

CONGO: BRINGING PEACE TO NORTH KIVU

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CONGO: BRINGING PEACE TO NORTH KIVU

EXECUTIVE SUMMARY AND RECOMMENDATIONS

North Kivu is again a crucible of conflict in Congo. Since fighting resumed between the insurgents of Laurent Nkunda and the national army in December 2006, over 370,000 civilians have been displaced in the province. Due to the failure of the latest attempt to integrate Nkunda's troops into the army, the crisis has become much worse since May 2007. UN attempts to impose a ceasefire and appoint a special envoy to mediate have failed. President Joseph Kabila's 15 October decision to suspend offensive operations and his subsequent call on all Congolese armed groups in the region to present themselves for disarmament or army integration is welcome but fighting continues, and there is no real dialogue with Nkunda. A comprehensive initiative needs to be launched urgently to de-escalate the crisis and address the root causes of the conflict.

This new crisis results from failures of the Congo peace process on army integration, economic governance and transitional justice. During the second half of the political transition – which formally ended with the election of President Kabila and a new legislature in 2006 – a policy of containment, appeasement, and international emphasis on the holding of elections cooled tensions but left their causes unaffected. The province remained in effect split into two pieces, with Masisi and Rutshuru territories caught in a cold war between dissidents from the former Rwandan-backed rebel group, the Congolese Rally for Democracy (RCD), and the national army (FARDC). Little progress was made on disarmament and reintegration of Mayi Mayi militias or repatriation of the Rwandan Hutu (FDLR) rebels. The illegal exploitation of natural resources continued unabated as all communities armed, animated by deep mutual resentments over land security, mass human rights abuses during the war and control of natural resources.

The 2006 national and provincial elections liquidated politically the RCD. Strengthened by his election, Kabila held discreet talks with Nkunda, facilitated by Rwanda, and concluded an agreement for the progressive integration of Nkunda's troops into the regular armed forces, a process locally known as *mixage*, with the understanding that they would not have to leave the province until the general security situation improved significantly. But neither Nkunda nor Kabila was able to contain their hardliners opposed to the settlement.

Afraid to become the victims of revenge killings and lose everything they had illegally acquired during the war, Goma-based Tutsi leaders accused Nkunda of betrayal and threatened to stop supporting him. Kabila's hardliners attacked him over the perceived preferential treatment given to the Tutsi in the army integration process and used the public outcry over the massive human rights violations and displacement of civilians caused by the operations against the FDLR to undermine the agreement's legitimacy. *Mixage* collapsed in May 2007, leading to new escalation.

So far, the crisis has not jumped the border to draw in Rwanda. Both Kinshasa and Kigali have shown restraint and chosen to continue with regular consultations. However, on the ground, there is combat; the humanitarian situation is appalling; neither side has a good prospect of military success; and escalation continues to carry the risk of destabilisation of the wider region.

To compensate for the national army's weakness, Kabila has been trying to co-opt the UN mission (MONUC) into his operations, a move the UN should continue to resist lest it be caught in the crossfire between Nkunda and the FDLR. The international community should encourage Kabila to suspend his military offensive and launch a comprehensive peace initiative for North Kivu, aimed first at de-escalating the conflict and improving the general security environment in the province, then addressing the core issues related to restoration of state authority such as regulation of the exploitation of natural resources, return of refugees and a transitional justice process facilitating community reconciliation. A prolonged deadlock would inevitably result in further displacement of civilians and increased risk of ethnic cleansing and revenge killing on both sides.

Over the past three years, ending the North Kivu conflict has been repeatedly postponed in favour of efforts to consolidate the transition and secure Kabila's election. But North Kivu has been the epicentre of Congo's violence since the conflict began more than fifteen years ago. Now is the time to address this major gap in the Congolese transition and end a crisis which is producing immense suffering and continues to carry wider risks for Congo and its neighbours.

RECOMMENDATIONS

To the Government of the Democratic Republic of the Congo:

De-escalating the crisis and improving security

1. Suspend offensive action against Nkunda's troops, adopt a containment strategy and appoint a respected senior military officer to lead a special task force (made up of officers from the Military Integration Structure (SMI) and National Disarmament Program (PNDDR), as well as MONUC military observers) to discuss with Nkunda's representatives modalities for assembling his troops in designated areas of Masisi and Rutshuru territories under MONUC supervision.
2. Proceed, with MONUC, to establish a weapons-free zone, disarm new militias and former members of the Local Defence Forces (LDF), conduct operations to reassure internally displaced persons (IDPs) and secure mines and trade routes that are the Mayi Mayi and FDLR's main revenue sources.
3. Discipline rogue national army (FARDC) and Mayi Mayi (in particular PARECO) combatants engaged in active collaboration with the FDLR and inciting ethnic hatred against Tutsi communities.
4. Revive the joint verification mechanism with Rwanda and patrol the border intensively with MONUC to deter the infiltration of armed elements and illegal immigration into the province.
5. Develop a plan with Rwanda and MONUC to isolate and capture the *genocidaire* leaders among the FDLR and offer resettlement in the Congo or reintegration into Rwanda to those who were not involved in the genocide and are willing to demobilise.
6. Hold a roundtable with local communities, provincial authorities and national representatives to set clear guidelines for the allocation of posts within the provincial administration, to map out a consensual process for the disarmament of all communities and to adopt a code of conduct for political activities in the province.

Dealing with root causes

7. Establish a land commission, composed of provincial authorities and representatives of all communities, mandated to review title deeds and recommend practical measures for the redistribution and re-allocation of estates and ranches in Masisi and Rutshuru so as to reinstall/reinsert landless IDPs

and refugees, improve inter-communal relations and prevent renewed disputes.

8. Negotiate and implement with the UN High Commissioner for Refugees (UNHCR) and Rwanda a tripartite agreement for repatriation of Congolese refugees from Rwanda, including a nationality verification process and issuance of voter cards to eligible persons before planned local elections.
9. Encourage the provincial authorities, concerned communities and refugee associations to carry out with UNHCR sensitisation campaigns in order to reduce inter-communal tensions and prepare the peaceful resettlement of refugees and IDPs.
10. Submit a draft law to the national legislature, based on the Office of the UN High Commissioner for Human Rights (OHCHR) investigation into mass crimes committed in Congo since 1993, to create a truth and reconciliation commission and a vetting process for screening out the worst human rights abusers from the police, armed forces and intelligence services.
11. Improve economic opportunity and control and exploitation of mineral wealth in North Kivu by:
 - (a) strengthening agencies responsible for tax collection and supervision of mines;
 - (b) ensuring that the review of mining contracts granted during the war that has begun in Kinshasa includes concessions granted in the province; and
 - (c) consulting with the Congolese Federation of Enterprises (FEC) of North Kivu over best ways to open up and regulate the economy.

To the Prosecutor of the International Criminal Court:

12. Investigate atrocity crimes committed in the Kivus since June 2003 and prosecute those most responsible.

To the UN Mission in Congo (MONUC):

13. Establish joint monitoring teams with the national army to control troop movements around designated assembly areas for Nkunda's forces, and obtain agreement, in return for food and other logistical support, to assign military advisers to integrated brigades deployed in North Kivu to help commanders mentor troops and prevent human rights abuses.
14. Support joint operations with the national army to create weapons-free zones, control main

communication routes and aggressively contain and disarm the FDLR in Masisi, Walikale and Rutshuru.

To Major Donors, including the U.S., UK, France, South Africa and Belgium:

15. Provide technical advice and funding for the land redistribution commission in North Kivu and to improve state agencies' capacity to collect taxes and prevent smuggling, and fund the OHCHR program to map mass crimes committed in the Congo since 1993.

Nairobi/Brussels, 31 October 2007

CONGO: BRINGING PEACE TO NORTH KIVU

I. INTRODUCTION

The three-year transition period, which began with the signing of the Sun City peace agreement in South Africa in 2003, significantly improved the security situation in most parts of the country, creating conditions for peaceful elections in July and October 2006. However, tensions remained high in the East. While some progress was reported in Ituri district, and relative stability prevailed in South Kivu province, Kabila's victory was followed in North Kivu by violence on a scale and intensity not seen since the height of the war in 2000.

In late November 2006, three days before announcement of the presidential election result, dissidents under the command of General Laurent Nkunda renewed attacks against the national army. Under the auspices of Rwanda, Kabila brokered a deal with Nkunda for the integration of his troops into mixed brigades but the agreement was ill-conceived and provided only a lull. It failed to specify the modalities needed for launching operations against the Rwandan rebel group, Democratic Forces for the Liberation of Rwanda (FDLR), without putting civilian lives in danger, and each side thought it could exploit its ambiguity to manipulate the other. By failing to address the local root causes of the conflict, it contributed to the worsening of inter-communal tensions.

As both parties felt betrayed, the process fell apart, leading to a three-month military build-up. Fighting resumed in late August 2007, producing massacres in several villages and forcing tens of thousands of civilians to flee, bringing the total of IDPs in the province since November 2006 to over 370,000. The ceasefire negotiated by the UN mission (MONUC) on 6 September has never been fully enforced. Both sides have reorganised and wavered between the offer of a renewed ceasefire and the threat of a major offensive.

The post-election crisis in North Kivu is no surprise. The transitional government, the International Committee in Support of the Transition (CIAT)¹ and MONUC never

defined or supported a clear strategy to end violence in the province. During the second half of the transition, tensions cooled thanks to a combination of containment, appeasement and international support for the elections. Yet all the ingredients for renewed conflict remained. The reunification of the province was flawed. Nkunda's dissidents were left free to entrench themselves in Masisi and Rutshuru territories. No serious progress was made with disarming the FDLR or the various local Mayi Mayi militia groups. The distribution of small arms to civilians continued. Resentment between local communities over land security and mass human rights abuses remained deep and was increased by the discovery of mass graves.

In the run-up to national and provincial elections, the situation began to deteriorate. The political balance shifted away from the Rwandan-backed Congolese Rally for Democracy (RCD) and its Tutsi and Hutu supporters towards the once marginalised Nande, Hunde and Nyanga communities allied to Kabila. The latter groups started jockeying for positions and pushing for redistribution of economic privileges. These developments caused the Tutsi community to fear marginalisation and reprisals for the crimes committed by the RCD army, the Armée Nationale Congolaise (ANC), and its allies during the war. While Hutu leaders could rely on a large group in the provincial parliament and a rapprochement with Kabila, Tutsi businessmen and RCD founder-members felt isolated and soon became more interested in Nkunda's insurgency as a potential source of leverage to defend their economic assets and deter acts of revenge.

Strong international pressure and the restraint of officials in Kigali and Kinshasa have, so far, prevented the crisis from becoming regional. However, the situation is extremely volatile. The purely military option, until recently favoured by Kinshasa, has produced more IDPs, heightened ethnic hatred and given Mayi Mayi militia and FDLR elements more room for manoeuvre. If pursued, it could lead to massacres of civilians, destabilisation of Kabila's government and a possible new war between Congo, Rwanda and Uganda.

¹ The International Committee in support of the Transition, known by its French acronym (CIAT), consisted of the Kinshasa ambassadors of the U.S., France, UK, Belgium, South Africa, China, Angola, Canada, Russia, the European Union (EU) and

the African Union (AU). It was convened by the UN Secretary-General's Special Representative and sought to coordinate diplomatic activity.

This report analyses why the North Kivu conflict was not settled during the transition, explores the dynamics of the current crisis and outlines short- and long-term measures necessary to stabilise the province. Two appendices provide detailed additional background information on the recent violence in the province and the current situation of the Rwandan Hutu rebels (FDLR).

II. THE TRANSITION'S FAILURE

The transition failed to address the deep roots of conflict in North Kivu. The integration of ex-ANC troops, Mayi Mayi disarmament and FDLR² repatriation involved political costs that Kabila was not ready to pay. Local inter-communal tensions, entrenched by the scars of the war³ and fuelled by the competition for natural resources, were considered more useful for short-term political purposes than reconciliation. Moreover, since CIAT and MONUC leaderships' main concern was consolidating Kabila's position by election, he was never put under international pressure to challenge the extremists in his camp and offer concessions to the RCD to resolve North Kivu's problems. Instead, a policy of containment and appeasement was favoured, which ignored the root causes of the conflict and gave priority to reinforcing the president's position. After the elections and the subsequent shift in the balance of provincial power away from the RCD, Tutsi leaders in Goma felt that only Nkunda could protect their interests, and fighting resumed, slowly escalating towards the current crisis.

A. THE FAILURE OF ARMY INTEGRATION

Congo's 2003 peace agreement produced a power-sharing arrangement at the national level. However, it failed to address the issues raised by various local conflicts and to provide the transitional government with a road map for military integration.⁴ The consequences were most serious by far in North Kivu.⁵

Army integration was the central issue for the stabilisation of North and South Kivu, as it had implications for both the RCD rebellion's political and economic survival and the physical security of its key constituencies. Without its military leverage, the RCD had no real capacity to advance its political agenda, and its core Tutsi constituency again felt at risk. Thus, army integration in the Kivus could not succeed without genuine political negotiations on the minimum security conditions required for units to be dismantled and their commanders to be transferred to other provinces, a judicial process and sensitisation campaign to reduce inter-communal tensions and resolution of land disputes.

² See Appendix D for a detailed discussion of FDLR activity in the Kivus.

³ See Appendix C for a detailed discussion of North Kivu's history of violence.

⁴ Crisis Group Africa Report N°44, *Storm Clouds Over Sun City: The Urgent Need To Recast the Congolese Peace Process*, 14 May 2002.

⁵ See Crisis Group, Africa Report N°56, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January 2003.

Unfortunately the Sun City agreement treated army integration as a mere technical process, involving the shuffling of command positions between former belligerents in Kinshasa and within the military regions. The dismantlement of units was programmed without consideration of consequences or in relation to the causes of the conflict. The South Kivu command, one of the strongholds of the ANC (Armée nationale Congolaise), the army of the Rwandan-backed RCD, went to Kabila's army (Forces armées Congolaises, FAC), while the ANC retained North Kivu. Hardline Kabila supporters in Kinshasa used the process to settle scores and undermine the RCD's political capacity within national institutions.

The appointment of a FAC commander in Bukavu and the replacement of ex-ANC commanders all over the province inevitably exacerbated inter-communal tensions. RCD hardliners, eager to resume the war and end the transition prematurely, contributed to this through a systematic policy of provocations and threats. RCD officers wanted for their alleged involvement in the 2001 assassination of former President Laurent Kabila refused to go to Kinshasa and join the national army, citing the lack of security guarantees for themselves and their communities.⁶

This group was led by Brigadier Laurent Nkunda, a Tutsi and former 2nd Military Region Commander of the RCD. As early as December 2003, he became head of an organisation, National Synergy for Peace and Harmony, including Hutu and Tutsi RCD leaders from Goma, as well as a small group of officers and politicians from South Kivu who had been convicted in absentia for killing Laurent Kabila.⁷ Goma rapidly became the base for all RCD dissidents.

The shuffling of commands and destruction of ANC units in the name of army integration without addressing core issues could only lead to a crisis. RCD officers (mostly of Tutsi origin) who joined Nkunda's movement refused to recognise the authority of General Nabyolwa, the pro-Kabila military region commander sent by Kinshasa. In

May 2004, the dispute between commanders erupted into a full-blown battle for Bukavu, which hardened resentment and sparked revenge killings against the Tutsi community, which was often perceived as a Rwandan fifth column. The national army rounded up and killed fifteen Tutsi, including women and children.⁸ Some 3,000 Tutsi civilians were forced to flee from towns. Claiming that genocide was taking place, Nkunda led a force of approximately 1,000 from Goma, which entered Bukavu on 2 June 2004, raping and killing indiscriminately.⁹

International pressure on Rwanda and the RCD forced Nkunda to leave Bukavu on 10 June but the situation was left to fester. Nkunda withdrew to North Kivu, where he consolidated his strength in Masisi and Rutshuru territories. In August the massacre of Banyamulenge refugees in the Gatumba camp in Burundi¹⁰ reinforced the sense among many Banyarwanda of Tutsi origins that their survival was at stake. Simultaneously, the Bukavu crisis and the ANC insurgents' retreat to North Kivu precipitated a new military build-up among pro-Kinshasa forces in the province. Notably Nande Mayi Mayi groups and Mbusa Nyamwisi's APC¹¹ reinforced their positions in Beni and Lubero territories to prevent Nkunda from moving north.

From October to December 2004, heavy fighting took place in Walikale territory and the Kanyabayonga area of Lubero, with Nkunda's troops systematically targeting Nande and Hunde civilians in reprisal campaigns.¹² The FDLR tried to use the growing tension in the province to prove its usefulness to Kinshasa and escalate the crisis regionally but was stopped in November by Rwandan preventive strikes inside Congo.¹³ International pressure on Kinshasa, Kigali and Nkunda, notably from South Africa, finally defused the crisis and opened a new phase of the transition focused on election preparations. Yet, no political initiative was ever launched to negotiate army integration, and the conflict remained unresolved.

⁶ Nkunda served four years in Kisangani and was accused of involvement in the massacre of 160 civilians there in May 2002. He argued that the December 2002 peace agreement was flawed by lack of a military component.

⁷ The group included South Kivu Governor Xavier Ciribanya, General Bora Uzima, Colonel Georges Mirindi, Colonel John Bahati, Major Amuli Chap Chap and Major Joseph Kasongo. The Kabila assassination trial was marred by procedural flaws and was heavily criticised by human rights groups. Just before the transition began, military and political positions in Bukavu were stacked with newly recruited RCD officials who had been convicted of assassinating Kabila. Rwanda's involvement in this prompted consternation among RCD leaders, who allegedly had not been consulted. Crisis Group interview, RCD official, Bukavu, January 2005.

⁸ "DR Congo: War Crimes in Bukavu", Human Rights Watch Briefing Paper, June 2004.

⁹ Ibid; Crisis Group Africa Report N°91, *The Congo's Transition Is Failing: Crisis in the Kivus*, 30 March 2005.

¹⁰ Hutu rebels from Burundi's National Liberation Front (FNL) claimed responsibility for the attack, which killed 160 civilians, many of them burned to death in their sleep. A subsequent UN investigation concluded there was insufficient evidence to establish responsibility. Many Tutsi, including Nkunda, claim the Congolese government planned and helped execute the massacre with the FNL.

¹¹ Armée Populaire Congolaise, see Appendix C below for more details.

¹² "North Kivu: Civilians pay the price for political and military rivalry", Amnesty International, 28 September 2005.

¹³ "Democratic Republic of Congo - Rwanda Conflict", Human Rights Watch, press release, 4 December 2004.

B. THE RISE OF SERUFULI'S RWANDOPHONIE

After a year of crisis in the Kivus, a fragile balance emerged, nurtured by the rise of Eugène Serufuli, the RCD governor of North Kivu,¹⁴ who became the prime interlocutor for the government and international community in the province. He conveniently filled the gap opened by the downfall of Vice-President Ruberwa, whose authority never recovered from his decision in August 2004 to suspend his participation in the transition. For two years, Serufuli, a Hutu from Rutshuru, was the main broker of political relations between the province, Kinshasa and Kigali, while containing Nkunda through a policy of appeasement.

1. Containment and appeasement of the insurgents

Accusing the RCD leadership in Kinshasa of having betrayed him, Nkunda temporarily disappeared from the scene, retreating to the highlands of Masisi, where he tried to rally all those in eastern Congo who felt they had lost out in the transition.¹⁵ He strengthened his military structure and consolidated his control over the 81st and 83rd ex-RCD brigades.¹⁶ He also recruited hundreds of Congolese Tutsi from refugee camps in Rwanda and demobilised ex-RCD soldiers from the nearby *brassage* camp in Mushaki.¹⁷ Dozens of child soldiers who had left the army to return to their villages in Rutshuru and Masisi were gang-pressed into his ranks.¹⁸

Failing to deal with Nkunda militarily, Kinshasa issued a warrant for his arrest in September 2005¹⁹ but accepted the

appeasement strategy Serufuli offered. Serufuli was an acceptable face in the capital, one who had officially distanced himself from the RCD hardliners during the crisis and appeared to provide a way to keep the situation under control while reaching out to the important Hutu constituency. He became the defender of "Rwandophonie", a new political cause encompassing the rights and interests of both Hutu and Tutsi communities in the province.²⁰ He promised to deliver Hutu votes to Kabila and keep Nkunda under control while also lobbying Rwanda to support Kabila's election.

In Goma, Serufuli diligently protected the interests of Tutsi businessmen and worked tirelessly to maintain the status quo in Masisi and Rutshuru, preserving the RCD-dominated provincial administration and guaranteeing the continued illegal exploitation of natural resources. He also had to satisfy his own communal interests. In continuation of the policy on the Local Defence Forces (LDF) he had initiated during the war, he distributed weapons and ammunitions to Hutu youths.²¹

On the military front, the new national army (FARDC) decided to proceed with integration in a purely administrative process called *brassage*. It provided incentives for deserters (including ex-Mayi Mayi) to regroup and, while avoiding direct confrontation with the insurgents, gradually asserted its control over areas evacuated by the ex-ANC. The ex-RCD military region commander in Goma, General Gabriel Amisi, kept insurgent brigades on the army payroll until well into 2006, when he was promoted to become commander of the land forces in Kinshasa. This containment and appeasement approach maintained a fragile status quo throughout 2005.

2. Revenge killings and mass graves: the limits of Rwandophonie

When confronted with the legacy of the war, "Rwandophonie" revealed its limitations as a policy for keeping Hutu and Tutsi communities united under the same banner. In January 2006, Colonel She Kasikila, the new ex-Mayi Mayi commander of the 5th integrated brigade, was deployed to Rutshuru. The first non-RCD commander to control the territory since 1998, he

¹⁴ Serufuli, appointed governor of North Kivu in 2000, is a Hutu from Rurama, in Rutshuru territory. A former member of MAGRIVI a development association later transformed into a Hutu militia in Masisi, he is an RCD founding member and a founder and former leader of the non-governmental organisation (NGO) TPD, All for Peace and Development.

¹⁵ "Évitons une autre guerre au Congo", interview with Azarias Ruberwa, RCD president, *La Libre Belgique*, 25 August 2004.

¹⁶ Most soldiers in these brigades were recruited into Serufuli's Local Defence Force during his tenure as governor; many officers were Tutsi who had been trained in the Rwandan army before the war.

¹⁷ "Report of the Group of Experts on the Democratic Republic of Congo submitted pursuant to resolution 1552 (2004)", UNSC S/2005/30, 25 January 2005, pp. 44-45.

¹⁸ "Democratic Republic of Congo: Alarming resurgence in recruitment of children in North-Kivu", Amnesty International, press release, 31 March 2006.

¹⁹ Though issued by the Congo government, this warrant is often referred to as international because it was circulated to Interpol. In a recent press conference, MONUC called for clarification about the warrant. See, "Mandat d'arrêt contre

Nkunda : la Monuc dans l'embarras", *Le Phare*, 18 October 2007.

²⁰ On 19 January 2004, Francois Gachaba and Felicien Nzitaira, leaders of the Hutu and Tutsi communities respectively, published the "Memorandum of Congolese Rwandophones" in "Le Soft", detailing the systematic persecution and stereotyping of their communities by the post-independence governments and exhorting the transitional government to bear this in mind while debating the draft constitution and the law on citizenship.

²¹ Crisis Group Report, *The Congo's Transition Is Failing*, op. cit. On the LDF, see Appendix C below.

immediately discriminated against Banyarwanda officers and soldiers, advising them to return to Rwanda or face the consequences.²² He also began to take the law into his own hands and encourage revenge killings. He handed over three Banyarwanda bandits to a mob, which immediately killed them, began to collect the weapons distributed by Serufuli's men to the local population and chased Nkunda's soldiers out of the Lueshe niobium mine they had been guarding for important Tutsi businessmen in Goma.²³

He had crossed the line, and on 17-18 January 2006, Nkunda attacked Rutshuru city, chasing out Kasikila and also taking control of several surrounding villages. The fighting was again accompanied by massive human rights abuses. Nkunda's troops used the systematic rape of between 40 and 90 women as a weapon of war.²⁴ When Kasikila was eventually forced to leave North Kivu, an uneasy calm returned. In the meantime, however, Kasikila's brigade unearthed numerous mass graves around Rutshuru, which contained hundreds of bodies of Rwandan and Congolese Hutu killed by the Rwandan army and Tutsi in 1996. The memories of these massacres had been suppressed during RCD rule but their return caused shock among the local Hutu communities.²⁵ When Serufuli came to Rutshuru in March 2006 to deliver a speech, Hutu rioted. Many Hutu leaders in Goma and Rutshuru vehemently denounced Nkunda's movement as well as the "Rwandophonie" project, foretelling its demise during the elections.

C. GENERAL ELECTIONS: THE NANDE STRIKE BACK

By early 2006, the focus was on those elections, and Serufuli, eager to win votes, began to switch sides. Part of his incentive was that Rwanda had agreed to support Kabila's campaign and to discourage Nkunda from taking any action against his supporters in the East, provided he gave the RCD positions in his government.²⁶ At Kinshasa's prompting, Serufuli coaxed most of Nkunda's top Hutu

commanders to desert, including the leaders of the 81st and 83rd brigades, Colonels Smith Gihanga and David Rugayi, who brought hundreds of Hutu troops with them to army integration camps in early 2006. Several weeks after Serufuli denounced Nkunda's movement in August, he was prevented at gunpoint from entering the rebel leader's territory.²⁷

Hutu communities had even stronger reasons to join the Kabila camp, since the transition had answered their main grievance. The new nationality law, which granted citizenship to all individuals present on Congolese soil before 30 June 1960, was very well received by Hutu immigrants, who had largely settled in Masisi before independence. It guaranteed them land rights but not the majority of Tutsi migrants, who came only after the 1959 social revolution in Rwanda and the pogroms of the 1960s.

The elections in North Kivu took place in a tense atmosphere, though few incidents were reported. In a province which had experienced widespread inter-community violence for more than fifteen years, was still awash with weapons and armed groups, had not resolved its land disputes and had no plan for addressing economic grievances, elections could not be enough to produce stability. Instead, they led to a major power reconfiguration based on ethnicity and demography, which created a new imbalance and provoked a new crisis.

They were a triumph for President Kabila, however. In North Kivu, he won 77.71 per cent in the first round and 96.4 per cent in the second. At the provincial level, the polls ratified the demise of Rwandophonie and the reality of demography and ethnic polarisation. Kabila's grouping, the Alliance of the Presidential Majority (AMP), won 30 of 48 seats in the national legislature.²⁸ Most Hutu in Masisi and Rutshuru territories voted for PANADI²⁹ and PPRD,³⁰ not the RCD, which won only seven seats. The Nande secured 26 deputies, the Hutu eleven, the Hunde six, the Nyanga two and the Kumu one. The AMP also won the provincial elections overwhelmingly, taking 25 of the 42 seats.³¹

²² Crisis Group interviews, local administrative officials, Rutshuru, March 2006.

²³ "Report of the Group of Experts on the Democratic Republic of Congo submitted pursuant to resolution 1616 (2005)", UNSC S/2006/53, 27 January 2006, p. 26. The mine was operated by Modeste Makabuza, an influential Tutsi businessman with close ties to Serufuli.

²⁴ "Report of the Secretary-General on children and armed conflict in the Democratic Republic of Congo", UNSC Working Group S/2007/391, 28 June 2007, p. 10.

²⁵ In September 2005, similar mass graves had been unearthed but Serufuli put the blame on the FDLR.

²⁶ Crisis Group interviews, Rwandan officials, Kigali, February 2007; RCD officials, Kinshasa, December 2006.

²⁷ "Nord-Kivu: Serufuli dit non au discours tribale de Laurent Nkunda a Masisi", Radio Okapi, 20 August 2006.

²⁸ The PPRD won fifteen seats, Forces du Renouveau including Mbusa Nyamwisi, six, MSR, four, PANADI, three, the Mayi Mayi Movement and UPRDI one each. On political party acronyms, see Appendix E below.

²⁹ The Party of Nationalists for Integral Development, a pro-Kabila, Hutu-led party in North Kivu.

³⁰ The People's Party for Reconstruction and Development, Kabila's political party.

³¹ The communal distribution of the 42 seats was Nande 25, Hutu ten, and Hunde and Nyanga seven.

As in other provinces and despite the tense inter-communal relations, the two major ethnic groups, the Nande and the Hutu, managed to find an arrangement and shared the top positions. On 14 January 2007, Léon Bariyanga Rutuye, a Hutu from Rutshuru, was elected president of the provincial assembly, with AMP support. On 27 January, after much squabbling within the AMP, Julien Paluku, a Nande close to Mbusa Nyamwisi and mayor of Beni, was elected governor.³²

Unsurprisingly, the Tutsi community elected very few representatives. Faustin Dunia Bakarani was its only national deputy.³³ No Tutsi entered the provincial assembly. Edouard Mwangachuchu was elected senator,³⁴ and a Tutsi, Pierrot Kabanda, was made a minister in the provincial government³⁵ but the community was clearly outnumbered by the Nande and the Hutu.

Had the refugees returned to Congo to register and vote,³⁶ the Tutsi would have done better but would have found themselves in a similar situation to other North Kivu minorities.³⁷ Unlike other communities, however, the Tutsi fear being targeted in revenge for crimes committed during the war. Many Tutsi businessmen also made their fortunes during the war through preferential treatment, tax breaks and control of much of the lucrative fuel trade.³⁸

³² The election of Paluku showed the importance of internal conflicts within the Nande community and the influence of the foreign affairs minister, Nyamwisi. The leader of the Social Movement for Renewal (MSR), Vahamwiti Mukesyayira, stood for the position with AMP support but Paluku had Nyamwisi's backing. Shortly before the vote, Serufuli withdrew in favour of Mukesyayira but he lost to Paluku, 25-17.

³³ Bakarani is a former RCD member. During the transition, he distanced himself from Serufuli and campaigned as an MLC candidate for the Masisi territory. His criticism of RCD rule in North Kivu, particularly its land policy and his position as chairman of the Rwandophone Community of Masisi are among the reasons he won.

³⁴ Mwangachuchu is a rich local businessman who controls a mineral exporting firm, MHI, in Masisi. He is also vice-president of the North Kivu parliamentary group in Kinshasa.

³⁵ The provincial government has ten ministers: four Nande, two Hutu, one Hunde, one Nyanga, one Kano and one Tutsi.

³⁶ Bakarani claims that if all had returned to Congo, the Tutsi could have had four national deputies and four provincial deputies. See, "Dunia Bakarani, le rescapé Tutsi: 'Laurent Nkunda a reçu l'ordre d'engager la campagne de Bukavu'", *Le Soft*, 11 January 2007.

³⁷ Small communities such as the Kano, the Tembo and the Mbuti (pygmies) have no national deputies.

³⁸ Serufuli's power was enhanced by supporters from local government and business. Léon Muheto, for example, is the director of the state electricity company, Société Nationale d'Electricité (SNEL), in Goma, as well as a prominent member of the Rwandophone movement. Modeste Makabuza, a close associate and probably the most powerful businessman in Goma, owns the Société Congolaise d'Assurances et de Rassurances

These as well as many of the *comptoirs* – the trade houses that buy minerals for export – became increasingly concerned the Nande and Kabila might try to expropriate their assets.³⁹ Such fears led to a change of attitude which offered Nkunda an opportunity to return to prominence in the provincial power struggle.

(SCAR) insurance company, as well as shares in the Supercell phone company and a niobium mine in Rutshuru. He also controls much of the fuel brought to Goma. His brother, Alexi, is co-founder with Serufuli of TPD. Crisis Group Report, *The Congo's Transition Is Failing*, op. cit. According to some businessmen in Goma, Serufuli used to impose a security tax on fuel imports of \$250 per cubic metre, which amounted to over \$600,000 a month.

³⁹ Crisis Group interviews, businessmen, Goma, July 2007. The stakes are considerable. In 2006, some \$10 million in cassiterite was officially exported from Goma through Rwanda; since January 2007, the price of tin in Goma has almost doubled to around \$6,500 per ton. The biggest trading houses are Mining Processing Company (MPC), a South African company in which Tribert Rujugiro, who is very close to the Rwandan government, has considerable shares; Sodexmines, run by Lebanese-born El Ali Bassem, is allegedly close to government members in Kinshasa; and Amur, owned by South Kivu businessmen. They account for over 70 per cent of the province's official cassiterite exports. Goma sources suggest some are fronts for Rwandan traders. According to the UN, 70 per cent of cassiterite is smuggled out of Goma and does not appear in official statistics. "Regards Croisés", no. 19, Pole Institute, Goma, July 2007, pp. 24-26; "Report of the Secretary-General pursuant to paragraph 8 of resolution 1698 (2006) concerning the Democratic Republic of the Congo", UNSC S/2007/68, 8 February 2007, p. 8.

III. MIXAGE: ANOTHER MISSED OPPORTUNITY

Nkunda's re-emergence prompted a new crisis in the province and revealed the limits of the containment strategy pursued during the transition period. Kabila tried to make a deal with him to integrate his troops into the regular armed forces, so as to weaken the FDLR and improve his own relations with Rwanda. However, in a context of deep inter-community mistrust and fear of Nkunda's troops among the non-Tutsi communities, the agreement proved too limited and ambiguous, ignoring the causes of tension in the province and eventually becoming a contributing factor in the entrenchment of that mistrust.

A. A NEW REBELLION?

Nkunda chose the election period to unveil his own movement, the National Congress for the Defence of the People (CNDP), and to reinvent himself as the political protector of minorities. He began holding rallies in towns throughout eastern Masisi and western Rutshuru, calling for national unity and ethnic reconciliation,⁴⁰ although he did not support a specific party. He did not stand for office but took advantage of the dozens of foreign journalists who came to the region for the polls to boost his reputation.

1. Nkunda's politics

The attacks had no real impact on Kabila's popularity in Masisi and Rutshuru territories, where he received over 80 per cent of the votes in the first round and 90 per cent in the second, comparable to the results described above for the province. No major acts of ethnically motivated violence marred the election. However, Nkunda's initiative was well received by Tutsi, including members of civil society and the church, and businessmen. The Tutsi community was alarmed by the few candidates in North Kivu who courted anti-Rwandan and anti-Tutsi sentiment.⁴¹ Though many may not have condoned Nkunda's violent tactics, they looked to him as the ultimate guarantor of their safety in case of renewed inter-communal fighting.

⁴⁰ Nkunda, who says he is an evangelical minister, laces his speeches with references to the Bible, Gandhi and Martin Luther King, Jr.

⁴¹ In May 2006, Vice-President Yerodia Ndombasi gave a speech in Goma, saying he would chase all Banyarwanda from town; Mayi Mayi senator Mahano Ge Mahano accused the Tutsi of preparing another war in South Kivu. Other candidates promised to change the citizenship law to exclude Tutsi and called themselves "the cure for Tutsi". Crisis Group interviews, local Tutsi representatives and journalists, Uvira and Bukavu, July 2006.

From the beginning, it was apparent that his proclaimed commitment to democracy and opposition to tribal politics was a posture. His personal record, the profile of his commanders (all Tutsi), the failed attempt to forge a Rwandophone coalition and the inter-community divisions in North Kivu all worked to limit his audience to a clearly defined section of his own community.

The main demands on the CNDP agenda ("cahier des charges") are all linked to the Tutsi community. The movement insists as preconditions for the integration of its troops into the national army both the eradication of the FDLR rebels, whom it accuses of preparing another genocide, and the return and reinstallation on their lands of the 45,000 Congolese Tutsi living in refugee camps in Rwanda.⁴² For the Tutsi, the FDLR's presence is a constant reminder of past violence. Though no serious FDLR attacks on them have been reported in recent years,⁴³ they do not venture far in rural areas from the protection of Nkunda's troops.

For Nkunda, all non-Tutsi are suspected of FDLR associations. From the beginning of the insurrection, he has worked to reinforce Tutsi paranoia. To justify his struggle, he refers constantly in speeches and leaflets and on his websites to past violence against the Tutsi and the imminence of genocide.⁴⁴ He has tried to spread an ideology of victimhood that has been nurtured in Rwandan refugee camps.⁴⁵

⁴² It is estimated that 15 to 25 per cent of the Tutsi population of North Kivu lives in these camps.

⁴³ The most recent major outbreak of anti-Tutsi sentiment in Congo occurred on 1 August 2007, hundreds of miles from North Kivu in the small town of Moba on the shore of Lake Tanganyika, Katanga province. A local radio station and leaflets spread a rumour that the UN High Commission for Refugees (UNHCR) would repatriate to the area thousands of "Banyavyura", Tutsi from the high plateau in Katanga who had fled Moba during the war. Around 1,000 people took to the streets to protest, storming the MONUC office and injuring several peacekeepers. The Banyavyura are still waiting for repatriation.

⁴⁴ A CNDP website features pictures and videos of massacres of Tutsi, including images of Tutsi being burned and killed in Kinshasa in August 1998, survivors of the May 2004 Bukavu siege and the 160 Banyamulenge killed in Gatumba in August 2004. In late 2005 Nkunda began hosting seminars in Masisi and Rutshuru territory for hundreds of recruits, many of them unemployed but educated youths from Goma who paid small amounts to attend. These included lessons on history and ethics, as well as military training

⁴⁵ Nkunda visited the camps several times in 2003-2004, and CNDP officials do so regularly. Crisis Group interviews, humanitarian organisations, Goma and Kigali, July 2007; "Group of Experts", 2005, op. cit., p. 44.

Though Nkunda exaggerates their plight,⁴⁶ Congolese Tutsi refugees have been living for decades in unenviable conditions in camps in Rwanda and Burundi. Unable to work or herd cattle, they have been radicalised. Refugee committees and associations in the camps play an important role, controlling the flow of information and recruiting soldiers for Nkunda.⁴⁷ The limited number of recent Tutsi victims in North Kivu has not changed the prevailing view in the refugee community, expressed by Rwandan President Paul Kagame after the death of fifteen Tutsi in Bukavu in 2004: “When a Tutsi is killed in Bukavu, it is not one death but a million and one”.⁴⁸

For the other communities in North Kivu and throughout Congo, particularly those who always questioned the nationality of the Congolese Tutsi and viewed them as foreigners, economic rivals or oppressors,⁴⁹ Nkunda’s insurrection confirmed that the Tutsi community was indifferent to the suffering of other communities and not part of the nation.

That insurrection has become a dangerous self-fulfilling prophecy. Every military offensive, with its abuses against innocent civilians, fans the flames of anti-Tutsi sentiment. After Nkunda’s attack on Bukavu and Goma in May 2004 and November 2006 respectively, most Tutsi in each town fled, fearing popular anger and possible reprisals. In response to the cumulative deaths of fewer than twenty Tutsi over the past two years, Nkunda has launched offensives that have killed over 100 persons and displaced hundreds of thousands. His strategy is to make small attacks, usually in response to relatively minor abuses against Tutsi, in order to provoke a large reaction from Kinshasa. The fiasco which usually results enhances him and undermines the government’s reputation. While Nkunda has defended the Tutsi minority in North Kivu, he has become a potential danger to the community’s security as a whole.⁵⁰

⁴⁶ “The graveyards in these camps are larger than the residential areas. Their living conditions are ghastly”. Crisis Group interview, Nkunda, Masisi, February 2007.

⁴⁷ CNDP has strong ties with a group called Association of Young Congolese Refugees. Crisis Group interviews, humanitarian organisations, Goma and Kigali; “Group of Experts”, 2005, op. cit., p. 44.

⁴⁸ Crisis Group interview, diplomat, Kigali, January 2005.

⁴⁹ The Tutsi alliance with Rwanda and the RCD during the war has been the major cause of these perceptions.

⁵⁰ Intensified anti-Tutsi sentiment and the recruitment of many Tutsi children, often by force, put the local community at risk. Nkunda’s officers often intimidate children who try to leave. In July 2006, Captain Gaston, a CNDP officer, shot and killed a local child-protection worker in Ngungu for trying to demobilise children.

2. Post-electoral violence

In early August 2006, tensions around Sake, on the front line between Nkunda’s forces and the national army, erupted into clashes, leaving three dead and forcing thousands to flee. On 24 November 2006, three days before the announcement of Kabila’s victory, police at a checkpoint in Sake got into an argument with a Tutsi businessman, Mayogi Musafiri, whom they had long suspected of using his trucks to bring Nkunda weapons. Although it is not clear whether it was a trap to provoke a Nkunda reaction or an accident, Musafiri was shot dead.⁵¹ Predictably, this was immediately read as an ethnic killing. Nkunda reacted the next day by attacking Sake and, despite MONUC’s presence, seizing the town. The national army crumbled due to a logistical breakdown and desertions. Nkunda then ignored MONUC warnings and advanced on Goma.

On 26 November, however, MONUC used attack helicopters and infantry against Nkunda’s troops, killing between 200 and 400.⁵² This enabled the army’s 14th integrated brigade, under Colonel David Rugayi, to retake Sake but did not end the crisis. On 5 December, a day prior to Kabila’s inauguration, fighting erupted in Runyoni, 50 km north east of Goma, causing up to 30,000 residents of Bunagana village to flee to Uganda. After a week of calm, fighting resumed south of Sake when FARDC tried and failed to dislodge Nkunda’s troops from Kiroshé and Mushaki. The new violence reignited animosity against the Tutsi community, while over 100,000 people were displaced from November 2006 to January 2007.⁵³

Behind the scenes, however, the warring parties had at last made contact and begun a complex negotiation process. After several failed attempts, a peace proposal prepared by MONUC and reportedly agreed to by the government was brought to Nkunda.⁵⁴ Soon thereafter

⁵¹ Musafiri was the son of the former head of North Kivu civil society, Alexandre Mayogi.

⁵² According to the army, 160 died in the fighting around Sake from 25 to 28 November, www.operationspaix.net/spip.php?page=chronologie&id_mot=12&date=2006-12.

⁵³ In Goma, calls were made to avenge the death of army soldiers by targeting Tutsi. In a *brassage* centre near Kisangani, South Kivu Tutsi, locally called Banyamulenge, were molested by their colleagues as happened in Kitona in early 2006. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the 127,000 IDPs from the fighting in and around Sake had gone home by March 2007, www.rdc-humanitaire.net/f/IMG/pdf/Displacement_of_Population_in_the_Eastern_Provinces_Jan-March03-2-2.pdf.

⁵⁴ The proposal included an immediate ceasefire, a demilitarised zone around Sake and freedom of movement for aid personnel. Nkunda and the “representatives of the 81st and 83rd brigades” were invited to put their grievances in writing and send them to a government delegation and representatives of the army high

the air force chief of staff, General John Numbi, came to Goma, officially to prepare air support for operations against Nkunda. In reality, he was the special envoy of President Kabila, with a clear mandate to bypass the army commander, Gabriel Amisi, and the recently appointed commander of the Eighth Military Region, General Ngizo – Kabila trusted neither because of their RCD past – and to explore an agreement with Nkunda.

Eventually, direct contact was established and the agenda was broadened to address not only Nkunda's amnesty but also the modalities of integrating his troops into the regular armed forces. South Africa encouraged the talks discreetly, reportedly by offering Nkunda a safe haven and a position at its military academy if he left Congo. More importantly, Rwanda agreed to host and to assign as mediator its army's chief of staff, General James Kabarebe, under whom both Nkunda and Numbi had served in the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) movement that brought Laurent Kabila to power. The two met in Kigali on 31 December and reached an agreement on 4 January 2007.

B. THE KIGALI AGREEMENT ON *MIXAGE*

In the days that followed conclusion of this "gentleman's agreement", a ceasefire came into force and was respected. In a process known locally as *mixage*, integration began in mid-January of Nkunda's 81st and 83rd brigades into the national army's 110th, 106th and 1st North Kivu reserve brigades. In less than three months, five mixed brigades were formed (Alpha, Bravo, Charlie, Delta, Echo). On 27 March, a ceremony was held in Kichanga, Nkunda's fiefdom, to celebrate completion of the process for the Delta brigade. It was attended by Nkunda, Numbi, Governor Paluku and Nkunda's chief of staff, Bosco Ntaganda,⁵⁵ as

command. The document also proposed a meeting to discuss these grievances on 10 December 2006.

⁵⁵ Bosco Ntaganda was born in Rwanda (Ruhengeri, near Gisenyi). In the early 1990s, he joined the Rwandan Patriotic Front (FPR) and then fought in the ranks of the AFDL and the RCD. When fighting erupted between Uganda and Rwanda in Kisangani in 1999, he saved the life of Wamba dia Wamba, the pro-Uganda RCD president whom Rwanda had decided to topple. Wamba took him to Bunia in Ituri but he was eventually arrested by the UDFP and jailed in Uganda for having committed assassinations in Bunia. Mbusa Nyamwisi eventually secured his release but Bosco refused to join the RCD-K/ML and returned to Ituri, where he became the deputy chief of staff of the Patriotic Forces for the Liberation of the Congo (FPLC), the military wing of the Union of Congolese Patriots (UPC), a militia led by Thomas Lubanga. In December 2004 he refused appointment as general in the Congolese army. On bad terms with successive sponsors, Uganda and Rwanda, after disobeying orders during the war, he joined Nkunda in 2005 and now is his chief of staff. The Security Council has put him on the list of individuals and entities

well as representatives of the Eighth Military Region, MONUC and North Kivu society. Nkunda declared he had transferred most of his troops to the mixed brigades. Numbi said the High Council of Defence would soon decide Nkunda's future.⁵⁶

1. Political and structural weaknesses

Following this ceremony, however, a heated argument broke out in the Kivus and in Kinshasa. Local communities which had suffered at the hands of Nkunda's men expressed anger and dismay. In the rest of the country, many ordinary citizens, who had been told for years that Nkunda was the main public enemy, a Rwandan puppet and the chief author of the massacres in the East, also looked with suspicion at the peace. The Bashi⁵⁷ business and civil society lobby from South Kivu, strongly represented in Goma, denounced the preferential treatment for Tutsi soldiers and attacked Kabila's nationalist credentials.

Nobody in the government had the courage to confront the nationalist and xenophobic hardliners or take responsibility for the agreement.⁵⁸ Fiery speeches by local and national politicians as well as outraged articles in Kinshasa's press filled the vacuum. The *mixage* process was said to strengthen Nkunda in North Kivu, facilitate the infiltration of more Rwandan soldiers into the country and move the Kivus back into Kigali's sphere of influence. On Nkunda's side, the Goma-based Tutsi businessmen also felt betrayed. They threatened to withdraw funding, accused him of negotiating a golden exile for himself and warned that he could easily be replaced by Ntaganda.⁵⁹

The secrecy surrounding the agreement, which originally had been a strength allowing implementation of a ceasefire and integration of the first brigades, became its main weakness, particularly in the absence of any government effort to clarify the deal's contents.⁶⁰ The two parties never clearly said what they had agreed upon in Kigali. However, it appears to have been no more than a vague and verbal

subject to sanctions under Resolution 1596 (2005). He may also be vulnerable to an International Criminal Court (ICC) arrest warrant for his role in various massacres and recruitment of child soldiers in Ituri, 2002-2003.

⁵⁶ "L. Nkunda et les officiels congolais jeudi à Kitshanga", Radio Okapi, 28 March 2007.

⁵⁷ The Bashi are one of the largest ethnic groups in South Kivu.

⁵⁸ The contradiction became particularly evident when Kabila declared in January 2007 that the Nkunda arrest warrant remained valid and had to be enforced, at a time when Numbi was dealing regularly with him. Reportedly, Kabila called Nkunda after his press conference to reassure him about the arrest warrant.

⁵⁹ Crisis Group interview, regional expert, September 2007.

⁶⁰ Some sources suggest there was a written agreement but nobody has been able to produce one.

technical agreement, with a transitory *mixage* phase but, as the government maintains, no political provisions. It did not address the fraught inter-communal relations in the province, the existence of Mayi Mayi groups which had fought Nkunda's troops for years and the renewed, post-electoral competition for power between Nande, Shi and Tutsi economic interests.⁶¹

Some observers have argued that the agreement contained nothing on the political and economic future of the province and no outreach campaign was made to ease the fears of the population and counter the propaganda of opponents because it was from the beginning a fraud, on the model of those signed with local warlords in recent years in Ituri and Katanga. Numbi may have wanted to reach a ceasefire at all costs and expedite settlement of the mixed brigades, while delaying their deployment and hoping Nkunda's control over his former troops could soon be diluted. Kinshasa would have thus shown Rwanda its commitment to undermining the FDLR without, in fact, conceding much on the ground.

Nkunda may have been happy to keep the agreement vague and secret to avoid committing to exile.⁶² He was left free to increase his strength and retain indefinitely a high level of control over the process without fundamentally altering the status quo. At the least, it appears both parties anticipated taking advantage of the agreement's ambiguity, and neither paid much attention to the situation on the ground or the political context in which the deal would have to be implemented.

To have a good chance of success, the deal should have been better structured. A timetable, including a public deadline for full integration of Nkunda's troops into the army, should have been included. It should have contained at least a robust monitoring mechanism, probably involving MONUC, to follow up on implementation, dispel rumours and rapidly rectify the inevitable problems. More importantly, the agreement should have been presented as part of a broader peace initiative for the province aimed at addressing multiple aspects of its crisis, including integration of Mayi Mayi groups, removal of the FDLR, return of refugees, the land dispute and inter-communal reconciliation.

Nkunda has always argued that the deal had political provisions aimed at meeting the grievances of the Congo's Tutsi community. In his letter to the UN Secretary-General's

Special Representative (SRSG), William Swing, on 1 June 2007, he claimed there had been agreement that: 1) after implementation of the ceasefire and establishment of the mixed brigades, the latter would deal with the FDLR; 2) the Congolese refugees in Byumba, Kibuye, Ngarama, Nkamira and Cyangugu in Rwanda, Gatumba in Burundi and Nyakivara in Uganda would start returning home, and robust action would be taken to facilitate their resettlement; 3) the mixed brigades would be fully integrated only when these conditions had been met and the integration process improved; and 4) the government and the CNDP would hold direct talks. However, a deal focused solely on the demands of one community had limited chances of being generally accepted.

The contradictions and limitations became obvious during the two months after the Kichanga ceremony. Numbi left Goma in late March 2007, officially for consultations in Kinshasa and to assist with the parade commemorating the tenth anniversary of the AFDL's arrival in power, but his departure was seen as evidence he was trying to avoid responsibility for what would happen. Nkunda's attitude and CNDP behaviour gave credibility to accusations that he had strengthened his troops and recruited massively in Rwanda. Rather than preparing for integration, he appeared to be consolidating a small kingdom in Masisi, and the rumour spread that he would soon request participation in the local and provincial administrations on the same basis as military *mixage*.⁶³ Kabila advisers began to push for a military solution to the Nkunda problem. As one put it, "how long will we have to negotiate? We cannot endure rebellion after rebellion".⁶⁴

In late April, Generals Amisi and Ngizo suspended integration of the sixth and last brigade (Foxtrot). The Mayi Mayi groups which had stated readiness for integration into the army withdrew from the process, accusing Nkunda of using *mixage* to reinforce and refund his movement, extend its control over Rutshuru, Masisi and Walikale and prepare to attack the non-Tutsi communities under cover of operations against the FDLR. These concerns were shared by many in the army, including those in the mixed brigades, who noted that Nkunda's commanders continued to respond to their own chain of command, meeting regularly

⁶¹ The deployment of Nkunda's troops in mixed brigades to certain areas was likely to destabilise some mineral export networks (involving FDLR, Mayi Mayi groups, local communities and their supporters in Kinshasa), while probably enhancing the interests of some Tutsi businessmen.

⁶² Nkunda said he refused offered training in South Africa, Crisis Group interview, Masisi, February 2007.

⁶³ Since the end of 2006, Nkunda has set up CNDP offices in much of the territory he controls and started his own radio station, Radio Umoja, broadcasting from Kilolirwe, 60km west of Goma. It transmits the CNDP anthem every morning, before doing local, national and world news in Kinyarwanda, Swahili and French. Nkunda has also rebuilt, paid teachers' salaries and bought a generator for a health centre. MONUC has video footage of school children in Masisi singing songs in praise of Nkunda and his commanders. Crisis Group interviews, local administrative and health officials, Masisi, February 2007.

⁶⁴ Crisis Group interview, presidential adviser, Kinshasa, April 2007.

in Nkunda's headquarters and launching operations independently of the commander of the Eighth Military Region in Goma.⁶⁵

2. The collapse

Major offensives by the mixed brigades against the FDLR eventually prompted collapse of the *mixage* process.⁶⁶ These took place from mid-April to mid-May along three axes: the Rutshuru-Nyamilima road, between Mweso and Nyanzale and in the Ngungu-Katoyi area and involved Bravo, Alpha and Delta brigades. Though Nkunda maintains the contrary, they apparently did not seriously damage the Rwandan rebels. The mixed brigades lacked logistical support, while the FDLR fought well and sustained few casualties. The FDLR temporarily went to safer locations deeper inside Virunga Park and Walikale territory but returned once the brigades withdrew.⁶⁷

The operations produced another wave of IDPs,⁶⁸ however, as well as civilian massacres in the villages where the fighting occurred. The FDLR has lived in these areas for years, and the attackers, often led by Tutsi officers, used brutal counter-insurgency tactics. According to MONUC, at least 30 civilians were killed and many raped or injured, usually after accusations of complicity with the FDLR.⁶⁹

In response to these abuses, an anti-Tutsi militia, the Coalition of Resistant Congolese Patriots (PARECO), was formed which threatened to escalate the conflict. This force comprises several local Mayi Mayi tribal groups, with a Hutu faction – many of them deserters from Nkunda and led by Major Mugabo – forming the largest contingent.

⁶⁵ Crisis Group interview, mixed brigade commanders, North Kivu, June 2007.

⁶⁶ Though previous small mixed brigade actions against the FDLR had often been initiated by Nkunda's officers, this major operation was approved by the chief of defence in Kinshasa. Crisis Group interview, army officers, September 2007.

⁶⁷ For a description of the FDLR's situation in North Kivu, see Appendix C.

⁶⁸ In early May 2007, OCHA estimated that fighting between the mixed brigades and the FDLR had produced a further 123,000 IDPs in North Kivu. See "Displaced mistreated in North Kivu", IRIN, 8 May 2007.

⁶⁹ Together with the Congolese military, MONUC has investigated in three areas of Rutshuru territory, where mixed brigades summarily executed civilians. On 9-10 March 2007 in Buramba at least fifteen civilians were killed by elements of Bravo Brigade. In mid-May, in the area of Kishero and Katwiguru, north of Rutshuru City, six to ten civilians were killed by Bravo Brigade. In September, in the area of Rubare previously under Bravo Brigade control, MONUC and the Congolese army unearthed mass graves containing a total of 21 bodies. See "DR Congo: Civilians in Peril: Army and UN Peacekeepers Must Protect Civilians at Risk in North Kivu", Human Rights Watch, October 2007.

Mugabo's group quickly began cooperating with the FDLR against Nkunda in fighting that became brutal and vindictive. Nkunda's troops burned several villages around Ngungu and Katoyi, forcing tens of thousands more civilians to flee.

The humanitarian catastrophe prompted a political crisis. Politicians attacked Kabila for his deal with Nkunda. Newspaper and internet articles added to the hysteria by alluding to fanciful plots to bring the East under Rwandan hegemony. The national and North Kivu provincial assemblies wrote separately to the presidency denouncing the *mixage* process and calling for the insurgents to be integrated into the regular army and deployed in truly mixed units throughout the country.⁷⁰ When Defence Minister Chikez Diemu briefed the provincial assembly in Goma, parliamentarians dubbed him the "minister of insecurity". In response, he publicly criticised Bravo brigade and its commander, Sultani Makenga, for causing civilian suffering.⁷¹ Minister of the Interior Kalume proposed a round table on the Kivus to promote ethnic reconciliation but local leaders vehemently rejected this, saying the problem was between armed groups, not communities.

On 5 May Nkunda used a national television interview to announce that the *mixage* process was over, because the government had not been sincere in implementing the agreement. He emphasised the lack of logistical support during the operations against the FDLR, complained of the refusal to legalise the CNDP, withdraw the arrest warrant against him and negotiate on the return of refugees, and threatened to withdraw his troops from the mixed brigades if the situation did not improve. In the absence of any provision in the Kigali agreement to address these objections, the *mixage* process was left to drift.

The Nkunda problem came to symbolise the impotence of Kabila's government. Looking for a scapegoat, the government accused the ex-RCD regional military commander, General Ngizo, of complicity with Nkunda and in late May 2007 placed him under house arrest.⁷² General Mayala was named the new commander of the

⁷⁰ "Rapport Nord Kivu sur l'insécurité", assemblée provinciale du Nord Kivu, commission sécuritaire, May 2007.

⁷¹ On 21 May 2007, Nkunda wrote Kabila to complain of threats by Minister of Defence Chikez against Bravo Brigade Commander Colonel Makenga, www.kivupeace.org/lettre_au_Pr_sident_de_la_R_publicue1.pdf.

⁷² Numbi and Amisi were more directly involved in the *mixage* process than Ngizo. However, it was easier to blame Ngizo, who lacked strong protection in the presidential circle. Numbi is a key figure in the Katangese circle around the president; Amisi, despite his participation in the RCD rebellion, has influential backers close to the president (including Kabila's mother, maman Syfa) and like him comes from Maniema province.

Eighth Military Region and given the mission of forcing Nkunda's troops into the mixed brigades through the regular *brassage* process.⁷³

C. A DANGEROUS WAR OF NERVES

During the next three months, the mixed brigades did not split but were left without a specific mission, and relations between Nkunda's troops and the loyalist soldiers in those brigades deteriorated, causing greater friction. Nkunda issued communiqués and gave interviews in which he denounced the collusion between Mayi Mayi groups, the FDLR and the national army (through the deputy commander of the Eighth Military Region, Delphin Kahimbi) and warned of the imminence of a genocide against the Tutsi community.⁷⁴ As Nkunda strengthened his forces,⁷⁵ Kabila shipped tons of weapons and ammunitions to Goma, sent presidential guards to support the small units already deployed there and ordered the 15th and 6th integrated brigades to leave Kisangani and Ituri respectively for North Kivu. On 11 June, Mayala called for the mixed brigades to join *brassage*.

The regional deputy commander, Delphin Kahimbi, continued to siphon off Hutu soldiers from Nkunda's force in order to isolate the hard core of Tutsi combatants and confront them militarily.⁷⁶ As part of this strategy, he sent two former Nkunda officers, Colonels Rugayi and Smith Gihanga, now the commanders of integrated brigades, to areas adjacent to Nkunda's troops in order to encourage desertions. Allegedly, he also intensified contacts with Mayi Mayi militia, such as PARECO, with a view to drawing them into a future offensive against Nkunda.

Despite intense diplomatic pressure to dissuade Kabila from a military solution, he refused to bend.⁷⁷ Delays in

deployments to North Kivu did not result from these pressures but from the army's logistical and financial problems.⁷⁸ Kabila told the P3+2 ambassadors⁷⁹ in Kinshasa on 11 July he was open to a comprehensive peace initiative for North Kivu, which could include a round table meeting in Goma, revival of the Sant' Egidio initiative for repatriation of the FDLR and intensification of high-level contacts with Rwanda. However, he also said the time for talk was over, and military integration was the only option for Nkunda's men. He insisted his calls for the mixed brigades to go to army integration camps would probably attract more than half Nkunda's soldiers, leaving a hard core that could only be dealt with militarily.⁸⁰ Kabila said he was determined to resolve the problem in 2007, whether by exiling, capturing or killing Nkunda.⁸¹

As a clear signal of his determination to incite new desertions, Kabila in late July attacked a weaker group of Tutsi (Banyamulenge) army dissidents in South Kivu, who had been loosely allied with Nkunda since early 2007.⁸² The fatal blow for *mixage* was struck on 11 August when the army chief of staff, General Amisi, announced that all operations against the FLDR were to be suspended, thus depriving Nkunda of a main justification for that process. He called on all the mixed brigades involved in these operations to integrate at once into the army. On 15 August, following international protest, General Mayala said operations against the FDLR would continue. However, he added, only integrated, not mixed brigades should be used. The order was founded on the possibility that if Nkunda's predominantly Tutsi troops were involved, there was a risk of indiscriminate violence, even another genocide, against the local Hutu population.

⁷³ *Mixage* provides for military integration at the platoon level with a view to forming six brigades; *brassage* aims at creating a unified national army by merging the individual members of various armed forces operating in the country. *Brassage* is meant to involve the transfer of troops to other provinces than where they come; *mixage* allowed troops to remain in their province of origin.

⁷⁴ "Sounding the alarm", an open letter to SRSR Swing, *Bwiza*, 1 June 2007.

⁷⁵ According to MONUC, Nkunda deployed anti-aircraft weapons around his main strongholds.

⁷⁶ The strategy of siphoning off Hutu from Nkunda's troops had never stopped. During the first six months of *mixage*, some 500 Nkunda soldiers deserted. As his troops left, he turned to recruiting in Rwanda.

⁷⁷ Crisis Group interview, MONUC officials, July 2007. The UN Security Council came to Kinshasa in June 2007, followed by Belgian Foreign Minister Karel de Gucht and EU Commissioner Louis Michel in July, all urging Kabila to pursue a political solution

⁷⁸ Crisis Group interview, MONUC officials, Goma, July 2007. Some weapons sent from Kinshasa to Goma were flown back to Kisangani; heavy tanks and armoured vehicles arrived in Kisangani, even though the road from there to North Kivu was unusable.

⁷⁹ The group of ambassadors is composed of three of the five permanent members of the Security Council (US, UK, France), plus Belgium and South Africa.

⁸⁰ This position was elaborated during meetings with ambassadors in Kinshasa in May and July 2007, Crisis Group telephone interviews, diplomats, June and August 2007.

⁸¹ Crisis Group interview, diplomats, Kinshasa, August 2007.

⁸² In June 2007, Kabila named new army commanders; Masunzu became deputy South Kivu commander, with Colonel Baudouin Nakabaka, a former Mayi Mayi whose dislike for the dissidents, headed by Colonel Venant Bisogo and Major Michel Rukunda, was well known. The new commanders were a firm indication Kabila would not negotiate with Bisogo's and Rukunda's men. They set about creating a special battalion made up of Banyamulenge and Mayi Mayi who had refused army integration and new recruits. It engaged the dissidents in late July.

In such a context, the rare, timid attempts to reopen dialogue failed.⁸³ MONUC, which has more than 4,300 peacekeepers in the province and had played a crucial role in preventing Nkunda's capture of Goma in November 2006, kept a low profile. Just as it had failed to avert the Kinshasa showdown in March,⁸⁴ it failed to formulate a comprehensive peace initiative for North Kivu. In view of the passions surrounding Nkunda's case both in the presidency and on the ground and the repeated accusations by local communities that MONUC was complicit in Nkunda's insurgency, SRSG Swing felt he could not confront Kabila with an alternative to his military approach. MONUC, therefore, adopted a policy of not speaking with the dissidents.

In response to increasing pressure from Kabila for logistical support to the troop reinforcement in North Kivu, MONUC proposed joint planning on provincial security and a set of incentives and disincentives aimed both at prompting the integration of Nkunda's troops and addressing the FDLR problem.⁸⁵ On the ground, MONUC and its Indian contingent joined in Mayala's calls for Nkunda's troops to enter the *brassage* process and tried to draw a rather artificial line to limit its assistance, saying it would support the army but not in fighting Nkunda. When violence eventually broke out on 27 August,⁸⁶ MONUC could only

monitor the fighting and try to limit its consequences for civilians. Thousands had to flee again.

D. BACK TO THE BRINK

On 28 August a large number of fighters loyal to Nkunda ambushed pro-Kinshasa elements of Bravo brigade in Rubare (Rutshuru, northeast of Goma). On 29-30 August the conflict escalated dramatically when an attack by pro-Nkunda cadres on Charlie brigade's headquarters in Katale failed but seriously destabilised the defenders. By 30 August Nkunda's troops had left the mixed brigades and controlled a large part of the Masisi and Rutshuru territories. On 31 August Nkunda loyalists and the FDLR clashed in Ngungu area, a Nkunda stronghold, 50km west of Goma, causing civilians to flee. On 1 September an FDLR element took control of the Kinyandoni-Ishasha axis (100km north east of Rutshuru town), which had been abandoned by pro-Nkunda forces when the mixed Bravo Brigade fell apart. Unconfirmed reports of Rwandan infiltration multiplied as Nkunda reinforced his positions along the border in Runyoni and Bunagana.

On 5 September the national army launched a major offensive against Nkunda in the area of Shasha (south of Sake). However, the troops of the 15th Integrated Brigade, who fought for Sake, were rapidly routed by a Nkunda counter-offensive on 6 September. The same day, a fragile ceasefire was reached under MONUC's auspices. It brought peace to the city but fighting continued outside, and skirmishes were reported throughout September, mainly near Ruyoni (Rutshuru territory), Kitchanga, Mweso-JTN and Mgungu/Karuba (Masisi territory). Both sides continued to reinforce and reconfigure their defences.⁸⁷

On 4 October the ceasefire was definitively broken, probably first by the army, which began fighting in the area of Ngungu and Karuba (Masisi territory) as well as Rumangabo (Rutshuru territory). In Masisi it feared a

⁸³ Provincial and national assembly members have tabled several proposals. In mid-June 2007, the president of the national assembly, Vital Kamerhe, submitted an initiative to the visiting Security Council that included Nkunda going into exile and an embargo on mineral exports from the concerned regions. The government did not pursue it, and it is not clear whether it was Kamerhe's personal proposal or the assembly's. On 17 August, shortly after parliamentarians had drafted their own peace initiative, a senatorial commission visited Nkunda on a fact-finding mission. Ex-Governor Serufuli shuttled between Goma and Kinshasa, courting both Nkunda and Kabila, frustrated at having lost the governorship but still trying to obtain a senior position.

⁸⁴ Kabila's forced disarmament of former Vice-President Jean-Pierre Bemba's personal guard led to sustained fighting in Kinshasa on 22-23 March 2007. See Crisis Group Africa Report N°128, *Congo: Consolidating the Peace*, 5 July 2007.

⁸⁵ Crisis Group interview, MONUC officials, July and September 2007.

⁸⁶ The trigger of the fighting is not clear. Tension was high in the mixed brigades between the pro-Nkunda and loyalist cadres. According to the official version, reported by MONUC and Kinshasa, it started on 27 August 2007 after the vehicle of the Charlie Brigade commander, Colonel Yav, was ambushed by Nkunda loyalists led by General Bosco Ntaganga in Mushaki on the Masisi-Sake axis (30km west of Goma). Some sources suggest the fighting erupted after Mayi Mayi cadres attacked Nkunda's non-mixed fighters of the 811th and 812th brigade in Ngungu. Nkunda accuses the government of a major attack on one of his headquarters of Mushaki. See www.kivupeace.org/political_stand.html.national

⁸⁷ MONUC was informed that in September arms and ammunition originating from Libya and Sudan were brought to Goma via Kisangani to supply the army. Crisis Group interview, MONUC officials, Kinshasa, September 2007. The army started forming pro-government elements from the former mixed brigades into new units. By mid-September, pro-government elements of former mixed Delta and Echo Brigades were reunited in the 116th Brigade, to be based on the Goma-Sake axis. In late September, two battalions of the 2nd Integrated Brigade in Grand Nord were sent to Rutshuru territory. At the same time, reinforcements went to Katale, including former pro-government Bravo and Charlie Brigade elements. Reports suggest Nkunda continued to recruit and received ammunitions through the Bunagana and Runyoni border posts. He also reportedly captures some army weapons. Crisis Group interview, FARDC and Nkunda troops, September 2007.

major attack on Goma, so tried to relieve Nkunda's pressure on Sake. In Rutshuru it tried to control the Rutshuru-Goma axis. It sought to cut off Nkunda's Kichanga stronghold from the border posts of Runyoni and Bunagana, from which he was reportedly receiving Rwandan and Ugandan support. Before the suspension of its major operations on 15 October, the army had made some gains, taking Ngungu and Karuba. However, these were of limited strategic value and apparently won only after Nkunda had instructed his troops to withdraw from some sites and concentrate in Mushaki, where a significant number of mostly Tutsi IDPs were sheltering.⁸⁸

So far, regionalisation of the crisis has been avoided thanks to high-level meetings between Congo and Rwanda. Rwandan Foreign Minister Charles Murigande travelled to Kinshasa on 3-4 September and was received by Kabila. He clarified Rwanda's position that North Kivu was a Congolese affair. The parties mainly agreed on the need to establish a senior consultation mechanism (involving foreign affairs and defence ministers, the chiefs of staff and chiefs of the intelligence services) and to reactivate a verification mechanism along the border. On 15-17 September another bilateral meeting was held in Kampala, under the umbrella of the Tripartite Plus Joint Commission.⁸⁹

The foreign affairs ministers endorsed the August decisions by the defence chiefs to establish a joint planning cell to prepare operations against "negative forces". Rwanda and Congo also agreed to normalise diplomatic relations, including the exchange of ambassadors before 30 September 2008, and to approach the UN High Commissioner for Refugees (UNHCR) to cooperate on the repatriation of Congolese refugees in Rwanda. Kabila and Kagame discussed North Kivu at the end of September, at the UN General Assembly in New York. The Ugandan, Rwandan and Congolese defence chiefs, on 1 October in Lubumbashi, reiterated a commitment to strengthen joint mechanisms for maintaining pressure on the various foreign rebel groups in Congo and for monitoring the cross border situation.

However, the situation remains complex, as Congo and Rwanda continue to have divergent interests in North Kivu. In his 10 September press conference, Kagame was highly critical of Kinshasa's policy. While denying he was giving any support, Kagame said Nkunda had legitimate grievances and accused the Congolese government of

having sabotaged *mixage*. Making it clear he was closely monitoring the situation in the East, he said his government would not hesitate to act if the crisis increased the FDLR's ability to destabilise Rwanda.⁹⁰ On 30 September, Rwanda reported an FDLR attack on its territory and complained officially to Kinshasa that military equipment provided by the Congolese army had been used. Nkunda accused Kinshasa of attacking his forces in tandem with the FDLR and others such as PARECO.⁹¹ The Congolese army has denounced Nkunda's recruitment of Rwandans and their infiltration across the Ugandan border.⁹²

On 12 October, three days before the deadline set by Kabila for Nkunda's troops to disarm,⁹³ Uganda and Rwanda met in Kisoro at their common border to exchange information about North Kivu and the possible involvement of ADF/NALU⁹⁴ and FDLR in operations against Nkunda. In a development likely to further increase the level of tension and violence in the region, they reportedly agreed to consider support for Nkunda if the Congolese army continued to cooperate with "negative forces".

Taking into account the risk of regional escalation, the appalling humanitarian situation⁹⁵ and that the army was clearly unfit to launch a major offensive, Kabila on 15 October told the P3+2 ambassadors and SRSNG Swing in

⁸⁸ Following the increased tension in Mushaki, many IDPs decided to go to other Nkunda strongholds, in Kichanga and Kilolirwe.

⁸⁹ The Tripartite Plus Commission was created in 2004 on U.S. initiative. It comprises representatives from Uganda, Rwanda and Congo and aims to strengthen regional cooperation with a view to reestablishing stability in the Great Lakes region. Burundi joined at the Kigali Summit, on 24-25 August 2005.

⁹⁰ A Rwandan official stated, "we will not allow Tutsi to be killed again in Congo", Crisis Group interview, Kigali, July 2007.

⁹¹ The army has repeatedly denied any collaboration with FDLR elements and points to the killing on 10 October 2007 of nine members of the 6th Brigade by FDLR elements near Kisharu, 40km north of Rutshuru town. It claims the FDLR was operating with a *Mayi Mayi* group led by Colonel Kasereka, a deserter from the FARDC 5th Integrated Brigade. Until Kasereka's surrender on 27 October (see below), this *Mayi Mayi* group, the Patriotic Armed Forces for the Liberation (Forces Armées Patriotes pour la Libération, FAPL) was active between Ishasha and Nyamilima on the Ugandan border, in the northern part of Rutshuru territory. If relations between the army and this group were strained, the situation appears rather different with PARECO and the FDLR in Masisi, where the rebel group has established its headquarters in Katoyi, 40km west of Sake. PARECO and FDLR are reportedly involved in joint cassiterite and gold exploitation in Walikale forest. Crisis Group interview, Goma, October 2007.

⁹² MONUC interviewed several Rwandan nationals who had been recruited since fighting resumed in late August 2007, Crisis Group telephone interview, MONUC officials, Kinshasa, October 2007.

⁹³ During his surprise visit to Goma on 19-22 September 2007, Kabila gave Nkunda's troops until 15 October to disarm and accept army integration.

⁹⁴ Allied Democratic Forces/National Army for the Liberation of Uganda, Ugandan rebel group present in Ituri district and North Kivu province.

⁹⁵ Between late August and mid-October 2007, fighting produced a further 163,275 IDPs in the region, bringing the total since December 2006 to 375,585. "Humanitarian Sitrep: North Kivu", OCHA, 12 October 2007.

Goma that he would extend the deadline for another ten days. On 16 October, Minister of Defence Chikez Diemu said that while military pressure would continue and negotiations with Nkunda remained out of the question,⁹⁶ Nkunda's troops would be given three additional weeks to go to *brassage*. Since then, Congolese officials have refrained from setting a new deadline. The army has suspended its offensive operations, and on 17 October Kabila called on the Mayi Mayi groups in the province to disarm and demobilise. This is a step in the right direction. However, the situation on the ground remains precarious, with fighting continuing between FDLR, Mayi Mayi groups and Nkunda's troops.⁹⁷

IV. THE NEED FOR A COMPREHENSIVE POLITICAL APPROACH

In order to save North Kivu from a new cycle of violence, it is essential to discard once and for all the purely military approach. *Mixage* failed because it was based on an ambiguous and simplistic military approach, which ignored the complexity of the security problems on the ground and the root causes of inter-communal violence. It produced a ceasefire but also resulted in the radicalisation of various communities against the Tutsi and the reactivation of the armed groups that proliferate in the province. *Mixage* also conferred on Nkunda the role of leader of the Tutsi community, a status he should never have been granted.

The purely military approach is as limited and unbalanced as *mixage*. The campaign prepared against Nkunda's troops relies on anti-Tutsi groups whose extremist agenda is as unacceptable as Nkunda's. Nkunda's men as well as the FDLR and extremist Mayi Mayi groups are causing terrible suffering in North Kivu, undermining the restoration of state authority and preventing the province's stabilisation. A comprehensive peace initiative focusing simultaneously on disarmament of Congolese armed groups in the region, removal of the FDLR problem and promotion of inter-communal dialogue to begin to deal with the root causes of the conflict needs to be launched with the full support of MONUC and the wider international community.

A. THE LIMITATIONS OF A PURELY MILITARY APPROACH

Nkunda's group is a source of insecurity and suffering and needs to be removed. However, it is far from the sole source of violence in the province. Undisciplined army elements, Mayi Mayi warlords and FDLR cadres also pose a constant threat to the local population. The military approach favoured for tackling Nkunda is based more on resentment and conflict-fuelled passions than on careful calculation. Pressed by his hardliners, Kabila seems to be seeking revenge for the humiliations endured since 1998 at the hands of Rwandans and their Congolese Tutsi allies. His behaviour suggests that eliminating Nkunda is a way of restoring Congolese honour. It is also probable that some high-ranking commanders are eager to prolong fighting in the East for financial reasons. War has become a business. Commanders embezzle funds and receive kickbacks from procurement deals and aviation companies that transport soldiers and equipment.

But the national army, though it now outnumbers Nkunda's troops, remains too weak and disorganised to launch

⁹⁶ On 10 October 2007, under intense diplomatic pressure from the U.S. and South Africa, Nkunda called for a ceasefire and offered to send 500 troops to *brassage*.

⁹⁷ Clashes between Nkunda's troops and Mayi Mayi and FDLR cadres were reported on 18 October 2007 in the Catholic parish of Nyakariba near Kilolirwe (60km north west of Goma), on 20 October in Bunagana (at the border with Uganda) and on 26 October in Mweso (north of Kichanga).

effective operations, as shown by its difficulties in theatres such as the high plateaus of South Kivu.⁹⁸ The main problems are indiscipline, low pay and poor motivation. Both Congolese and MONUC commanders privately express their scepticism about an offensive.⁹⁹ Fighting is likely to be inconclusive and produce only further humanitarian chaos and ethnic hatred.

Seeking a military victory is thus a risky gamble. Nkunda is well armed, and his troops are seasoned and highly motivated. They believe they are fighting for the survival of their community. Even if they suffer a defeat and have to withdraw to their stronghold in the hills, they are likely to resist for a long time. With guerrilla tactics, they could probably keep the poorly supported army off balance and inflict another humiliating defeat on them – one Kabila might not be able to survive politically.

This is probably why, in early October, Kabila pressed MONUC to go beyond benevolent neutrality and conduct joint operations against Nkunda. In the event of another failure, at least some of the blame could then be placed on the internationals. Despite the reluctance of the brigade on the ground and the scepticism in the peacekeeping secretariat in New York (DPKO), it seems MONUC hesitated before ruling the option out.¹⁰⁰ Joint operations would have placed MONUC in a very difficult position. First, it would have found itself cooperating with irregular armed groups such as PARECO and even FDLR cadres. Kigali has told MONUC that even indirect collusion with Rwandan rebels would be considered a clear violation of its mandate and an act of hostility likely to prompt retaliation. Secondly, a joint offensive against Nkunda would have delayed the long-expected joint operations against the FDLR in the Kivus.

In recent meetings with Rwanda, Congo has reiterated that it is preparing for joint operations with MONUC against the FDLR before the end of the year. Preparations for planning joint operations against the FDLR have also begun within the framework of the Tripartite Plus agreement with Rwanda and Uganda following establishment of a joint planning cell in Kisangani. Stockpiling plans for military operations without clear political objectives will not end the crisis.

⁹⁸ Crisis Group interviews, army and MONUC officials, September-October 2007.

⁹⁹ Crisis Group interviews, Kinshasa, August 2007.

¹⁰⁰ The other options considered by DPKO, such as MONUC involvement in direct talks with Nkunda or the appointment of a special envoy for the East, have met with little enthusiasm from President Kabila. Without objecting, he clearly indicated his preference for South Africa's idea of offering Nkunda exile. Crisis Group interviews, diplomats, Kinshasa, October 2007.

B. BRINGING PEACE TO NORTH KIVU

To restore state authority in the province, the government needs to work simultaneously on two fronts: de-escalating the crisis and improving security, while preparing to deal at last with the root causes of the conflict. But Nkunda never was and cannot be the interlocutor for a direct political negotiation on settlement of the conflict. The Tutsi community is united behind him only to the extent that his military capacity serves the interests of Tutsi businessmen and the community feels under threat and discriminated against.

1. De-escalating the crisis and improving security

Kabila should capitalise on his decision to suspend the 15 October deadline and put the offensive on hold. He should continue to reinforce the army in North Kivu with MONUC logistical support so as to consolidate positions and improve security in the province. The key to de-escalating the crisis is the government's credibility in providing security for all communities. Tutsi communities have armed and supported the Nkunda insurgency out of fear from FDLR attacks, Mayi Mayi ambushes and national army indiscipline. Other communities provide support in fear of Nkunda's reprisals and scorched earth policies against civilians. MONUC and the army must show they can act as a neutral force that addresses the security concerns of all.

The current military build-up presents an opportunity to end insecurity in North Kivu once and for all. It should provide the means to deal for the first time with the multiple threats. Nkunda is militarily entrenched but politically isolated, with no future except through an escalation of the confrontation and if mass crimes are carried out against Tutsi civilians.

The government should not attack his troops but instead contain and control their movement. Taking advantage of Nkunda's stated readiness to send 500 fighters to the transit facility at Kilolirwe, it should appoint a respected, high-ranking soldier to head a special task force made up of officers from the Military Integration Structure (SMI) and National Disarmament Program (PNDDR), and including MONUC military observers. This task force should discuss with Nkunda's representatives the modalities for assembling his troops in designated areas of Masisi and Rutshuru territories under MONUC supervision but not get into political negotiation.

Simultaneously, Rwanda and Burundi should ban organisations which have in recent years assisted Nkunda in recruiting fighters in refugee camps and, together with Uganda, block all cross-border movements suspected of

reinforcing him.¹⁰¹ As the insurgency is controlled and contained, the army must guarantee the security of Tutsi communities.

An intense effort should be begun to help rank-and-file army personnel understand their role and responsibilities toward all communities, so they do not behave like the instruments of a revenge campaign. Neutral, integrated brigades – whose commanders have no past affinity with any local warlord – should be deployed in key insurgent disengagement areas along with MONUC military mentors and human rights officers to help manage operations and prevent possible abuses. Simultaneously, the high command should instruct the commander of the Eighth Military Region clearly on his obligation to prosecute and punish all abuses committed by his troops and transfer all those, including senior officers, suspected of active collaboration with the FDLR.

MONUC and the national army should then conduct an aggressive containment and disarmament campaign against the FDLR, rogue Mayi Mayi and other self-defence militias currently creating havoc in Masisi and Rutshuru territories. Since Kabila's 17 October call for remaining armed groups in the province to lay down their weapons, there have been some positive developments. On 27 October, Colonel Kasereka and 30 followers of the FAPL Mayi Mayi movement surrendered to army and MONUC.¹⁰² Simultaneously, 300 fighters of the Jackson Mayi Mayi group went to the *brassage* centre at Nyaleke (Beni territory). However, several Mayi Mayi groups continue to operate in the province, perpetuating insecurity, particularly in the south of Lubero territory.

Kabila should put urgent pressure on PARECO in Masisi to stop cooperating with the FDLR and proceed to *brassage*. Through operations designed to control territory and the movement of combatants on key axes, notably those used by the FDLR and others for mineral trafficking, the army should enforce weapons-free zones, while providing security for returning IDPs.

¹⁰¹ It is unlikely Nkunda could recruit in Rwanda without government knowledge. Local officials and security services manage the refugee camps where CNDP has been recruiting for several years, and the UNHCR as well as the Special Rapporteur for Children in Armed Conflict have written complaints. Even outside the camps, the scale of recruitment would make it difficult to happen without government complicity. Some Nkunda deserters say they were recruited in the presence of security officials and passed through the government's Nkamira transit camp in Gisenyi on their way to Congo. Crisis Group interviews, Rwandan Nkunda deserters and MONUC officials, Goma, July 2007.

¹⁰² On 20 October, Kabila had set a 48-hour deadline for Kasereka to surrender and instructed the army to attack the FAPL if the deadline was not met.

With regards to the FDLR, the government, MONUC and Rwanda should also agree on an action plan for co-opting the rank and file into disarmament and repatriation, while capturing known *genocidaire* figures. Incentives need to come from both Kigali and Kinshasa. The plan should also include provisions to allow some of the many fighters who have come to cohabit with the local population in areas of North Kivu to demobilise and resettle in western or central Congo, far from the Rwandan or Ugandan borders. Many FDLR soldiers have indicated they have little family or property to return to in Rwanda and would prefer staying as civilians in the Congo.

The Congolese government should ask donors to assist with resettlement of such combatants and their families. Simultaneously, Rwanda needs to clarify which individuals are marked for prosecution and what repatriation entails for others.¹⁰³ While senior officers suspected as *genocidaires*¹⁰⁴ should be targeted by army-MONUC operations supported by Rwanda, Kigali needs to make its lists public, so as to end finally any suspicion it is manipulating the issue.¹⁰⁵

2. Dealing with root causes of the conflict

As the security environment improves, it is essential that the deep resentment and rivalry between North Kivu communities be addressed, as well as the crucial issue of equitable access to natural resources and economic opportunities in the province.

No reconciliation without justice

In order to consolidate peace in Congo and especially in North Kivu, it is time to move beyond the culture of impunity that has prevailed for so long. The atrocities committed by armed groups are such that none of their leaders, Nkunda least of all, should escape a judicial process. However, if it is to ease tensions that process must be balanced and fair and not perceived as winners' justice or the settling of scores. Congolese courts lack the required capacity, credibility and political neutrality to judge war crimes and crimes against humanity committed

¹⁰³ Rwanda has confirmed that no FDLR member younger than fourteen at the time of the genocide (under 27 now) can be prosecuted, which would probably cover at least half the total.

¹⁰⁴ Force Commander General Sylvestre Mudacumura, a commander of Habyarimana's presidential guard; General Michel Rumuli, the FDLR's second vice-president; Colonel Nizeyimana Idelphonse, his deputy; and Callixte Nzabonimana

¹⁰⁵ One such document published in 2006 named 93 suspected *genocidaires* outside Rwanda but only eleven in the Congo, "List of people suspected of having participated in the Genocide of 1994 in Rwanda and who are abroad", Office of the Rwandan Prosecutor General, www.parquetgeneral.gov.rw/gb/Publication/publicgene.htm.

in North Kivu since 1993. A consolidated approach needs to be developed involving both international judicial mechanisms and a national process.

Donors should give financial help to the government-supported initiative with the Office of the UN High Commissioner for Human Rights (OHCHR) to organise the mapping of mass crimes committed in the Congo since 1993. That initiative will provide a baseline and can usefully produce recommendations for a law creating transitional justice mechanisms, such as a credible truth and reconciliation commission¹⁰⁶ and a vetting commission to progressively eliminate gross human rights abusers from the police, the armed forces and the intelligence services.

In parallel, the prosecutor of the International Criminal Court (ICC) should investigate all abuses committed in the Kivus since the beginning of the transition in June 2003 and bring charges against those most responsible.¹⁰⁷ Mayi Mayi and FDLR leaders guilty of mass crimes during the same period should similarly be prosecuted. The government should continue to cooperate with the ICC, including by providing any evidence it may have that Nkunda or others committed atrocity crimes.¹⁰⁸

Land redistribution, provincial administration and the resettlement of IDPs and refugees

The return of the approximately 45,000 Tutsi refugees from Rwanda to North Kivu is probably one of the thorniest but most central requirements for settling the conflict. They have become the symbol and focus of inter-communal tensions. For Nkunda and his supporters, their situation manifests the discrimination he pretends to fight. They are forced to live in camps, cannot return home and claim their land, and have been denied their civic rights during the elections. On the opposite side, their return would be perceived as the ultimate betrayal, since their resettlement would signify the entrenchment of a Tutsi population in Masisi, where land is being claimed by Hunde and Nyanga populations which have been dispossessed by successive

waves of migrants during colonisation and after independence.

The problem of refugee resettlement in Masisi has been made worse by political manipulation and land grabs organised during former President Mobutu's rule. After independence, a few Tutsi elites with privileged access to the presidency, used their influence to acquire illegally the ranches and estates established during the Belgian period. They lost almost everything in the early 1990s, with the arrival of millions of refugees in the aftermath of the Rwandan genocide and the collapse of state authority. The properties were then grabbed by RCD leaders during the war, sometimes together with senior Rwandan officials.

The return of refugees to Masisi has to be linked to the re-possession of these properties by the government and implementation of a fair land redistribution policy to the benefit of all landless communities, not Tutsi refugees only. It is time to end injustices also against Hunde and Nyanga communities which have been evicted from Masisi for decades. The government should negotiate with UNHCR and Rwanda the terms and modalities for an orderly, well-organised return of refugees, including a reliable, joint verification of individual nationality under the new law.

All title deeds issued since independence for estates and ranches in Masisi, Rutshuru and Walikale should be cancelled and a regional allocation and redistribution commission created to demarcate and assign land to Hunde, Nyanga, Tutsi and Hutu families, either individually or in trust through cooperatives in which these families would have shares. Depending on the type (grazing or agriculture), the commission could determine whether land would be best used individually or collectively and assign it accordingly, balancing fairness and productivity.

Both return and resettlement and land redistribution are top priority processes which donors should support with technical assistance and funding. Both need to move forward well ahead of the local elections that may take place as early as 2008, so that all minority communities of North Kivu can be resettled and be fairly represented in provincial institutions.

Simultaneously, progress is required to normalise inter-communal relations currently marred by fear and resentment. In addition to a proactive sensitisation campaign on the return of refugees, provincial authorities and North Kivu's national representatives must take responsibility for stabilising the province and come together to agree on the sharing of posts within its administration, to map out a consensual disarmament process covering all communities and to adopt a code of conduct for political parties so that incitement to ethnic hatred ends.

¹⁰⁶ The "Inter-communal Baraza", the forum of local communities created in the 1990s to prevent and solve conflict, has been politicised and is no match for the big political players in the province, who have shown little will to openly discuss past ethnic violence.

¹⁰⁷ In March 2004 Congo referred to the ICC all crimes within the jurisdiction of the Court committed within the territory of the country since 1 July 2002, www.icc-cpi.int/library/cases/ICC-01-04-01-06-10_English.pdf.

¹⁰⁸ On 18 October 2007, Congolese authorities transferred Germain Katanga, former senior commander of the Force de Résistance Patriotique en Ituri (FRPI) to The Hague to face charges concerning crimes committed in 2003 in the village of Bogoro. Katanga had been detained in Kinshasa since his arrest by Congolese authorities in March 2005. The ICC issued a sealed arrest warrant for him on 2 July 2007.

Equitable access to economic opportunities

Over the years, numerous mafia-like networks have emerged in North Kivu, many protected by militias or the national army. Nkunda, the FDLR, the Nande Mayi Mayi groups and the army are all involved in mineral trafficking, often in complicity with local and national politicians. Some sources in Goma suggest that certain firms are fronts for Rwandan traders. According to the UN, 70 per cent of the cassiterite is smuggled out of Goma and never appears in official statistics. Since Kinshasa deployed presidential guards at the border, some smuggling has shifted to the Bunagana crossing, which Nkunda controls better.¹⁰⁹ Gas stations owners close to Nkunda reportedly control the small but lucrative oil distribution market in Masisi and Rutshuru.¹¹⁰

The end of this trafficking and equitable regulation of economic activity is central to the long term stabilisation of the province. Neither Nande, Shi nor Tutsi businessmen should continue prospering from tax evasion and smuggling with Rwanda and Uganda. The national and provincial governments must work with donors to strengthen border controls, increase tax revenue and fight smuggling. Technical aid is also required to reform and depoliticise how business licences are issued. Most importantly, mining needs to be properly supervised and regulated by the appropriate government agencies, so that it provides workers a decent livelihood in a humane environment. The review of mining contracts issued during the war, which has started for Katanga and the Kasais, should be extended to the Kivus. Donor technical aid is important for building the capacity of national and local government agencies responsible for this area.

Similarly, consultation needs to be opened by the provincial authorities with all members of the Federation of Enterprises (FEC) on the best way to open and regulate economic activities in the province. All Tutsi, Nande, Shi and other businessmen should be able to compete freely and fairly for markets and invest in mining activities without political interference or resort to the support of armed groups. Concurrently, a tripartite economic commission should be established to discuss and review the benefits of cross-border trade with Rwanda and Uganda and to facilitate investment, trade and regulation of economic relations between the Kivus and their neighbours.

V. CONCLUSION

Since the conflict began more than fifteen years ago, North Kivu has been the epicentre of Congo's violence. Bringing peace to it was repeatedly sacrificed for the sake of consolidating the transition process. The province should now receive the government's full attention and the support of neighbouring countries and the international community.

Attempts to restore peace in North Kivu have been irresolute, incomplete and fragmented, failing to address the political complexity of the situation. The containment strategy adopted during the transition to deal with Nkunda's threat collapsed after the elections, replaced by the ambiguous security arrangement known as *mixage*, which proved unworkable on the ground. It failed to address the complexity of the security situation and the root causes of violence in the province, including the absence of transitional justice, community reconciliation and economic governance.

It is now time to change approach, finally end the Congo conflict and make decisive progress towards regional stability. The cost otherwise would be not just continuation of immense suffering for hundreds of thousands of civilians, but also failure of one of the most extensive international peace-making efforts. And there cannot be peace in Congo without peace in North Kivu.

Nairobi/Brussels, 31 October 2007

¹⁰⁹ Crisis Group telephone interview, businessman in Goma, August 2007.

¹¹⁰ Crisis Group interview, Goma, July 2007.

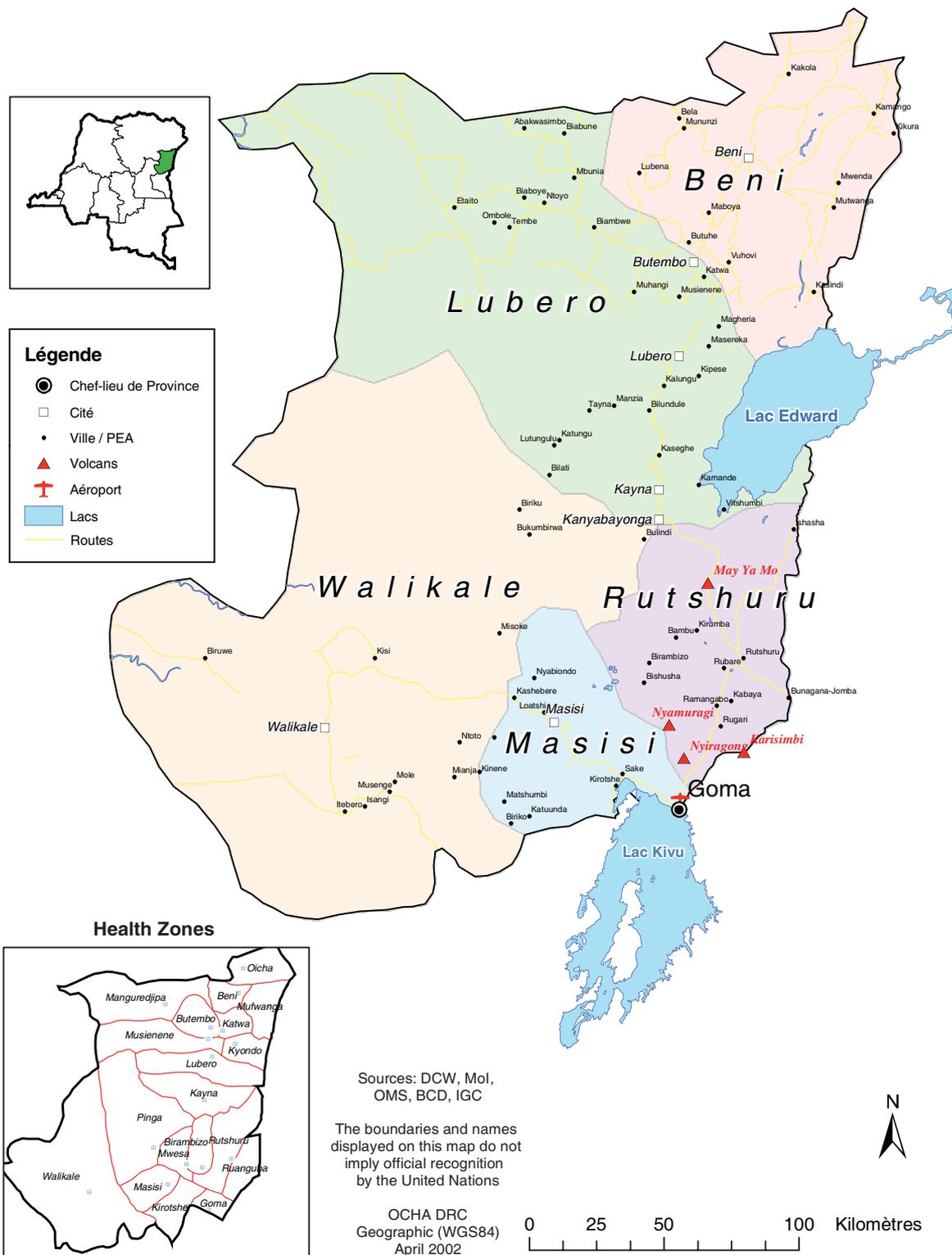
APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF CONGO



APPENDIX B

MAP OF NORTH KIVU



APPENDIX C

NORTH KIVU'S HISTORY OF VIOLENCE

North Kivu, a province of some four million inhabitants, is home to five main communities: the Nande, Banyarwanda, Hunde, Nyanga and Tembo¹¹¹. Local violence originates in inter-communal resentment. It is fuelled by competition for land and political/economic power and has been exacerbated by massive migrations of Rwandans (Banyarwanda), years of political manipulation and bad governance from Kinshasa, and the consequences of the genocide in Rwanda.

The Rwandan immigrants arrived in three main waves. In search for new lands, migrants of mostly Hutu origins settled in Rutshuru territory (Bwisha area) as early as the late eighteenth century.¹¹² In the early twentieth century, more Rwandans settled in Masisi, in the Kivu highlands, fleeing land shortages and famine.¹¹³ The Belgian colonial government, in search of a docile labour force in Congo, encouraged this immigration through the Mission for the Immigration of Banyarwanda (MIB). In the early 1960s, another major wave of immigrants arrived following post-independence violence in Rwanda. It included many affluent and well-educated Tutsi, who became an important part of the Goma elite. In 1970, 335,000 Rwandan immigrants were living in Congo, mostly in the territory of Masisi, where they were over 70 per cent of the population.¹¹⁴

This massive influx caused bitter tensions. In Masisi and Rutshuru the immigrants were more numerous than the Hunde and Nande communities, who considered themselves the real sons of the province and legitimate owners of the land. Shortly after independence in 1960, widespread fighting, the so-called "Kanyarwanda" war,¹¹⁵

erupted in these territories. Both access to land for the immigrants and representation in the local administration were at stake.¹¹⁶ The turmoil of the first years of independence, including the development of Mayi Mayi Simba movements, resulted in violence during which the Banyarwanda were often targeted.

With the consolidation of Mobutu's rule in Kinshasa in 1965, their situation improved dramatically. Mobutu forged an alliance with the Banyarwanda because he wanted a local, marginalised community he could easily manipulate to assert his rule over the region.¹¹⁷ He consolidated this alliance in 1972 by a law that granted blanket citizenship to all Rwandans and Burundians in the country since 1960. When in 1973-1974 he nationalised Congo's foreign-run industries and plantations, he gave many of the Belgian properties in Masisi and western Rutshuru to Banyarwanda officials. By the end of the 1970s, the Hunde chiefs had lost authority over much of the land formerly under their control in Masisi and Walikale territories. In Goma, the Banyarwanda, particularly those of Tutsi origins, had taken control of most of the important economic activities.¹¹⁸ In Rutshuru territory and the southern part of the Lubero territory they had been granted large farms and concessions to the detriment of the Nande.

In contrast to the province's other ethnic groups, however, the Nande were in a better position to resist. Mobutu had given important positions to some Nande, including Pierre Pay Pay,¹¹⁹ who ensured their community acquired most of the land recently nationalised in "their" territories of

¹¹¹ Roughly half the province's population is Nande, 30 per cent Hutu and 20 per cent Hunde, Nyanga and Tutsi. Kano, Tutsi, Kumu, Tembo and Mbuti (pygmies) are very small minorities.

¹¹² Crisis Group Report, *The Kivus*, op. cit.

¹¹³ Jean-Claude Willame, *Banyamulenge and Banyarwanda* (Paris, 1997).

¹¹⁴ Paul Mathieu and Mafikiri Tsongo, "Enjeux fonciers, déplacement de population et escalades conflictuelles (1930-1995)", in P. Mathieu and J.C. Willame (eds.), *Conflits et guerres au Kivu et dans la région des grands lacs* (Paris, 1999), pp. 20-25.

¹¹⁵ The Kanyarwanda war took place from 1963 to 1965. It erupted after Minister of Agriculture Denis Paluku rallied a coalition of Nande, Hunde, Nyanga and Banyarwanda Hutu from Rutshuru calling for the autonomy of North Kivu, which was at the time part of a larger Kivu province including what is now South Kivu and Maniema. The project was opposed

by most Tutsi and Hutu from Masisi, who were supported by Rwanda's Hutu president, Kayibanda.

¹¹⁶ Under the Belgians the immigrant communities were administered in separate units ("Gishare"), with Tutsi chiefs ruling over Hutu. After independence, these were incorporated into the older Hunde and Nande customary collectives; many Banyarwanda officials, considered as Rwandans, not Congolese, were replaced by Nande and Hunde.

¹¹⁷ From 1969 to 1977, Batheremy Bisengimana, a Rwandan immigrant and Mobutu's influential chief of staff, played an important role in strengthening this relationship. Mobutu's links with Rwandan President Habyarimana were also instrumental in promoting the Rwandan immigrants' interests in North Kivu in exchange for their loyalty.

¹¹⁸ In Masisi territory alone, 90 per cent of the liberated land titles were taken by the Banyarwanda.

¹¹⁹ Under Mobutu, Pay Pay held key posts, including general director, Gécamines, and Central Bank governor.

Beni and Lubero.¹²⁰ The Nande also benefited from the coffee boom of the 1970s and proved particularly creative in taking advantage of the lucrative trans-border trade that emerged in the wake of the “informalisation”¹²¹ of the country’s economy. Out of the decaying state structures, they developed a powerful global network of entrepreneurs, particularly in Asia, and consolidated their position as the main political and economic rivals to the Banyarwanda in the region.¹²²

Despite their influence in Kinshasa and the province, the position of the Banyarwanda remained fragile in the absence of democracy and respect for the rule of law. In 1983, after several years of controversy and mounting pressure from communities which envied their influence and still perceived them as foreigners, Mobutu reversed the nationality law, decreeing that citizenship had to be obtained upon individual application and was only available for those who could trace their Congolese ancestry back to 1885.¹²³ For the “immigrant” Banyarwanda, this underlined how tenuous their status was in Congolese society. Mobutu’s decision not only stripped most of their citizenship but also expropriated much of their property.¹²⁴

This signalled the beginning of renewed inter-communal tensions and divisions between the Banyarwanda themselves.¹²⁵ After 1987 and the creation of a North Kivu province, competition for regional leadership, especially

between Nande and Banyarwanda, intensified.¹²⁶ With the beginning of the democratisation process in 1990, political parties mushroomed and used ethnicity to mobilise support, often through the establishment of local ethnic militia. To make things worse, these political disputes took place in a context of burgeoning civil war in Rwanda. Hutu Power ideologues and Rwandan Patriotic Front (RPF) rebels were recruiting in North Kivu and reinforcing claims that the Banyarwanda were not really Congolese.

At the national level, Nande and Hunde politicians campaigned together to ensure the Banyarwanda were excluded from the National Sovereign Conference, a conclave of political parties and civil society groups convened in 1991 to elaborate a new constitution and elect a prime minister. At the local level, Hunde and Nyanga customary chiefs started attacking the members of the MAGRIVI, a development association that was later transformed into a Hutu militia. When Mobutu shifted his allegiance, the provincial administration fell into the hands of the Nande,¹²⁷ who used their new influence to cover these acts and undermine the economic power of their main business rivals in Goma.

In March 1993, the inter-communal violence reached a climax after the Nande governor, Jean Pierre Kalumbo Mbogho, asked state security forces and the DCF/N¹²⁸ youth militia “Ngilima” to support the local militia groups in their efforts to “exclude and exterminate” the immigrant Banyarwanda in Walikale, Rutshuru and Masisi territories. Masisi territory was the epicentre of the violence, which claimed 6,000 to 10,000 lives and caused the displacement of more than 250,000, mostly Banyarwanda of Hutu origins.¹²⁹ From July 1993, civil society groups and the central government tried to bring the situation under control. Mobutu ended Nande influence in the provincial institutions by replacing Kalumbo with Moto Mupenda.¹³⁰ He also ensured greater Banyarwanda representation in the provincial government, notably those of Tutsi origins.¹³¹

However, tensions were still high, particularly in Masisi, as over a million Rwandan Hutu refugees flooded the eastern Congo, along with the army and militias that had

¹²⁰ M. Vwakyankazi, “African Traders in Butembo, Eastern Zaire (1960-1980): A Case Study of Informal Entrepreneurship in a Cultural Context of Central Africa”, Ph.D thesis, University of Wisconsin-Madison, 1982.

¹²¹ With the Zairian state in crisis, a growing number of economic activities escaped the control of government agencies, a process often referred to as “informalisation”.

¹²² Timothy Raeymaekers, “Power of Protection”, Ph.D thesis, University of Ghent, 2006-2007, p. 100.

¹²³ See Law N°81-82 of 29 June 1981 and the decree of 15 May 1982 nullifying the identity cards delivered after 1972. In 1983, another decree provided that holders of cards delivered after 1972 should apply for naturalisation individually, if they met the 1981 law’s criteria. Nkunda and many of his commanders joined the RPF around this time.

¹²⁴ There was no effort to implement the law until 1989, when the government began to identify voters. This provoked violence, as Banyarwanda in Masisi burned down registration booths.

¹²⁵ To defend their land from hostile neighbours and to distance themselves from the Tutsi Banyarwanda elite who were often more favoured by Mobutu than the mass of Hutu Banyarwanda in Masisi or Rutshuru territory, an increasing number of Hutu Banyarwanda joined a Hutu organisation, the *Mutuelle Agricole des Virunga* (MAGRIVI), established in 1980. Other local communities denounced this Hutu organisation as an attempt by Hutu Banyarwanda to assert their power and further marginalise them.

¹²⁶ By 1990, an estimated half million descendants of Rwandan immigrants were in North Kivu.

¹²⁷ Mobutu forged an alliance with Enoch Nyamwisi Muvingi, the elder brother of Mbusa Nyamwisi, the current foreign minister, who was running a movement called DCF/Nyamwisi.

¹²⁸ Démocratie Chrétienne Fédérale/branche Nyamwisi.

¹²⁹ Raeymaekers, op. cit., p. 100.

¹³⁰ Mupenda was a Lega, also known locally as Kano, from Walikale territory, an uninfluential minority group.

¹³¹ Just as many Hutu chose to join the MAGRIVI, many Tutsi joined another mutual cooperative, UMUBANO.

perpetrated the genocide in 1994. The presence of these combatants further radicalised the local communities. The ex-FAR/Interahamwe¹³² often fought together with MAGRIVI members, local Hutu militia and Mobutu's army, targeting local communities as well as Banyarwanda of Tutsi origins, who were seen as supportive of the Rwandan Patriotic Front (RPF) insurgents taking power in Kigali.

This new peak of violence was the source of a deep rift between the Hutu and Tutsi communities in North Kivu. In Rutshuru, the Hutu population, which had lived there for centuries, was often at odds with the recent Banyarwanda immigrants of mainly Tutsi origin. In Masisi, however, the alliance between Hutu and Tutsi had endured thanks to their common history. Almost without exception, Tutsi in Masisi and Goma sold their land and cattle and left for Rwanda in fear of persecution. They were welcomed by the new RPF regime. To prevent extremist Rwandan Hutu militia from using the Masisi and Rutshuru territories as a springboard for incursions into Rwanda and to allow repatriation of Congolese Tutsi to Masisi, Rwanda and Uganda formed and militarily supported Laurent Kabila's AFDL, which in late 1996 took control of North Kivu. Tutsi refugees started returning to Masisi.

Far from improving the situation, this foreign military intervention worsened community divisions in the province. As the AFDL swept through the region in pursuit of the ex-FAR/Interahamwe and the Rwandan refugees, it committed serious massacres against both Rwandan Hutu in refugee camps and Congolese Hutu in Rutshuru and Masisi, whom they accused of supporting the *genocidaires*. There are no accurate figures on deaths in this period but UN investigators received allegations of 153 massacres and concluded that thousands of Hutu had probably been killed and thousands more had perished in the jungles due to hunger and disease.¹³³

Tensions remained high in the province after Laurent Kabila took power in Kinshasa in May 1997. The Rwandan army and the ex-FAR/Interahamwe (regrouped as the ALiR) fought each other until April 1998. In a context of intense ethnic polarisation and extreme violence, the new institutions were seen by the Nande, Hunde and Hutu communities as a Tutsi/Rwandan

government from which they preferred to keep their distance.¹³⁴

The consequences of Rwanda and Uganda's 2 August 1998 military intervention were similarly disastrous for North Kivu. After the failed attempt to topple Laurent Kabila, the uneasy Rwanda-Uganda alliance descended into open conflict in Kisangani. That alliance's proxy, the Rassemblement Congolais pour la Démocratie (RCD) rebel movement, with headquarters in Goma, split, prompting a division of the province. Mirroring the Banyarwanda/Nande division, Petit Nord fell under control of the Banyarwanda-led RCD, while Grand Nord became the base of a Nande splinter group, the RCD-ML,¹³⁵ and Nande Mayi Mayi groups.¹³⁶

In Petit Nord, the RCD consolidated the administration set in place by the AFDL. With Rwandan army support, it asserted control over the main cities and repelled several offensives in Rutshuru territory by the ALiR and local Mayi Mayi groups, supplied by Kinshasa. However, it was never able to gather significant popular support, partly because it lacked a political vision beyond Kigali's strategic priorities, and its troops, along with the Rwandan army, were repeatedly involved in widespread human rights violations against civilians.

Until late 2000, the RCD relied almost exclusively on Banyarwanda Tutsi officials, Local Defence Forces (LDF, Congolese and Rwandan cadres¹³⁷) and Rwandan security forces, who were allowed to take possession of land and mines, set up new businesses and establish cross-border trade networks under preferential conditions. As a result, inter-communal mistrust continued to grow. Resentment was aimed particularly at the Banyarwanda of Tutsi origins, who more than ever were seen as the fifth column of the Rwandan invasion.

¹³² See Appendix D below.

¹³³ "Report of the Special Rapporteur Charged with Investigating the Situation of Human Rights in the Republic of Zaïre", Garretón Roberto, A/51/942, 2 July 1997, pp. 15-16. The new government prevented completion of the investigation. The most notorious, if poorly documented, cases were in the Rutshuru towns of Kinyandoni and Bunyangula.

¹³⁴ The AFDL made Léonard Kanyamuhanga Gafundi governor of North Kivu in November 1996, a position he held until his death in 2001. He was a Congolese Banyarwanda of Tutsi origins, from Jomba and Bwito, in Rutshuru territory. Masisi and Rutshuru territories were also put under Banyarwanda/Tutsi officials.

¹³⁵ The RCD-KML was led by Mbusa Nyamwisi, one of the rare prominent Nande who joined the RCD, in 1998. After the death of his brother, Enoch Nyamwisi Muvungi, in January 1993, he became leader of Démocratie Chrétienne Fédérale and a close advisor to Wamba dia Wamba, the first RCD president until toppled by the Rwandan-backed wing of the movement.

¹³⁶ These included the Mudohu, the Vurundo and the La Fontaine groups.

¹³⁷ From early 1999, non-*genocidaire* ex-FAR soldiers were transferred from the Rwandan army into the RCD to train, recruit and supervise LDF units in Rutshuru. Demobilised Hutu from the Rwandan army as well as LDF from Rwanda were also regularly transferred to Rutshuru.

The appointment, in December 2000 of Eugène Serufuli, a Hutu from Rutshuru, was only a superficial change.¹³⁸ After it became obvious Kinshasa could not regain the East by military means, Rwanda altered the RCD's political strategy to consolidate the movement and reinforce its legitimacy. With Joseph Kabila's succession in Kinshasa in 2001, negotiations developed at the Inter-Congolese Dialogue (ICD). Anticipating this, Rwanda took initiatives aimed at reinforcing RCD rule in North Kivu with Hutu support. It also strengthened the province's autonomy¹³⁹ so as to limit Kinshasa's capacity to use the ICD for reasserting control over North Kivu.

Serufuli became the main instrument in this strategy, promoting the integration of Banyarwanda of Hutu origins in the local government. He revived the LDF established by his predecessor and turned it into an all-Hutu force of 10,000 to 15,000 fighters. These were eventually integrated into the army to form its eleventh and twelfth brigades. In the administration he similarly favoured the Banyarwanda of Hutu origins, particularly in Masisi, Rutshuru and Goma city.¹⁴⁰ However, the NGO *Tous pour la paix et le développement* (TPD, All for Peace and Development), established in 1998 by his predecessor to bridge the rift between Banyarwanda Hutu and Tutsi had close links with the Rwandan Directory of Military Intelligence (DMI) and was more focused on supporting counter-insurgency operations with the Rwandan army than reconciliation between Hutu and Tutsi Banyarwanda.

Continued forced expropriation of property belonging to Hunde of Masisi and Nande of Rutshuru, as well as the forced reinstallation in Masisi of thousands of Congolese Tutsi refugees, including many from other provinces, were interpreted as the perpetuation of rampant colonisation by Rwanda and the Banyarwanda. This prevented any improvement in relations between Banyarwanda and the other communities.

The situation in Petit Nord was further complicated when, in late 2002, the remaining ALiR forces joined with other Hutu rebels in the FDLR and redeployed from western Congo to the Kivus. This directly followed Kinshasa's announcement that it would stop cooperating with them

and Kigali's withdrawal of most of its troops from the Congo. Filling the security vacuum, the FDLR established its stronghold on the border between Walikale and Masisi territories¹⁴¹ and started mining, trading and taxing, rapidly taking control of the business outside Walikale's main cities. It also reinfilted Rutshuru territory so as to renew attacks against the RCD and Rwanda.

Inter-communal tensions were never as strong in Grand Nord, which is almost exclusively Nande. During the war, Nyamwisi's control was limited, despite support of influential businessmen in Butembo for whom he had established a favourable import policy.¹⁴² Poor relations with the Catholic Church,¹⁴³ the incoherent strategy of his Ugandan sponsors¹⁴⁴ and his own incapacity to ease conflicts among Nande sub-ethnicities lessened his influence. Nande Mayi Mayi groups attacked the RCD-ML army (APC, *Armée Patriotique Congolaise*), originally allied to Uganda, while Mayi Mayi and the RCD-ML fought the ANC. In 2001, at Uganda's request, Jean-Pierre Bemba tried to unify the groups but only brokered a brief ceasefire with the Mudohu group before direct confrontations erupted in June 2001 between the Mayi Mayi, Nyamwisi's militia and his Mouvement pour la Liberation du Congo (MLC) troops inside Beni, Butembo and Lubero.

From 1997 to 2000, fighting also broke out regularly in the north of the province between the Ugandan army (UDPF) and the Ugandan rebels of the Allied Democratic Forces/National Army of Liberation of Uganda (ADF/NALU).¹⁴⁵ Operation "Mountain Sweep", a major UDFP campaign in the Ruwenzori in 1999, destroyed

¹³⁸ Serufuli, a medical assistant at the Goma hospital, had been active in MAGRIVI and first president of the TPD NGO in 1998.

¹³⁹ On 14 August 2001, the rebel movement sought to implement its own version of federalism. A 70-member assembly was established in North Kivu on 17 September, and a similar strategy was carried out in South Kivu, with the hope of presenting a Kivu front at the Inter-Congolese Dialogue. See Crisis Group Africa Report N°37, *Political Negotiation or Game of Bluff?*, 16 November 2001.

¹⁴⁰ Crisis Group Report, *The Congo's Transition Is Failing*, op. cit.

¹⁴¹ The FDLR's high command is reportedly based in Kalonge (Masisi). It has a military training school in Mutembe between Walikale and Masisi territories. Hans Romkema, *Opportunities and constraints for the disarmament and repatriation of foreign armed groups in the DRC, the cases of the FDLR, FNL and ADF/NALU*, June 2007, p. 47.

¹⁴² From 1999, Nyamwisi taxed imports on a fixed basis instead of ad valorem. In effect taxes at the Kasindi trading post were reduced by a factor of two or three.

¹⁴³ Officials of the Catholic archdiocese of Butembo never fully trusted Nyamwisi, who is a Protestant. Bishop Melchisedech Sikuli and Father Malu Malu, then vice chancellor of the Graben Catholic University and later the head of the electoral commission during the transition, always kept close contacts with the Mayi Mayi of Lubero territory, particularly with the Lafontaine group.

¹⁴⁴ Prior to the Sun City negotiations in South Africa, Nyamwisi reduced Mayi Mayi opposition but in early 2003 the Grand Nord territories were again abandoned to banditry.

¹⁴⁵ The insurgent alliance was forged in 1995. ADF was formed in the early 1990s out of the Tabliq, an Islamist sect dating back to the overthrow of the Amin regime in 1979 which benefited from Sudanese support. The NALU emerged in the late 1980s out of the "Ruwendzururu movement". Since the colonial time, the movement has been fighting for the creation of the Kasese district

most of the ADF/NALU camps in Congo. However, the movement reorganised, thanks to the prevailing anarchy and the tolerance of the local Nande, who perceive an ethnic proximity with the Ugandan Bakonjo, historically the primary source of NALU combatants. After 2001, the movement received arms and ammunition from Nyamwisi, whose family is from Rwenzori Mountain (Mutwanga),¹⁴⁶ and his former chief of staff, Bwambate Kakolele, a Congolese Kondjo. Kakolele also helped with recruitment. As a result, by 2003 the majority of ADF/NALU combatants were Congolese Kondjo.

In the middle of 2002, the RCD-ML joined with the Kinshasa government and allowed Kabila, for the first time since the war began, to regain a footing in North Kivu and thus increase his bargaining power in the peace negotiations. Consequently, the war in North Kivu intensified again. From December 2002 to February 2003, Bemba's MLC and the allied RCD-National of Roger Lubumbala tried to capture Beni, so as to undermine Kabila and get access to the cash-generating Kasindi customs post.¹⁴⁷ They failed but more than 35,000 civilians were displaced.

In May and June 2003, the ANC, supported by Rwanda, sought to take Kanyabayonga and then Beni in order to prevent Kinshasa from using the latter's airport to supply its allies and from further weakening RCD influence in the East. The ANC also hoped that Beni's capture would allow it to link up with its allies in Ituri. During the confrontation, the ADF-NALU reportedly gave Nyamwisi's troops important military support. The offensive was stopped under international pressure and a ceasefire signed in Bujumbura in June 2003.

¹⁴⁶ In the early 1990s, Nyamwisi's elder brother and former governor of North Kivu played a key role in securing Mobutu's support for the group.

¹⁴⁷ Revenues at the Kasindi customs post were estimated at \$1 million to \$2 million per month.

APPENDIX D

RWANDAN HUTU REBELS (FDLR) IN THE KIVUS

The presence of Rwandan rebels in eastern Congo was a principle reason for the war against Mobutu and has remained an obstacle to lasting peace in the region. Although they no longer pose a strategic threat to Rwanda, they prey on locals and prevent the displaced population, in particular the Tutsi community, from returning. They regularly ally with local militia and the national army, thus forming a serious obstacle to reconciliation between local communities, as well as between Kinshasa and Kigali.

The FDLR's aim officially continues to be to force the Rwandan government to peace talks. In the past, their commanders have spoken of waging guerrilla warfare inside Rwanda, as they did between 1996 and 1999, so as to bring Kigali to the table. However, they have not been able to launch a major offensive within Rwanda since 2001, and many deserters think the war talk is used by their leaders to justify their command.

In general, FDLR ideology hinges on revisionist history, emphasising the pre-independence Tutsi rule and maintaining there were two genocides in 1994 – one Hutu, carried out by the Rwandan Patriotic Front (RPF), and one Tutsi committed by the Habyarimana regime. Soldiers, many of whom were infants when they left Rwanda, are indoctrinated to believe the current Rwandan government seeks to oppress all Hutu. "We were taught to believe that as soon as we cross the border, they will inject us with HIV and burn all our belongings", a deserter said.¹⁴⁸ This ideology is backed with brutal force; on numerous occasions, the FDLR has killed would-be deserters, in one case in front of MONUC workers.¹⁴⁹

The FDLR's fate depends on the regional political context. It has been significantly weakened since Joseph Kabila's arrival to power in 2001, although he has not completely severed ties. Nonetheless, the expulsion of FDLR units from the West in 2002 and the cutting off of most supplies had a severe impact. Of the estimated 15,000 FDLR in 2001, only 6,000 to 7,000 remain, organised into four battalions and a reserve brigade in North Kivu and four battalions in South Kivu. The political and military headquarters are in Kibua and Kalonge, respectively, in

the jungles of Walikale. Around the same number of Rwandan civilians, family members of combatants and unrelated refugees, remain behind FDLR lines in separate communities.

Over the years, the FDLR has become more concerned with extortion and selling minerals than destabilising Rwanda. It controls important cassiterite, gold and coltan mines in the Kivus, including Kilungu (Walikale), Ziraló (Kalehe), Birala (Burhinyi) and Misisi (Fizi). It taxes the miners and controls important trade routes. Although the mines are relatively small, the taxes provide thousands of dollars each month, allowing the militia to buy ammunition and small luxuries. It also gets limited support from diaspora politicians, mostly satellite phone credits.¹⁵⁰

The transformation into a criminal, money-making enterprise has led to internal clashes over spoils. In 2004, a struggle for control of trade routes and markets around Rusamambo in North Kivu led to the creation of a splinter faction led by Colonel Musare. Although he initially approached MONUC for repatriation, he soon allied with a new Rwandan exile movement, the Rally for Unity and Democracy (RUD). However, this faction has been weakened by desertions and may have only 300-400 fighters. In June 2007, a senior FDLR gathering in Kalonge proposed reconciling the two branches.

Several other rifts have emerged, perhaps most importantly between the "western" commanders who were integrated into Laurent Kabila's forces and those who stayed in the East, fighting an insurgency against Rwanda and the RCD. When the western wing was pushed eastwards in 2002, a leadership clash ensued, provoking the defection of the force commander, General Paul Rwarakabije, in November 2003. Tensions persist between the current commander, General Sylvestre Mudacumura, a known extremist and former commander of President Habyarimana's guard, and more moderate commanders. There are also regional tensions between commanders from the south of Rwanda and those from the north, who were often associated with Habyarimana's clique. Over the past year there have been two prominent deaths, of the deputy force commander, General Kanyandekwe, and the secretary general, Colonel Nubaha.

¹⁴⁸ Crisis Group interviews, Goma and Kigali, February and July 2007.

¹⁴⁹ Crisis Group interview, demobilised combatants, Mutobo, February 2007. MONUC demobilisation workers witnessed the assassination of a deserter in early 2004 in Burhinyi, South Kivu.

¹⁵⁰ Crisis Group interviews, demobilised soldiers and security officials, Kigali, February and July 2007.

Over the years, the FDLR has cohabited with the population in some areas of North Kivu, especially where there are many local Hutu. Although these locals often complain they are victims of the rebels, ties have formed. Combatants have married local women, and, as they control much of the trade in local markets, some villagers have gone into debt with FDLR fighters. Army operations against the FDLR tend to make little distinction between combatants and civilians.

The FDLR has committed grave abuses and atrocities. Doctors throughout the Kivus report that most brutal rapes they treat have been committed by FDLR. UN and local human rights groups have documented hundreds of FDLR killings, rapes and lootings over the past two years. Typically, the FDLR prefers to set up a rigid tax system in areas it controls. However, when attacked and deprived of their usual revenues, it resorts to pillage and abuse of the population, using violence as leverage to persuade MONUC and the Congolese army to stop their offensive. In June 2005, following robust MONUC operations in South Kivu, the FDLR massacred 40 civilians in Mamba, leaving a note warning against further operations. According to eyewitnesses, as they burned their victims alive, the FDLR taunted: "Where are your peacekeepers now?"¹⁵¹ FDLR deserters confirm that Mudacumura has openly urged abusing of civilians to pressure MONUC.¹⁵²

The Rwandan government insists it will not talk with a terrorist organisation led by *genocidaires*. The fact that most FDLR commanders were in Habyarimana's army has made it difficult for the international community, which has funded a tribunal in Arusha for the genocide, to contemplate talks. However, Rwanda has never given clear details regarding which FDLR might be guilty of genocide, despite its intimate knowledge of the rebels' leadership. The two known *genocidaires*, Idelphonse Nizeyimana and Callixte Nzabonimana, are relatively high-ranking in the military and political wings, respectively. While Rwandan officials have in the past named many other FDLR commanders as *genocidaires*, Crisis Group has not been able to find their names on prosecutors' lists. A document made public in 2006 named 93 suspected *genocidaires* outside Rwanda, but only eleven in Congo.¹⁵³ However, Rwandan officials caution that there are other lists.

International efforts to deal with the FDLR have broken down. The African Union (AU) has promised in the past, most notably at the Gabon summit in 2004, to explore sending a military force to dismantle the FDLR. However, despite an evaluation mission in 2005, the difficulties it has faced in Sudan and Somalia have undermined any deployment. MONUC's leader, William Swing, expressed willingness in early 2007 to use force against the FDLR but there is no will in MONUC's military leadership to fight jungle warfare against the seasoned militia. "We don't want to send our soldiers home in body bags", a commander said.¹⁵⁴

The single notable political effort, by the Sant' Egidio religious community in 2005, brought the Congolese government together in Rome with the FDLR political and military leadership. The FDLR was not willing to demobilise without significant political concessions from Rwanda, and Kigali, which is not under military pressure, refused to attend or otherwise engage the rebels politically. Kabila began to relaunch the Sant' Egidio process in July 2007, although it is not clear which FDLR wing he wants to involve. Rwanda continues to oppose such talks.

¹⁵¹ Crisis Group interview, MONUC officials, Bukavu, October 2005. The FDLR claim this massacre and many others were carried out by a splinter group, the Rasta, but evidence indicates the FDLR was responsible.

¹⁵² Crisis Group interview, FDLR deserters, February 2007.

¹⁵³ "List of people", op. cit. The location of a further eighteen on the list was not known.

¹⁵⁴ Crisis Group interview, MONUC commander, Goma, July 2007.

APPENDIX E

GLOSSARY

ADF/NALU	Allied Democratic Forces/National Army for the Liberation of Uganda, Ugandan rebel group present in Ituri district and North Kivu province
AFDL	Alliance of Democratic Forces for the Liberation of Congo-Zaire, rebel movement which toppled President Mobutu Sese Seko and brought Laurent Kabila to power in the First Congo War (1996-1997)
ALiR	Army for the Liberation of Rwanda, a Hutu rebel group made up of ex-FAR and Interahamwe which later integrated into the FDLR
AMP	Alliance of the Presidential Majority, Joseph Kabila's electoral grouping with which he secured the presidency in the 2006 elections
ANC	National Congolese Army, former army of the Rwandan-backed Congolese Rally for Democracy (RCD)
APC	Popular Congolese Army, the armed wing of the RCD-K/ML, a pro-Kinshasa group led by Mbusa Nyamwisi
Banyamulenge	Congolese Tutsi pastoralists of Rwandan origins living in the highlands of South Kivu
Banyarwanda	Congolese Hutu and Tutsi of Rwandan origins living in North Kivu
<i>Brassage</i>	The process of integrating former belligerent troops into a new national army (FARDC) by breaking up and dispersing throughout the country groups previously formed along ethnic, political and regional lines
CIAT	The International Committee in support of the Transition, known by its French acronym, consisting of the most important Kinshasa ambassadors and tasked to coordinate the diplomatic efforts during the transition
CNDP	National Congress for the Defence of the People, Nkunda's political movement, unveiled in July 2006
DCF/N	Federalist Christian Democracy/ Nyamwisi branch, former political party led by Mbusa Nyamwisi after the death of his brother, Enoch Nyamwisi Muvingi, in January 1993
DPKO	Department of Peacekeeping Operations, UN Secretariat department for managing peacekeeping operations
FAC	Congolese Armed Forces, the name of the national army under Laurent and Joseph Kabila until the beginning of the transition
FAPL	Patriotic Armed Forces for the Liberation, a Mayi Mayi / FDLR group active along the Ugandan border in North Kivu, led by Colonel Kasereka
FARDC	Armed Forces of the Democratic Republic of Congo, the name used for the Congolese national army since the beginning of the transition
Ex-FAR	Former Rwandan Armed Forces, which fled to Congo after the 1994 genocide and later regrouped as ALiR and FDLR forces
FDLR	Democratic Forces for the Liberation of Rwanda, Rwandan Hutu rebel group formed in 2000 and comprised mostly of former ALiR and other Rwandan Hutu armed groups
FEC	Congolese Federation of Enterprises
FNL	National Liberation Front, armed wing of the last Burundian rebel group, Party for the Liberation of the Hutu People (PALIPEHUTU)
ICC	International Criminal Court in The Hague
IDPs	Internally displaced persons
Interahamwe	An extremist Rwandan Hutu militia group that committed the bulk of the 1994 genocide

LDF	The Local Defence Forces, established in North Kivu by the RCD and consisting mostly of Congolese Tutsi and Hutu civilians armed by the local authorities
LRA	Lord's Resistance Army, Ugandan rebel movement formed in 1987 and led by Joseph Kony
MAGRIVI	Association of Agriculturalists of the Virungas, association of Hutu farmers in North Kivu
Mayi Mayi	Local militia recruited along tribal lines, mostly in eastern Congo
<i>Mixage</i>	Process initiated in January 2007 to mix Nkunda's platoons with those of FARDC to form six new brigades
MLC	Movement of Liberation of the Congo, the former rebel movement led by Jean-Pierre Bemba, now the second largest political party in parliament
MONUC	Mission of the United Nations in the Democratic Republic of Congo
MSR	Social Movement for Renewal, a political party and member of the AMP coalition established in 2006 by Pierre Lumbi and Kabila's late security adviser, Samba Kapulo
OHCHR	Office of the UN High Commissioner for Human Rights
P3+2	The group of ambassadors representing three of the five permanent members of the Security Council (U.S., UK, France) plus Belgium and South Africa
PALU	Unified Lumbumbist Party, the political party led by Prime Minister Antoine Gizenga
PANADI	The Party of Nationalists for Integral Development, a pro-Kabila Hutu-led party in North Kivu
PARECO	Coalition of Resistant Congolese Patriots, an anti-Tutsi militia formed in March 2007 and led by Major Mugabo, mostly in reaction to the <i>mixage</i> process
PNDDR	National Program for Disarmament, Demobilisation and Reintegration
PPRD	People's Party for Reconstruction and Development, Joseph Kabila's political party
RCD	Congolese Rally for Democracy, former Rwandan-backed rebel movement formed in 1998 by Uganda and Rwanda and led by former Vice-President Azarias Ruberwa
RCD-ML	Congolese Rally for Democracy – Movement of Liberation, a faction of the RCD that split from the Goma-based movement in March 1999 and was led by Mbusa Nyamwisi
RPF	Rwandan Patriotic Front, the former rebel group that after 1994 became the ruling political party in the country, led by President Paul Kagame
SMI	Military Integration Structure
SRSR	Special Representative of the UN Secretary-General
TPD	All for Peace and Development, North Kivu development NGO linked to Governor Eugene Serufuli
UNHCR	UN High Commissioner for Refugees
UPC	Union of Congolese Patriots, an Ituri-based armed group which during the war fought on behalf of the Hema ethnic group
UPRDI	People's Union for the Republic and Integral Development, formed in 2005 and led by Sylvain Mushi Bonane

APPENDIX F

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Statoil ASA
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Najib A. Mikati
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Tilleke & Gibbins
**Baron Guy Ullens de
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Westfield Group
Yasuyo Yamazaki
**Yapi Merkezi
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Sunny Yoon

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Crisis Group's Senior Advisers are former Board Members (not presently holding national government executive office) who maintain an association with Crisis Group, and whose advice and support are called on from time to time.

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