Major Pierre Buyoya, a Tutsi, led a military coup, assumed the presidency, and promised to hold democratic elections. In June 1993, the country's first democratic elections were indeed held and the Burundi Democratic Front²⁵ party led by Melchoir Ndadaye, a Hutu, won the election with around two thirds of the vote while Buyoya received the remaining support. As he had promised earlier, Buyoya stepped down from power and Ndadaye was allowed to form his government, which incorporated several Tutsi ministers. Certain army factions were displeased with the new power distribution, however, and assassinated Ndadaye in October.²⁶ The killing sparked major riots and attacks on Tutsi civilians by the enraged Hutu population, which the military used as a pretext for another brutal repression. By March 1994, around 50,000 Burundians had been killed in the fighting

²⁴ It is important to note that these figures are rough as they do not account for intermixing among ethnic groups and the effect of large scale massacres. See René Lemarchand, *Burundi: Ethnic Conflict and Genocide* (Cambridge: Cambridge University Press, 1996), 6.

²⁵ Known as FROBEDU: *Front pour la démocratie au Burundi*.

²⁶ Lemarchand, *Burundi*, 178.

and some 300,000 Hutu and Tutsi – consisting of innocent civilians and rebels – took refuge in neighbouring territories, including the Kivus.²⁷ The situation in the Kivus had thus become far more delicate: a new interethnic war had exported itself from Burundi and was exacerbating the region’s existing tensions. The Kivus exploded, however, during the summer and fall of 1994, when thousands of Rwandans poured into the area as a result of their country’s genocide.

The history and politics of Rwanda are also worthwhile examining briefly in order to adequately understand the devastating effect that the refugee flow into Congo would have. Rwanda consists of similar proportions of Hutu and Tutsi as in Burundi and during the colonial years the Tutsi dominated the local administration. The overwhelmingly dominant position of the Tutsi within Rwanda (and Burundi) prior to independence was largely a result of Belgian policies in the region.²⁸ When Belgians arrived in Ruanda-Urundi, they soon turned the Tutsi minority into their local clients who would allow them to control the indigenous population by proxy. According to colonial views, the Tutsi had “nothing of the negro” as they were “gifted with a vivacious intelligence” and held a “refinement of feelings”, making them “natural-born leader[s], capable of extreme self-control and of calculated goodwill.” The Hutu, on the other hand, were “extroverts who like to laugh and lead a simple life” and were therefore not worthy of education and could not hold positions of power.²⁹ Moreover, the Catholic Church, which was largely responsible for education, consistently favoured the Tutsi over the Hutu in school admissions. In the case of one school, at the time of independence there were 279 Tutsi and 143 Hutu enrolled. When one considers these figures in light of the ethnic proportions in Rwanda, it is possible to see how the Hutu were highly marginalized.³⁰

²⁷ Prunier. *Rwanda Crisis*, 199.

²⁸ The Tutsi had traditionally occupied a higher social strata and thus held onto more power than the Hutu. The colonial experience, however, dramatically extended their power.

²⁹ Prunier, *Rwanda Crisis*, 6.

³⁰ Ibid., 33.

As with Burundi, Rwanda experienced a tense post-independence period but, unlike the former, the Hutu acquired power in Rwanda after a major uprising in 1959 and resisted insurrection attempts by Tutsi groups in 1963 (Rwanda became independent in July 1962). The Hutu maintained power over the next three decades and in 1990, a Rwandan Tutsi-dominated group, the Rwandan Patriotic Front (RPF), launched a war against the Hutu government from its base in neighbouring Uganda. As the situation deteriorated in Rwanda, extremist elements within the ruling government devised a plan to eradicate the Tutsi from the country. The pretext necessary to begin the genocide came on April 6, 1994, when the plane carrying the Rwandan president was shot down as it approached the airport in Kigali, Rwanda's capital. Over the following three months, it is generally estimated that some 800,000 Tutsi and moderate Hutu were slaughtered. These killings, in turn, provided the RPF with the opportunity to invade Rwanda and overthrow the sitting government, something that it achieved in July. During this period, then, large numbers of Tutsi and Hutu civilians fled to North and South Kivu. But when the Hutu government in Kigali was overthrown, its members went into exile in the Kivus as well and became intermingled with the general civilian refugee population. Moreover, members of the army (*Forces Armées Rwandaises*, FAR) and militias, including the notorious Interahamwe (responsible for many of the killings), also joined the refugees in Congolese camps.

The largest concentrations of refugee camps were located at Goma, in North Kivu, and Bukavu and Uvira, in South Kivu, with cumulative populations of 724,202, 318,645, and 67,544, respectively.³¹ Within these massive camps, former Rwandan Hutu government officials maintained much of their regime's structure and formed a government in exile, intent on returning to Rwanda. Well armed and in no mood to reconcile with the large Tutsi population sharing the space with them, these Hutu overtook control of the camps. Food, clothing, and medical supplies delivered by humanitarian organizations insistent on

³¹ Fiona Terry, *The Paradox of Humanitarian Action: Condemned to Repeat?* (Ithaca: Cornell University Press, 2002), 158.

maintaining an apolitical character to their work were quickly seized by Hutu militias within the camps and used to benefit efforts to reconstruct and maintain their offensive fighting capabilities.

The exiled Hutu then regrouped into several militias, including a renewed Interahamwe and the Army for the Liberation of Rwanda (ALIR)³², and began spreading their anti-Tutsi ideology in the Kivus. The extremism that accompanied certain elements within the Hutu refugee flow, furthermore, turned the Kivus into a three-way conflict zone. Now, the 'indigenous' Hunde and Nyanga were fighting against both the Hutu and Tutsi, who were viewed as undesired Banyarwanda, while the Tutsi and Hutu – newly arrived and old – were fighting against each other. Moreover, as Gerard Prunier notes,

For the recently arrived Hutu from Rwanda this was a good political opportunity. By allying themselves with the local [Congolese] Hutu, they could gain entrance into Kivu society and carve out for themselves a kind of 'Hutuland' which could be either a base for the reconquest of Rwanda or, if that failed, a new Rwanda outside the old one.³³

In this new phase of the Kivutian war, the Hutu clearly dominated the fighting and drove thousands of Hunde and Tutsi into Rwanda as refugees. Most of the war had so far taken place in North Kivu, but it soon spread to South Kivu as a major exiled Burundian Hutu rebel group joined ALIR in attacking the local Tutsi population.

The First Congolese War

Tutsi from the Rwandan and Burundian regions are believed to have immigrated to the South Kivu area beginning in the eighteenth century. In 1960, after thousands of Rwandan refugees crossed into Congo as a result of the 1959 *muyaga* massacres, these Tutsi – then numbering 59,233 according to the Belgian colonial census – identified themselves as the Banyamulenge, as they lived predominantly on the Mulenge Hills;³⁴ the Banyamulenge did not want to be mistaken for the new arrivals, who, being refugees, had no land and political

³² ALIR was later renamed (2000-1) the *Forces Democratiques de liberation de Rwanda* (FDLR).

³³ Prunier, *Rwanda Crisis*, 381.

³⁴ René Lemarchand, "The Fire in the Great Lakes", *Current History*, May 1999, 196.

rights. While their relations with other ethnic groups in the region had been rather stable before 1960, after independence tensions developed. The roots of the tensions lay in the Mulelist rebellion that was supported by many local groups, such as the Hunde, but opposed by the Banyamulenge, who fought alongside the national army to suppress it. Relations with other local ethnic groups thus soured considerably. Furthermore, as with the Banyarwanda of North Kivu, the Banyamulenge had a similar experience with respect to land and political rights. The 1981 Citizenship Law noted earlier also prevented the Banyamulenge from voting and running in elections and, by consequence, they were also not allowed to own land.

Beginning in 1995, ALIR and the Interahamwe rebel groups began a war against the Banyamulenge. In 1996, they also received help from the Front for Defense of Democracy (FDD), an exiled Burundian Hutu group aiming to overthrow the Tutsi-led military government back home that came to power via a coup in July of the same year (the National Liberation Front, FNL, another Burundian Hutu rebel group, also became involved in fighting in eastern Congo, but little is known about its role in this period). The situation in South Kivu was deteriorating quickly and the Rwandan government began to have genuine concerns that a second genocide, this time against the Banyamulenge Tutsi, was about to unfold in Congo. Kigali appealed to President Mobutu to stop the militias but the Congolese military (then known as the *Forces Armées Zairoises*, FAZ) joined the fight against the Banyamulenge instead. In September and October 1996, the UN reported that dozens of Banyamulenge were killed by the military and local ethnic militias and that over a thousand fled to Rwanda. The development that would have dramatic consequences for Congo, however, came on October 7, when the Deputy Governor of South Kivu – adding to the momentum of the increasingly violent conflict – announced that all 300,000

Banyamulenge in the province had to leave within seven days “or be treated as rebels and face all-out war.”³⁵

Given this rapidly degenerating situation in the Kivus, Rwanda decided that it had to intervene and prevent another Tutsi massacre. Kigali formed an alliance with Banyamulenge fighters and jointly attacked ALIR, the Interahamwe, as well as Mobutu’s military (FAZ) on Congolese soil. The attacking Rwandan forces (the Rwandan Patriotic Army, RPA), however, quickly found that there was little resistance to their advance from the Congolese military. These were the last days of the Mobutu regime, which was crumbling under the force of its own corrupt and inept governance. The underpaid and unmotivated Congolese soldiers led to the view in Kigali that an opportunity had emerged for the installation of a new regime in Kinshasa. But Kigali also realized that it was walking on thin ice. While it correctly calculated that the ‘guilt’ felt by the international community for not stopping the 1994 genocide would give it the freedom to invade eastern Congo in the name of defending the local Tutsi population, it also knew that pursuing regime change by a full-scale invasion would be taking things too far. Thus, the search began for a viable Congolese rebel movement that would carry out the regime change by proxy.

After Lumumba had been overthrown in 1960, several ‘Lumumbist’ rebellions began in Congo. A young supporter of Lumumba’s politics, Laurent Kabila, led one such revolt with the help of Che Guevara in the mid-60s but soon failed and retreated to the jungles of eastern Congo and western Tanzania, where he remained largely out of view, with minor exceptions. One such exception occurred, for instance, in 1975 when he kidnapped several students working for anthropologist Jane Goodall in Tanzania. But generally, he ceased his

³⁵ “Zaire: Update on the Conflict in South Kivu”, *IRIN*, 11 October 1996.

revolutionary activities and sustained himself and the remnants of his movement through mineral smuggling.³⁶

Kigali viewed Kabila as an ideal leader for the insurrection given his long, albeit ineffective, experience as a rebel and his lacking of a “political base” in Congo, which would ensure that after acquiring power he would have to remain loyal to his foreign sponsors to preserve it. Indeed, as a condition of the collaboration, Kabila was required to place several Tutsi into the ranks of the government and army and also permit Rwanda’s military or its Banyamulenge proxy to operate as units of the Congolese military in the Kivus.³⁷ With Rwandan backing, then, Kabila formed the Alliance of Forces for the Democratic Liberation of the Congo (AFDL) to make a drive for power in Kinshasa. The AFDL was initially composed of five groups, including a Banyamulenge militia and Mai Mai warriors (see “Second Congolese War” below). The rebellion began while Mobutu was receiving cancer treatment in Europe in the early months of 1996 and within weeks of having started its major push across the country, the AFDL managed to gain control over large sections of the country. By May 1997, the rebels succeeded in their mission, overtaking Kinshasa in a disorderly manner, while Mobutu found refuge in Morocco, where he would die within months.³⁸

The AFDL’s war against Mobutu’s government enjoyed a fair amount of support among the Congolese people as decades of corruption under the dictatorial regime had effectively suppressed hopes for a bright future after independence. It is estimated that Mobutu, following in the footsteps of King Leopold II of Belgium of a century before, accumulated a personal wealth of some four billion dollars. To show for it, he built mansions across the country and, like Leopold, he also built himself several elaborate properties in Europe. One of these, in southern France, cost \$5.2 million and, ironically, was built at

³⁶ For a good account of Che Guevara’s role in Kabila’s rebellion in eastern Congo during the mid-60s, see Ernesto ‘Che’ Guevara, *The African Dream: The Diaries of the Revolutionary War in the Congo* (New York: Grove Press, 1999).

³⁷ Osita Ofoaku, “Congo’s Rebels: Their Origins Motivations, and Strategies” in John Clark, ed., *The African Stakes of the Congo War*, (New York: Palgrave MacMillan, 2002), 113.

³⁸ “Mobutu dies in exile in Morocco”, *CNN.com*, 7 September 1997.

Roquebrune Cap Martin, just a short distance from Cap Ferrat, where Leopold had built for himself an equally scandalous villa with wealth stolen from Congo.³⁹

The 1991 Sovereign National Conference, mentioned earlier, also played an important role in providing the philosophical underpinnings of public support for the AFDL rebellion. The conference's proceedings and the draft constitution that came out of it crystallized and promulgated the view that the Congolese had the responsibility to rise up against any government that unlawfully acquired and held on to power. Thus, unlike Congolese public opinion of the Second War, which began less than two years later, in August 1998, many Congolese saw the First War as a step towards fulfilling their aspirations for better times. As Jermain McCalpin writes, "Kabila's 'revolution' brought with it high expectations among the people for both political freedom and economic improvement."⁴⁰ It is important to note, however, that widespread support for the revolution did not translate into sustained support for Kabila's governing regime.

To be sure, the AFDL rebellion was extremely violent and member militias engaged in horrendous violence against civilians. The AFDL, as it encompassed Tutsi Banyamulenge fighters, sought revenge against the Hutu by launching devastating attacks on Hutu refugee camps in eastern Congo. As Fiona Terry of *Médecins Sans Frontières* explains,

The refugees initially fled west but their path was blocked by advancing [AFDL] troops, and most were routed back to Rwanda. Those from Bukavu and Uvira, however, were pursued west and were attacked on numerous occasions as aid organizations attempted to assist them. Hundreds of thousands died or disappeared.⁴¹

In addition, the climate of war that engulfed Congo in the early months of 1996 and lasted for well over a year, created a humanitarian crisis in many parts of the country, particularly in the east. Large sections of the population suffered from malnutrition, starvation and disease. The suffering endured by the Congolese and refugees from neighbouring countries

³⁹ Michella Wrong, *In the Footsteps of Mr. Kurtz* (London: Fourth Estate, 2001) 47, 95.

⁴⁰ Jermaine O. McCalpin, "Historicity of a Crisis: The Origins of the Congo War" in Clark, *African Stakes*, 47.

⁴¹ Terry, *Humanitarian Intervention*, 192.

during the rebellion would not end with the AFDL's victory, however. Within 14 months, another far more devastating war would begin.

III. The Second Congolese War

While Kabila's ascension to power was accompanied by public expectations that he would bring the country to order, the corruption and mismanagement pervasive in the previous regime continued on. Instead of focusing on building democracy and tending to the devastated economy, Kabila sought primarily to secure his own position by banning all opposing political parties. As Osita Ofoaku explains, however, this did not bother the AFDL's sponsors:

Rwanda and Uganda were likely to support any 'friendly' government in Congo. Owing to their narrow fixation on security, they did not actively encourage the Kabila regime to implement democratic reform. Nor can either government boast strong democratic credentials. The approval they have received from Western governments and multilateral NGOs is primarily a function of their commitment to free market economic reform and their ability to maintain internal stability.⁴²

Furthermore, even after the AFDL victory, Rwanda and Uganda had little desire to disengage from Congo politically. Instead, they sought to create and maintain a zone of influence in eastern Congo, ostensibly to ensure continued stability along border areas and the safety of the Banyamulenge. They did this by demanding that Kabila place Tutsi figures in top military and government positions and allow Rwandan forces to operate within the Congolese military. The first army chief of staff, foreign minister, and chief of national security were therefore all Tutsi, the first two being from Rwanda while the third was Ugandan. The public, however, viewed the placement of foreigners in high ranks of the government with much distrust, leading to questions about who was really in power in Kinshasa. Additionally, Kabila's own corruption and mismanagement of the country's affairs added to his quickly declining popularity among Congolese. His support within the country resided primarily with the Banyamulenge, Katangans, and young male rebel fighters (some just over twelve years of age), known as the *kadogos* (the little ones), who joined

⁴² Osita Ofoaku, "Congo's Rebels: Their Origins Motivations, and Strategies", 115.

the AFDL as it swept across the country in 1996-7.⁴³ After Kabila came to power, most Congolese tended to support the *Union for Democracy and Social Progress* (UDSP) led by Étienne Tshisekedi. Tshisekedi had been one of Mobutu's most vocal critics and his party had long maintained a policy of non-violence and regularly denounced the AFDL's violent drive for power. In a poll conducted in 1997, moreover, Congolese overwhelmingly stated that they wanted Kabila to engage in dialogue with the UDSP and forge a new democratic path for the country. The response from the Kabila regime was to denounce Tshisekedi as an "enemy of the people."⁴⁴

In the east, meanwhile, Rwanda continued to experience attacks from Hutu insurgents along its Congolese border, something that Kabila appears to have been unable or unwilling to stop.⁴⁵ All this was thus interpreted by Kigali as a signal that yet a new regime had to be installed in Kinshasa. As tensions with his former sponsors mounted, Kabila also began to suspect that a regime-change policy had in fact been adopted in Kigali and Kampala. He reacted by attempting to garner backing for his regime from foreign governments and local armed groups and then proceeded to disentangle his government from his former sponsors' leash. Kabila thus traveled to several African countries and, perhaps seeking to reconnect old ties, even visited Fidel Castro in Cuba, to gauge international support.⁴⁶ He then shifted his attention to quickly building a local power base by actively supporting the ex-FAR, Interahamwe, and Mai Mai militias (to be discussed below) in the Kivu region, counting on them to act as an effective first barrier of defense against any invasion from the east. Having secured alternate support for his regime, then, Kabila was ready to cleanse his government of Rwandan officials. In the summer of 1998, Kabila sacked his Tutsi first army chief, James Kabarebe, as well as other Kigali-installed Tutsi government officials, such as Foreign Minister Bizima Karaha, who would soon join a

⁴³ Human Rights Watch, "HRW Condemns Recruitment of Child Soldiers in Congo", *HRW Press Release*, 30 June 1998.

⁴⁴ Ofoaku, "Congo's Rebels: Their Origins Motivations, and Strategies", 112-3.

⁴⁵ UN Department of Humanitarian Affairs. "Overview of the Humanitarian Situation in the Masisi Region and North Kivu Province", *Relief Web*, 26 September 1997.

⁴⁶ Ofoaku, "Congo's Rebels: Their Origins Motivations, and Strategies", 114.

new rebellion against Kinshasa. This was followed in late July by Kabila's order expelling all foreign troops from the country, namely Rwandan units operating as part of the Congolese military in the east. While many Congolese, who felt Kabila was too much of a pawn of foreign interests, saw this as a positive development, it precipitated drastic action by Rwanda and Uganda within a few days.⁴⁷

On August 2, 1998, the 10th brigade of the Congolese National Army (FAC),⁴⁸ based in eastern Congo and heavily represented by Banyamulenge soldiers, broke away and joined the 12th brigade in an uprising against the Kabila regime in several major cities in the region, including Goma. Various eyewitness reports reveal that on the same day Rwandan soldiers crossed over into Congo to join the fighting, although Kigali has denied the claim. Seeing the rebellion unfold from Kinshasa, Kabila ordered the immediate disarmament of all Tutsi soldiers serving in the FAC, an operation that soon escalated into violence against all Tutsi, including civilians, in the capital region. Then on August 4, a contingent of 150 Rwandan and Ugandan soldiers flew across the Congo to the Kitona military base, located just south of the Cabinda enclave of Angola. The base held over 10,000 former soldiers, once belonging to Mobutu's Zairian Armed Forces (FAZ), who were being subjected to a 're-education' policy in order to be eventually integrated into the new Congolese military.⁴⁹ This program, however, was particularly dehumanizing and made the soldiers even more resolute in their opposition to Kabila. As such, Rwandan and Ugandan troops, led by James Kabarebe, sought to lead these disgruntled former soldiers into an insurrection against Kinshasa.⁵⁰

Back in the east, meanwhile, Arthur Zahidi Ngoma was declared on local radio to be the new leader of the Banyamulenge uprising, which led Kabila's Tutsi ministers, who had been assigned to their posts by Kigali, to join the rebellion. The uprising progressed quickly within the first two weeks as the FAC was too weak to provide effective resistance. Within

⁴⁷ Lemarchand, "The Fire in the Great Lakes", 199.

⁴⁸ *Forces Armées Congolaise* (FAC).

⁴⁹ Ofoaku, "Congo's Rebels: Their Origins Motivations, and Strategies", 115.

⁵⁰ Edgar O'Ballance, *The Congo-Zaire Experience: 1960-1998* (London: MacMillan Press, 200), 179.

this short period, the rebels managed to gain control of the power plant providing electricity to Kinshasa, promptly cutting service to the capital. Meanwhile, in Kivu, disaffected Congolese politicians began forming a united political wing for the rebellion. On August 16, it was announced that Bizima Karaha, Kabila's former foreign minister, would be the coordinator of the new political organization and on August 20, the group was christened as the Congolese Democratic Coalition, soon renamed the Congolese Rally for Democracy (RCD). The highest position within the RCD went to Ernest Wamba dia Wamba, a university professor who had been teaching in Tanzania but returned from exile to participate in the insurrection.⁵¹

By this time, the Ugandan-Rwandan attack on Kinshasa was threatening the capital, but Kabila was ready. Having succeeded in forging international alliances in the preceding months, Kabila received military support from Angola, Zimbabwe, Namibia, and Chad. On August 23, Angolan forces began attacking the Kitona base from Cabinda, followed by an airlift of 600 soldiers to Kinshasa from Zimbabwe. Three days later, a Tutsi rebel force led an attack on Kinshasa's international airport, some 25 kilometers from the city, but was successfully repelled. This was an indication of the status of the rebellion on various points along the advancing front: having experienced an initial lightning-fast advance across the country, the insurrection was now checked by the FAC and foreign forces. It is at around this time that soldiers belonging to the Ugandan People's Defense Forces (UPDF) crossed by ground into the Congo for the first time in the Second War. At a South African Development Community conference in Durban on September 2, Ugandan officials openly admitted to the presence of their forces in Congo but argued that they were there to create a buffer zone against the Allied Democratic Forces (ADF), a rebel group based in northeastern Congo intent on overthrowing Yoweri Museveni's ruling regime in Kampala.⁵²

⁵¹ O'Ballance, *The Congo-Zaire Experience: 1960-1998*, 180.
⁵² Ibid., 187.

In staging his defense against the RCD, Rwanda, and Uganda, Kabila did not only enlist the support of other foreign governments but, as noted earlier, he also sought to ally himself with local insurgency groups. By mid-September the RCD experienced a major assault from Mai Mai militias, armed and supplied by the Kabila government. The Mai Mai are unique in that they are a coalition of fighters belonging to various ethnic groups indigenous to the Kivus, such as the Nande, Hunde, and Nyanga, traditionally pitted against 'foreigners', such as the Banyarwanda. They have operated as separate entities in North Kivu and South Kivu and an understanding of their respective internal structures has remained rather elusive to outside observers since the group first emerged in the immediate post-independence period. The Mai Mai have maintained a mystical profile, however, as some warriors claim to hold special magical characteristics that make them invisible. The Mai Mai were involved in clashes with government forces after Kabila took over in May 1997 but when the second war broke out, they allied with Kinshasa against Rwanda and Uganda, who were viewed as supporters of the Banyarwanda. On September 14, the Mai Mai attacked RCD rebels at Goma in what turned into a very bloody battle. This marked the beginning of the Mai Mai versus RCD dimension of the war in the Kivus, which continues to the present day.

Two other major rebel groups that Kabila strongly allied himself with were the ALIR, as noted above, and the FDD. Just as Uganda sought to carve out a buffer zone along its Congolese border, Burundi took control of a narrow piece of land in South Kivu that runs along its border. Believing the area's diamond mines to be threatened by Burundian forces, however, Kabila began supporting the ALIR and FDD to establish and maintain his reach into the Katangan diamond area. As such, the two rebel groups clashed with the Burundian army, which allied itself with Rwanda and the RCD as well as South Kivutian Mai Mai fighters based in the Fizi-Baraka area.⁵³ As noted above, at the start of the war the Mai Mai and

⁵³ International Crisis Group. *The Kivus: The Forgotten Crucible of the Congo Conflict*, Africa Report No. 56, Brussels/Nairobi, 26 January 2003, 10.

RCD were enemies yet they were also both allied with the Burundian army against the FDD and ALIR. The apparent contradiction stems from the nature of the Mai Mai, whose fighters are so loosely tied together that some factions, given their geographic location, often fight alongside 'official' enemies.

While Rwanda had a proxy force in Congo with the RCD, Uganda did not have a similar arrangement initially. Within a short period of time, however, it was able to establish for itself two proxy rebel organizations. First, in November 1998, it created another anti-Kabila movement, named the Congolese Liberation Movement (MLC), which began in Gbadolite and has since been led by a businessman named Jean-Paul Bemba, whose father was a close ally of Mobutu. The reasoning behind the conception of this organization was that since the RCD was rather unpopular with the Congolese, Bemba's local roots would elicit more public support.

Following this, a split occurred within the RCD coalition in May 1999: the RCD's original president, Professor Ernest Wamba dia Wamba, had a falling out with the organization over the aims of the rebellion and moved, along with his followers, to Kisangani. The new faction, known as RCD-ML (or RCD-K/ML), received support from Uganda, a development which had significant implications for the relationship between the two major foreign sponsors of the war. Beginning on August 14 and lasting to the 17th, a major clash between Rwandan and Ugandan soldiers played out in Kisangani, which killed some 400 troops and 200 civilians.⁵⁴

The various parties to the fighting were now well entrenched and the war became a part of everyday life for many Congolese. This was particularly true of those living in the Kivus, under the authority of the RCD, based in Goma. The organization played a major role in complicating the conflict in the east and deserves a comprehensive treatment.

⁵⁴ Ofoaku, "Congo's Rebels: Their Origins Motivations, and Strategies", 118; see also Nzongola-Ntalaja, *The Congo*, 230.

RCD-Goma and the Kivutian War

The Goma-based RCD has been the main operational unit of the rebellion in eastern Congo and with outside support it has taken over governance of the region from the authorities in Kinshasa. During the war, the RCD played a major role in virtually all aspects of security, trade, resource use and social service administration in North Kivu, yet it did all this in a corrupt, authoritarian fashion, reminiscent of the Mobutu regime. Now that the fighting has significantly reduced in the Kivus and that the RCD has joined the new transitional government in Kinshasa, its role in the region remains unclear. Certainly, the organization still has authority over much of the area, but central government control is slowly being reestablished. Nevertheless, it is worthwhile to more closely examine the emergence of the group and the motivations of individuals involved in it to learn more about the Kivutian interethnic war. Furthermore, an investigation of the organization's structure and the manner in which it functioned – and perhaps still functions – can reveal much about the volatile state of ethno-politics in the region.

From the beginning, the RCD has been viewed by serious observers as being a proxy of outside interests, particularly Rwanda. The figure to emerge as the organization's leader in the first few weeks was Ernest Wamba dia Wamba, a professor of political science from the University of Dar es Salaam, who returned to his homeland to help overthrow Kabila. Wamba, though born in Congo, received his university education in the United States and once held a teaching stint at Harvard. While in Tanzania, he developed a close relationship with the former president, Julius Nyerere, who carried out a socialist experiment in the country. As such, Wamba developed a social-democratic orientation in his political outlook and has since envisioned a Congolese society built on such principles in the post-Mobutu era.

Wamba believes that the 1994 Rwandan genocide was his “road to Damascus.”⁵⁵ The mass killings that took place there that summer provided him with the impetus to become committed to never allowing such horrors to unfold in the region again. But when the AFDL rebellion began, Wamba was weary: he had heard many “reports of [Kabila’s] activities in the bush, stories of his authoritarian style, [and] arbitrary punishments [and] executions.” The AFDL, keenly seeking out intellectuals who would provide and defend the political justifications for the uprising, sent a delegation to Tanzania to recruit Wamba, but it returned without success. Indeed, as shown, once in power Kabila quickly proved that his regime would not be much different than Mobutu’s, as the same old corrupt and dictatorial ways persisted. As Kabila’s relationship with Rwanda deteriorated and the new regime took on an increasingly belligerent position towards Congolese Tutsi, resulting in the emergence of a “real threat of genocide”, Wamba claims that he had to take action. “There was a great sense of urgency: [Kabila’s] dictatorship had to be stopped before it became too established.”⁵⁶ Thus, when the new rebellion began in 1998, Wamba saw his opportunity to become involved.

After deciding to join the uprising, Wamba immediately sought to engage other prominent Congolese intellectuals into the RCD cause. He thus contacted Georges Nzongola-Ntalaja, another well-known Congolese professor, and requested that he join the movement. Like Wamba, Nzongola-Ntalaja had been advocating political change for Congo from exile while teaching at several universities in the United States. Yet, when Wamba’s call came from Kigali, Nzongola-Ntalaja became suspicious of Rwandan involvement in the rebellion. When he called Wamba back a few days later, a Rwandan commander answered the phone and tried to legitimize the rebellion by claiming that it was indigenously directed. This, and the well-known record of Rwandan intervention in Congo, led Nzongola-Ntalaja to

⁵⁵ Michael C. Vazquez, “The Guerrilla Professor: A Conversation with Ernest Wamba dia Wamba”, *Transition*, Vol. 10, No. 1, (2000), 144.

⁵⁶ Vazquez, “The Guerrilla Professor: A Conversation with Ernest Wamba dia Wamba”, 4.

believe that the rebellion was actually “guided from outside”.⁵⁷ In fact, right from the beginning, the RCD has suffered from a lack legitimacy; over the years of the war, few Congolese civil society groups chose to join or otherwise support the organization and, as will be shown below, some Banyamulenge Tutsi who were supposedly under the RCD’s protection turned against the organization in 2002.

During the first few days of the rebellion, the RCD maintained that there was no Rwandan involvement, with its first president, Arthur Ngoma, claiming that the movement was “a struggle of the Congolese people.”⁵⁸ But very quickly virtually all serious observers of the region discounted that assertion. Even Ngoma, upset at being replaced by Wamba a few weeks after the RCD’s formation, bitterly denounced the organization as being Kigali’s pawn. While Wamba had serious hopes of democratizing Congo, he was but one man in an organization heavily dependent on Rwandan support. And when Wamba maintained his focus on winning the rebellion against Kabila even after the rebels had been checked by Congolese and foreign forces in late 1998, the Rwandan directors behind the scenes sought to instead turn the RCD into a tool for the facilitation of resource extraction. This conflict of interest in large part led to the RCD split, resulting in the Goma and ML factions.

Nevertheless, what were the original intentions of the RCD leadership? At the inaugural meeting of the RCD on August 12, 1998, the group presented a *Political Declaration* that outlined their main grievances and objectives. First, the group recognized “the continued pauperization of the population due to pillaging of public funds by ... Kabila” and “the confiscation of the peoples [sic] through Mr. Kabila’s dominant autocratic practices and that of his group...” Their prescription for these ills was to replace the prevailing dictatorship with “good governance” that would respect human rights. Furthermore, the RCD stated that it would seek to “Combat tribalism, ethnic nepotism, corruption, arbitrariness, and general impunity” and work for the “eradication of misery of the people.”

⁵⁷ Nzungola-Ntalaja, *The Congo*, 228.

⁵⁸ Timothy Longman, “The Complex Reasons for Rwanda’s Engagement in Congo” in Clark, *African Stakes*, 142.

In relation to its neighbours, moreover, the RCD asserted that it would never “let Congolese territory to serve as base [sic] for destabilization of neighbouring countries.”⁵⁹ In September 1998, Jacques Depelchin, an academic and RCD intellectual also coming from the University of Dar Es Salaam, worked to gain international support for the RCD’s plans in eastern Congo. Expanding on the *Political Declaration* in New York, he explained that the group was fighting against Kabila’s continuation of Mobutu’s practices, namely “using the bank like his personal kitty, concentration of power in the hands of one ethnic group, corruption, refusing to open the democratic process, [and] refusing to allow other political forces to participate.”⁶⁰ The actual details of any future popular democracy in Congo remained elusive but in a 1999 interview, Professor Wamba explained that he envisioned that the Congo would resemble “South Africa, where the democratic directives reflect the dynamism of the social movement, not just the existence of more than one political party.” That is, freely organized social movements such as “trade unions” and “renters’ associations” would guide the country’s politics under a “one person, one vote” system committed to “nonracialism”.⁶¹ By the time Wamba made these remarks, however, the RCD had already split in two, and Wamba found himself in the weaker (ML) faction.

Nevertheless, achieving such democratic ideals was from the beginning a tall task, particularly given that the RCD itself was and remains a most undemocratic organization, composed of many former AFDL members. At the onset, the most dominant group within the RCD was composed of the Banyamulenge Tutsi, who were closely connected with the Rwandan military. The positions of secretary-general, chief of the justice department, chief of internal security, and chief of external relations were all occupied by Banyamulenge elites.⁶² The Banyamulenge, as noted, are primarily from South Kivu and their high degree of representation within the RCD, which is based in Goma, North Kivu, was resented by

⁵⁹ *Congolese Rally for Democracy: Political Declaration*, Goma, 12 August 1998, available at < <http://www.congorcd.org/political/declaration.htm> > (12 April 2004).

⁶⁰ Longman, “The Complex Reasons for Rwanda’s Engagement in Congo”, 130.

⁶¹ Vazquez, “The Guerrilla Professor: A Conversation with Ernest Wamba dia Wamba”, 6

⁶² Respectively, Azarias Ruberwa, Moise Nyarugabo, Bizima Karaha, and Joseph Mudumbi. See also International Crisis Group, *The Kivus*, 15.

locals. Furthermore, their focus has been much less about democratizing the Congo than about defending themselves against rebel groups such as ALIR and the Interahamwe, who united under the Democratic Liberation Forces of Rwanda (FDLR) in 2001. By allying themselves with Kigali and working in Rwanda's interests, these elite Tutsi in the RCD in effect served to increase the vulnerability of the broader Congolese Tutsi community to attacks and marginalization as the Hunde, Nande, and Nyanga communities in the region found one more reason to view them as traitors. Nevertheless, the other major group within the RCD consisted of Mobutu era figures, such as former ministers and officers of the defunct FAZ. Along with the academics mentioned above, the RCD thus had a rather mixed composition of activists who often clashed in their aims and ideologies. This soon became evident when Vincent de Paul Lunda Bululu, a former Mobutist, gained the prime minister's post of the RCD and soon quarrelled with Wamba. As a result of this, under Rwandan pressure, in May 1999 Wamba was removed from his post and the more pliable Emile Ilunga was installed as RCD president.⁶³

The RCD established itself in the Kivus by essentially absorbing all existing government bureaucracies in the area, employing these to satisfy its own narrow ends. The rich natural wealth of the region was quickly controlled by the RCD, providing the organization with millions of dollars of revenue, which made its way into the pockets of various RCD elites. Moreover, before joining the transitional government in 2003, the RCD regularly increased taxes but income generated from this was misappropriated. In the spirit of Mobutu's kleptocracy, this clique at the top of the RCD hierarchy began using public money to sustain lavish lifestyles, which included elaborate mansions in Rwanda and South Africa.⁶⁴ Thus, from the beginning of the rebellion, the RCD devoted little money to the upkeep of social and other public services. For instance, some 80 percent of North Kivutian schools were

⁶³ Nzongola-Ntalaja, *The Congo*, 229-30

⁶⁴ International Crisis Group, *The Kivus*, 16.

operated not by the 'state' – that is, the RCD – but by local churches. Similarly, only about a third of the province's health service jurisdictions were handled by the RCD; the rest were often "outsourced" to foreign humanitarian agencies.⁶⁵

On security matters as well the RCD failed to be effective, allowing the region to degenerate into a chaotic battle between various armed militias, which seriously endangered civilian lives. Even Hutu FDLR attacks at times elicited no reaction from the RCD; when one Rwandan commander operating in the region under RCD cover was asked why the local population is not protected from the Hutu militia, he replied: "They are our brothers, do you think we can kill them?"⁶⁶ As Mountaga Diallo, a former MONUC (United Nations Organization Mission in the Democratic Republic of Congo; see "Ending the Second War") commander, notes, "there was a kind of 'osmosis' between RCD and Rwandan troops ... Oftentimes, RCD troops were effectively under the control of Rwanda" and vice-versa.⁶⁷ As a result, the local Kivutian population became extremely resentful of the RCD, which was – and still is – viewed as an invading foreign force not motivated by Congolese interests.

The general public's opposition to the RCD led the organization's elite to maintain power by intervening in local chief successions and developing "ethnic patronage networks", leading to more interethnic conflict.⁶⁸ First, the RCD's hold on the region relies heavily on its management of chief or *Bami* succession in various localities across the rural parts of North Kivu. Just as the European colonials had employed local chiefs as clients in maintaining their control over Congo, as seen in the case of André Kalinda in Masisi, the RCD began scheming to ensure that pliable chiefs, friendly to the organization, would replace those who offered resistance to RCD rule. The process of chief succession is a complex one that often involves disputes resolved through power struggles and thus the RCD was able to provide favoured chiefs with the necessary backing to emerge victorious.

⁶⁵ Denis M. Tull, "A Reconfiguration of Political Order? The State of the State in North Kivu (DR Congo)", *African Affairs* (2003), 436.

⁶⁶ "Africa's Great War", *The Economist*, 6 July 2002, 44.

⁶⁷ "DRC: IRIN interview with outgoing MONUC Force Commander, Maj-Gen Mountaga Diallo", *IRIN*, 26 December 2003.

⁶⁸ Tull, "A Reconfiguration of Political Order?", 441.

An instance of such interference in the traditional institution occurred in the case of Chief Jean-Bosco Butsiti, of Tutsi lineage, who depended on RCD support in maintaining his position as chief within a majority-Hunde area.⁶⁹ Furthermore, the RCD's meddling in the chief succession processes has not only led to an increase in interethnic tensions but its legacy will continue to wreak havoc on the region in subsequent years. As Dennis Tull comments, "In the event of a [complete] departure of the RCD, fierce contestation struggles will doubtless resume as they will elsewhere in Kivu."⁷⁰

The second, and most important, source of the RCD's support comes from ethnic patronage networks that often cross over standard ethnic cleavages. For instance, the RCD incubated a strong relationship with a Hutu-led nongovernmental organization known as All for Peace and Development (APD).⁷¹ The APD was created in October 1998 and is strongly connected to the Rwandan military. It played a dual role to serve Rwanda's interests: first, it worked to repatriate Hutu refugees in Congo back to Rwanda and second, it forcibly repatriated Congolese Tutsi taking refuge in Rwanda. By the early summer of 2002, the APD had resettled some 9,500 such refugees into the Masisi area.⁷² The US Committee for Refugees reported (USCR) that in August of the same year, Rwandan government officials and RCD representatives visited the Rwandan refugee camps holding the Congolese Tutsi, informing them that "peace, land, and humanitarian assistance awaited" those who returned to Congo. This was then followed by another wave of forced resettlement under the guise of the APD in September and October of that year, which involved thousands of refugees. According to the testimony of one such refugee,

RCD-Goma officials came to the camp and used all sorts of tricks to try to convince us to pack our bags and return to North Kivu. They knew that I did not believe their lies. Eventually, I was told that my name was on a list and that I faced trouble in the future if I did not return. This scared me, but I held

⁶⁹ Jean-Bosco was installed by the AFDL prior to the formation of the RCD. As noted in this section, many former AFDL members joined the RCD, causing the latter to have many similar interests as the former.

⁷⁰ Tull "A Reconfiguration of Political Order?", 438.

⁷¹ The actual French name of the organization is *Tous pour la paix et le développement*.

⁷² International Crisis Group, *The Kivus*, 20.

my ground. Many that did go back returned a few weeks later and told me that the trouble we fled is still there and getting worse.⁷³

Some observers believe that the reasoning behind the APD managed repatriations was that the RCD wanted to build a large base of Tutsi in North Kivu who could be recruited into its military unit, the Local Defence Forces (LDF). In addition, the USCR reported that

on several occasions after the forced repatriations ... were underway, the same boats that ferried refugees from Kibuye to Goma across Lake Kivu during daylight were heard returning at night and departing before sunrise the following morning. International observers in Rwanda widely believe that boats moving under the cover of darkness transported troops, cattle, and other military support material from Kibuye to DRC.⁷⁴

Many North Kivutians have perceived the APD as a kind of reincarnation of MAGRIVI.⁷⁵

Recall that MAGRIVI was used in the 70s and 80s to protect Tutsi lands and provide security for the Hutu in Masisi; in the more recent Tutsi versus Hutu ethno-politics, the APD worked to make space in Masisi for repatriated Tutsi while 'protecting' Hutu refugees by sending them back to Rwanda. Furthermore, while the underlying Tutsi-Hutu link in the RCD-APD collaboration appears odd on the surface, it provides important insight into the nature of the interethnic conflict in the region. As Tull notes, "it simply underscores the fact that the role of ethnicity is contingent on political context."⁷⁶ Nevertheless, this large influx of Tutsi in the Masisi region, combined with the widely held view that the RCD is an occupation force, has contributed much towards the resentment held by North Kivutian Hunde, Nyanga, and Hutu towards the broader Tutsi community.

Furthermore, universities in the area have become major nodes of dissent against the RCD and the Tutsi, who are seen as a fifth-column. In South Kivu as well, the prominence of Banyamulenge in the RCD has led some members of indigenous groups such as the Bashi to reject the organization's presence. Throughout 2000 and 2001, civil society

⁷³ Testimony of 42 year old refugee at Kiziba, interviewed by USCR, 2002.

⁷⁴ U.S. Committee for Refugees, *The Forced Repatriation of Congolese Refugees Living in Rwanda*, 13 December, 2002.

⁷⁵ Tull "A Reconfiguration of Political Order?", 443.

⁷⁶ Tull "A Reconfiguration of Political Order?", 442 cf. 44.

groups across the Kivus held several strikes, embodying highly anti-Tutsi rhetoric, in which entire cities and towns were more or less shut down.⁷⁷

In reaction to all this, the RCD first sought to coerce prominent members of civil society into accepting patronage appointments but when this strategy failed, it established in 2001 the Commission for National Reconciliation. This attempt at appeasing the population also failed, however, as some major ethnic groups were not represented in the Commission. For example, as an RCD member pointed out, South Kivu's delegation was composed of "four [] Banyamulenge, five Bashi, and just one Muvira." He asked rhetorically, "Can the fact of ignoring the Barega, who are the second largest group in the province, and also the Babembe, the Bafulero, the Batembo ... can this encourage national reconciliation?"⁷⁸ And so yet another scheme was concocted: in late September 2001 the Inter-Kivutian Dialogue (IKD) was organized. Clearly concerned about the kind of dialogue that would take place at the event, though, the RCD determined who would be allowed to participate and prevented many key issues, such as citizenship, land ownership laws and the authority of the RCD itself, from being discussed.⁷⁹ Undeniably, given the experience of the Banyamulenge, the RCD may have valid reasons to be concerned about discussion in the IKD regarding the former's status in South Kivu. But the heavy-handed and callously authoritarian manner in which it has gone about in managing interethnic tensions in the province has only served to worsen the situation.

In a remarkable development that highlights the complexity of the local situation, in early 2002, some Banyamulenge launched an insurrection against their supposed protector, the RCD. The mutiny was led by Patrick Masunzu, a Banyamulenge commander in the RCD, who believed that the organization's lack of transparency and predominant concern with extracting natural wealth – and not with protecting local Tutsi – was working against Banyamulenge interests. As a result, his rebel movement began fighting alongside the

⁷⁷ International Crisis Group. *The Kivus*, 15-16.

⁷⁸ Paul Musafiri Nalawango as quoted in *Ibid.*

⁷⁹ International Crisis Group, *The Kivus*, 17.

Babembe and other local ethnic militias that had been antagonistic to the Banyamulenge in the past. To be sure, this last aspect was a temporary alliance of convenience and the Babembe continue to view the broader Banyamulenge community with hostility.

Since coming to power in the Kivus, the RCD has dramatically exacerbated interethnic tensions. Locals correctly view the organization as a Rwandan puppet that gives highly disproportionate power to the Tutsi community. The 'indigenous' Hunde, Nande, Nyanga, and Babembe ethnic groups have for a long time viewed the Tutsi in eastern Congo as 'foreigners'. Far from resolving this damaging perception, the RCD has only served to reinforce it, further polarizing tensions. The organization, though from the start backed by Kigali, was founded on enlightened principles of accountability and interethnic solidarity; but within a year, it became clear that the organization would not deliver on any of its promises. The situation in the Kivus remains volatile and extremely complicated. Without a carefully managed reconciliation program that would accompany a complete dismantling of the RCD and the emergence of an authentic Kivutian government – all very tall tasks – the Kivus will continue on their present course.

The War Engulfs Ituri

The situation in eastern and northeastern Congo started becoming increasingly entangled as rebel movements developed rivalries between each other and also experienced much infighting. There were several reasons for the antagonistic nature of relations between rebel groups but much had to do with the control and exploitation of natural resources. For instance, yet another faction, named RCD-National (RCD-N), led by Roger Lumbala, who split away from RCD-Goma, emerged in the northeast. It appears that the main reason for this split was not over political or philosophical differences as such but simply for control of diamond mines in the northeast. Of all the rebel groups, however, the Kisangani-based RCD-ML (that later moved to Bunia) experienced the most infighting. The RCD-ML's infighting and fragmentation acquired a potent ethnic dimension as faction leaders worked

to garner support from the Hema and Lendu communities in the Kisangani area and then in Ituri. By 1999, as a result, relations between the Hema and Lendu communities deteriorated gravely, leading to ethnically targeted violence. It is worthwhile noting, here, that the history of the Hema and Lendu in Congo, while having some important differences with that of the Tutsi and Hutu in Rwanda, also has interesting parallels.

The Orientale Province of northeastern Congo is divided into four districts, one of which is Ituri. The Ituri district itself is divided into five territories, including Djugu and Irumu. Within these two districts, which have an estimated population of two million, the Hema and Lendu constitute about 150,000 and 750,000 people, respectively. Each group, moreover, may be divided into sub-groups based on geographic origin and linguistic variation. Thus, the Hema of the north are known as the Gegere while the Hema of the south are called the Banyoro. In recent years, the rivalry between these two Hema sub-groups has increased, showing that the Hema-Lendu conflict does not simply pit one homogenous group against another. As for the Lendu, southern members of the group are known as Ngiti while those of the north retain the Lendu name. Unlike the Hema, there is a rather strong cohesion and sense of brotherhood within the Lendu community.⁸⁰

Anthropologists classify the Hema as a Nilotic people that over a few centuries migrated to their current territory, which was already populated by the Lendu, a Bantu people. Some unscrupulous politicians have thus tried to argue that the Nilotic-Bantu (or 'Hamitic'-Bantu) antagonism between the Hema and Lendu cannot be escaped due to primordial chasms. Nevertheless, another ethnic group, the Alur, also arrived in the Ituri area at around the same time as the Hema but each dealt with the Lendu differently. Ironic in light of the recent situation, the Alur proceeded to push the Lendu off their lands while the Hema slowly mixed-in and shared the territory. There were rivalries and tensions between some Hema and Lendu though. As the Hema tended to be pastoralist, they were

⁸⁰ International Crisis Group: *Congo Crisis: Military Intervention in Ituri*, Africa Report No. 64, Nairobi/New York/Brussels, 13 June 2003, 3; see also L'Association africaine de défense des droits de l'Homme (African Association for the Defense of Human Rights in Congo, ASADHO), *Rapport de l'Asadho sur le conflit inter-ethnique Hema-Lendu en territoire de Djugu dans la Province Orientale*, 12 July 1999, 3.

always searching for more grazing lands, an activity that clashed with the Lendu's agriculturalist way of life.

The colonial experience, however, had a significant effect on Hema-Lendu relations. Just as Belgians mythologized that the Tutsi were superior to the Hutu in Ruanda-Urundi, they similarly pushed the racist view that the Hema were superior to the Lendu. As such, they favoured the Hema in the same manner as they did the Tutsi. For instance, Catholic missionaries sought to primarily educate the Hema, analogous to a policy that they followed in Rwanda with the Tutsi. As well, Belgian colonialists employed the Hema in superior positions, such as overseers at plantations and mines operated by the Lendu. In time, like the Tutsi in Rwanda, the Hema came to dominate affairs in the Ituri region and tensions with the Lendu were increasingly aggravated. In 1911, just a couple of decades into the Belgian colonization of Congo, for instance, Lendu fighters attacked and killed a Hema chief after a dispute.⁸¹

The advent of Congolese independence continued the rise of the Hema into the elite class of local society. As they were formally educated, the Hema were quickly able to take over the public administration of the Ituri province from the Belgians. And after Mobutu emerged as Congo's leader and began to develop localized power bases across the country, he formed a patron-client relationship with Hema elites, thereby ensuring their continued hold on power. These developments further exacerbated tensions with the Lendu and led to a number of major episodes of violence between the two groups, most notably in 1966, 1973, 1990, and 1993, with the underlying conflict generally revolving around the Lendu's rejection of Hema dominance within the district's public administration.

Relations between the majority of Hema and Lendu, however, would not degenerate into the kind of violent clashes characterizing the current conflict if not for the manipulation of tensions by local politicians. It is reported, for instance, that some 95 percent of Hema in the Djugu district have calm relations with the Lendu. Furthermore, accounts from

⁸¹ ASADHO, *Hema-Lendu*, 5.

humanitarian organizations in the area state that today – in contradiction to standard characterizations – only some five percent of Hema own ranches for grazing, while ten percent operate various businesses, and the remainder sustain themselves through agriculture, much like their Lendu counterparts.⁸² Thus, as one observer put it, “the squabble for power between the Hema and Lendu is firstly the business of elites, not of the ordinary people, who here as elsewhere in the sub-region, are turned into pawns by an unscrupulous and illegitimate intelligentsia.”⁸³

In the Second War, this unscrupulous and illegitimate intelligentsia was composed of the various rebel leaders and foreign interests who actively drew the Hema and Lendu into battle against each other. The leader of RCD-ML, Professor Wamba, was challenged by Mbusa Nyamwisi, a Nande. The Nande are a people of North Kivutian origin who arrived in the Ituri region relatively recently and are thus labelled “*non-originaires*.” Certain elites within the Nande community, such as Nyamwisi, are considered to constitute the main challenge to Hema elitism in Ituri and, as a result, tensions between the two groups has increased in recent years, adding yet another strand to the complex web of interethnic antagonisms in the northeast. Nonetheless, in their struggle for the leadership of RCD-ML, Wamba and Nyamwisi appealed to the Lendu and Hema for support, respectively. With Ugandan backing, furthermore, Nyamwisi was able to oust Wamba and overtake the leadership of the organization. As soon as he acquired power, however, Nyamwisi moved his headquarters from Kisangani to Bunia, the capital of Ituri, dropped his ties with the Hema, and began to establish a support base amongst the much larger Lendu community.⁸⁴

The switch of power bases had major consequences, though. In April 2002, a movement known as the Union of Congolese Patriots (UPC), composed primarily of Hema, launched an ideological attack on RCD-ML, accusing it of betraying Ituri’s interests. RCD-ML’s alignment with the Lendu, moreover, would not only cause tensions with Ituri’s Hema

⁸² International Crisis Group. *Intervention in Ituri*, c.f. 3, 3.

⁸³ Pole Institute. *Peace Tomorrow?*, 19.

⁸⁴ Human Rights Watch, *Ituri: "Covered In Blood"*, Vol. 15, No. 11 (A), July 2003, 5.

population, but it also led to strain within RCD-ML itself as the movement's defense minister, Thomas Lubanga, was a Hema. This led Nyamwisi, soon enough, to replace Lubanga with Jean Pierre Molondo Lopondo, a switch that Lubanga resisted. On a trip to Kampala in June, however, Ugandan authorities took him and his assistants into custody and sent them to Kinshasa, where they were all placed under house arrest. In return, Lubanga's supporters in Ituri kidnapped the Minister of Human Rights of Kinshasa the following month and succeeded in swapping him for Lubanga's release. Upon his return to Ituri, Lubanga and RCD-ML factions loyal to him joined the UPC, with Lubanga emerging as its leader.

It is thus possible to see how the war that began in the Kivus in 1998, soon spread to Ituri as a result of fragmentation within the RCD and the Ugandan desire for local proxies in the war. By 2002, the fighting in Ituri acquired a distinct interethnic character that intensified beginning in the latter half of that year, a development that will be examined closely in the context of the local peace process later.

The Illegal Extraction of Natural Resources

Rwanda invaded Congo in August 1998 for two reasons: first, to stop attacks launched against its territory by Hutu rebel groups based in the Kivus and, second, to prevent genocide of the Banyamulenge Tutsi living primarily in the northern edge of South Kivu. As already shown, these were genuine concerns, but the prolonged presence of Rwandan forces in large swaths of eastern Congo suggests that Kigali soon found other reasons for remaining engaged in the war. The case of Uganda's involvement in the war is similar, furthermore. As with Rwanda, it provided security of its borders and the provision of security for the Banyamulenge as the primary reasons for its intervention in Congo.

Uganda's border-security concerns arise from attacks launched against its territory by rebel groups having bases in Congo. Just as Laurent Kabila was unable to prevent the Interahamwe and ex-FAR elements from launching attacks against Rwanda from the Kivus,

he was unable to stop the Allied Democratic Forces (ADF) from carrying out insurgencies against Uganda from northeastern Congo. The ADF is composed of rebels – numbering 600 to 1,000 – belonging to the former National Army for the Liberation of Uganda, militants of the Muslim Tabliq sect, and even Rwandan Hutu *génocidaires*.⁸⁵ Along with the Lord's Resistance Army (LRA) and the West Nile Bank Front (WNBF), the ADF represents a series of exiled Ugandan rebel groups intent on overthrowing the regime of Yoweri Museveni. Importantly, however, the biggest threat to Museveni's regime comes not from the ADF but from the LRA, which is based in southern Sudan. Since the late 80s, the Ugandan military has been fighting against the LRA and finding itself unable to extend decisive government control over the northern part of the country. As recently as February 2004, the LRA launched an assault on a displaced persons camp near the northern town of Lira, killing 192 people. In spite of this, Museveni's official reasons for war indicate a primary concern with the ADF, which began its attacks in late 1996.

The ADF has been responsible for some serious attacks in western Uganda, with particularly vicious ones taking place in the months prior to the outbreak of the Second Congolese War. In June 1998, for example, the ADF defeated a Ugandan military unit near Fort Portal and proceeded to set a school dormitory ablaze, killing some 40 students.⁸⁶ Following this attack, Museveni appointed Brigadier James Kazini as responsible for the Ugandan military operations against the ADF. Kazini launched a massive assault on the ADF, destroying two of the group's camps and closely monitoring the zone along the Congolese border. Nevertheless, the ADF struck again in early August, at the beginning of the war, killing 13 people in the town of Kasese.

There are thus valid grounds for Uganda's security concerns along its Congolese border. But as John Clark notes, the nature of Uganda's intervention and the justifications provided for it, do not withstand scrutiny. First, while the Museveni regime claimed to be

⁸⁵ Institute for Security Studies, *Uganda: Security Information*, available at <http://www.iss.co.za/AF/profiles/Uganda/SecInfo.html> (15 April 2004).

⁸⁶ "Uganda Rebels Kill 40", *BBC News*, 9 June 1998.

concerned with rebel activity along its border, by 1999 Ugandan military forces were fighting in Congolese territory up to 1,000 kilometers from the frontier. When pressed to explain this, Kampala argued that to ensure long-term security of its borders, a new leadership would have to be installed in Kinshasa that would effectively reign in the ADF. Clark comments, however, that "It is extremely doubtful whether any successor to Kabila would be able to exercise effective control over the country's eastern reaches, and it is quite possible that s/he would have little sympathy for Uganda's security concerns."⁸⁷ Indeed, similar reasoning to Uganda's was employed by Rwanda to justify its support for the overthrow of Mobutu by Kabila; within months, however, Kabila fell out of favour with his former sponsors. Second, according to Clark, under a Kinshasa-Kampala security treaty signed in April 1998, Ugandan forces "could certainly have crossed the Congo-Uganda frontier in pursuit of rebels ... without engaging in all-out war against Kabila." All this strongly suggests, therefore, that while the ADF threat did elicit genuine security concerns, it soon ceased to be one of the primary reasons for intervention.

The second major reason offered by Uganda for invading the Congo was to assist Rwanda in preventing a second genocide from occurring against Banyamulenge Tutsi. While Uganda may have provided some significant military backing to the Rwandan military during the opening months of the Second War, within a year, it was clear that Uganda was doing nothing to help improve the circumstances of the Banyamulenge. To illustrate, by August 1999, Ugandan forces clashed with their supposed Rwandan allies in Kisangani and from then until their complete withdrawal from Congo in May 2003, they remained confined to the northeast, which is not home to any significant Banyamulenge community. As with Rwanda, therefore, Uganda's stated reasons for its long involvement in the Second War do not pass scrutiny.

⁸⁷ John F. Clark, "Explaining Ugandan intervention in Congo: evidence and interpretations", *The Journal of Modern African Studies*, Vol. 39, No. 2, (2001), 273.

Congo is extremely rich in natural resources like diamonds, gold, and coltan. As such, Rwanda's and Uganda's prolonged presence in Congo has elicited considerable international attention with regard to their possible illegal extraction of natural wealth. The subject thus became the *raison d'être* of a United Nations Expert Panel, which produced three important reports. What all the investigations made absolutely clear is that there was overwhelming evidence that Rwanda and Uganda played a leading role in resource extraction, which was financially rewarding for the governing elites of both countries. Moreover, while resource extraction may not have been a key motivator for Rwanda's and Uganda's initial decision to intervene in Congo, it certainly remained a major reason for the long occupation of the territory that ensued, thereby prolonging the war.⁸⁸ In addition, while Rwandan and Ugandan forces withdrew from Congo in the fall of 2002 and spring of 2003 respectively, they have maintained their rebel proxies that have continued the plundering.

Rwanda's extraction of natural wealth from the eastern Congo was in fact a continuation of the plunder it undertook when it participated in the First Congolese War in 1996, which brought Laurent Kabila to power. In return for assistance in overthrowing the Mobutu regime, Kabila entered into several contracts with foreign companies. During that period and the months between the wars, Rwanda and Uganda, built up much of the resource extraction infrastructure that would be used in the Second War. The system of infrastructure developed at that time was quite formidable: it included financial institutions, transportation networks, and extraction companies, all working together to plunder Congo's natural wealth. The financial centre of Rwanda's extraction operation which emerged during the Kabila rebellion is the *Banque de commerce, du développement et d'industrie* (BCDI). Profits derived from resource extraction were channelled to Rwanda and to the AFDL war effort via this bank. For instance, the UN Expert Panel traced a \$3.5 million payment from a

⁸⁸ Mungbalemwe Koyame and John F. Clark, "The Economic Impact of the Congo War" in Clark, *Africa Stakes*, 201-224.

diamond company named MIBA⁸⁹ to COMIEX⁹⁰, a company owned at the time by Kabila, from funds stored in a BCDI account. Furthermore, the transportation network employed in the extraction was the same one that was used to supply AFDL forces. Cargo flights carrying military equipment from Rwanda and Uganda to airstrips in eastern Congo returned home with large quantities of gold and coffee as well as businessmen seeking trading opportunities for stolen diamonds.⁹¹

When war broke out once again in August 1998, a phase of active “mass-scale looting”, as the Panel put it, began, when “minerals, agricultural and forest products, and livestock” were extracted from occupied areas. Soldiers from Uganda, Rwanda, and Burundi as well as from the RCD all participated in this plunder. One mining company based in Kivu, SOMINKI⁹², had its large stockpiles of coltan drained by Rwandan soldiers working hand-in-hand with the RCD. Documents provided to the UN Panel reveal that in one case the RCD admitted to removing quantities of coltan and cassiterite totalling \$722,482. During the six months spanning from November 1998 to April 1999, it is estimated that the RPA and RCD illegally transferred up to 1,500 tons of coltan and 3,000 tons of cassiterite to Rwanda. Illegal extraction operations were also taking place in the northeastern region, particularly in Équateur Province, where Jean-Paul Bemba’s MLC worked with Ugandan soldiers to seize whatever quantities of coffee they could get their hands on.⁹³

In addition to straight looting of resources, the first twelve months of the war also involved large-scale bank robberies by rebel groups. In the northeast, Bemba ordered MLC fighters to take all funds held in banks in towns overtaken by the advancing rebellion. From just one branch in Gemena belonging to the *Banque commerciale du Congo*, Bemba’s forces acquired some \$600,000. In the Kivu region, Rwandan soldiers did much the same, even

⁸⁹ *Societe miniere de Bakwanga.*

⁹⁰ *Generale de commerce d’import/export du Congo.*

⁹¹ United Nations Security Council (UNSC), “Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo” (S/2001/357), 12 April 2001, para. 25, 29.

⁹² *Societe miniere et industrielle de Kivu.*

⁹³ UNSC, “Report”, para. 32 and para. 33-36.

stealing from a local branch of the central bank, which had recently received a deposit to pay civil servants. Funds from this robbery, estimated to have been at least a million dollars, were placed in a hotel room for several days, until an RCD official reportedly picked up the bags of cash and transferred them to Rwanda by air.⁹⁴

In the background to the active looting that occurred during the first year of the rebellion, the Panel identified a “systematic and systemic exploitation” of Congo’s natural wealth by presenting the case of DARA-Forest’s operations in the Ituri region. Having failed to acquire a concession from Kinshasa in March 1998, the Ugandan-Thai company succeeded in winning a license from the Ugandan allied RCD-ML, which gained control of the area during the Second War. Timber harvested by DARA, in contravention of Congolese logging legislation, was then illegally transported to Uganda, where it usually sold for far lower prices than comparable Ugandan forest products. From there, the timber would be shipped to other parts of the world, including Belgium, Switzerland, and the United States. Furthermore, DARA-Forest was also involved in the extraction of diamonds and coltan found in its concession area. Additionally, trucks supposedly carrying lumber to Uganda were reported to also be holding quantities of coltan and cassiterite.⁹⁵

In addition to extracting natural wealth, Ugandan forces also sought to dump Ugandan goods in northeastern Congo. Using intimidation tactics, Ugandan soldiers forced shops in several towns to close, allowing the foreign occupiers to acquire a large degree of control over the local economy. When Panel investigators visited the northeastern Congolese towns of Bunia and Gbadolite, large numbers of goods on sale were found to have come from Uganda. A similar situation was reported in the Kivus as well, where local shops were found stocked with goods originating in Rwanda. As might be assumed, all such imports were usually brought into Congo without any tariffs, generating little money for the local RCD administration to spend on social services. Furthermore, the Panel also

⁹⁴ Ibid., para. 37-39 and para. 40.

⁹⁵ UNSC. “Report”, para. 47 and para. 48-9.

discovered that foreign soldiers sought to gain control over independent farmers in the area. Coffee producers, for example, were required to sell their product in special bags sold to them by buyers allied with Ugandan and Rwandan forces. Without these bags, farmers would have to sell their coffee at a reduced price, thereby incurring a substantial loss. Farmers were also prevented from shipping their products to other countries, such as the Central African Republic, given the high level of control exercised by occupying forces and rebel groups. As the Panel noted in its report, “this translates into a de facto monopoly” for foreign armies and their local proxies.⁹⁶

So far, evidence of foreign forces being involved in Congo’s plunder has been summarized; but it would be misleading to leave the matter there and not draw out the links between government officials in Kigali and Kampala and the resource extraction taking place on the ground. With respect to Rwanda, the plunder in the Kivu region has been linked to the highest levels of government. For instance, a major diamond and gold dealer named Ali Hussein is reported to have met many times during negotiations with a Rwandan civil servant who was believed to have a direct connection with President Paul Kagame back in Kigali. Rwanda’s high-ranking military official, Colonel James Kabarebe, also worked to ensure that transportation services were provided for resources extraction. Moreover, a businesswoman named Aziza Kulsuma Gulamali acquired a high level of control over coltan deposits in the Kivus through her close links with Paul Kagame’s regime in Kigali. Officials in the RCD told the Panel that Gulamali’s business in the region could bring the rebel organization up to a million dollars a month in revenue.⁹⁷

In the case of Uganda, furthermore, the Panel identified the retired Major General Salim Saleh⁹⁸ as well as his wife, Jovia Akandwanaho, as key figures in the plunder. General Saleh is the brother of Uganda’s president, Yoweri Museveni, and played a major role in various aspects of Uganda’s operations in northeastern Congo. He cultivated a

⁹⁶ UNSC. “Report”, para. 64-70.

⁹⁷ Ibid., para. 93.

⁹⁸ Salim Saleh is an alias; the actual name of the Major General is Khaleb Akandwanaho.

reciprocal relationship with the RCD-ML elites, including Mbusa Nyamwisi. The Ugandan General ensured these individuals' safety and, in return, they looked after his resource extraction schemes in the region, which included diamond and gold concerns. General Saleh was assisted in all this by his first in command, Brigadier General James Kazini, who directly oversaw all Ugandan military operations in northeastern Congo. As with General Saleh, Kazini had also fostered a close relationship with Nyamwisi, Bemba, and Roger Lumbala of the RCD-N. The Panel reported that together, these rebel leaders "facilitated [Kazini's] illegal dealings in diamonds, coltan, timber, counterfeit currency, gold and coffee, and imports of goods and merchandise in Équateur and Orientale Provinces."⁹⁹

Some of the most instructive evidence exposing Rwanda's and Uganda's illegal extraction of Congolese resources comes in the form of export figures supplied by the respective governments to the Panel. In the case of Uganda, gold export figures were found to be higher than production numbers, suggesting that the surplus gold came from Congo. Ugandan figures also showed that the country experienced a dramatic increase in gold exports in the mid- to late-90s. In 1995, Uganda's gold exports totalled some \$23 million while by 1997, the figure had jumped to \$105 million. Furthermore, several international organizations¹⁰⁰ reported that Uganda exported diamonds from 1998 to 2001 yet, as the Panel noted, "Uganda has no known diamond production."¹⁰¹ The picture painted by Rwandan and Burundian figures is much the same. While Rwanda does not itself have any known diamond production, statistics compiled for the Panel from disparate sources show that Rwanda exported irregular, yet sizeable, quantities of diamonds from 1997 to 2000. Burundi also does not have any diamond production yet, in 1998, the year the Second War broke out, it suddenly began exporting the precious mineral. Export figures

⁹⁹ UNSC, "Report", para. 89.

¹⁰⁰ These include the World Trade Organization.

¹⁰¹ Ibid., para. 98(a).

of other countries – Angola, Zimbabwe, and Namibia – involved in the Congolese war were also examined but revealed insufficient discrepancies for concern.¹⁰²

The raw profit to be derived from exploitation of Congolese natural wealth by neighbouring countries played a major role in the continuation of the war. In examining the defence expenditure figures of countries involved in resource extraction, the Panel found that sums allocated were significantly lower than monies actually spent. In Rwanda, the government officially budgeted around \$70 million for all aspects of defence in fiscal 2000, but realistic cost estimates of its operation in Congo suggest that the actual figure was much higher. An estimate by the Panel of aircraft transport costs for Rwanda in Congo produced a figure of \$21.6 million a year, just under a third of all military expenses. Furthermore, the Panel also calculated that the roughly 25,000 Rwandan soldiers that were in operation in Congo at any given time required some \$30 million just for salaries. If soldiers in Rwanda not involved in Congo were also taken into account, almost another \$12 million would be necessary for paycheques. Summing these numbers up produces a figure of around \$63 million, 90% of the military budget, all spent on just salaries and air transport. Costs of weapons, training, ground transport, and other equipment would all have to be paid for with the remaining \$7 million, a possibility military experts interviewed by the Panel rejected.

The Ugandan picture is less clear. Expenses on defence in fiscal 2000 totalled around \$110 million. Some \$43.4 million of that figure is estimated to have paid the salaries of its 50,000 soldiers, roughly a fifth of which were operating in Congo. Transportation costs per year were estimated by the Panel to amount to about \$13 million which, added with salary costs, totals about \$57 million. Although the UN panel could not provide a break down estimate of other military expenses, it noted that some analysts estimate that Uganda overspent on its military forces by some \$16 million in 2000.¹⁰³

¹⁰² Ibid., 21-30.

¹⁰³ UNSC, "Report", 31-32.

In spite of profits gained from resource extraction, Mungbalemwe Koyame and John Clark argue that the Rwandan and Ugandan economies did not experience any benefits. An examination of Rwanda's GDP reveals that while average growth in 1996 and 1997 was 14.3 percent, from 1998 to 2000 - the first three years of the Second War - GDP growth dropped to an average of 6.9 percent. As already noted, export figures provided to the Panel by Rwanda reveal that it was exporting more of some natural resources than it produced, meaning that the 6.9 percent figure is lower than the actual. In their careful assessment of the Panel report, Koyame and Clark note, however, that if profits from such exports had been reinvested in the Rwandan economy, the GDP figure would have reflected the growth that would have resulted. This suggests that the top Rwandan players involved in resource extraction, some of whom were identified above, kept much of the stolen wealth for themselves and for financing of the continued military occupation, which allowed them to acquire even more wealth.¹⁰⁴

As with Rwanda, profits reaped by Uganda appear to have been primarily directed at the military elite. The Panel, however, posited that the "Ugandan economy benefited from the conflict through the re-exportation economy," which "allowed an increase in the defence budget."¹⁰⁵ The re-exportation economy - involving repackaging of Congolese natural resources as Ugandan products - improved Uganda's balance of payments, which "in turn gave multilateral donors, especially [the] IMF ... more confidence in the Ugandan economy."¹⁰⁶ Additionally, the illegal exportation increased the Ugandan treasury's monthly revenue by an estimate \$60 million a year, a substantial sum equal to more than half of official defence expenditures. Koyame and Clark criticize the Panel's assessment of major benefits to Uganda's economy, however, writing that it "is *not* supported by general economic data..."¹⁰⁷ That is, while exports averaged at \$597 million per year between 1995 and 1997, they dropped to an average of \$467 million from 1998 to 2000. Although

¹⁰⁴ Koyame and Clark, "The Economic Impact of the Congo War", 212.

¹⁰⁵ UNSC, "Report", para. 135

¹⁰⁶ Ibid., para. 138

¹⁰⁷ Their emphasis. Koyame and Clark, "The Economic Impact of the Congo War", 212.

Uganda, as noted above, did not include accurate diamond and gold export figures in its official figures, products such as timber and coltan were re-exported and recorded in official statistics supplied to the Panel. Moreover, Koyame and Clark note that between the two aforementioned years, the average current account deficit increased from \$319 million to \$535 million. They thus conclude that “the overall health of the Ugandan economy” experienced no improvement as a result of “war profits.”¹⁰⁸ This view appears to be valid given the data available: the benefits of profits from illegal resource extraction benefited at most the military establishment and its elite.

Although there was little benefit to the Rwandan and Ugandan economies, the RPA’s and UPDF’s involvement in illegal natural wealth extraction from Congo appears to have played a major role in keeping the two foreign forces from withdrawing. The abovementioned therefore goes some way in explaining the difficulty in ending the war, a discussion of which follows.

¹⁰⁸ Ibid.

IV. Ending the Second War

On 22 June 1999, the UN's humanitarian coordinator in Congo, Darioush Bayandor, wrote an opinion piece in the *International Herald Tribune* titled "Look Away From Kosovo to See the Crisis in Central Africa." Since the beginning of the year, the world's attention was focused on the humanitarian crisis in the Balkans; beginning in March, the *North Atlantic Treaty Organization* (NATO) carried out a massive bombing campaign against Kosovo and Serbia, which ended on June 10, after Serbian forces pulled out of Kosovo. While NATO member states and the western media cheered the "success" of the "humanitarian" intervention, the war in eastern Congo, barely a year old, had already claimed the lives of thousands of people and led to the internal displacement of 700,000 more. As Bayandor noted at the time, UN humanitarian organizations with programs in Congo had so far been severely under funded as an appeal for \$26 million launched six months before "could not be funded beyond 60 percent." As alarming as it was, the situation in Congo nevertheless failed to elicit more concern from the international community.¹⁰⁹ The matter of bringing the war to an end was instead dealt with through an all-African peace process, which achieved a cease-fire agreement at Lusaka, Zambia, on July 10, 1999.

The Lusaka Accords and the Elusive Intervention

The Lusaka Accords called for a ceasefire between warring parties and the formation of a 90-day Congolese political dialogue that would lead to the eventual establishment of a new transitional power-sharing government. The Accords were highly inadequate, however. While a myriad of rebel groups and national armies, each with particular interests, had joined the fighting over the previous year, the Lusaka agreement was only signed by the six intervening states. As such, it did not include the predominantly Hutu FDLR (made up of ex-FAR and Interahamwe rebels), the Mai Mai, the MLC, the FDD and, of course, the two

¹⁰⁹ Darioush Bayandor, "Look Away From Kosovo to See the Crisis in Central Africa", *International Herald Tribune*, 22 June 1999.

main RCD factions. In the case of the last, during the Lusaka negotiations, both RCDs claimed to have wanted to sign the agreement but that they would only do so if the other faction did not, resulting in neither one signing it. Moreover, without an enforcement mechanism, the ceasefire deal offered little reason for Rwanda and Uganda to pull out of the war, as it was in fact the war that was most profitable for them. As Kevin C. Dunn remarks, “few of the combatants actually wanted peace to thrive. They had too much invested in the war, and their own economies were linked to the draining of Congo’s resources.”¹¹⁰ The only parties that were fairly serious about achieving peace were some of the states that intervened in Kabila’s defense. Having stopped the rebellion’s advance, thereby confining it to the east, and having rather limited opportunities to participate in the plunder of Congolese diamonds and gold, Angola and Namibia began pressuring Kabila to make peace. (Moreover, Angolan interest in Congolese natural wealth was far less than those of Rwanda and Uganda as its territory is rich in diamonds as well.) But Kabila never intended on respecting the ceasefire and as soon as it was signed, he denounced the terms of the agreement as flawed and continued to wage war. As such, just over a week after the Accords were signed, rebel groups announced that they had resumed their westward advance, acquiring even more territory.¹¹¹ The Lusaka Accords would not produce peace within the subsequent period because the agreement failed to include all warring parties – a formidable task, to be sure – and account for their varied interests. As long as the FDLR continued to fight, Rwanda would remain engaged, and as long as Rwanda and Uganda were not pressured – diplomatically and economically – by the international community to withdraw from Congo, they would continue their plundering.

Nevertheless, in a surprising development in early August, Jean-Paul Bemba signed-onto the Lusaka Accords on behalf of the MLC, stating the he was committed to “the establishment of real democracy” in Congo and that the political dialogue called for in the

¹¹⁰ Kevin C. Dunn , “A Survival Guide to Kinshasa: Lessons from the Father Passed Down to the Son” in Clark, *African Stakes*.

¹¹¹ “War in Congo Rattles on Despite Accord”, *New York Times*, 19 July 1999.

Accords would lead Kabila to “leave his presidential seat peacefully.”¹¹² Yet, three days later, Bemba accused Kinshasa of dropping 18 bombs on two towns under the control of his MLC, killing some 500 soldiers and civilians.¹¹³ Kinshasa denied carrying out the attack, which could not be confirmed by independent journalists, but the episode revealed once again the deep climate of distrust and uncertainty that the Lusaka ceasefire deal tried to overcome.

The next day, apparently attempting to grab onto the momentum provided by the MLC’s acquiescence to the ceasefire, the UN Security Council authorized the deployment of 90 “military liaison personnel” to facilitate the implementation of the Accords. Given the large numbers of rebel movements, the risk of their further fragmentation, and their geographical spread, the UN deployment was more of a fig leaf than anything else, however. The peace process largely remained an African driven initiative, led by Zambian President Frederick Chiluba and South Africa’s Thabo Mbeki, who continued their attempts at drawing in holdouts to the Lusaka agreement. Prospects for peace appeared to increase substantially by the end of August as a result of their efforts, when both RCD factions agreed to sign the Accords despite their antagonism for each other.¹¹⁴ While UN Secretary-General Kofi Annan was quick to praise the development, the Security Council made no contribution to the implementation of the peace plan; the Lusaka Accords would receive no additional international support beyond empty words of encouragement. This led President Chiluba to travel to New York and address the Council, expressing his deep concern that the world body had accumulated a disappointing record of inaction in dealing with African affairs: “There is a perception that the United Nations, and in particular the Security Council, is usually slow and reluctant to support peace efforts in Africa,” he candidly remarked. Canada’s Ambassador to the UN, Robert Fowler, responded by praising the Zambian leader’s peace efforts and the American counterpart at the time, Peter Burleigh,

¹¹² “Rebel Signs Congo Accord”, *Associated Press*, 2 August 1999.

¹¹³ The towns of Makanza and Bogbonga in northeastern Congo were allegedly bombed. See “Rebel Leader Accuses Congo of Bomb Attacks”, *Associated Press*, 5 August 1999.

¹¹⁴ “Glimmer of Hope for Congo”, *Times of Zambia*, 31 August 1999.

called for a "hard-headed evaluation of the security situation" in Congo before increased UN involvement in bringing peace to the conflict. In other words, Chiluba's point was understood, but serious action by the Council would not be forthcoming.¹¹⁵ This was confirmed in December, when the Security Council voted unanimously to authorize equipping 500 UN military observers for deployment in Congo at a later date as the UN Organization Mission to the Democratic Republic of Congo (MONUC), which would remain on the ground until March 2000.¹¹⁶ Dissatisfied by this meagre contribution by the international community and seeing the Lusaka agreement slowly unravelling, African ambassadors to the Security Council expressed anger at the intervention plan, to which the Dutch Ambassador, Peter Van Walsum, replied that it was a "myth that it was the 'dilly-dallying' of the Security Council that had killed the Lusaka agreement."¹¹⁷

The following month, in January 2000, the United States convened a special session of the Council to deal with the Congolese crisis. Kofi Anan announced the proposed expansion plan for MONUC, known as Phase II, which would include some 5,500 military observers and 3,400 soldiers. Lowering expectations before the conference, however, the new US Ambassador to the UN, Richard Holbrooke, said that the time had still not come for military intervention. "We have dragged our feet, and we don't apologize for it," he asserted bluntly.¹¹⁸

Two weeks after the special session, at which seven African leaders appealed for international assistance in ensuring the success of the Lusaka accords, the United States introduced a resolution to the Security Council calling for the formation of Annan's proposed MONUC assemblage but specified that it would not support deployment until all fighting had stopped.¹¹⁹ As many observers had explained at the time, though, such a condition was highly unlikely to occur since there were some factions, such as the ex-FAR and

¹¹⁵ See UN Press Release, SC/6731, 21 September 1999.

¹¹⁶ "Mandate, Composition Approved for UN Mission in DRC", *UN Newswire*, 1 December 1999.

¹¹⁷ "African's Pushing for UN Force in Congo, but US Says Not Now", *Associated Press*, 17 December 1999.

¹¹⁸ "UN Seeks to Revive Congo Cease-Fire", *Associated Press*, 24 January 2000.

¹¹⁹ Barbara Crossette, "US Proposes 5,500 UN Troops for Congo Mission", *New York Times*, 9 February 2000.

Interahamwe, that had not signed onto the agreement and had no apparent interest in doing so. Moreover, organizations such as the RCD had split many times and some small factions, intent on securing natural wealth for themselves and immune to international pressure because of their elusiveness, also had little incentive in seeing an end to the fighting.

In this context, by the end of February 2000, the Security Council approved a 5,537-person strong MONUC (Phase II) – made up of observers and soldiers – that would only be deployed when Secretary-General Annan deemed the situation in Congo sufficiently safe for the mission.¹²⁰ The force, whose mission was extended to August 31, would operate under Chapter VII of the UN Charter and was authorized to use force only to protect UN personnel and civilians whose safety was at risk (in reality, however, once on the ground MONUC applied its authority to use force in a very narrow manner, providing little security for civilians). Ambassador Holbrooke congratulated the Council on approving the mission, announcing that a “critical step” had been taken to bring about “a peace [the Congo] so desperately needs”, though the United States refrained from contributing any soldiers to the operation. In his address to the Council before the vote, Canadian Ambassador Fowler noted that “[t]here are few places in the world where civilians are more in need of protection than in the [Congo]. In situations as grave as this, there is an imperative to act and to do what is possible to relieve the suffering of the beleaguered people of the DRC.” Yet, by mid-April, MONUC was still not deployed.¹²¹ Instead, the Security Council announced that it would send half its members to Congo to discuss “concrete ways”, as Ambassador Fowler put it, of enforcing the Lusaka accords. All this was happening, it should be noted, while a UN official told the press that the “humanitarian situation in the

¹²⁰ Barbara Crossette, “UN Council Approves Congo Peace Mission”, *New York Times*, 25 February 2000.

¹²¹ “Canada Welcomes Congo Effort”, Robert R. Fowler speech to Security Council, 24 February 2000, available at <http://www.globalpolicy.org/security/issues/congo/cansview.htm> (15 April 2004).

eastern Congo was reported as dire, with civilians being targeted by all parties to the conflict."¹²²

The Security Council mission to the Central African region took place between the 4th and 8th of May and its findings were presented in New York on May 17.¹²³ The head of the delegation, Ambassador Holbrooke, insisted that the Lusaka Accords were still the best basis for peace and said that MONUC needed to be deployed as soon as possible. He also noted that natural resource extraction was in part responsible for the continuation of the war and he thus openly supported the creation of a UN Expert Panel for further investigation into the matter.¹²⁴ Moreover, he reported that in the presence of the visiting UN delegation, Rwanda and Uganda signed an agreement on May 8 to have each of their forces retreat to at least 100 km from the key city of Kisangani, thus allowing MONUC personnel to enter it.

In spite of all this, by the end of May, MONUC was still waiting to be deployed and the whole mission was now suffering from an image problem: some 300 UN peacekeepers serving in Sierra Leone had just been taken hostage by the Revolutionary United Front (RUF), evoking memories of the ten Belgian soldiers that were killed in Rwanda during the onset of the 1994 genocide.¹²⁵ An American official commented: "The shadow is huge and it's really going to require a correct response in Sierra Leone to unlock deployment in the Congo." Similarly, Dutch Ambassador Van Walsum wondered in front of the Security Council: "how do we sell this information to the international public ... that feels that Africa is falling apart?" Knowing that MONUC was not going to be deployed, the Rwandan Colonel, James Kabarebe, shown above to have personal involvement in illegal resource extraction, claimed that "[w]e need someone to bail us out of the problem of the Congo," as if 40,000

¹²² Michel Leclercq, "UN Security Council Members to Travel to DR Congo", *Daily Mail & Guardian*, 13 April 2000.

¹²³ Members of the mission were permanent UN representatives from the France, Mali, Namibia, the Netherlands, Tunisia, and the United Kingdom, headed by the United States, and visited the Congo, Rwanda, Uganda, Zimbabwe, and Zambia.

¹²⁴ "No Military Solution to Conflict in Congo", UN Press Release, SC/6862, 17 May 2000.

¹²⁵ "Rebels take 318 UN men hostage in Sierra Leone", *Dawn* (Pakistan), 6 May 2000.

Rwandan soldiers were stuck in the neighbouring country against Kigali's wishes.¹²⁶ Indeed, Colonel Kabarebe correctly understood that Security Council member states did not want MONUC soldiers to have to confront foreign military forces in eastern Congo and he thus proceeded to help delay the mission's deployment. Secretary-General Annan, quite likely recognizing Rwanda's scheme, called on the Council to consider using force against foreign armies under Chapter VII in early June.¹²⁷

The Council, however, did not heed Annan's request as Rwandan and Ugandan forces once again clashed in Kisangani, resulting in the deaths of as many as 600 civilians and injury of another 3,000.¹²⁸ At the same time, the Council condemned President Kabila for shutting down the office of the mediator who was responsible for coordinating talks - known as the Inter-Congolese Dialogue - between Congo's warring parties and civil society groups, as called-for in the Lusaka Accords. The mediator, former Botswana President Ketumile Masire, had his offices in Kinshasa closed by police after Kabila declared that he was biased and thus not fit for the position. The dialogue that Masire was charged with facilitating was meant to lead to a national consensus on a new government for the country, a prospect that Kabila clearly did not care for as its fulfilment would have required him to negotiate with rebel and civil society groups, which would lead to plans for democratic elections.¹²⁹

At the end of June 2000, nonetheless, four months after MONUC's Phase II had been approved by the Security Council, it remained inactive. Furthermore, President Kabila stated in mid-July that he did not see the need for UN forces in the country; he said at the time that the UN forces "shine in their laziness here and ... do not know what to do on the territory they are supposed to defend."¹³⁰ While he likely wanted to stay away from the Inter-Congolese Dialogue that would follow MONUC's entry into Congo, Kabila appeared to

¹²⁶ Karl Vick, "Congo's Neighbours Seek to Exit Conflict", *Washington Post*, 25 May 2000.

¹²⁷ William M. Reilly, "Annan: Congo and Troops Not Ready", *United Press International*, 13 June 2000.

¹²⁸ The first clash between Ugandan and Rwandan forces in the Congo occurred in August 1999.

¹²⁹ "UN Security Council Deplores Congo's Lack of Cooperation on Ending War", *Associated Press*, 22 June 2000.

¹³⁰ "UN Halts Deployment in Congo After Kabila Says Troops Unnecessary", *Associated Press* 24 July 2000.

have been genuinely frustrated by the lack of international pressure on Uganda and, particularly, Rwanda to pull out from the country. In any case, the lack of support from Kinshasa for MONUC meant that the mission's next phase of deployment would once again be delayed.

It was not until August 24, six months after the UN force was expanded, that Kabila provided written confirmation that MONUC would be allowed to deploy freely across the country.¹³¹ With MONUC's expiry date quickly approaching on August 31, however, the Security Council extended the mission for another 45 days. But by mid-September, fighting had once again picked-up in eastern Congo, leaving little hope that MONUC would be deployed. Consequently, only 245 troops belonging to MONUC were on the ground in Congo by mid-October, at which point the Security Council decided to maintain the small presence for the following two months. The Council called once again on the warring parties to end the fighting but applied little pressure on Uganda and Rwanda, while squaring most of the blame on Kabila. It should be recalled, here, that there has always been a broad consensus that three of the major belligerents in the war, the MLC and the two RCD-factions, have from the beginning of the fighting been heavily influenced – oftentimes directed – by their foreign patrons. Adequate international pressure on Uganda and Rwanda, therefore, could have produced the desired ceasefire, thereby providing a strong incentive for Kabila to also stop fighting.

In late November 2000, the UN reported that some 16 million Congolese had their lives severely disrupted by “hunger, disease, homelessness, and abuse” as a result of the previous 28 months of almost continuous warfare. A report by the International Rescue Committee estimated, furthermore, that some 600,000 children died in the same period because of the fighting. The UN also added that the international community had once again failed to provide adequate humanitarian funding in 2000, with only \$43.6 million

¹³¹ “Congo's Kabila to Let UN Troops Deploy Freely” *Reuters*, 24 August 2000.

provided out of the \$71.4 million called for.¹³² In the shadow of this news, the Security Council continued its debate about what to do next in Congo, with Secretary-General Annan requesting the deployment of another 500 observers; the nearly 5,000 other soldiers making up MONUC would not be sent.¹³³ Moreover, in what was characterized by the media as “unusually blunt”, in late December the Security Council finally explicitly demanded that Rwanda and Uganda remove their respective forces from Congo. Trying to take advantage of the new momentum, the Congolese Ambassador to the UN quickly produced a letter, delivered to the Council, calling for the institution of sanctions against the two countries until they complied with the UN’s demands. The request was ignored.¹³⁴

The new year, which seemed to provide few signs of hope for an end to the fighting, took on a dramatic twist as President Laurent Kabila was shot by one of his own bodyguards on January 16, 2001. (The assassin was later identified as Rachidi Kasereka, a *kadogo*, who had helped Kabila acquire power in 1997.) While much confusion over Kabila’s fate emerged in the days after the shooting, it became clear by the end of January that he had in fact been killed and that his son, 29-year old Joseph Kabila, would assume the Congolese presidency.¹³⁵ The young Kabila immediately sought to distance himself from his father’s policy towards the war that was seen by many observers – wrongly, to be sure – as being either the main or sole reason for the failure of the Lusaka Accords. The new president’s more lenient and flexible position in dealing with warring parties opposed to his government was immediately hailed in the west, with French President Jacques Chirac announcing that France had “taken note of Joseph Kabila’s openness through his first declarations.”¹³⁶ Moreover, while on a visit to New York, Paul Kagame told the UN that “one can give [Kabila] the benefit of the doubt that maybe he can do better than his father.” But Kagame, still

¹³² Daniel Bases, “UN Says 16 Million People Devastated by Congo War”, *Reuters*, 28 November 2000.

¹³³ Steven Edwards, “Security Council Dispute Over Congo”, *National Post* (Toronto), 8 December 2000.

¹³⁴ “UN Wants Rwanda and Uganda Out of the Congo”, *Associated Press*, 29 December 2000.

¹³⁵ The killing did not constitute a coup as no one stepped forward to claim power. Filip Reyntjens notes that although Kabila “probably died within hours, the government claimed that he was wounded (and went as far as transporting his body to Harare ‘for treatment’). In the absence of constitutional rules on succession, time had to be bought for the inner circle to agree on a successor.” See Filip Reyntjens, “Briefing: The Democratic Republic of Congo, From Kabila to Kabila”, *African Affairs*, (2001), 100, 313-15.

¹³⁶ “Kabila Makes First Peace Moves”, *BBC News Online*, 31 January 2001.

trying to portray the RPA's occupation of large parts of eastern Congo as merely a defensive operation, added: "I don't think the exploitation of resources of Congo is a core issue ... [It] has been done by other people for decades."¹³⁷

Nevertheless, perhaps reflecting the increased hope for peace, fighting in the country more or less ceased once Joseph Kabila was declared President. In mid-February, the UN's undersecretary general for peacekeeping operations, Jean-Marie Guehenno, reported that "On the field, we have seen that there have been no significant violations of the cease-fire for more than three weeks." Finally, the conditions that the UN had adamantly insisted on before deploying MONUC Phase II had become a reality. Yet, instead of sending over the almost 5,000 soldiers and observers that had not been deployed to Congo, Guehenno announced a plan, later endorsed by the Security Council, to reduce the force to around 3,000, which would apparently allow it to arrive in Congo faster: "We felt that we had to exploit that window of opportunity," he said. But in contradiction to this, Guehenno pointed out at the same time that it was unknown when Phase II would *in fact* be deployed: "It's too early to tell you that the lights are all green." It is thus not too difficult to see why, as noted earlier, many African leaders have complained that the UN regularly neglects African crises. Upon hearing the news, the Zimbabwean foreign minister, Stanislaus Mudenge, criticized the shrunken force as a reflection of the insincerity of the UN's intervention plans in the region.¹³⁸ On March 29, then, after another month and a half of wrangling, the UN began deploying the 3,000-strong MONUC forces – made up of 500 observers and 2,500 soldiers to protect them – to Congo, seeking "to guarantee disengagement," though less than half of the force was actually sent.¹³⁹

¹³⁷ Barbara Crossette, "Rwandan Leader, in US, Urges Push for Peace in Congo", *New York Times*, 5 February 2001.

¹³⁸ Barbara Crossette, "UN Now Sees Fewer Troops in Congo Patrol", *New York Times*, 13 February 2001.

¹³⁹ Rodrigue Ngowi, "Congoese Rebel Group Refuses to Pullback Forces, Demand UN Guarantees", *Associated Press*, 3 April 2001.

Two weeks later, the UN Expert Panel established to investigate the extraction of natural wealth from Congo, released its report calling for partial sanctions to be placed on Rwanda, Uganda, and Burundi for their plundering activities in Congo, action that Kabila's government immediately endorsed, but ultimately failed to be implemented by the Security Council. Unsurprisingly, the UN Panel's report infuriated Paul Kagame and Yoweri Museveni, who promptly rejected its findings; Museveni responded by arguing that "[g]enocide, terrorism and disenfranchising the Congolese people are causes of [the war], not minerals." On April 30, as a result of his irritation with the report, Museveni announced that he was withdrawing from the Lusaka Accords, though still committed to pulling-out Ugandan forces from Congo.¹⁴⁰

By mid-May, with only 1,300 MONUC soldiers and observers deployed across the country and reports that as many as 2.5 million people had perhaps been killed since the war began in August 1998 making the news, Kabila told the international press that "[t]he commitment [from the United Nations] is not what we really expected. The commitment is lacking in terms of personnel and resources." He thus proposed that MONUC be expanded to 20,000 personnel, a request to which the Security Council gave no serious consideration in the subsequent period.¹⁴¹ Instead, the Council once again sent a delegation – this time totalling twelve Ambassadors – to the Great Lakes region to "monitor the implementation" of the Lusaka agreement.¹⁴² During their visit later in May, the delegation's leader, French Ambassador Jean-David Levitte – demonstrating either the Council's lack of understanding of the conflict or its callous manipulation of the factual record – reported from Zambia that in the past "the bad guy was Laurent Desiré Kabila. And so others [the rebels] appeared, naturally, as the good guys. Now the good guy is [Joseph] Kabila, and so the others are really destabilized."¹⁴³ Apart from the uselessness of such notions as "bad guy" and "good

¹⁴⁰ Geoffrey Muleme, "Uganda Withdraws from Congo Accord", *Associated Press*, 30 April 2001.

¹⁴¹ Buchizya Mseteka, "DRC Wants 20,000 Peacekeepers", *News24* (South Africa), 21 May 2001.

¹⁴² *Deutsche Presse-Agentur*, "Security Council Mission to Visit Africa's Great Lakes Region", 14 May 2001.

¹⁴³ Barbara Crossette, "UN Delegation Finds Reasons for Hope in Congo Peace Talks", *New York Times*, 24 May 2001.

guy” in discussion of the various political actors involved in the Congolese war – all parties played a part in derailing the peace process – Levitte’s comments reveal the less than conducive role of the Security Council in ending the war. As discussed previously, the RCD has never been more than a proxy of foreign interests and it was almost from the beginning heavily involved in natural resource extraction along with Rwandan soldiers, who oftentimes worked within the organization. Yet, despite evidence from an UN investigative panel substantiating this, through its actions the Council stubbornly held on to the position that the RCD deserved little blame for the ongoing fighting, thereby declining proposals for sanctions against its Rwandan patron. Only after Joseph Kabila emerged as the new Congolese leader did the Council’s position towards Kinshasa change, as evidenced by Levitte’s remarks, but it still resisted the imposition of an embargo – broad or of certain goods – from Rwanda and Uganda.¹⁴⁴ As a substitute for hard action, the Council merely called on the RCD to demilitarize the key city of Kisangani, a request that was promptly rejected by the rebel group to no consequence.¹⁴⁵ Without a comprehensive UN policy towards putting an end to the Congo war, it was only a matter of time before fighting would resume. Indeed, by mid-July 2001, several clashes in eastern Congo led the MONUC commander, General Mountaga Diallo, to report that “things are intensifying” to the point where the resumed fighting “threatens to derail the peace process...”¹⁴⁶

Nonetheless, the Lusaka Accords mediator, Ketumile Masire, announced a few weeks later in August that he was progressing steadily in bringing together the various warring parties for the much-awaited Inter-Congolese Dialogue, which he believed would take place in less “than six months”.¹⁴⁷ As things played out, the dialogue conference began sooner rather than later, on October 15 in Addis Ababa, Ethiopia. The new darling of the west, Joseph Kabila, however, decided to not participate personally as the Accords required of the

¹⁴⁴ The UN Expert Panel noted in a subsequent report that specific sanctions (of particular goods, such as diamonds) would be difficult to implement, however.

¹⁴⁵ Rodrique Ngowi, “Rebels Reject UN Call to Demilitarize Kisangani, Warn of Cease-Fire Violations”, *Associated Press*, 14 June 2001.

¹⁴⁶ “Militia Clashes Threaten Congo Peace Process”, *Reuters*, 18 July 2001.

¹⁴⁷ “Dialogue to Take Place in the Next Six Months”, *IRIN*, 21 August 2001.

Congolese president. His foreign minister claimed instead that the Congolese leader would only show up “when the real dialogue starts”, whatever that meant. Unsurprisingly, representatives of rebel groups present at the talks became very upset upon hearing the news; Jean-Paul Bemba, the MLC leader, initially claimed that he would also not take part, but then changed his mind.¹⁴⁸ Even so, this first phase of the Dialogue failed within a few days when Congolese government officials walked out of the talks without providing much explanation. When asked who was to blame for the failure of the talks in an interview a couple of weeks later, Kabila replied that “we are all to blame.”¹⁴⁹ Outside observers, especially some in the European Union, which committed US\$1.8 million towards the talks, became sceptical, however, suspecting, in sharp contrast to views held at the beginning of the year, that Kabila was quite content in keeping the conflict alive at the behest of foreign interests.¹⁵⁰ This view was reinforced when the UN Expert Panel investigating resource extraction in Congo released its second report in November 2001 showing that Zimbabwe had struck several lucrative business deals in the mining sector with the late Laurent Kabila, which at times involved its military; Kabila was now under pressure to keep the old business schemes alive, it was thus believed.

Despite the initial failure at Addis Ababa, before returning to their respective homes, parties involved in the talks tentatively agreed to make a second attempt at the inter-Congolese dialogue, this time in South Africa early in 2002. The UN Security Council followed this development by unanimously passing a resolution again calling on all foreign countries to withdraw from Congolese soil, but yet again failed to increase the odds this would happen by imposing sanctions, as called for by the UN Panel report.¹⁵¹ Instead of following the Panel’s clear recommendations, the Council asked the Panel to produce yet

¹⁴⁸ Mark Lacey, “Peace Talks to End War in Congo Finally Begin”, *New York Times*, 16 October 2001.

¹⁴⁹ Charles Cobb Jr. and Ofeiba Quist-Arcto, “Kabila Tells The West, ‘Promise Me Peace, Not Money, Hypocrisy and Lip Service”, *All Africa*, 1 November 2001.

¹⁵⁰ Mark Dummett, “EU Move on Congolese Peace”, *BBC News Online*, 21 November 2001. See also Chris Landsberg. “The Impossible Neutrality”, in Clark, *African Stakes*, 177.

¹⁵¹ “UN Wants All Foreign Troops Out of Congo”, *Associated Press*, 9 November 2001.

another report with more policy recommendations.¹⁵² Sure enough, the resolution failed to produce any results as by early December the UN Special Representative to Congo reported that a reinforcement of up to 2,000 Rwandan soldiers had entered parts of Orientale, South Kivu, and Katanga provinces. When asked about the deployment, a Rwandan government spokesman rejected the report and asserted that “[i]f anything, we have been scaling down the number of our troops in the Congo.”¹⁵³ Echoing this development, Uganda also began redeploying its forces in parts of eastern Congo by early December, claiming to be restoring order to chaotic sectors of the territory.

In January 2002, Burundi announced that it had agreed to withdraw its forces from Congo in return for an end to Kinshasa’s support for the FDD, which acted as a proxy against foreign armies in the east. As noted earlier, the Burundian military had been deployed in parts of southeastern Congo to provide a security buffer along its border zone. A parallel peace process aimed at ending Burundi’s 11-year civil war continued as the Congolese peace process unfolded; indeed, the two wars were inexorably linked. As long as the FDD continued receiving support from Kinshasa and found for itself in Congo a lawless territorial base that could be used as a staging ground for launching attacks against Burundi, it would have little incentive to give up its arms and join the power-sharing government in Bujumbura that had been brokered by Nelson Mandela in 2001.¹⁵⁴

In any case, likely motivated by the agreement with Burundi, Kinshasa asked the UN Security Council to form an independent inquiry to determine the legitimacy of Rwanda’s and Uganda’s claimed reasons for occupation of eastern Congo. Kabila specified that within two months “the commission should establish the truth and make a report to the secretary-general of the United Nations.”¹⁵⁵ The request was not heeded.

¹⁵² Evelyn Leopold, “UN Extends Probe on Looting of Congo’s Minerals”, *Reuters*, 19 December 2001.

¹⁵³ “UN Confirms Rwandan Troop Reinforcements in the East”, *IRIN*, 6 December 2001.

¹⁵⁴ “Bujumbura to Withdraw Troops from the Congo”, *IRIN*, 9 January 2002.

¹⁵⁵ “DR Congo Wants UN to Probe Foreign Troops on its Soil”, *Agence France-Presse*, 29 January 2002.

The Sun City Talks

On 25 February, 2002, the next chapter in the Inter-Congolese Dialogue began at Sun City, South Africa. Preparations for these talks were underway since the break-up of the Addis Ababa talks in October, however, which included a UN-sponsored conference in Abuja, Nigeria.¹⁵⁶ At that conference, the government, the MLC, and the RCD determined the composition of the various other delegations – made up of civil society and armed groups – that would attend Sun City. The civil society groups rejected the Abuja initiative, though, as the Lusaka Accords called for each group to establish its own delegation without interference. The prospect of Sun City failing even before it began led the Belgian government to intervene and hold separate preparatory talks in Brussels, which was attended by neither the MLC nor the RCD. The parties that did attend, though, agreed to accept Joseph Kabila as president as long as transition to a new government would occur within thirty months of an agreement.¹⁵⁷

When the Sun City talks finally opened, delegation sizes of civil society groups continued to impede progress for some ten days, until the mediating team under Ketumile Masire increased each delegation to 68, causing the overall number of participants at the talks to reach 366. This initial difficulty was an indication of the generally discouraging prospects for the conference. As the International Crisis Group (ICG) noted in its assessment of the talks, “RCD-Goma and the MLC had gone to Sun City with one common priority: replacing Kabila as leader during the transition period, while the government went there with its aim of validating Kabila’s presidency.”¹⁵⁸ This sharp clash of interests was further aggravated when fighting erupted as Rwandan and RCD forces entered the town of Moliro in Katanga while the Sun City talks were underway.¹⁵⁹ In reaction to this, the UN

¹⁵⁶ “Nigeria hosts UN Peace Talks on DR Congo”, *Agence France-Presse*, 7 December 2001.

¹⁵⁷ Following the Brussels talks, another round of talks were held in Geneva between February 4 and 8, involving the Kinshasa, RCD-Goma, and the MLC. The talks soon broke down, however, making no significant additional progress before the Sun City conference.

¹⁵⁸ International Crisis Group. “Storm Clouds Over Sun City: The Urgent Need to Recast the Congolese Peace Process”, *Africa Report No. 44*, 14 May 2002, 4.

¹⁵⁹ “Fighting Resumed in Eastern Congo Kinshasa”, *Afrol News* (Norway), 5 March 2002.

Security Council unanimously passed a resolution demanding Rwanda and the RCD to direct their forces to leave the town immediately and also called on the belligerents to make a similar exit from Kisangani, which had been reoccupied.¹⁶⁰ Once the Rwandan and RCD forces left Moliro, however, the Congolese military entered the town as Kabila sought to reassert his negotiating power at the conference, leading Rwanda and the RCD to maintain their armed presence in Kisangani.

With little progress made during the first five weeks of the talks, the Congolese government announced in early April that it was “ready to share power with the rebels at all levels except the presidential post” and that the presidency would be determined by elections to be held in two years.¹⁶¹ Kinshasa’s position was accepted by the MLC but rejected outright by the RCD, which maintained that it would not recognize Kabila as president. This partially positive development was accompanied by a proposal presented by South African President Thabo Mbeki, which gave the RCD authority over the ministry of defense, the power to organize national elections, and the vice-presidency, among other perks. This was immediately rejected by Kinshasa and the MLC, who together proposed reducing the power conferred to the RCD by Mbeki. As the RCD was seen as nothing more than a Rwandan puppet, the joint Kinshasa-MLC proposal received wide support from civil society groups at the talks.

In the end, the Sun City agreement gave RCD-Goma the presidency of the 425-member National Assembly and assigned the MLC’s Jean-Paul Bemba to the Prime Minister’s position.¹⁶² Moreover, the RCD-ML and RCD-N supported the agreement as it allowed – in principle – for the integration of their forces into the new Congolese army. Even a Mai Mai faction was given one deputy ministerial position in the new government. Calling the deal “a joke”, however, the RCD announced that it would not acquiesce to the new governing scheme. In response, Bemba publicly stated in Kampala that “we beg the RCD to accept

¹⁶⁰ Christopher Wren, “UN Demands That Congo Rebels Withdraw From Seized City”, *New York Times*, 20 March 2002.

¹⁶¹ Silvia Aloisi, “Congo Government Ready To Share Power With Rebels”, *Reuters*, 2 April 2002.

¹⁶² International Crisis Group. “Storm Clouds”, 5.

[the] agreement”, and made it clear that the RCD would be allowed to opt into the new government in the future. To this end, one of the four new Congolese vice-presidencies was left open for the organization to fill.¹⁶³

While much was achieved at the talks, many complicated and important matters were left unresolved. For instance, work on the Defense and Security Commission – one of five commissions encompassing the dialogue – stalled early on; the government had wanted to maintain the Congolese Armed Forces (FAC) as it was, but the MLC and RCD wanted a full integration of their forces into the FAC. Furthermore, as the ICG pointed out at the time,

in reality, the agreement is completely un-operational. The responsibilities of each transitional body are ill-defined and consist of only a series of guiding principles that are too vague to allow a real balance of power within the executive ... exactly how power-sharing would be divided between the defense minister, the head of state, the prime minister and vice-prime minister remains to be defined ... The Sun City agreement is not rooted in a shared vision or a common plan between its signatories. Simply dividing up political posts and privileges is not enough to establish a ‘new political order in Congo’.¹⁶⁴

In addition, the agreement failed to take into account the local dimensions of the war, particularly those in the east. The root causes of interethnic antagonism in the Kivus – the skewed distribution of land and power among ethnic groups – were left out of the talks. The legacy of almost a decade of fighting between the Tutsi, Hutu, and Hunde and Nyanga communities was not dealt with. Indeed, an inter-Kivutian dialogue similar to the Inter-Congolese Dialogue would have been a good starting point for handling the volatile situation in the east, but no move in such a direction was made. The Sun City agreement did, however, call for the establishment of a Truth and Reconciliation Commission to deal with “political, economic, and social crimes committed from 1960 until 2003.” While the idea of

¹⁶³ “Rebel RCD Dismisses Agreement Between Government and MLC”, *IRIN*, 20 April, 2002.

¹⁶⁴ International Crisis Group. “Storm Clouds”, 6-7.

such a commission was good in principle, it appears that the rather long period of time it would be responsible for handling could render the project ineffective.¹⁶⁵

Nevertheless, after some three and half years of war, the Sun City talks had produced a “framework agreement” that could in time be developed to achieve a lasting peace. That the agreement was signed by 258 of the 366 delegates in attendance, with additional signatories joining in the subsequent days and weeks, reflected this hope. But as the UN’s envoy to the Congo, Amos Namaga Ngongi, noted at the time: “In order to widen the consensus over the ... agreement and smooth its implementation, the accord ... must include the RCD...”¹⁶⁶ In a poll conducted in government-controlled territory by a Congolese research firm¹⁶⁷ prior to the conclusion of the Sun City talks, 68 percent of those polled in Kinshasa approved of a Kabila-Bemba-RCD power sharing scheme. Support in four other towns stood at 53 percent but it should be noted that a Kabila-Bemba power-sharing government received around the same level of support – 54 percent – in those localities.¹⁶⁸

As such, the UN Security Council moved to encourage Rwanda’s and RCD-Goma’s entry into the Sun City agreement. In early May, French Ambassador Levitte announced plans for a regional conference that would seek RCD-Goma’s integration into the new proposed government and Rwandan and Ugandan forces’ departure from Congolese soil.¹⁶⁹ A few days later, however, the Rwandan presidential advisor at the Inter-Congolese Dialogue, Patrick Mazimpaka, told the press that Sun City “was a fraudulent agreement” and thus Kigali made no moves towards troop withdrawal.¹⁷⁰ Meanwhile, in Kisangani, an anti-Rwanda faction splintered from RCD-Goma and sought to lead the local population via radio announcements into an uprising against Rwandan forces in the area. According to Human Rights Watch, “A mob of about a thousand youths responded, and attacked and killed at

¹⁶⁵ Human Rights Watch. “Democratic Republic of Congo: Confronting Impunity”, *Human Rights Watch Briefing Paper*, January 2004.

¹⁶⁶ “UN Urges DRC Government to Renew Talks”, *Agence France-Presse*, 25 April 2002.

¹⁶⁷ Bureau d’études, de recherche et de consultation international (BERCI).

¹⁶⁸ The towns polled were Kananga, Matadi, Mbandaka, and Bandudu. See “Focus On the Results of the Inter-Congolese Dialogue”, *IRIN*, 26 April 2002.

¹⁶⁹ “UN Security Council Proposes Regional Conference”, *IRIN*, 2 May 2002.

¹⁷⁰ “Rwanda to Study UN’s ‘Radical Proposal’ On Solving DR Congo Crisis”, *BBC Monitoring*, 6 May 2002.

least three people whom they identified as Rwandans.” In retaliation, local RCD-Goma units went on a “rampage” in parts of the city, “rounding up and summarily executing suspected backers of [the] short-lived mutiny.”¹⁷¹ This event, which marked the first intensification of fighting after the conclusion of the Sun City talks, increased the RCD’s and Rwanda’s isolation from the new international-Congolese consensus on the future of the war-ravaged country. In late June, a prominent South Kivutian civil society leader, Gervais Chirhalwira Nkuzimwami, ostensibly reflected widespread Congolese opinion when he accused Rwandan President Kagame personally for the ongoing fighting in the region.¹⁷²

Under pressure of continued calls from the UN for Rwandan disengagement and, critically, further mediation by regional African leaders, Kinshasa and Rwanda finally signed a peace agreement on July 30 in Pretoria, South Africa. The Pretoria Agreement committed Kinshasa to the “process of tracking down and disarming the Interahamwe and ex-FAR within the territory of the DRC under its control” while Kigali would “withdraw its troops [numbering anywhere between 20,000 and 40,000] from the DRC territory” within 90 days.¹⁷³ Uganda now had an image problem: as it was the only invading country (note that Angola, Namibia, Zimbabwe and Chad were invited to send forces to Congo by the Laurent Kabila government) left without a disengagement agreement with Kinshasa it looked like a clear belligerent. On September 6, as a result, it signed the Luanda Agreement under Angolan mediation. Similar to the deal struck with Rwanda, the Agreement called for the withdrawal of Ugandan forces from Congo within 100 days.

In mid-September, the Congolese foreign minister, Leonard She Okitundu, asked that the UN verify the Rwandan pullout. In a clear message to Rwanda, he added that “we should not simply play to the audience by pulling the troops in broad daylight and bringing

¹⁷¹ “Congo: Kisangani Residents Again Under Fire”, *Human Rights Watch*, 26 April 2002.

¹⁷² Charles Cobb Jr., “No Meaningful Sign of Rwanda Peace Commitment Says Congo Civil Society Leader”, *All Africa*, 27 June 2002.

¹⁷³ *Peace Agreement Between the Governments of the Republic of Rwanda and the Democratic Republic of the Congo on the Withdrawal of the Rwandan Troops from the Territory of the Democratic Republic of the Congo and the Dismantling of the Ex-Far and Interahamwe Forces in the Democratic Republic of the Congo (DRC) (Pretoria Agreement)*, 30 July 2002, point 8.1 and 8.3.

them back at night.”¹⁷⁴ By October 5, Rwanda claimed to have concluded the withdrawal of its forces from Congo with partial MONUC confirmation but the possibility of Rwandan forces returning to Congo remained. Indeed, a couple of weeks later, Kigali said it was ready and willing to redeploy its troops due to an increase in fighting that emerged in eastern Congo as a result of the power-vacuum created by the Rwandan Patriotic Army’s (RPA) pullout. At the same time, however, Rwanda was once again painted in poor light when the third instalment of the UN Panel Report investigating resource extraction in Congo was released in mid-October. Kagame was yet again infuriated by the allegations and his office asserted that the report “simply recycles unsubstantiated allegations and blatant falsehoods.”¹⁷⁵ In this political atmosphere, Kigali could not redeploy its forces but as an editorial in the *Washington Post* pointed out at the time, foreign forces had “not really left the Congo” as they maintained “networks to continue the plunder.”¹⁷⁶ In the case of Rwanda, the network it kept in eastern Congo was operationally dependent on its proxy, RCD-Goma; the achievement of a viable peace in the east, therefore, was still largely predicated on the integration of the RCD into the transitional government in Kinshasa.

In early December 2002, while negotiations with the RCD progressed, eyewitness reports attesting to the presence of Rwandan troops in eastern Congo surfaced, prompting MONUC to send a delegation to the region to investigate the matter. At the same time, the UN Security Council approved a plan to increase MONUC’s strength by some 3,000 personnel in order to facilitate its monitoring activity of foreign forces.¹⁷⁷ Of the 23,760 Rwandan soldiers that Kigali admitted were present in Congo, 20,941 were confirmed by MONUC to have withdrawn. While Rwanda claimed that the difference of 2,819 represented soldiers who did not formally pull-out as they were transferred to training or leave after the

¹⁷⁴ “Hails Rwanda Pullout, Calls for UN Verification”, *Vanguard* (Nigeria), 19 September 2002.

¹⁷⁵ “Rwanda Rejects UN Report on DR Congo Looting as Full of Lies”, *Agence France-Presse*, 23 October 2002.

¹⁷⁶ “A Change for Congo”, *Washington Post*, 29 October 2002.

¹⁷⁷ “UN Team in DR Congo Welcomes Decision to Boost the Force”, *Agence France-Presse*, 5 December 2002.

Pretoria Agreement, MONUC proceeded to send observers to areas where RPA units were spotted, thereby applying pressure on Kigali to live up to the terms of the peace deal.¹⁷⁸

Further complicating matters during this time frame, human rights groups reported that Congolese government forces had killed some 100 civilians in the town of Ankoro, Kantaga, during a clash with Mai Mai militias, whose position in the peace process remained amorphous as the grouping maintained a rather fluid structure.¹⁷⁹ But in spite of such destabilizing developments, the Kinshasa government signed a new comprehensive peace deal with all major rebel groups, including RCD-Goma, in the wee hours of December 17 in Pretoria, under ongoing mediation by South Africa and the Senegalese UN envoy, Mustapha Niasse. It is instructive to recall, as noted earlier, that at the conclusion of the Sun City talks, Kinshasa and the MLC offered RCD-Goma the presidency of the national assembly and one vice-presidential post. In finally signing the agreement with Kinshasa, the RCD simply accepted the terms of the offer made at Sun City in April; it essentially gained nothing from holding out of a peace deal with Kinshasa for nearly eight months.¹⁸⁰ This confirmed the view of many regional observers who had suspected that the RCD's refusal to make peace with Kinshasa earlier in the year – and perhaps in previous years – was due to Rwanda's strong influence in the organization. As a result of Kigali's peace agreement with Kinshasa in July, the subsequent pullout of its forces from Congo, the entry of MONUC personnel into the eastern region, and yet another UN report condemning the Rwandan army's plundering activities, Rwanda's influence on the RCD had somewhat diminished and the organization was now willing to bargain with the government.

The new peace agreement that finally brought the RCD into the transitional Congolese government dramatically increased prospects for calm in 2003, but the new year opened with major fighting in South Kivu between the RCD and Mai Mai militias, resulting in

¹⁷⁸ "MONUC to Verify Withdrawal of Rwandan Troops", *All Africa*, 5 December 2002.

¹⁷⁹ Mark Dummett, "Congo Government Troops Kill 100 Civilians", 21 November 2002.

¹⁸⁰ "Congo Peace Deal Signed", *Guardian*, 17 December 2002; see also "DR Congo Leader Pledges Peace", *BBC News*, 18 December 2002.

8,500 Congolese taking refuge in Burundi.¹⁸¹ Though claiming to be national resistance fighters, these Mai Mai were in actuality primarily interested in acquiring control of mines in southeastern Congo. Though they had been supported by Kinshasa as a proxy force against the RCD in the past and were thus seen as allies of the Congolese government, the RCD's integration into the transitional government did not end the Mai Mai's fight against the organization. This situation highlighted the ongoing potential for destabilization in the east as groups such as the Mai Mai and the FDLR were outside of the peace process and had little interest in ending their fight.

Preparations for the transitional government continued under the leadership of UN Envoy Niassa, nevertheless, with all parties to the peace deal agreeing to the formation of a neutral multinational force, numbering between 600 and 1000 soldiers, to provide security for the forthcoming transitional government in Kinshasa.¹⁸² Security in most of the country had significantly improved from previous years of almost continuous fighting but, as will be shown with below, the situation in the northeastern district of Ituri deteriorated during the first-half of 2003. In the Kivus, meanwhile, UN officials held talks with FDLR leaders to try to convince them to have their Congo-based fighters – numbering around 15,000 – to turn in their arms and return to Rwanda after some nine years in exile. (Upon their return to Rwanda, repatriated Hutus are placed in 're-education' camps run by the government for 45 days, after which they are free to return to their home villages.)

Given the UN's weak mandate, though, the ongoing process of demilitarization and repatriation of rebel forces remains to the present-day entirely voluntary. Convincing FDLR fighters to drop their weapons and return to Rwanda has been a difficult task as the current RPF government in Kigali, led by Paul Kagame, is seen by the rebels as authoritarian and imposing minority-Tutsi control over the Hutu-majority. One FDLR official, Jean Gubossisse, responded to the suggestion by a UN official that he return to his homeland by asking: "But

¹⁸¹ "Thousands of Congolese Flee to Burundi", *IRIN News*, 8 January 2003.

¹⁸² "Factions Accept Peacekeeping Force", *South African Press Association*, 11 March 2003.

how can you guarantee the security of our people in Rwanda when political dissidents are in prison or fleeing for their lives?"¹⁸³ Gubossisse was undoubtedly referring to the arrest of Pasteur Bizimungu by Rwandan authorities the previous year. Bizimungu, a Hutu who helped the RPF come to power in 1994 and then became Rwanda's president, had a fall out with the RPF over its crackdown on opposition parties and other policies, thus resigning from the government in March 2000 in protest. He went on to start his own opposition party a few months later but was arrested in April 2002 on grounds that he was "spreading harmful propaganda against the state."¹⁸⁴ This particular incident is reflective of the general state of affairs in Rwanda, where the RPF has virtually monopolized power since 1994. Until the RPF seriously liberalizes and democratizes, thereby allowing for real political dissent, the FDLR will have a strong incentive to remain in Congo. Moreover, the same outlook applies to the demilitarization and repatriation of Burundian Hutu rebels, who remain active in South Kivu. (The internal politics of Rwanda and Burundi and their implications for a viable peace in Congo will be further discussed below; see "Future Prospects".)

Although the repatriation program run by the UN progressed slowly, on July 15, in Kinshasa, the parties to the transitional government – save RCD-Goma – were sworn in. The RCD did not send its officials to take part in the ceremony because it did not want them to "consecrate a new dictatorship" by pledging allegiance to President Kabila, though the organization remained a part of the new government.¹⁸⁵ Nevertheless, all the major rebel organizations arrived in the capital with large security entourages and, as it would provide an easy escape route should things fall out of order, they set-up their offices along the Congo River. Indeed, in 1997 the river provided the remnants of the Mobutu regime with a convenient exit – a speedboat ride to Congo-Brazzaville on the north shore – when AFDL rebels arrived in Kinshasa. The new Prime Minister, Jean-Paul Bemba, however, stationed

¹⁸³ James Hill, "No End to the Slaughter as Hutus Refuse to Quit Congo", *Observer* (London), 13 April 2003.

¹⁸⁴ "Rwanda's ex-president detained", *BBC News*, 20 April 2002; see also "Rwanda's ex-president faces trial", *BBC News*, 23 April 2002.

¹⁸⁵ "DR Congo Cabinet Fails to Meet", *BBC News*, 19 June 2003; see also "DR Congo Swears in Transitional Government Ministries", *Agence France-Presse*, 15 July 2003.

his helicopter beside the MLC's offices, presumably preferring to flee by air – much like Mobutu's Prime Minister, Likulia Bolongo, had escaped the capital by helicopter in 1997.¹⁸⁶ Despite the uncertain future, in July 2003 chances for peace in Congo were higher than ever, though the Kivus remained volatile and the war in the northeast showed no signs of abating.

The Ituri War Intensifies as the Local Peace Process Languishes

Despite Kampala's September 6, 2002, pledge in Luanda to withdraw its forces from northeastern Congo within 100 days, thousands of UPDF soldiers remained in the region over the next eight months. As a consequence of this, the political situation in Ituri became drastically more complicated and tense, leading to a major escalation of interethnic violence. The Luanda Agreement called for the creation of the Ituri Pacification Commission (IPC), a regional dialogue initiative aimed at bringing about peace and the establishment of a viable local government to replace Ugandan and rebel authority in the area. The IPC, to have convened in Bunia 20 days after the agreement's signing, was composed of 177 members, mostly belonging to Iturian civil society groups, but also included representatives of the Congolese, Angolan, and Ugandan governments in addition to two MONUC officials.¹⁸⁷ Upon hearing of Kampala's participation in the IPC, however, Kigali became infuriated: Uganda had gained a role within the local peace process to further its interests in the region whereas Rwanda had not only been kept out of the Inter-Congolese Dialogue but there was also no counterpart pacification commission in the Kivus that it could take part in. Tensions between the two countries thus escalated and Kigali began looking for ways to subvert Ugandan authority and influence in Ituri.

Furthermore, the IPC did not allow for the participation of various rebel groups, including the Hema-dominated Union of Congolese Patriots (UPC), led by Thomas Lubanga,

¹⁸⁶ Marc Lacey, "Hope Glimmering as War Retreats From Congo", *New York Times*, 18 October 2003; see also Wrong, *Footsteps of Mr. Kurtz*, 28-30.

¹⁸⁷ Henri Boshoff, *Tension in Ituri: An Update on the Democratic Republic of Congo*, Institute for Security Studies, 25 April 2003.

who became the de facto chief administrator of Ituri after his group overtook Bunia from RCD-ML – with Ugandan support – earlier in the year (see “The War Engulfs Ituri”). Realizing that the IPC meant the end of his power in the region, Lubanga had little incentive to allow the Commission’s work to proceed and thus chose to continue fighting, thereby severing his group’s alliance with Uganda. But also during this time, Lubanga’s position of leadership among the Hema was being challenged by a southern Hema (Banyoro), Chief Kahwa Mandro. When Lubanga, a northern Hema (Gegere), was kidnapped by Ugandan authorities and handed over to Kinshasa a few months before, it was Kahwa who managed the hostage exchange that secured his release. Yet, Kahwa retained a somewhat marginal position within the Hema community, while Lubanga received the bulk of attention, enabling him to maintain his prominence in the region. In November, therefore, Kahwa formed his own rebel organization, the Congolese Party for Unity and Saving Integrity (PUSIC),¹⁸⁸ to challenge the UPC. Kahwa managed to win over many of the UPC’s Banyoro fighters and then sought to extend the organization’s base of support to other Iturian communities, including the Lendu and Alur. His plan was to unify the people of Ituri under a common vision for the future in order to subvert intrusion into the region’s affairs by Kinshasa, which was allocated ten seats in the IPC. As such, he soon created an alliance of ethnically based armed groups under the Front for Provincial Integrity in Ituri (FIPI) umbrella.¹⁸⁹ The new alliance consisted of Alur, Lugbara and Lendu based rebel organizations and was also collectively armed and trained by RCD-ML.¹⁹⁰ (Recall that RCD-ML, led by Mbusa Nyamwisi, had been fighting the UPC since the latter splintered from it following the Sun City talks.) Towards the end of the year, then, the alliance had launched a joint assault on Lubanga’s UPC, which was now isolated, weakened and desperately looking for assistance.

¹⁸⁸ PUSIC abbreviates the organization’s French name, *Parti pour l’unité et la sauvegarde de l’intégrité du Congo*.

¹⁸⁹ The organization’s French name is *Front pour l’intégrité de la province de l’Ituri*.

¹⁹⁰ Recall that the military branch of RCD-ML is the APC (Congolese Popular Army or *Armée Populaire du Congo*)

This was certainly the ideal scenario for Rwanda, which was annoyed with the IPC, as noted above. Rwanda thus began arming and training the UPC covertly and managed to have its proxy, RCD-Goma, become involved in providing assistance as well.¹⁹¹ The war between FIPI/RCD-ML and the UPC widened when the MLC and RCD-N joined the fighting on the UPC's side, more in the form of an alignment than of an alliance. The motivations of the MLC and RCD-N were simple: they wanted to acquire as many gold and diamond mines in Ituri as possible before the IPC convened and established interim authority over the district.¹⁹² The tables had now turned in the UPC's favour and the group launched a devastating attack on FIPI and RCD-ML, almost destroying the latter. On December 31, under Ugandan pressure, the MLC, RCD-N, and RCD-ML signed a ceasefire, but the UPC refused to stop fighting. Instead, the UPC solidified its relationship with RCD-Goma by signing a formal alliance with the organization a few days later, on January 6, 2003.

The powerful UPC attack on FIPI also had the effect of destabilizing the Iturian rebel alliance during the first few weeks of the new year. The various ethnically based militias under the leadership of Chief Kahwa started pursuing their own agendas and falling into conflict with each other, further aggravating the region's ethnic cleavages. Moreover, Kampala was worried that the UPC's alliance with RCD-Goma and Rwanda would threaten its influence in Ituri and it thus began supporting the Lendu militias within FIPI to fight against its former ally. These Lendu-dominated militias – the Front for National Integration (FNI) and the Patriotic Force of Resistance in Ituri (FRPI) – received arms and training from Uganda and began a new round of warfare against the Hema-controlled UPC. The Hema versus Lendu aspect of the Iturian war had now taken on a particularly salient intensity, prompting regional observers to warn of possible genocide, as will be shown below.

¹⁹¹ Human Rights Watch, *Ituri*, 11.

¹⁹² International Crisis Group. *Intervention in Ituri*, 9.

Nevertheless, by early March Uganda had managed to strike a deal with a UPC commander who created a splinter faction named the Armed Forces for the Congo (FAPC)¹⁹³ with 3,000 of his fighters and launched a mutiny against the rest of the UPC in Bunia. The assault was shattering for the UPC and Lubanga, who fled to Rwanda after being injured in the fighting. The defeat of the UPC, though, complicated the situation further as rival militias – the Lendu-dominated FNI and FRPI and the Hema-dominated PUSIC – moved into Bunia to claim control of Ituri.¹⁹⁴ While Ugandan forces occupying the city maintained some order, the situation in rural Ituri continued to degenerate as militia-battles persisted. The elimination of the UPC as a credible force and the new – and to be sure, temporary – stability in Bunia, however, finally allowed for the beginning of the IPC, almost eight months after it was intended to start.

The IPC met for ten days in early April and succeeded in forming a district assembly of 32 elected members, establishing an executive body and, critically, creating a mechanism for dialogue between militias. But the new Iturian administration – to remain in place at least until the transitional government in Kinshasa took hold – had no resources to maintain security if Ugandan forces withdrew from the area, as Kampala was under increasing international pressure to do. Indeed, reflecting the major rift that had emerged between Uganda and Rwanda since their cooperation in the early days of the war, Kagame's National Security Advisor, Emmanuel Ndahiro, asserted in March 2003 that the UPDF was collaborating with Rwandan Hutu rebels in Congo, thereby creating a "direct threat" to the country's security.¹⁹⁵ Ndahiro's allegations could not be confirmed or challenged by MONUC as the mission was understaffed to properly monitor the northeast, but the complaint served as an indication that if Uganda did not withdraw soon, Rwanda would re-deploy its forces in Congo.

¹⁹³ FAPC abbreviates the group's name in French is *Forces Armées Pour le Congo*.

¹⁹⁴ *Ibid.*, 10.

¹⁹⁵ "Rwanda Threatens to Send Troops to Congo", *Associated Press*, 15 March 2003.

Given this situation, the IPC sought to have MONUC keep the peace between competing rebels, a task that the UN mission accepted without ensuring that it could in fact carry it out. Just over 700 of its soldiers were in Bunia – a city of 340,000 – at the time and given their limited mandate of *keeping*, not *making*, peace, MONUC was simply not a viable alternative to the UPDF.¹⁹⁶ As the ICG notes,

MONUC's leaders wanted a political success in Ituri to prove that they would be capable of supporting the Congolese transition without help from external facilitators such as South Africa. The UN appears to have intentionally misled the IPC on its capacity to deliver a security mechanism in order to demonstrate its ability to manage a political negotiation and clinch a political deal, however unimplementable.¹⁹⁷

Perhaps MONUC officials believed that the UN Security Council would quickly authorize and deploy more forces to help the mission fulfill its responsibilities. But as will be shown below, despite a steady rise of disturbing developments in Ituri and warnings of impending large-scale massacres from a slew of respected humanitarian organizations and observers during the first half of 2003, the Security Council and the broader international community – notwithstanding the usual rhetoric expressing grave concern – reacted with little sense of urgency, typifying the UN's abysmal record of inaction towards the Congolese war since 1998. When Uganda pulled out in early May, therefore, the PUSIC and FNI/FRPI militias began fighting each other for control of the local capital, with violence regularly acquiring interethnic dimensions.

Another Failed Humanitarian Intervention

During the first few months of 2003, several developments in Ituri focused international attention on the region and raised fears of possible large-scale ethnically targeted massacres. In sharp contrast to the decrease in violence in the Kivus, the Ituri district continued to be ravaged by interethnic warfare, resulting in the deaths of an estimated 50,000 civilians and the displacement of 500,000 more, many of whom took refuge in

¹⁹⁶ "Oxfam Urgent Advisory on Situation in Ituri Province, DRC", Oxfam-America, 19 May 2003.

¹⁹⁷ International Crisis Group. *Intervention in Ituri*, 11.

camps reminiscent of those along Congo's eastern border in the aftermath of the 1994 Rwandan genocide.

Early in the year, MONUC reported that allegations pertaining to acts of cannibalism in Ituri by fighters belonging to the MLC and RCD-N were true. (Desperate to clean its image, MLC leader Jean-Paul Bemba reacted to the revelation by putting 27 of his fighters on trial in an MLC-operated court in Gbadolite and making the process open to journalists and MONUC officials. But the government in Kinshasa rejected the court's authority, prevented journalists from leaving the capital to cover the case, and initiated proceedings against the group at the International Criminal Court in The Hague.¹⁹⁸) Further adding to concerns in Ituri, on April 7, MONUC observers uncovered some 20 mass graves containing nearly 1,000 bodies in the Drodo area of the district. Eyewitness reports indicated that the victims were killed in attacks launched by Lendu fighters (likely belonging to the FNI) allied with Uganda. Confusion remained over whether the UPDF had participated in the slaughter but a Bunia-based aid worker attested that Ugandan soldiers were present in the Drodo area.¹⁹⁹

The next day, the New York-based International Rescue Committee (IRC) released a report estimating that perhaps as many as 4.7 million people had died as a result of the four and a half year long Congolese war.²⁰⁰ The IRC survey did not extend to Ituri, however, as the region was deemed too insecure for its staff to visit due to ongoing interethnic clashes. The following month, moreover, Oxfam raised more concerns regarding the situation in Ituri, pointing out that civilians were vulnerable to intensified fighting by rebel groups - which began when Uganda pulled its forces out of Congo on May 7 - and were beginning to run out of food and drinkable water. It further pointed out that the 700

¹⁹⁸ "Cannibalism Trial Begins; Ituri Peace Accord Postponed", *U.N. Wire*, 19 February 2003.

¹⁹⁹ Rodrigue Ngowi, "UN Finds Graves of 1,000 Villagers in Congo Massacre", *Associated Press*, 7 April 2003.

²⁰⁰ "Conflict in Congo Has Killed 4.7m, Charity Says", James Astill and Isabelle Chevallot, *Guardian*, 8 April 2003; see also International Rescue Committee, *Mortality in the Democratic Republic of Congo: Results from a National Survey*, April 2003. Given the difficulty of conducting research and surveys in eastern Congo, the IRC reported that the actual fatality count for the war could be as low as 3 million. Only some 10% of deaths were attributable to direct violence; the overwhelming remainder was attributable to hunger, disease and other causes directly resulting from war.

Congolese police officers in the area – half of whom were not armed – and the rather small MONUC presence in Bunia were ineffective.²⁰¹ In reality, MONUC was busier trying to protect its own personnel in the region than helping civilians; two of its observers had just been brutally killed along with two Red Cross officials.²⁰² In late May, furthermore, Carla Del Ponte, then prosecutor for the International Criminal Tribunal for Rwanda, pointed out that the ‘Hema versus Lendu’ conflict in Ituri could be categorized as genocide while a senior UN relief coordinator, Carolyn McAskie, said that she saw “shades of Rwanda in 1994” in the fighting.²⁰³ At about the same time, another mass grave was found in Bunia by UN observers, this time containing some 280 mutilated and possibly cannibalized bodies.

While such disturbing developments and warnings mounted through the first half of the year, the UN slowly worked to assemble a special “Rapid Deployment Force” for Bunia that could be deployed within ten days of being authorized by the Security Council. Initially, France was the only country to make a contribution – of about a 1,000 soldiers – to the new force but refused to send them to Congo without the participation of other countries. By early June, however, Britain, Pakistan, and South Africa, among others, also pledged to contribute some forces, enabling the Council to authorize the deployment of 1,400 troops, named the Interim Emergency Multinational Force (also known as Operation Artemis). The United States Department of State spokesman, Richard Boucher, told the press that “the force is critical to stabilizing the region” but no American troops were offered for the mission.²⁰⁴ The new deployment was intended to work closely with MONUC but unlike the latter, benefited from a stronger mandate to use force to ensure the safety of civilians. It is important to note, however, that the new mission was restricted to the town of Bunia and that some 150,000 refugees in all likelihood confronted with fighting in nearby rural areas remained outside of its mandate. Furthermore, revealing the volatility of the local situation,

²⁰¹ “Protection, Water and Food are Priorities in Bunia”, *All Africa*, 13 May 2003.

²⁰² The UN observers were from Jordan and Malawi while the Red Cross workers were Congolese.

²⁰³ Thalif Deen, “UN Ignoring Crisis in Western Africa”, *Inter Press Service*, 21 May 2003.

²⁰⁴ Ranjan Roy, “UN Approves Force Deployment in Congo”, *Associated Press*, 30 May 2003.

fighting began outside the UN Mission's Bunia-headquarters after the first hundred soldiers arrived; all they could do was wait inside the building until it stopped.²⁰⁵

There was a broad consensus among humanitarian observers that given its small size the new UN mission could only provide very limited security in Bunia and that the existing MONUC deployment in other parts of northeastern Congo would fail to prevent mass killings by rival ethnically-based militias. One priest working in the area for a long time, Father Jan Mol, argued at the time that UN forces "must demilitarize the whole of Ituri province because that's where the warlords are. They must take guns away from everyone who is not part of a regular army."²⁰⁶ Moreover, while the world press had arguably paid little attention to the growing risk of large-scale massacres in the months leading to the 1994 Rwandan genocide, there was a noticeable rise in interest in the Congo conflict by June. For instance, the military historian, Gwynne Dyer, argued in his widely syndicated column that the war could be ended with the deployment of 40,000 to 50,000 troops under a strong UN mandate to use force in peacemaking if necessary.²⁰⁷ But no such thing would be forthcoming. The French Brigadier-General leading the new mission announced that he would protect the civilian population but also made it clear that he would not demilitarize the rival Hema and Lendu militias waging war on each other in Bunia.²⁰⁸ The Ituri mission, scheduled to last until the end of August, was therefore nothing more than a small band-aid for a very large wound. This view was further confirmed by Médecins Sans Frontières (MSF), which published a report in July accusing the UN of being utterly ineffective. It pointed out that since Operation Artemis had started in early June, "the population of Bunia and surrounding areas has yet to receive any real protection."²⁰⁹

Recognizing the dismal performance of UN forces, Secretary-General Annan proposed augmenting the mission by another 2,100 soldiers, thereby bringing the total

²⁰⁵ Nicole Itano, "As Congo Collapses, France Steps In", *Christian Science Monitor*, 9 June 2003.

²⁰⁶ Itano, "As Congo Collapses, France Steps In".

²⁰⁷ Gwynne Dyer, "World Can Put Quick End to Carnage in the Congo", *Toronto Star*, 2 June 2003.

²⁰⁸ Somini Sengupta, "Won't Disarm Congo Armies, UN Force Declares", *New York Times*, 10 June 2003.

²⁰⁹ Médecins Sans Frontières, *Ituri: Unkept Promises? A Pretense of Protection and Inadequate Assistance*, 25 July 2003.

MONUC deployment to 10,800, and replacing the French-led mission to Bunia with another force totalling 3,800. The American Ambassador to the UN, John Negroponte, initially resisted the MONUC proposal but acquiesced by mid-July.²¹⁰ The new mission was thus named MONUC II (also known as the 'Ituri Brigade') and was supported by a stronger Chapter VII mandate of providing security to civilians beyond Bunia.²¹¹ On September 1, the first of the MONUC II forces – consisting of 1,200 Bangladeshi soldiers supported by Indian attack helicopters – took over control of Bunia from French forces. Within weeks, then, nearly 5,000 UN forces were deployed across Ituri, which finally helped decrease clashes between militias. With the reduction of violence in Ituri, moreover, the interim government that emerged from the work of the Pacification Commission began to slowly restore governmental authority in the district. But in early 2004, the Union of Congolese Patriots (UPC), which had been put out of business as a result of fighting in 2003, re-emerged under the leadership of Bosco Ntaganda, a former UPC commander. The new UPC then launched a series of attacks against MONUC forces in Ituri (killing one MONUC soldier in February), reportedly as revenge for MONUC's arrest of two of the organization's members.²¹²

The above should make it clear that the UN failed miserably in adequately intervening to help bring the Second Congolese War to an end. It appears that the so-called international community believed that allowing the war to play itself out was better than providing meaningful intervention that could have saved countless lives. The prospect that Congo will be better assisted by the UN in the future as it struggles to maintain peace across its vast territory remains unlikely.

²¹⁰ "More UN Peacekeepers Get US OK", *Associated Press*, 9 July 2003; see also "UN Strengthens DR Congo Force", *BBC News*, 28 July 2003.

²¹¹ "UN Troops Going to Congo Will Have Greater Fire Power", *Agence France-Presse*, 19 August 2003; see also "UN DR Congo mission asks for budget hike to ensure success in Ituri", *IRIN*, 2 October 2003.

²¹² Helen Vesperini. "Tension grows in DR Congo's Ituri between UN forces and ethnic militias", *Agence France-Presse*, 8 February 2004.

V. Future Prospects

Despite the progress made by the national peace process and its Iturian counterpart and the increased deployment of MONUC forces across eastern Congo, the Second War continues. In late January 2004, eyewitness reports emerged alleging that a Lendu militia had massacred some 200 civilians on a boat at Lake Albert, close to the Ugandan border. A team of MONUC officials sent to confirm the incident, however, came under fire from the UPC and was forced to cancel its mission.²¹³ The following month, in February, the new Congolese military, composed of former rebels, confirmed that a Mai Mai militia had killed a hundred civilians in Katanga.²¹⁴ Indeed, only one Mai Mai faction took part in the Inter-Congolese Dialogue and joined the transitional government; other factions therefore have little to gain by laying their weapons down. In late March, moreover, a coup attempt was carried out in Kinshasa but failed after a brief exchange of fire.²¹⁵

Congo remains an extremely weak state. Control of territory of the country's far eastern reaches remains largely in the hands of former rebels, now ostensibly taking orders from the capital, though the extent to which this is in fact the case is unclear. Whatever lull in fighting exists as of this writing is surely temporary, as the achievements of the Inter-Congolese Dialogue, though significant, ultimately failed to deal with the roots of the Kivutian war. As shown, conflict in the Kivus had much to do with the marginalization of the Banyarwanda population that was formalized through the 1981 Citizenship Law. Then in 1998, RCD-Goma emerged and turned the tables around in favour of the Banyamulenge Tutsi, but the Hutu remained disadvantaged. This continued marginalization of the Hutu community – Kivutian and Rwandan refugee – in Congo by RCD-Goma only increased their hostility towards the Tutsi and hardened the resolve of Hutu rebels belonging to the FDLR, which remains active; in mid-April 2004, the RPA reported that the FDLR attacked a

²¹³ "UN abandons massacre investigation in DRC", *Africa Online*, 6 February 2004.

²¹⁴ "Congo Confirms New Massacres in Katanga", *Africa Online*, 26 February 2004.

²¹⁵ "Coup Attempt in Congo", *All Africa.com*, 29 March 2004.

Rwandan village close to the Congolese border.²¹⁶ The Kivus are in much need of a forum for dialogue and political action, similar to the Ituri Pacification Commission or a local version of the Inter-Congolese Dialogue, in order to give the various local ethnic groups an opportunity to voice their concerns in a constructive environment.²¹⁷

The politics of the Kivus, however, are also intertwined to a significant extent with the situations in Rwanda and Burundi. While a discussion of these countries' politics is beyond the scope of this study, some notes follow. After the 1994 genocide that targeted the Tutsi and moderate Hutu, the new RPF government that emerged acquired an extremely authoritarian character. It intimidated the opposition to the point where none of the eight parties legally allowed to exist dare offer any significant criticism of government policies. A similar treatment has been given by the RPF to Rwanda's media agencies, resulting in several editors and journalists going into exile for running stories critical of the ruling regime in local newspapers. The RPF's authoritarianism – today led by Paul Kagame, a Tutsi – is also evident in the way it has gone about dealing with crimes committed during and after the 1994 genocide by its own soldiers, as the group fought for power. When the former chief prosecutor for the International Criminal Court for Rwanda (ICT-R) announced that she would investigate these crimes in addition to those committed by the Hutu government that carried out the genocide, the RPF refused to cooperate. Furthermore, since 1994, the government has held in its prisons over a hundred thousand people – overwhelmingly Hutu – suspected of taking part in the genocide. With the ICT-R's mandate restricted to handling high-government officials responsible for the killings and the country's courts unable to process the extraordinary number of suspects, the RPF has instituted community-based courts, known as *gacaca*. The courts are based on a traditional Rwandan dispute resolution scheme, but they are by law only allowed to handle crimes that occurred between October 1990 and December 1994. Many of the RPF's crimes, however, were

²¹⁶ Robert Walker, "Hutus 'attacked Rwanda village'", *BBC News*, 11 April 2004.

²¹⁷ For a report on continuing tensions in South Kivu, see "Les antagonismes restent très forts dans le sud-Kivu", *Agence France-Presse*, 16 April 2004.

committed after 1994, leading to the perception within the Rwandan Hutu community – local and exiled – that ‘Tutsi’ crimes are being excused.²¹⁸

Reconciliation in Rwanda still has a long way to go, therefore. As long as the RPF maintains its current authoritarian policies, the FDLR will likely find it worthwhile to continue fighting Kigali from eastern Congo. This will, of course, continue to destabilize the region and reinforce the insecurity of the Banyamulenge community that, in turn, will give the RCD the reason to continue its operations in the Kivus. But the FDLR is not the only foreign rebel group destabilizing the region. In late 2003, the FDD joined a power-sharing government in Burundi but its smaller counterpart, the National Liberation Front (FNL),²¹⁹ led by Agathon Rwasa, continues to operate in South Kivu and has so far been resistant to making peace with the Burundian government.²²⁰ The Burundian civil war, which began in 1993, is thus another question mark on the road to peace in Congo. If the FNL can be persuaded to follow the FDD’s lead and join the government in Bujumbura, stability in South Kivu will likely increase significantly. But even then, if the Burundian war flares up again for other reasons, Congo will undoubtedly be adversely affected.

While resolving the situation in the Kivus is critical to ensuring peace in Congo, the power-sharing government in Kinshasa also has many tough hurdles to surmount in the coming months leading to democratic elections in 2005, as called for by the Inter-Congolese Dialogue. Fortunately, the UN’s Special Representative to Congo, William Swing, announced in Kinshasa in January 2004 that he found the local situation permissible for the forthcoming elections.²²¹ But coup attempts, such as the one mentioned above, could seriously undermine plans. It is absolutely critical that the elections go on as scheduled as their delay could give one of the various rebel groups forming the transitional government an

²¹⁸ For more information on Rwanda’s political situation, see International Crisis Group. *Rwanda at the End of the Transition: A Necessary Political Liberalisation*, Africa Report No. 53, 13 November 2002.

²¹⁹ The FNL became more prominent as a Congo-based rebel group in the last two years.

²²⁰ “Burundi: Former Rebel FNL faction becomes political party”, *IRIN*, 22 December 2003. For an example of the FNL’s operations in South Kivu, see “Burundi-DRC: Killing of civilians confirmed in Rusabagi, South Kivu Province”, *IRIN*, 5 September 2003.

²²¹ “It is Possible to Hold Democratic Elections in 2005, According to William Swing”, *IRIN*, 14 January 2004.

excuse to announce its departure from the peace process. The two RCDs and the MLC maintain their forces in the east and northeast and would certainly be ready to re-deploy them, should it be seen as expedient. There are certainly solid grounds for concerns that this could happen. During the first few months of 2004, the transitional government in Kinshasa became increasingly factionalised as it began discussing substantial matters, such as the final composition of the national armed forces. The establishment of the Truth and Reconciliation Commission, to deal with the countless crimes committed from 1960 to 2003, also remains a major challenge for the new government.

The chances that Swing's assessment will hold true over the next year can be greatly increased by a responsive UN. As shown in some detail in this study, over the course of the war, the UN repeatedly delayed deployment of MONUC forces into Congo. Even when MONUC was finally deployed, it was highly inadequate in ending the fighting or providing reliable protection for civilians. Without a doubt, many flare-ups will occur in eastern Congo in the coming period and, should it be necessary, the UN *must* be ready and willing to rapidly deploy reinforcements for MONUC so that it may fulfill its mission to keep the peace. Failure to do so may result in fighting spreading to other parts of the country, the consequences of which could be disastrous to the peace process. When the strong possibility of genocide in Ituri emerged during the first half of 2003, the UN was slow to act but, fortunately, killings on the scale of Rwanda in 1994 failed to materialize. Things may not pan out similarly in such instances in the future, however.

It is a disheartening scenario when the study of a six year long war that may have claimed the lives of some four million people cannot end with a genuine expression of optimism. The Great Lakes region of Africa in which eastern Congo finds itself remains a most troubled part of the world. The Western public first came to know Congo at the end of the nineteenth Century as a result of the adventures of David Livingstone and Henry Morton Stanley into the 'Dark Continent'. By the beginning of the twentieth Century, however, due to the work of several human rights activists, Westerners learned of the horrors inflicted on

the Congolese by Belgian King Leopold II's megalomaniacal machinations. Today, as the twenty-first Century begins, the world once again hears of Congo's horrors – but only barely, because of scant coverage in the mainstream news media. This study can hopefully play a small part in rectifying this problem.

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