

THE CONGO'S TRANSITION IS FAILING: CRISIS IN THE KIVUS

Africa Report N°91 – 30 March 2005

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THE CONGO'S TRANSITION IS FAILING: CRISIS IN THE KIVUS

EXECUTIVE SUMMARY AND RECOMMENDATIONS

As it approaches the end of its second year, the Congo's transition risks breaking apart on the unreconciled ambitions of the former civil war belligerents. Inability to resolve political differences in Kinshasa have been mirrored by new military tensions that the parties, as well as Rwanda, have stirred up in the Kivus, the birthplace of both wars that ravaged the country in the past decade. June 2005 national elections are imperilled, and 1,000 are dying daily in the ongoing political and humanitarian crisis. To reverse these ominous trends, the international community needs to use the leverage its aid gives it to rein in the spoilers in Kinshasa, and it needs to do a better, quicker job of training the new Congolese army. And the UN Mission (MONUC) needs to get tougher in dealing with the Rwandan insurgents, the FDLR, who provide Kigali with a justification for dangerous meddling.

Beginning in February 2004, dissidents from the former rebel movement *Rassemblement Congolais pour la Démocratie-Goma* (RCD-G) sparked clashes in the Kivu provinces of the eastern Congo. These were the result of disagreement within the transitional government over power-sharing in the army and the administration but the conflict was exacerbated by the interference of Rwanda, which sent troops across the border in November 2004, claiming to pursue the Hutu extremist FDLR. The resulting fighting displaced over 100,000 civilians and pushed the transition to the brink of collapse.

The fighting in the east is closely linked to the political impasse in the capital. The defining characteristic of the transitional government has been its weakness and the opportunism of its key members, who have little appetite for the approaching elections. None of the signatories of the Sun City Agreement, which ushered in the transition in 2003, has strong control of either its military or political wing.

Parallel chains of command persist in the army as well as in the administration as the former belligerents compete for resources and power. All still use taxation schemes and mining deals to enrich themselves. Many stand to lose power in the elections, and they are set on

prolonging or disrupting the transition. This political weakness at the centre has allowed military conflicts to fester on the periphery.

The crisis in the east, which is again centred on tensions between the Congolese Hutu and Tutsi and other communities, has been manipulated by the Kinshasa contestants and Rwanda in pursuit of their own interests. The dissidents are hard-line Hutu and Tutsi from the RCD-G who feel their interests are not served in the transitional government. They have created a new "rwandophone" identity in order to fuse Congolese Hutu and Tutsi together, while President Kabila's party has roused anti-Rwandan sentiment. This manipulation of identity has raised the spectre of communal violence in a region where such feuds killed over 3,000 civilians in 1993.

The dissidents have some 8,000 to 12,000 troops around the city of Goma in North Kivu, faced by an equal number of Kinshasa troops. While hardliners on both sides want a military solution, neither has the strength to achieve it. The conflict can only be ended by bringing the moderate leadership of the dissidents back into the transitional institutions, while arresting or marginalising the others. This, in turn, will only be possible if the Kinshasa power-sharing issues are resolved.

Any peace initiative in the east must address the presence of the 8,000-10,000 Hutu rebels of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR). They have been severely weakened and are no longer a strategic threat to Kigali but they are still able to conduct raids into Rwanda, and are a serious threat to civilians in the Congo, where they constitute a liability for the transition. The new Congolese army has ultimate responsibility for dealing with the FDLR but the army will remain weak and disorganised for the foreseeable future. The international community needs to launch an International Military Assistance and Training Team (IMATT) to support it. Efforts underway by South Africa, Belgium and Angola are a promising first step but more coordination and standardisation, as well as funding, are required.

Neither MONUC nor the wider international community has shown the ability or the will to address the Congo's crises. While donors finance over half the budget, they have been unable or unwilling to take serious action against the spoilers in the transitional government, who work against unification of the army and administration. Some members of the government have been suspended for corruption but none has faced criminal charges. Indeed, the government has rewarded criminality by naming accused war criminals from Ituri to senior army posts.

Similarly, MONUC has not lived up to much of its mandate. While it has the clear tasks of protecting civilians, monitoring the arms embargo, and supporting the new army against the FDLR, it has yet to devise a coherent strategy for any of these. Especially in the wake of the scandal involving sexual abuse by MONUC, there is urgent need for the international community to help it take urgent steps to restore its credibility among the Congolese. MONUC does not have enough troops, but the bigger problem is how it uses the resources it does have.

RECOMMENDATIONS

To the Transitional Government of the Democratic Republic of Congo:

1. Comply with the Sun City Agreements for complete military integration and eliminate all parallel chains of command in the military, administration and state-run enterprises, including by:
 - (a) clarifying the status and size of the presidential guard;
 - (b) appointing the heads of state-run enterprises according to the power-sharing formula in the Sun City Agreements;
 - (c) auditing key ministries, the provincial administration and armed forces; and
 - (d) allowing review of war-time mining contracts, as agreed in Sun City.
2. Prosecute former members of the government and army suspended for corruption.
3. Dismantle, by force if necessary, the FDLR camps on Congolese territory, as promised in the 2002 Pretoria Agreement, and extradite to Rwanda the remaining FDLR officers in Kinshasa and Lubumbashi.
4. Refrain from military confrontation in North Kivu, and attempt to resolve the crisis there peacefully

through the unification of armed groups and administrations.

5. Enact a constitution and laws on amnesty, decentralisation and elections.

To the UN Security Council, the Secretary General and MONUC:

6. Renew by 31 March 2005 and more clearly define MONUC's mandate to include the use of preventive force to protect civilians and to support the transitional government, and raise the troop ceiling to 23,900, as requested by the Secretary General.
7. Devise a coherent strategy for the following aspects of MONUC's mandate under Security Council Resolution 1565:
 - (a) protection of civilians in imminent danger, including contingency plans and clear rules of engagement for MONUC forces in the field;
 - (b) monitoring the arms embargo, including placing MONUC forces at border crossings and key airfields, patrolling lakes and insisting on the right to conduct house and vehicle searches; and
 - (c) support of the Congolese army in disarmament, demobilisation, and reintegration (DDR) operations with respect to the FDLR, including a clear definition of MONUC's role.
8. Urge the International Committee for Support of the Transition (CIAT) to develop a credible plan to establish a viable national army and key donor states to provide requisite assistance.
9. Impose targeted sanctions, including a freeze of financial assets and travel bans, on those who violate the arms embargo, including members of the transitional government.
10. Obtain and deploy better communication and intelligence-gathering equipment for monitoring the arms embargo.

To the European Union and its Member States, the U.S. and Other Donors and Members of the International Committee for Support of the Transition (CIAT), the World Bank and the IMF:

11. Prioritise integration of the Congolese army and provide adequate financial and military resources, including an International Military Assistance and Training Team (IMATT) to assist the Congolese army in dismantling the FDLR.

12. Impose targeted sanctions, including a freeze of financial assets and travel bans, on those who violate the arms embargo, including members of the transitional government.
13. Suspend financial aid to Rwanda if it continues to support dissidents or to intervene militarily in the Congo, and do the same with the transitional government if it is found to be supplying the FDLR.
14. Encourage the CIAT to undertake regular missions to the provinces, especially Ituri and the Kivus, to speak with local leaders and to report regularly (e.g. every three months) to the Security Council on implementation of the transition.
15. Use financial leverage to press the transitional government for better implementation of the Sun City Agreements.
18. Stop any support of dissident forces in the Congo, including allowing them to recruit in refugee camps in Rwanda.
19. Cooperate with the Congolese army and MONUC in their attempts to deal with the FDLR, including by providing information on FDLR positions and strength and a list of FDLR leaders wanted for category 1 or 2 genocide crimes.
20. Promote the return to Rwanda of key FDLR commanders who are not guilty of crimes of genocide by offering attractive terms of repatriation.

To the African Union:

21. Pursue the initiative to contribute armed forces to assist the new Congolese army and MONUC to persuade the FDLR -- with force if necessary -- to enter the DDR program.

To the Government of the United States:

16. Continue to support peace between Rwanda, the Congo and Uganda through the tripartite talks.

To the Government of Rwanda:

17. Respect Congo sovereignty and refrain from threatening or conducting military incursions.

Nairobi/Brussels, 30 March 2005

THE CONGO'S TRANSITION IS FAILING: CRISIS IN THE KIVUS

I. INTRODUCTION

Despite the extent of ongoing civilian suffering in the Congo and the risk of a return to full scale combat that could destabilise much of Central Africa, there is little impetus, internal or external, to change matters decisively. The recent fighting in North Kivu displaced over 100,000 people into the forests, where many died due to the harsh conditions. According to the International Rescue Committee (IRC), 31,000 die every month in the country as a result of the war, mostly due to hunger and disease. Since 1998, an estimated 3.8 million deaths have been attributable to the war. At least 40,000 women and girls have been raped over the past six years. Still, only \$188 million in humanitarian aid was provided for the Congo in 2004, a mere \$3.20 per person. Sudan received \$89 per person that year.¹

A. POLITICAL STALEMATE

In February 2004 a group of officers from the former rebel movement the *Rassemblement Congolais pour la Démocratie-Goma* (RCD-G) attacked the regional military commander of South Kivu, General Nabyolwa, who had been deployed to the province under the auspices of the Congo's nascent national army. The mutiny was the first in a series of clashes in the Kivus between RCD-G dissidents and the transitional government, the result of a power struggle in Kinshasa. By the end of the year, it was clear that the transitional government could neither suppress the rebellion militarily nor strike a deal with it.

¹ International Rescue Committee (IRC), "IRC study reveals that 31,000 die monthly in Congo conflict and 3.8 million died in the past six years -- when will the world care?", Press Release, 9 December 2004. All figures denoted in dollars (\$) in this report refer to U.S. dollars. On rapes, see "Democratic Republic of Congo: Mass rape -- time for remedies", Amnesty International Report, 26 October 2004. UN Under Secretary General Jan Egeland says, "Sexual abuse had become probably worse [in the Congo] than anywhere else in the world". "DRC: UN agency to act on Ituri human rights violations", IRIN, 17 March 2005.

The transitional government, which was sworn in on 30 June 2003, is a political compromise between the five main armed groups:

- Joseph Kabila's *Forces Armées Congolaises* (FAC, the old government's army);
- Jean-Pierre Bemba's *Mouvement de Libération du Congo* (MLC);
- Azarias Ruberwa's *Rassemblement Congolais pour la Démocratie-Goma* (RCD-G);
- Mbusa Nyamwisi's *Rassemblement Congolais pour la Démocratie-Mouvement de Libération* (RCD-ML);
- Roger Lumbala's *Rassemblement Congolais pour la Démocratie-National* (RCD-N); as well as
- Mai-Mai militias from the east of the country.

These disparate groups have in theory converted themselves into political parties that now share power in Kinshasa with representatives from civil society and the political opposition. According to the transitional agreement and the constitution, the former belligerents should hand over control of their armed groups to a unified and apolitical new national army, the *Forces Armées de la République Démocratique du Congo* (FARDC).

The reality is very different. Most of the 300,000 combatants in the country are deployed in the same positions and are controlled by the same military hierarchies as before the transition. These parallel chains of command have also been replicated in the administrative and financial structures in the capital and provinces. The tensions this has engendered jeopardise elections,² as each party tries to hold onto its power.

Kabila and his party, the *Partie du Peuple pour la Réconstruction et la Démocratie* (PPRD), continue to control the state apparatus in 60 per cent of the national

² Elections are still officially scheduled to be held by June 2005, although it is unanimously recognised that logistical considerations make this impossible. More realistic estimates are that elections can be held in early to mid-2006.

territory, including Kinshasa and Katanga, Kabila's mineral-rich native province. This control of many of Congo's diamond, copper and cobalt mines as well as Kinshasa's infrastructure has given Kabila disproportionate influence within the transitional government. While the ex-FAC are an inefficient and ill-disciplined force of 120,000, Kabila has been able to strengthen his presidential guard, the *Groupe Special de la Sécurité Présidentielle* (GSSP), and manipulate the emerging national army through the presidential military advisers in the *maison militaire*. Nonetheless, he is hampered by the poor cohesion of his followers, and he has periodically had to shuffle his cabinet and military leadership following internal disputes.

The MLC has the advantage of a clear hierarchy, as Bemba retains absolute control over his formerly Ugandan-backed rebel movement. While he does not have a large popular base or as many natural resources at his disposal as Kabila, he has deftly used his position as the vice president in charge of the Economic and Financial Commission to gain allies and to sway opinion in the capital. Bemba has the sympathy of many former supporters of the late President Mobutu and of several thousand soldiers of the old dictator's army, the *Forces Armées Zairoises* (FAZ), who are now in Brazzaville, but his own army has been weakened. At least four MLC brigades were deployed to the Kivus following the violence there in mid-2004,³ leaving only around 10,000 MLC soldiers in their original positions

The two smallest former rebel movements are not significant enough to influence the course of the transition. As before, the RCD-N is controlled by the MLC, and Lumbala has been removed from his post as minister of foreign trade due to a corruption scandal. The RCD-ML has sided with Kabila on most political issues, and Nyamwisi retains good command of his troops in the Beni-Lubero region on the Ugandan border.

Besides Bemba and Kabila, the main contender in the upcoming elections will be Etienne Tshisekedi, the veteran leader of the *Union pour la Démocratie et le Progrès Social* (UDPS), who led the political opposition against Mobutu. He has the advantage of not being a member of the corruption-ridden transitional government and is still able to mobilise large numbers of supporters in Kinshasa and his home province of Kasai Oriental. Polls indicate that Tshisekedi would win a fair election in the capital but he has little support in most other provinces.⁴ The UDPS has been weakened recently by

Tshisekedi's own autocratic management and by its alliance with the RCD-G during the Sun City negotiations that led to the formation of the transitional government.

The most serious conflict within the transitional government has arisen between Kabila and Ruberwa's RCD-G, a party that is deeply unpopular beyond its narrow base among the Kinyarwanda speakers of North Kivu. Most Congolese regard it as a puppet of Rwanda, and hardliners around Kabila have worked to whip up anti-Tutsi sentiment throughout the country. RCD-G has also had to contend with serious internal dissent, as many of its representatives in Kinshasa have tried to distance themselves from the party's Hutu and Tutsi leaders, accusing them of being pro-Rwandan. At the same time, in the eastern border town of Goma, RCD-G hardliners have criticized Ruberwa for failing to represent their concerns of ethnic persecution. Rwanda's military incursion in late 2004 exacerbated RCD-G divisions and triggered the fighting in North Kivu between the new national army and the dissidents.

B. THE PURSUIT OF A MILITARY SOLUTION

The dispute between the RCD-G and Kabila erupted into violent confrontation in February 2004, triggering a series of clashes that pushed the transition to the brink of collapse. Far from attempting to solve political differences through dialogue, spoilers in RCD-G and in Kabila's entourage have encouraged this military confrontation. In the Kivus, a coalition has formed of RCD-G dissidents, who feel they stand nothing to gain in the transition. Kabila has accused some of them of being involved in the assassination of his father in 2001; others are army commanders who feel locked out of the transition. Marginalised by Kinshasa and egged on by Kigali, this group clashed with the national army in Bukavu in February 2004. Since then, numerous opportunities have been missed to find a negotiated solution. Instead, the conflict has broadened, resulting in the devastating battle for Bukavu in May and June, and the continuation of the fighting in North Kivu in December 2004.

The search for a military solution goes hand in hand with a xenophobic ideology, still openly promoted by some in Kabila's party, that there is no possibility of reconciliation with the RCD-G, whom they see as puppets of Kigali. Similarly, the leaders of the Congolese Hutu and Tutsi communities of the east argue

³ According to some reports, most of the soldiers have been positioned in Basankusu.

⁴ A survey conducted in Kinshasa by the private polling group BERCI in January 2005 suggested that if presidential elections

were held then, Tshisekedi would win 39 per cent of the vote in the capital, followed by Kabila (36 per cent) and Bemba (11 per cent). The same poll indicated that the UDPS would win 36 per cent of the vote in the legislative elections.

that the conflict is really about identity, and their very survival is at stake. These extreme perspectives mask the personal interests at stake: all sides are fighting to preserve the financial networks and power they have established since the beginning of the first Congo war in 1996.

There is no military solution to the crisis in the east. The armies are too disorganised and poorly trained. The Hutu and Tutsi communities (called Banyarwanda in North Kivu) number around one million people. Some 10,000 to 15,000 predominantly Banyarwanda ex-ANC troops⁵ remain allied with Governor Eugène Serufuli despite their formal absorption into the national army. In addition, Rwanda has shown itself willing to back the dissidents with supplies and troops in recent months. If it is to address the crisis in the east, the transitional government must find a formula for sharing military and economic power between the different parties in Kinshasa.

This report seeks to explain how the two crises -- the political failings in Kinshasa and the military conflict in the east -- are linked. Since the early days of the transition, President Kabila and Vice President Ruberwa have been unable to find common ground on matters such as the control of the presidential guard, the command and control of the army, amnesty for war criminals, and how to deal with the Rwandan insurgent group on Congolese territory, the *Forces Démocratiques pour la Libération du Rwanda* (FDLR). These disputes have given spoilers in the east and in Kinshasa an opportunity to undermine the transition they perceive as threatening their interests.

Both sides have been averse to sincere political negotiations. The parliament's attempts to draft recommendations⁶ have been largely ignored. The transitional government needs to isolate the spoilers -- a small group of military extremists and a few minor politicians -- and come to terms with the rest of the leadership in Goma. However, alarmingly little has been done to negotiate a solution since the crisis exploded in February 2004.

The transitional government and the national army must urgently address the continued presence of the FDLR in the east, as committed to in the 2002 Pretoria Agreement and the 1999 Lusaka Agreement. While those Hutu rebels do not present a serious security threat to Rwanda,

they are a political liability to the transition, as they invite further Rwandan intervention. The recent efforts of the Sant'Egidio community to facilitate a peaceful repatriation of the FDLR should be promoted; moreover, the Rwandan government needs to be more active in encouraging commanders to return. At the same time, it is important for the new national army of the Congo, the FARDC, to apply what military pressure it is capable of on the FDLR. Such an operation could also be a first step towards reconciliation with Kigali and Goma, which have accused Kinshasa of supporting the extremist militia.

Politically, the international community has had difficulties coming to terms with the Congolese tragedy. Foreign donors, who finance 53 per cent of the transitional government's budget, have not taken advantage of the considerable leverage they have over the Congolese leadership. If the international community wants the transition to work, it must be more proactive in denouncing the blatant corruption and illegal manoeuvres of some of the main players and providing the resources for change.

If the transitional government can find better formulas for coping with the unfolding crisis in North Kivu and power and resource sharing in Kinshasa over the next few months, the elections, while just a first step towards rebuilding a failed state, could yet prove to be a watershed in the Congo's history.

⁵ The military wing of the RCD-G.

⁶ The parliament sent a delegation to Goma in December 2004, led by the president of the Senate, Monsignor Marini Bodho. The report was only made public after several months and has not been acted upon.

II. THE MILITARY CRISIS IN THE EAST

A. THE EMERGENCE OF THE DISSIDENTS

The transitional government in Kinshasa was sworn in on 30 June 2003, the product of a political compromise struck among the main belligerents and formalised in the Sun City and Pretoria agreements the previous year.⁷ Those agreements provided a blueprint for a transition that was intended to culminate in elections in 2005. The transition, however, has faced dissent from hardliners in all parties, who are reluctant to relinquish control of their military and economic assets and risk facing the polls. The most serious conflict has erupted between Joseph Kabila's party and the RCD-G. This conflict, with political, social and economic aspects in both Kinshasa⁸ and the east, has played out most dramatically in several military confrontations in Bukavu and Goma, on the border with Rwanda. The Kivus, after the two wars of 1996 and 1998, have for the third time become the centre of dispute.

The trouble emerged initially as a quarrel over unification of the belligerents' armies. According to the peace deal, the armed groups were to form mixed units in the new national army under a common command structure. The first step was made in August and September 2003 with the nomination of a joint military command in Kinshasa and the deployment of regional commanders to the ten military regions.⁹ General Prosper Nabyolwa, an ex-FAC commander from South Kivu, was sent to Bukavu as regional commander.¹⁰ He arrived with several dozen assistants and soldiers for his protection but while the

head of the military establishment in South Kivu had been changed, the troops on the ground remained the same. Most ex-ANC troops accepted his command. However, a small but important group of RCD-G hardliners refused his orders.

In January 2003, just weeks after the final signature of the comprehensive agreement in Sun City, the RCD-G had appointed Xavier Chiribanya as governor of South Kivu. Kinshasa interpreted this as a provocation, since Chiribanya had been sentenced to death *in absentia* by a military court in the capital for his involvement in the 2001 assassination of Laurent Kabila.¹¹ In March, Colonel Georges Mirindi was nominated regional commander for South Kivu, and he arrived in Bukavu with another of the elder Kabila's alleged assassins, Amuli Chap Chap, as well as John Bahati. All three officers were former members of Laurent Kabila's presidential guard and had been convicted in the assassination trial. Their appointments, in which Kigali was seen as decisive,¹² made military integration of the province very difficult, as neither Kabila nor the transitional parliament were inclined to grant pardons. By appointing these individuals to Bukavu -- and elevating them from near obscurity to positions of power -- the RCD-G and Kigali had loaded the dice against a peaceful transition in the east.¹³

In September 2003, dissident Congolese Tutsi officers joined this group after refusing their nomination by Kinshasa to new posts in the national army.¹⁴ They included General Laurent Nkunda, Colonel Eric Ruohimbere and Colonel Elie Gishondo. They claimed their safety would not be guaranteed in Kinshasa, and the transitional government would seek revenge for acts they had committed during the war. Nkunda is accused of helping orchestrate the massacre of over 150 civilians in Kisangani in May 2002,¹⁵ while Ruohimbere was accused of killing 50 officers of Laurent Kabila's *Alliance des Forces Democratiques pour la Liberation*

⁷ The signatories who would later form the transitional government are: the government of Joseph Kabila, RCD-G, RCD-Nationale, RCD-K-ML, MLC, Mai-Mai, and representatives of civil society and the political opposition

⁸ See Section IV below for an explanation of the concurrent political developments in Kinshasa.

⁹ The commanders of the ten military regions (corresponding to the ten national provinces) are currently: 1st Bandundu -- General Moustapha Mukiza (MLC); 3rd Equateur -- General Mulubi bin Muhemedi (FAC); 4th Kasai Occidental -- General Kasereka Sindani (RCD-ML); 5th Kasai Oriental -- General Obeid Rwabisira (RCD-G); 6th Katanga -- General Alengbia Nzambe (MLC); 7th Maniema -- General Widi Mbulu (RCD-N); 8th North Kivu -- General Gabriel Amisi (RCD-G); 9th Province Orientale -- General Padori Bulenda (Mai-Mai); 10th South Kivu -- General Mbudja Mabe (FAC). The command of the 2nd region, Bas-Congo, is currently vacant.

¹⁰ In South Kivu at the time there were six ex-ANC brigades and fifteen ex-Mai-Mai brigades. The ANC brigades averaged 1,500 to 2,000 soldiers, while many Mai-Mai brigades were much smaller.

¹¹ The military trial in 2002 of those accused in the assassination of Laurent Kabila was widely criticized as unfair and politically motivated. 90 people were convicted of whom 26 were given the death sentence.

¹² Crisis Group interview with ex-FAC and ex-ANC commanders, Bukavu, May and December 2004.

¹³ Mirindi was promoted from a 2nd lieutenant to a full colonel, while Bora Uzima, another commander implicated in Kabila's assassination, was promoted from major to brigadier general. Chiribanya himself had been a businessman based in Brazzaville who helped dissidents escape from Kinshasa.

¹⁴ Nkunda was appointed commander of the 8th military region in Goma, Ruohimbere was named deputy regional commander in Bukavu, and Gishondo deputy regional commander in Bandundu.

¹⁵ Human Rights Watch, "War Crimes in Kisangani", August 2002.

du Congo (AFDL) at Kavumu airport during the beginning of the RCD rebellion in August 1998. However, these charges are not the main motivation for their obstinacy, as other commanders involved in similar incidents have been integrated into the new national army. Rwanda's influence appears to have been the crucial factor that persuaded them to refuse integration.¹⁶ Thus, by the end of 2003, a group of heavily armed dissidents who believed they had nothing to gain from the transition had collected in Bukavu.

These officers, with their 300 to 400 bodyguards, refused to acknowledge Nabyolwa's authority. As reports multiplied of weapons being smuggled to them from Rwanda, Nabyolwa decided to act. In February 2004, he began raiding their houses in search of arms caches and succeeded in seizing several stockpiles of ammunition. This provided the transitional government with enough proof of a planned insurrection to suspend Governor Chiribanya on 7 February 2004. Nabyolwa's initiative irritated Ruberwa, who perceived it as an attack on the RCD-G leadership of South Kivu.

Then, on 22 February, Nabyolwa raided the house of Major Joseph Kasongo and arrested him for illegal possession of weapons. Instead of detaining and interrogating Kasongo -- another of those who had previously been sentenced to death *in absentia* -- in Bukavu, Nabyolwa was instructed by Kabila's military intelligence to transfer him to Kinshasa.¹⁷ RCD-G saw this as a clear sign that Kabila was not willing to consider an amnesty for those accused of assassinating his father. As described below, it also came at a time when Ruberwa and Kabila had fallen out over the control of the security sector.¹⁸ The head of the RCD-G concluded that Kabila would do anything to marginalise his rivals.¹⁹

This confluence of political impasse and military conflict led to the eruption of violence in the Kivus. On 24 February, Nabyolwa's deputy commander, Colonel

Jules Mutebutsi, attacked his superior's house, killing two of his bodyguards and sending the general running.²⁰ By rebelling against a commander appointed by Kinshasa, Mutebutsi effectively joined the dissident RCD-G officers, raising the stakes and setting the stage for a larger confrontation. When violence erupted again in Bukavu in May, it was a replay of the February incident but this time on a much larger scale.

B. THE CONFLICT SPREADS

What had begun as a political dispute between Ruberwa and Kabila in Kinshasa had widened into a serious rift between a large number of RCD-G hardliners and the transitional government. The Bukavu fighting polarised the RCD-G, with most Congolese Hutu and Tutsi in the movement sympathising with the dissidents, while other important party figures began inching closer to Kabila or at least away from Ruberwa.

In the east, Banyamulenge (Congolese Tutsi) commanders from the *Armée Nationale Congolaise* (ANC), the RCD-G's military wing, began gathering around Mutebutsi, who had hunkered down in the Nguba area of Bukavu. Major Santos arrived from Kalemie, claiming he was on sick leave, while Lieutenant Colonel Bisogo flew in from Shabunda, saying he was visiting his family, and Colonel Mushonda Mukalay arrived via Kigali. Mutebutsi's group then established contact with Laurent Nkunda in North Kivu. A network of dissidents was thus established, joining North Kivu, which had remained the fiefdom of RCD-G hardliners and almost entirely outside Kinshasa's control, with Bukavu. The region around Kalehe on Lake Kivu became an important staging area for the operation, as it was where Mirindi cooperated with the Hutu Local Defence Forces of Governor Serufuli to set up arms caches and begin training men.

The dissidents were an unstructured group with only a loose hierarchy. In the military wing, Nkunda assumed leadership of the forces in North Kivu with Colonel Bernard Byamungu as his deputy. Governor Serufuli supported the dissidents -- many of the troops that attacked Bukavu in June 2004 came from his Local Defence Forces (LDF), and trucks from his NGO, Everyone for Peace and Development (*Tous Pour la Paix et le Développement*, TPD), helped with transport²¹ -- but he was unwilling to endorse Nkunda and Mutebutsi explicitly. The group benefited from Kigali's support, as the Rwandan military (RDF) allowed

¹⁶ Crisis Group interview with high-ranking RCD-G official, Goma, January 2005.

¹⁷ Crisis Group interview with high-ranking ex-FAC commander, Kinshasa, January 2005.

¹⁸ Kabila had asked to place the intelligence and security services directly under the presidency, which Ruberwa, as the vice president in charge of security and defence, had refused. Other issues also disturbed Ruberwa. Kabila controlled an army of his own in the 10,000 strong presidential guard (*Groupe Spécial de Sécurité Présidentielle*, GSSP); in December 2003, Kabila wrote to the Supreme Court asking it to reinterpret the constitution so that he could directly appoint the provincial governors; and army resources were still largely controlled by Kabila's military office (*maison militaire*).

¹⁹ Crisis Group interview with high-ranking RCD-G politician, Kinshasa, January 2005.

²⁰ Crisis Group interview with high-ranking RCD-G official in Bukavu, May 2004.

²¹ Stephanie Wolters, "Continued Instability in the Kivus", Institute for Security Studies Paper 94, October 2004.

Nkunda to recruit in refugee camps there that housed Congolese Tutsi, such as the one in Gihembe, in Byumba prefecture.²² A UN investigation established Rwanda's support to Mutebutsi and Nkunda, including by supply of weapons and ammunition and allowing its territory to be used as a rear base and safe haven.

Ruberwa and other RCD-G leaders in the government wavered over their response. Ruberwa seemed at times to side with Mutebutsi, condemning Kinshasa for a xenophobic stance towards the Banyamulenge. But both he and General Sylvain Mbuki, the ex-ANC head of the national army, denounced Mutebutsi and Nkunda as mutineers who had to be brought to justice.

The conflict between Kinshasa and the dissidents flared up again on 26 May 2004 in Bukavu, when Mutebutsi's troops clashed with those of the new military commander sent from Kinshasa to replace Nabyolwa, General Mbuza Mabe, a commander in Kabila's former army, the *Forces Armées Congolaises* (FAC). Mbuza, while far superior in supplies, ammunition and troops, lacked cohesion in his chain of command, since many ex-ANC and even Mai-Mai commanders were not fully under his control. His operations hamstrung by treason and desertion, he lost the town to Mutebutsi and Nkunda, who had made his way to Bukavu from Goma with 1,000 to 1,500 troops. Nkunda proceeded to loot the city, burning Kadutu market and causing more than 2,000 civilians to flee to the compound of the UN Mission (MONUC).

C. KINSHASA'S FUMBLING REACTION

By the time Nkunda withdrew from Bukavu on 10 June under international pressure, the transitional government had suffered almost irreparable damage. A substantial group of dissidents who had burned their bridges with it had emerged, and Kinshasa had shown itself to be incapable of dealing with the mutineers militarily or diplomatically.²³

The fighting also exacerbated serious ethnic tensions in the region. The leadership of the dissidents was composed largely of Congolese Tutsi from North and South Kivu, leading the population and Mbuza Mabe's soldiers to generalise the threat to the whole of Bukavu's

Banyamulenge community. While the attacks against the Tutsi were wildly exaggerated by Rwanda and Nkunda, who claimed genocide was being carried out, the community did suffer abuse, killings and rape, some at the hands of Mabe's soldiers. The threats were substantial enough that all the Banyamulenge, Rwandan and Burundian residents of the town -- estimated at 2,500 to 3,500 -- fled to Rwanda.²⁴

While most of the RCD-G representatives in Kinshasa distanced themselves from the dissidents, many PPRD hardliners around Kabila seized the opportunity to rally against the "Rwandan threat". Ethnic stereotyping against Nkunda, Mutebutsi and people associated to them like Serufuli became commonplace. Television evangelists in the capital like Pasteur Theodore Ngoy preached regularly against the "foreign threat" posed by the Banyamulenge and Banyarwanda communities in the east.²⁵ Vital Kamerhe, the secretary general of the PPRD, accused Ruberwa of being "the Trojan horse to allow Rwanda to consolidate its plan of occupying the east of our country".²⁶ What had begun as a political impasse in Kinshasa, then erupted as a military confrontation in Bukavu, had finally turned into an ideological war between natives and "foreigners", Congolese and Rwandans.

Kabila ordered 10,000 ex-FAC and ex-MLC troops to be deployed to the east. They were sent to North and South Kivu to surround the territories of Walikale, Masisi and Rutshuru, where the ex-ANC hard core were deployed and Nkunda had retreated to after the siege of Bukavu. This was also a region populated primarily by Congolese Hutu and Tutsi, known as Banyarwanda. While Kabila asserted that the troops were merely to guard against a possible Rwandan invasion, the RCD-G believed he was preparing for the final neutralisation of its former army in North Kivu. The ex-ANC brigades in South Kivu were already hemmed in by the deployment in June of four ex-MLC and ex-FAC brigades. The new deployment caused eight RCD-G Hutu and Tutsi deputies to withdraw from parliament, including strongmen Bizima Karaha and Emmanuel Kamanzi, who claimed Kabila had marginalised their party.

Against this background, the massacre of Banyamulenge refugees in the Gatumba camp in Burundi struck the already tense relations between Ruberwa and Kabila like a bolt of lightning. On 13 August 2004, armed men

²² Letter dated 15 July 2004, addressed to the President of the Security Council by the President of the Committee of the Security Council created by Resolution 1533 (2004) regarding the Democratic Republic of Congo, pp. 26-27.

²³ While the newspapers proclaimed General Mbuza's military triumph, his forces had crumbled in the face of Nkunda's attack and only recovered Bukavu and the rest of South Kivu because Nkunda departed under international pressure.

²⁴ "War Crimes in Bukavu", Human Rights Watch Briefing Paper, June 2004.

²⁵ Theodore Ngoy has appeared regularly on Kinshasa television preaching against the Tutsi, who, he claims, are all Rwandan. He is reportedly close to part of Kabila's entourage.

²⁶ "Le parti de Kabila dénonce M. Ruberwa", Agence France-Presse, 25 August 2004.

entered the UNHCR camp, which sheltered several thousand Banyamulenge and other Congolese who had fled the instability in South Kivu, and killed 160 refugees. The extremist Burundian rebel *Forces Nationales de Libération* (FNL) claimed responsibility. Rwandan Foreign Minister Charles Murigande and Ruberwa, together at the funeral ceremony in Burundi, accused Mbuza Mabe and Kabila of planning the attack, although subsequent UN and Human Rights Watch investigations found no evidence for either Congolese or FDLR involvement.²⁷

Ruberwa announced suspension of the RCD-G's participation in the transition, calling on members of his party to withdraw to Goma for consultations. While Ruberwa subsequently gave in to international pressure and rejoined the government, the political and military quarrels that had given rise to the violence in Bukavu had not been solved. Army integration was stalled, parallel military and economic chains of command were still maintained by all parties, and much of the essential legislation necessary for national unification had not been passed. With several ex-MLC, ex-APC and ex-FAC brigades within striking distance of Goma, a military confrontation was imminent.

The international community applied substantial diplomatic pressure on the parties. A tripartite agreement among Rwanda, Uganda and the Congo was put together, sponsored by the U.S., and talks were held in Ouagadougou between Kagame and Kabila in November 2004. Despite these efforts, fighting broke out again in late November. The trigger was the declaration by President Paul Kagame that he would send Rwanda's army into the Congo to attack the FDLR, which, he asserted, had carried out eleven attacks on Rwandan territory in 2004 without either MONUC or the new Congolese army reacting.²⁸ Rwandan troops were later spotted on Congolese territory, and their presence was confirmed by diplomats in Kigali,²⁹ although the extent of their intervention is not clear.³⁰

Predictably, Kagame's statements provided a welcome excuse for Kinshasa to move on Goma. Kabila announced deployment of a further 10,000 troops to the

east³¹ in Operation Bima,³² an advance from Kisangani and Beni towards Goma.³³ By eschewing political dialogue and forcing a military confrontation, it was clear that key players in the government still believed in a military victory over the RCD-G, especially after their apparent success in South Kivu. In early December, the advancing troops clashed with an ANC battalion in Kanyabayonga. These troops, primarily MLC soldiers who had been deployed to Beni after the Bukavu crisis in June, were poorly equipped and paid. 2,000 promptly deserted and resorted to pillaging and abusing the local population.

The troops deployed from Kisangani were better organised and secured the mineral-rich town of Walikale before advancing on the highlands of Masisi. MONUC intervened, creating a buffer zone.³⁴ Diplomatic pressure on both Goma and Kinshasa brought the military escalation to a tense standstill in late December. The transitional government deployed a new regional commander, General Gabriel Amisi, to Goma to begin the unification of the ex-ANC with the other units in North Kivu. Amisi, together with General Mbuza Mabe, put together an integrated battalion, which he sent to the high plateau of Kalehe to assure the return of the displaced Hutu population. Further north, however, in Kanyakayonga and Walikale, little has been achieved in terms of unification and reconciliation, and tensions remain high.

The rift between the RCD-G and Kabila resulted in the effective exclusion of Goma and its surrounding territories from the transitional administration. The stakes had been raised by hardliners on both sides and the situation aggravated by Rwanda's incursion. As discussed below, the manipulation of ethnic identity raised the possibility of communal violence if either side tried to press for a military solution. And while this military path seemed impossible given the weakness of the transitional government's army, neither side has shown the requisite political will or skill to solve the conflict through other means.

²⁷ Joint report of the United Nations Organisation Mission in the Democratic Republic of the Congo, the United Nations Operation in Burundi and the Office of the United Nations High Commissioner for Human Rights into the Gatumba massacre, October 2004.

²⁸ Crisis Group interview with diplomat in Kigali, January 2005.

²⁹ Crisis Group interview with diplomat in Kigali, January 2005

³⁰ Some sources indicate the Rwandan troops clashed with the FDLR brigade command in Rusamambo, Rutshuru, and destroyed its camp.

³¹ It appears that the 10,000 troops announced to be deployed in November 2004 included those already deployed after the Bukavu crisis.

³² The name means "get out" in Lingala.

³³ While their official tasking was to secure the national borders and attack the FDLR, the operational orders seen by Crisis Group were to secure the routes Beni-Kanyabayonga-Goma and Kisangani-Walikale-Goma. Those orders, signed by General Onoya Léopold, implied a military confrontation with the ANC.

³⁴ This was almost immediately renamed a "humanitarian security zone", revealing either a sense of public relations or a lack of strategic vision.

III. MANIPULATION OF IDENTITY IN THE KIVUS

The fighting in North Kivu erupted within the context of communal tensions that have been politicised and manipulated as a consequence of the past two wars. The communal conflicts concerning the Kinyarwanda-speaking communities of North and South Kivu were left unaddressed by both Laurent Kabila's AFDL and the subsequent rebel movements. Like Mobutu before, the RCD-G, Kabila (father and son), and Kigali have all seized upon the conflicts between the Kinyarwanda-speaking people of the region and other communities to further their own interests.

The Kinyarwanda speakers -- called Banyarwanda in North Kivu and Banyamulenge in South Kivu -- are caught between two mutually reinforcing ideologies. On the one hand, the Goma political leadership has recently tried to bind the various Hutu and Tutsi communities together behind a new rwandophone concept, claiming that their very survival is at stake. This rhetoric is used to justify their campaign to keep the economic and political assets of North Kivu away from Kinshasa. On the other side of the country, politicians in the presidential camp have roused popular sentiment against the Rwandan threat, attributing all the Congo's woes to Kigali's meddling and describing all Kinyarwanda-speakers as foreigners and puppets.

These discourses fuel each other and transform a crisis with a specific political history into one of irreconcilably opposed identities. More importantly, this manipulation has contributed to the possibility of communal fighting in North Kivu, a region that saw bloody ethnic clashes in 1993. In order to understand the importance of this development, a brief overview of the history of the Banyarwanda in North Kivu is useful.

A. THE BANYARWANDA IMMIGRATION

When the borders were drawn between the Congo Free State and German East Africa at the Berlin Conference of 1885, a large area inhabited by Hutu was included in the Congo. The present territory of Rutshuru was then and still remains 80 to 90 per cent Hutu. In the 1930s, the Belgian colonial power created the *Mission d'Immigration des Banyarwanda* (MIB) to supply a cheap and easily controllable workforce to the mines and plantations of the eastern Congo. By 1955, around 160,000 Hutu and Tutsi had been transplanted from Rwanda to Masisi, Walikale and even parts of Katanga.³⁵ The conflict in

North Kivu began around disputes over land and resources resulting from these movements.

Under the Belgians, the immigrant communities were administered in separate units called "Gishare", with Tutsi chiefs ruling over Hutu subjects. After independence, these units were incorporated into the older customary collectives. In North Kivu, most immigrants were henceforth ruled by the two Hunde chiefs, Mwami Kalinda and Mwami Bashali. In order to obtain title to land, the primary economic asset in the region, they had to pass through the Hunde customary authority, even if by 1960 the Hutu outnumbered all other communities in Masisi and Rutshuru.

The situation was further complicated by the ethnic purges of the 1950s in neighbouring Rwanda. Thousands of relatively wealthy Tutsi families fled the fighting and established themselves in Congolese cities. Mobutu seized the opportunity and welcomed many of the newly arrived Tutsi into his party, the *Movement Populaire de la Révolution* (MPR). Barthélémy Bisengimana became his powerful cabinet director, while other Tutsi obtained positions in his central office. Mobutu saw the community as marginalised, educated and easy to manipulate. In a move that mirrored the RCD-G's later manipulation of identity, he found some of his most loyal allies there. In the words of an academic in Goma, "Mobutu made sure they understood that they owed him their life or their death".³⁶

In 1972, under Bisengimana's influence, Mobutu bestowed citizenship in a blanket fashion on all Rwandan immigrants. A year later, he nationalised the country's foreign-run industries and plantations, giving many of the Belgian plantations in Masisi and western Rutshuru to the newly arrived Tutsi. By the end of the decade, the Hunde chiefs had lost authority over much of the land formerly under their control.

In 1983 Mobutu gave in to popular pressure and repealed the blanket citizenship decree, requiring that each application be considered individually.³⁷ This only

(Paris, 1997).

³⁶ Crisis Group interview with OCHA official, Goma, 9 January 2005.

³⁷ To qualify, an applicant had to demonstrate that his or her tribe had been present at the demarcation of the boundaries in 1885, a condition that was thought to disqualify the Tutsi. However, most scholars date the Tutsi presence in South Kivu to before that date, to immigrations related to the wars in Rwanda under the regime of Mwami Ruabugiri Kigeri. See, for example, Jean-Pierre Chrétien, *A History of the Great Lakes Region* (New York, 2003). By first bestowing citizenship on the group and then removing it, Mobutu's dictatorship politicised their identity and entrenched in the community a profound suspicion of Kinshasa politics.

³⁵ Jean-Claude Willame, *Banyamulenge and Banyarwanda*

caused greater tensions in the region, however, and by the late 1980s violent clashes had begun between the pastoralist and agricultural communities in North Kivu.

B. PRESSURES OF DEMOCRATISATION AND THE MAGRIVI

The early 1990s brought a combination of external pressures to bear on North Kivu. Far from being united, as they currently are depicted to be, Hutu and Tutsi communities were in stark conflict with each other.

In October 1990, at the beginning of the Rwandan Patriotic Front (RPF) revolt against the regime of President Juvenal Habyarimana in Kigali, many Tutsi left Masisi to join the rebels in Uganda. The RPF also enjoyed the financial support of some wealthy Congolese Tutsi.³⁸ Laurent Nkunda, for example, left his home in western Rutshuru to enlist in the insurgency, eventually becoming an intelligence officer in the Rwandan Patriotic Army (RPA). At the same time, the Hutu community in Rutshuru rallied behind an organisation formed in the late 1980s, the *Mutualité des Agriculteurs de Virunga* (MAGRIVI). This group was a lobbying force to exert pressure on the state and ensure Hutu influence in Goma and Kinshasa. The MAGRIVI was strongly influenced by the Hutu Power rhetoric emanating from Rwanda; its leaders had close ties with the extremist Hutu party *Coalition Pour la Défense de la République* (CDR).

The democratisation process that began in the Congo³⁹ in 1991-1992 with the *Conférence Nationale Souveraine* (CNS) pitted the communities against each other even further, as the Hunde and Nyanga representatives demanded that the Hutu and Tutsi be barred from the conference. In the meantime, each community in North Kivu, lacking state protection, began creating tribal militias for self-protection. The Hunde and Nyanga formed the Bangilima, while the Hutu created the Mongol militia.

In March 1993, when violence erupted in Walikale and spread to Masisi, more than 3,000 civilians died. Hostilities were then rekindled by the massive influx of Rwandan Hutu refugees as well as members of the defeated Rwandan army (FAR) and Interahamwe militia during the 1994 genocide. Almost without exception, Tutsi in Masisi and Goma sold their land and cattle and left for Rwanda, fearing Congolese persecution; they were welcomed by the new RPF regime that had taken power in Kigali by July 1994.

³⁸ Crisis Group interview with civil society representative, Goma, January 2005

³⁹ Then known as Zaire.

C. FROM TUTSI TO HUTU POWER

Many Tutsi refugees returned to Masisi with the advent of the RPF-backed AFDL of Laurent Kabila in late 1996. The AFDL was perceived by many as a Tutsi movement, since its backbone was the Tutsi-led Rwandan Patriotic Army (RPA), and many of the important political posts were occupied by Tutsi. As the AFDL swept through the region in pursuit of the ex-FAR/Interahamwe and the Rwandan refugees, there were many reports of massacres of Congolese Hutu civilians in the Rutshuru area in revenge for MAGRIVI's links to Hutu Power in Rwanda.⁴⁰

It was only with the creation of RCD-G in 1998 that Hutu began returning to political power in North Kivu. After initial experimentation with leaders from other ethnic backgrounds such as Ernest Wamba dia Wamba, Lundu Bululu and Mbusa Nyamwisi, the RCD-G's Rwandan supporters fell back on Congolese Hutu and Tutsi. From 1999 onwards, more and more Banyamulenge filled the positions of power in Bukavu, while in Goma a mixture of Tutsi and Hutu came to the forefront. As a UN analyst commented:

The idea was to identify power with an ethnicity that was already marginalised. The more isolated and unpopular this ethnicity became, the more it would depend on Rwandan support and become completely loyal to their demands. Kigali had been disappointed by many of their Congolese allies, above all Kabila. Ethnicity became the most reliable determinant.⁴¹

Whether or not Kigali was instrumental in bringing Kinyarwanda-speakers to power, the ranks of the RCD-G were soon replete with Hutu. In Rutshuru, Masisi and Goma, they occupied around 80 per cent of the administrative posts.⁴² In places like Kitchanga, Jomba and Bunagana, Hunde customary chiefs were forcefully replaced by Hutu.

In 2000, Eugene Serufuli, a medical assistant at the general hospital in Goma, was installed by Kigali as governor of North Kivu.⁴³ A Hutu from Rutshuru who

⁴⁰ The most notorious, if poorly documented, cases were in the Rutshuru towns of Kinyandoni and Bunyangula.

⁴¹ Crisis Group interview with MONUC officer, Bukavu, 28 December 2004.

⁴² Crisis Group interview with civil society representative, Goma, 12 January 2005.

⁴³ Charles Murigande, then the Secretary General of the RPF, addressed a church congregation in Goma in 2000, saying that Kigali was bringing it the new governor. Crisis Group interview, Goma, January 2005

had been active in MAGRIVI, he revived the Local Defence Forces (LDF), a militia that his predecessor had created, and turned it into an all-Hutu force. The LDF was linked to customary chiefs, as all the *chefs de collectivité* became commanders, and their subordinates -- the *nyumba kumi* and *chefs de localité* -- attended military training at the main LDF camp in Mushaki, 40 km northwest of Goma.⁴⁴ By some estimates, Serufuli controlled between 10,000 and 15,000 fighters.⁴⁵ In 2003, in preparation for national unification, the LDF were integrated into the ANC, forming its eleventh and twelfth brigades. Nonetheless, Serufuli retained extensive control over these troops, paying them and organising logistics for their operations.⁴⁶

By the time North Kivu was supposed to be integrated into the rest of the county in late 2003, Serufuli had become the nexus of military and economic power in the region, "*l'homme incontournable*" -- the indispensable man -- of Goma. In May 2004, he was confirmed in his post by the transitional government.

D. WHO ARE THE DISSIDENTS?

Since the early days of the transition, it has been apparent that many RCD-G officials are not happy with their positions. The RCD-G is not just unpopular in the Congo; it is accused by many of being the cause of the second war in 1998 and, as such, for being the cause of the misery of the Congolese today. At the same time, as described below, Kabila has tried to keep it from positions of genuine power in Kinshasa. After the mutiny in Bukavu crystallized these tensions in May 2004, many RCD-G representatives decided to align themselves against the transition.

Even before the mutiny, RCD-G disaffection was apparent. The first sign was the refusal of four of the ten ex-ANC brigade commanders to join the national army in the capital.⁴⁷ Other ex-ANC officers, who participated in a training session for the brigade commanders from all armed groups in Kinshasa, found their living conditions to be terrible. As one explained:

We were given \$30 a month, a bunk bed and food twice a day. We had to ask the RCD-G politicians

to have pity on us and to lend us some money. At the same time, we saw our colleagues from the ex-FAC living lives of luxury. For a full colonel who was used to making \$500 a month or more, this was a disgrace.⁴⁸

The military ranks of the ex-ANC were not confirmed until September 2004, and they were officially paid the same \$12 a month as their soldiers, while the ex-FAC officers kept their ranks and received their salaries as before.⁴⁹ This created widespread resentment and was one of the reasons for the later actions of Masudi and Mutebutsi.

After the Bukavu mutiny, the political leadership of the RCD-G split as well. As noted above, on 9 July 2004, eight powerful Hutu and Tutsi RCD-G parliamentarians suspended their participation in the government and withdrew to Goma, including Bizima Karaha, Emmanuel Kamanzi, and Alexis Makabuza.⁵⁰

These military and civilian figures coalesced around Governor Serufuli in Goma. They are not a cohesive group but Serufuli is the strongest amongst them, as he commands many of the military and financial resources of the province. Serufuli was co-founder of the NGO *Tous pour la Paix et le Développement* (TPD) which initially focused, in collaboration with Rwandan authorities, on repatriation of Rwandan refugees in North Kivu.⁵¹ While TPD was very successful with this, it has in recent years become a parastatal organisation involved in everything from roadwork to the transport and supply of LDF and ex-ANC troops. As noted above, TPD vehicles were seen supporting Nkunda's troops in his siege of Bukavu⁵² and transporting soldiers and supplies to the front in Kanyabayonga.⁵³ It is widely believed that Serufuli

⁴⁸ Crisis Group interview with an ex-ANC brigade commander, Goma, January 2005. Other ex-ANC brigade commanders confirmed this treatment.

⁴⁹ Crisis Group interviews with ex-ANC and ex-FAC officers in Bukavu and Kinshasa, December 2004 and January 2005.

⁵⁰ Karaha was Laurent Kabila's minister of foreign affairs and subsequently the chief of security and intelligence for the RCD-G; Kamanzi was the RCD-G's minister of finance and organised its financial relations with Rwanda; Alexis Makabuza is the director of TPD and an important businessman in Goma. The other parliamentarians who left the government were Apolinaire Kalera, Bijos Ntaganda, Dunia Barakani, John Kanyoni Nsana, Oswald Ndenshyo and Théo Mpabuka.

⁵¹ See Crisis Group, *Kivus*, op. cit.

⁵² Stephanie Wolters, "Continued Instability in the Kivus", op. cit. Crisis Group interviews with ex-ANC officers and civil society representatives, Goma, January 2005.

⁵³ Crisis Group interview with RCD-G and MONUC officials who had visited the frontline, January 2005.

⁴⁴ Crisis Group interview, RCD-K-ML administration official, Goma, 11 January 2005.

⁴⁵ Crisis Group Africa Report N°56, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January 2003, p. 20.

⁴⁶ Crisis Group interview, ANC officers, Goma and Bukavu, December and January 2005.

⁴⁷ Laurent Nkunda, Elie Gishondo, Eric Ruohimbere and Bernard Byamungu.

funnels state funds through TPD to run his parallel military and administrative organisation. While the soldiers in Goma receive an irregular salary of \$12 a month from Kinshasa, Serufuli also pays them and finances their logistics and supplies.⁵⁴

Serufuli's grip on power is enhanced by the backing of his colleagues in the 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 of Serufuli, is probably the most powerful businessman in Goma. He owns the *Société Congolaise d'Assurances et de R assurances* (SCAR) insurance company, as well as shares in the Supercell phone company and a niobium mine in Rutshuru, and controls much of the fuel brought into Goma. His brother, Alexi, is the co-founder with Serufuli of TPD.

Rwanda's hand is still apparent in this group. Some officials of the Goma administration live in the Rwandan border town of Gisenyi.⁵⁵ The Congolese border officials leave their posts at 6 pm. but the Rwandan border stays open until midnight, allowing Rwandan officials and businessmen to cross into Goma discreetly. There are several reports of Rwandan officers or soldiers being discovered in the town.⁵⁶

Having secured a strong position in Goma, the authorities there distanced themselves from the RCD-G. Serufuli explained to a diplomat in late 2004 that "Ruberwa is our brother, but he doesn't have anything to say here".⁵⁷ With military and financial assets at their disposal, they are a new power in the eastern Congo, one underpinned by a strong ethnic ideology.

E. INVENTION OF THE "RWANDOPHONES"

Uniting the Hutu and Tutsi communities in North Kivu was an essential part of the RCD-G's strategy to gain what it had failed to achieve elsewhere in the Congo: a

grassroots base. For its Rwandan sponsors, it was equally vital to have a solid ally there. In the words of a Rwandan security officer: "We learned from history. As long as there are problems between the Hutu and Tutsi in North Kivu, there will be problems for Rwanda".⁵⁸ With recent bad memories of MAGRIVI and Hutu Power, Kigali worked to create strong alliances with the communities along its north western border through Serufuli, one of the very men who had been associated with the Hutu Power movement six years earlier.

The naming of Serufuli as governor, the appointment of many Hutu and Tutsi notables to powerful posts in the North Kivu administration and the creation of the LDF were key steps, and on 19 January 2004 the new union was formally given a name. Francois Gachaba and Felicien Nzitatira, leaders respectively of the Hutu and Tutsi communities, published the "Memorandum of Congolese Rwandophones" in the newspaper *Le Soft*, detailing the systematic persecution and stereotyping of Congolese Hutu and Tutsi 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. Gachaba and Nzitatira called for a federal state that would guarantee equal shares of resources to the provinces and a law to end the debate around their communities' citizenship.

The dangerous aspect of this vision of an imperilled community soon became evident. When Laurent Nkunda marched on Bukavu in June 2004, he justified this by claiming that Mbuza Mabe was perpetrating genocide against the Banyamulenge in Bukavu, an allegation that, as noted, was contradicted by subsequent Human Rights Watch and MONUC investigations.⁵⁹ Nkunda's refusal to go to Kinshasa to join the national army in September 2003 had also been based partly on his alleged fear of ethnic persecution there, even though other Tutsi officers such as Mutebutsi and General Obedi Rwibasira were received without problems. When fighting broke out in Kanyabayonga in December 2004, the ANC frontline soldiers -- all Hutu or Tutsi -- told reporters that Kinshasa sought to exterminate them, and the battle was "a matter of life or death".⁶⁰ Serufuli also tried rallying international opinion by telling the press that General Mabe had displaced 150,000 Hutu in the high plateau of Kalehe, and the 10,000 FARDC troops deployed to attack Goma

⁵⁴ Crisis Group interview with MONUC official and ex-RCD-ML officials, Goma, January 2005.

⁵⁵ Crisis Group interview with high-ranking administration official, Goma, January 2005. Several examples were given, including Albert Semana, the head of the security service in Goma.

⁵⁶ On one occasion, a civil society representative was arrested by a Rwandan officer who dropped his ID. On another occasion, a Rwandan soldier was caught stealing by the local population and beaten. He also was discovered to have a Rwandan Defence Force ID.

⁵⁷ Crisis Group interview with MONUC official, Goma, January 2005.

⁵⁸ Crisis Group interview with Rwandan official, Cyangugu, 27 December 2004.

⁵⁹ "War Crimes in Bukavu", Human Rights Watch Briefing Paper, June 2004; Crisis Group interview with MONUC officer, Bukavu, 27 December 2004.

⁶⁰ Crisis Group interview with foreign correspondent, Kinshasa, January 2005.

included several thousand ex-FAR and Interahamwe.⁶¹ These allegations were wildly exaggerated -- international NGOs, for example, estimated there were 10,000 to 15,000 displaced.

This rhetoric bears many similarities to the reports broadcasts by the Rwandan government and by some Banyamulenge authorities in the lead-up to the May fighting in Bukavu. On 3 March 2004, armed men forced their way into a private radio station in Bukavu and demanded that a message be broadcast by the Banyamulenge saying that the Catholic Church and others were preparing a genocide against the Tutsi.⁶² The Rwandan authorities supported this identity-focused discourse. On the evening of 27 May, one day after fighting had begun, Radio Rwanda broadcast a newsflash denouncing the genocide allegedly taking place in Bukavu, where ex-FAR and Interahamwe were said to be massacring Tutsi with machetes.⁶³ Nothing like genocide had taken place. Both sides had attacked civilians in their area of control, although some of Mbuza's attacks were ethnically motivated. In the first few days of fighting, Mbuza's men killed ten to fifteen Banyamulenge civilians. When challenged by diplomats in Kigali about genocide accusations, President Kagame reportedly retorted "When a Tutsi is killed in Bukavu, it is not one death, but a million and one".⁶⁴

Similar accusations of FDLR involvement and genocide in the eastern Congo were made immediately after the Gatumba massacre in August 2004, by both Ruberwa and Rwanda's foreign minister Charles Murigande. Rwandan government officials insisted to diplomats and journalists that the FDLR deployed a brigade to Bukavu during the fighting and that General Mbuza has FDLR officers in his staff.⁶⁵ MONUC investigations into the Bukavu and Gatumba incidents revealed no evidence of FDLR involvement.⁶⁶

By couching the conflict in terms of identity, the authorities in Goma have found a justification for

maintaining a sphere of influence beyond the reach of Kinshasa.⁶⁷ The Bukavu and Gatumba crises illustrate that the notion of besieged Tutsi and Hutu communities is still used to justify military action against the transitional government by both Congolese dissidents and the Rwandan government. Kinshasa authorities have played along, reinforcing the rwandophone rhetoric with their own extremism. This has served to deter reconciliation between the RCD-G and Kabila.

Anti-Tutsi sentiment has been high in Kinshasa for years. After Laurent Kabila expelled members of the Rwandan army from the capital in July 1998, the head of his cabinet, Yerodia Ndombasi, called the Tutsi "scum, vermin that must be methodically eradicated". In the weeks that followed, hundreds of Tutsi civilians throughout the Congo were arbitrarily arrested, tortured and killed.⁶⁸ In subsequent years, anti-Tutsi sentiment has formed a cornerstone of the PPRD platform. According to a UN analyst, "In the absence of a solid popular base and public services, anti-Tutsi propaganda is one of the only things that can rouse the rabble in Kinshasa".⁶⁹

The authorities in eastern Congo have also been complicit in this demonisation. When UNHCR and MONUC tried to prepare the repatriation of the 3,000 Banyamulenge refugees who had fled Bukavu after the fighting in May and June, the Catholic Church and civil society in the city held "peace marches" during which anti-Banyamulenge banners were displayed. The Governor of South Kivu, Augustin Bulaimu, participated in one of the marches. And when a group of several hundred Banyamulenge refugees tried to cross into the Congo from Burundi in September, Congolese security officials instigated an anti-Tutsi rally in nearby Uvira. The Vice Governor and the head of South Kivu's intelligence service were reportedly involved in this action.⁷⁰ These incidents demonstrate that during the run-up to elections, no politician is eager to lose popularity by appearing pro-Tutsi.

⁶¹ Stephanie Wolters, "Continued Instability in the Kivus", *op. cit.* The more accurate figure given by international NGOs was 10,000 to 15,000 displaced.

⁶² BBC monitoring, Radio Candip, 0500 GMT 8 March 2004.

⁶³ MONUC monitoring of Radio Rwanda, 27 May 2004.

⁶⁴ Crisis Group interview with diplomat, Kigali, 17 January 2005.

⁶⁵ Crisis Group interviews with Rwandan officials and with diplomats, Kigali, January 2005. During the fighting in Bukavu, MONUC sent DDR officers and interpreters familiar with the FDLR to investigate specific accusations but was not able to confirm their presence.

⁶⁶ Joint report into the Gatumba massacre, *op. cit.* Crisis Group interview with MONUC DDR officer, Bukavu, 27 December 2004.

⁶⁷ The rwandophone community is not nearly as unified as leaders such as Gachaba and Serufuli profess to believe. The Tutsi Mayor of Goma Nzabara Masetza wrote a memorandum against the "imaginary creation" of the rwandophone community on 20 December 2004. Many Hutu in Rutshuru are also dissatisfied at being lumped together with the Tutsi and Hutu of Masisi and have tried to protest in Goma.

⁶⁸ Amnesty International, "Annual Report on the Democratic Republic of Congo", 1999.

⁶⁹ Crisis Group interview with MONUC political affairs officer, Kinshasa, 4 January 2005.

⁷⁰ Crisis Group interview with international NGO and MONUC officials, Bukavu, 27-28 December 2004.

By early 2005, only four Banyamulenge families had been able to return to Bukavu, and they were subject to arrest and harassment by the army.⁷¹ In the meantime, all the former Banyamulenge authorities from Bukavu, including the ex-head of intelligence, the public prosecutor, the deputy police commander and a head of the revenue agencies, gathered in Rwanda and Goma. Their exclusion from the transition, according to Enoch Ruberangabo, a Banyamulenge deputy in parliament, "is dangerous, as they will seek to regain their former importance through any means. They have become mercenaries".⁷²

The RCD has been all but neutralized in South Kivu, and the Hutu and Tutsi have fled Bukavu. This has served as an example to the remaining RCD-G leaders in North Kivu. For them, Kinshasa's deployment of troops to Beni and Walikale in December was intended to complete the dismantling of their party.

Both sides appear more than willing to play the ethnic card to further their ends, even if it means fostering communal conflict. In October 2004, Serufuli organized a distribution of weapons to civilians in the territory of Masisi, telling them that they would need to protect themselves from their enemies.⁷³ In December, as four brigades pushed south towards Goma from Beni and two others east from Walikale, ex-ANC troops loyal to him attacked civilians in Buramba and Nabiondo, massacring at least 90.⁷⁴ Mai-Mai fighters retaliated by lobbing mortars into Hutu villages in southern Masisi. If full-fledged fighting between the army (FARDC) and the ANC resumes, it will almost surely spill over to the civilian population.

Very little has been done to reconcile the two sides, which both appear to prefer conflict to negotiation. In Bukavu, for months after Mutebutsi's attack on Nabyolwa, the army and the transitional government did nothing to marginalise Mutebutsi, despite the entreaties of the Banyamulenge community there.⁷⁵ Similarly, nothing was done either to arrest or negotiate with the substantial group of ex-ANC officers who had refused to go to Kinshasa to take up new posts. With a group as important as this left to its own devices, it was clear that there would eventually be trouble. As one RCD-G

official explained, "Kinshasa is too weak to be grandstanding and insulting these officers; if they can't manage a military solution, they should negotiate".⁷⁶

Ruberwa and Kabila, still estranged due to their struggle over the security apparatus, were barely on speaking terms. When Rwanda threatened invasion in late November 2004, Kabila, under pressure from the capital's population, rashly sent troops to confront Serufuli's force in North Kivu without so much as informing Serufuli's commanders. When the FARDC sent General Gabriel Amisi to Goma in an effort to restrain Serufuli, it simultaneously deployed General Onoya to Beni with orders -- to lead an advance on Goma -- that contradicted Amisi's.⁷⁷ A parliamentary delegation led by the president of the Senate, Monsignor Marini Bodho, put together recommendations based on talks with the dissidents in Goma, but its report was not made public for several months, and its recommendations have not been discussed.

F. THE STAKES: THE RICHES OF NORTH KIVU

RCD-G's position is significantly different in North Kivu from South Kivu. In their years in power in Goma, the personalities surrounding Serufuli have acquired substantial assets, perhaps most importantly control of the state apparatus. Beside a few posts occupied by officials designated by the transitional government,⁷⁸ Hutu and Tutsi officials, who have close ties with the Rwandan government, dominate the local administration and armed forces.

The area of North Kivu that lies within the ex-ANC's military control produces around \$1.1 million a month in declared revenue, mostly from taxes on imports and exports, especially of fuel.⁷⁹ While 85 per cent is supposed to go to the Central Bank in Kinshasa, much is embezzled at the source. Provincial officials often grant waivers to traders to import and export goods without paying customs duties and receive generous kickbacks in return.⁸⁰

⁷¹ Crisis Group interview with Banyamulenge leader, Bukavu, 29 December 2004.

⁷² Crisis Group interview, Bukavu, 29 December 2004.

⁷³ Crisis Group interviews with administration officials, MONUC officials and civil society representatives, Goma, January 2005.

⁷⁴ "Ex-rebels in Congo killed over 60 civilians in December", Reuters Newswire, 24 February 2005.

⁷⁵ Crisis Group interview with Banyamulenge leader, Bukavu, December 2004.

⁷⁶ Crisis Group interview with RCD-G official, Goma, January 2005.

⁷⁷ Crisis Group interview with General Amisi, Goma, January 2005.

⁷⁸ With perhaps one or two exceptions, the only officials who are not Hutu or Tutsi in the Goma administration are the two vice governors, the head of the North Kivu police, the heads of the courts and General Amisi. They were all appointed recently by the transitional government.

⁷⁹ Crisis Group interview with senior administrative official, Goma, 12 January 2005.

⁸⁰ Crisis Group interview with senior administrative officials, Goma, 10-14 January 2005.

Some have interpreted the recent clashes in Kanyabayonga as a drive by Serufuli to gain control over *le Grand Nord*, the Beni-Lubero territory formerly held by the *Rassemblement Congolais pour la Démocratie-Mouvement de Libération* (RCD-ML). This territory used to generate over 60 per cent of North Kivu's revenues, mostly through customs duties at the Uganda border. Serufuli already tried to capture Kanyabayonga and Lubero in 2003, before the transitional government was installed in Kinshasa. Even then Kabila sent several battalions of the old army to Beni. The December 2004 violence, however, should be seen more in the context of Serufuli's struggle to survive and to retain the power and assets he currently controls in Goma.

As in large parts of the Congo, much of the revenue in North Kivu passes outside of administrative channels and leaves no paper trail. This is the case for many mining proceeds. The most lucrative mines are around Walikale in the far west of the province, where there are rich deposits of cassiterite, an ore processed to make tin. Due to a 300 per cent rise in tin prices over the past two years, huge profits were being made there. Between January and August 2004, 1,760 tons of cassiterite was flown out of Walikale.⁸¹ At the current world price, this amounts to between \$12 million and \$17 million.⁸² Most of the profits are made by the dealers in Goma and Bukavu, who buy the ore for around \$2/kg and resell it for \$6-\$7/kg. According to pilots and lawyers who had to deal with quarrels between traders and aviation companies, Rwandan army officers were deployed to Walikale to control the airport.⁸³ Much of the ore was processed across the border in Gisenyi, at a smelter operated by the South African Metal Processing Association (MPA). MPA is associated with an individual who has in the past been a substantial financial backer of the RPF.⁸⁴

Mineral wealth has placed Walikale at the centre of the fighting in North Kivu. In June 2004, fighting broke out there between Nyanga and Hunde ex-Mai-Mai and Hutu and Tutsi ex-ANC units. While some of this was linked to the mutiny in Bukavu at that

time, control over mining and land rights were the real stakes, according to the local administration.⁸⁵

Fraud and embezzlement are by no means unique to North Kivu. Corruption is rampant throughout the transitional government. What is different in Goma is that it is carried out by a more or less cohesive group of people who, united by their ethnic background and their opposition to the transitional government, are willing to use violence and ethnic mobilisation to defend their position. Remembering past events in South Kivu and their wholesale loss of property in Masisi and Goma in 1994, the Tutsi are afraid of losing their power to Kinshasa if the country is genuinely re-unified.

North Kivu should be seen in a very different light than South Kivu, where the Banyamulenge's rise to wealth and status has been very recent and where they were confined strictly to the RCD-G administration. In North Kivu, the Hutu and Tutsi communities may number one million and include wealthy businessmen and large landowners. Many leaders in Goma have few liquid assets, since they converted their wealth into real estate and cattle. This makes the prospect of exile all the more unattractive for them. Bizima Karaha, for example, the acerbic former chief of security for the RCD-G, has become the largest cattle herder in Masisi, even though he is originally from South Kivu.⁸⁶ Serufuli and Nkunda have invested in large farms in Rutshuru and Masisi and in houses in Goma. They will fiercely resist Kinshasa's attempts to recover authority in Goma.

The solution in North Kivu may lie in its leadership. The crisis has been fomented by spoilers in Goma and Kinshasa. Kinshasa needs to act urgently to prevent further escalation. Nothing substantive has been undertaken since January 2005 to reconcile Serufuli's administration with the transitional government. As dissidents are a problem for the RCD-G as well as the transitional government, Ruberwa needs to work with the other parties to marginalise the hardliners from the

⁸¹ Crisis Group electronic communication with MONUC official, February 2005. An additional 1,000 tons of tin were shipped through Goma from other sources during this period.

⁸² Finbar O'Reilly, "Rush for natural resources still fuels war in Congo", Reuters AlertNet, 12 August 2004. The world price for tin fluctuated between \$6 and \$9/kg during 2004.

⁸³ Crisis Group interviews with pilots and lawyers, Bukavu and Goma, December 2004 and January 2005

⁸⁴ "Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo", 12 April 2001; Stefaans Brummer, "SA's war vultures", *Mail & Guardian Online*, 16 January 2005.

⁸⁵ Crisis Group electronic communication with MONUC official, February 2005. Another example of the importance of natural resources is the SOMIKIVU niobium mine in Luheshe. According to the vice president of the board of executives and senior administration officials in Goma, it is a joint company, 70 per cent of whose shares are owned by a German company and 30 per cent by the Congolese state. Since the beginning of the war, management has been opaque, and considerable funds have disappeared, by one estimate, \$13.3 million. Crisis Group interview with senior administrative officials, Goma, 13 January 2005; report of SOMIKIVU's board of executives submitted to a parliamentary delegation from Kinshasa.

⁸⁶ Crisis Group interviews with UN official, Kinshasa, and civil society representative, Goma, January 2005.

moderates in Goma and to assert government authority over the province. While Serufuli may be easier to co-opt than remove, others such as Nkunda, Chiribanya and Byamungu must be dealt with more forcefully. At the same time, leaders in Kinshasa must be taken to task for xenophobia, and the transitional government should install a responsible administration in Goma that is sensitive to the province's communal tensions.

At the moment, however, the transitional government has taken a passive stance of wait and see, preferring to contain the threat rather than negotiate. This attitude is almost certain to lead to further violence.

IV. POLITICAL IMPASSE IN KINSHASA

The violence in North Kivu is closely linked to conflicts within the transitional government. Serufuli, Ruberwa and Kabila's actions must be interpreted in light of the stalemate in Kinshasa. The RCD-G and Kabila, who have failed to agree on control of the country's military and economic institutions, have resorted to military means to solve their dispute, with North Kivu as the theatre of operations. As elections approach, and all transition members face possible loss of power, similar scenarios may be played out in other provinces.

The transitional government was the result of a political compromise between warring parties. It is a clumsy apparatus, not only because all decisions are contentious between the signatories of the Sun City Agreement, but also because the transition has created a sprawling bureaucracy. The president (Kabila) has four vice presidents; there are 36 ministries as well as 500 deputies and 120 senators in the transitional parliament. For a country whose administrative apparatus had been dilapidated by 32 years of Mobutu's misrule and two wars, this was a considerable challenge.

Progress has been very slow. In its first seven months, parliament was able to pass only one major law, on establishment of the Independent Electoral Commission (*Commission Indépendante Électorale*, CEI). In recent months, however, the legislative process has accelerated. The law on the structure of the army was finally passed on 12 November 2004, although it left the size and control of the controversial presidential guard undecided. A law effectively granting citizenship to the Kinyarwanda-speaking communities in the east was passed at the same time.⁸⁷ Drafts of the constitution, and amnesty, decentralisation and electoral laws are still being worked on.

While parliament is making some progress, the real obstacle to the transition is the reluctance of the spoilers to give up the power and assets they derive from the persistence of parallel chains of command in the military, the financial institutions and the administration and the corruption these have engendered.

⁸⁷ The law grants citizenship upon individual application to those whose tribes were present in the Congo at independence in 1960.

A. PARALLEL COMMAND STRUCTURES⁸⁸

According to the agreements among the former belligerents, the main armed groups are to undergo a simultaneous process of integration and demobilisation in order to form a unified army. The estimated 300,000 combatants in the armed groups are to be trimmed by half, and 25 orientation centres (*centres d'orientation*) and sixteen assembly centres (*centres de brassage*)⁸⁹ are to be set up throughout the country in order to separate child soldiers, invalids and voluntary demobilisation candidates from those troops who will be integrated and retrained.

Very little headway has been made. The office in charge of the integration, the Military Integration Structure (*Structure militaire d'intégration*, SMI), is a powerless shell. No funding was provided in either the 2003 or 2004 budgets for army integration, and parliament had to advance money from the 2005 budget in order to begin preliminary work.⁹⁰ Some independent bilateral efforts have been made by the Angolans to train four brigades in Kitona and by the Belgians and South Africans for a further 3,200 troops at the military base in Kamina. In December 2004, Belgium, South Africa and the transitional government signed a tripartite agreement to coordinate these efforts, but no one has come forward to provide the much-needed financial support to begin integration.⁹¹ These mainly bilateral efforts have resulted in patchwork remedies, with no coherent overarching plan on how to reform the army.

Some progress was made early on in integration of the military general staff in Kinshasa. On 19 August 2003, the staff officers were nominated, followed soon afterwards by the appointment of commanders for the country's ten military regions.⁹² As noted above, however, very little changed on the ground because only the leaders were different. Throughout the country, parallel chains of command have persisted. The 20,000 MLC, 45,000 RCD-G, 120,000 FAC, 40,000 Mai-Mai and 10,000 RCD-K-ML fighters have barely moved

from where they were⁹³ and not pooled their heavy weapons or artillery.

Kabila's presidential guard, the GSSP, was of special concern to the former rebels. It numbers between 10,000 and 15,000 and is under his direct control. Kabila also retains control of many military resources through his military office (*maison militaire*), an apparatus created in February 2002 to establish a direct link between presidency and army.⁹⁴ Despite the creation of a unified army general staff in Kinshasa in August 2003, much of the control over logistics and resources has remained with this body.⁹⁵ UN analysts familiar with the politics of the general staff have indicated that Kabila has tried to absorb the other forces into his own army, rather than allowing a genuine integration of command and control.⁹⁶

In general, the hardliners around Kabila are still eager to scrap the transitional government and pursue the military solution that has eluded them for five years. In the words of a MONUC official who dealt with them regularly, "Every time there was a hiccup in the transition, the Katangan hardliners would come out of the woodwork insisting on suspending the four-plus-one agreement".⁹⁷ In the wake of the Bukavu crisis, Kabila himself held meetings with the various parties in the transitional government in an effort to review the Sun City agreement.⁹⁸ The reaction to the Rwandan threats in November 2004 was similarly telling. By dispatching several brigades to Goma without even speaking to the ex-ANC officers there, Kabila was in effect forcing a military solution, a notion with which PPRD officials in Kinshasa privately agree.⁹⁹

⁸⁸ A forthcoming Crisis Group report will analyse security sector reform in the Congo in more detail.

⁸⁹ The soldiers are to assemble at the orientation centres, where the demobilisation program will be explained, then continue to the mixing centres for reassignment and training as integrated units.

⁹⁰ In December 2004, \$57 million had been allotted to the SMI but not approved. ICG interview with Azarias Ruberwa, Kinshasa, January 2005.

⁹¹ Sixteenth report of the Secretary General on the United Nations Organisation Mission in the Democratic Republic of the Congo, December 2004.

⁹² Decrees 018/2003 and 019/2003, 19 August 2005

⁹³ The figures for the troops are those in the Sun City Agreements. The FAC never did provide an official figure but its forces were estimated between 80,000 and 120,000. All figures were probably inflated.

⁹⁴ Decret 024/2002, reprinted in *Le Palmares*, 25 February 2002.

⁹⁵ General Malik Kijenge, an RCD-G commander named to be the head of military logistics (G-4), has often not been consulted on equipment purchases and contracts for fuel and food. During the deployment of troops to the east after the Bukavu crisis in May 2004, the ex-ANC army chief of staff, General Sylvain Mbuki, was completely sidelined. Crisis Group interview with MONUC political affairs officer, Kinshasa, March 2004.

⁹⁶ Crisis Group interview with MONUC official, Kinshasa, 12 January 2005.

⁹⁷ Crisis Group interview with former MONUC official, New York, 17 December 2004.

⁹⁸ Third Special Report of the Secretary General to the Security Council, August 2004.

⁹⁹ Crisis Group interview with senior PPRD official, Kinshasa, 13 January 2005.

Corruption is a further impediment to unification of the armed forces and the country as a whole. The army has become a business opportunity for those able to control supply contracts and payrolls. During the December 2004 deployment of troops to the east, for example, \$13 million were freed up to pay for supplies and transport. Some of the food was flown from the Kivus to Kinshasa and then back, resulting in bloated profits for the transport companies and generous kickbacks for the general staff in Kinshasa.¹⁰⁰ The international community in the capital also has raised collective eyebrows at the swollen army payrolls -- instead of the 220,000 soldiers declared by the belligerents at Sun City, lists of 340,000 were presented for payment.¹⁰¹ The excess amounts to over \$1.4 million a month in salaries. There are also incidents of simple theft -- the deputy military regional commander in Goma was suspended after stealing \$200,000 in salaries for his soldiers.¹⁰² These cases have had some serious security implications, as soldiers have frequently protested, sometimes violently, not receiving pay.¹⁰³

The parallel command structure of the military is mirrored in the country's administration, where many officials operate outside the legal framework of the transitional administration to cultivate their financial networks. This has seriously compromised the transition's progress. In September 2004, an audit of state-run companies requested by parliament revealed staggering levels of corruption, causing Kabila to dismiss six ministers and several dozen company officials. Later, his own cabinet director, Evariste Boshab, was suspended for fraud concerning deals he had made with the electricity company in Brazzaville. These cases, however, are just the tip of the iceberg.

No criminal charges have been brought against any of the accused, civilian or military, despite abundant evidence. The institution charged by the transition for dealing with corruption is barely functional, and the public prosecutors have dragged their feet. As a foreign diplomat in Kinshasa commented, "The components and their military commanders are behaving like they never signed anything in Sun City".¹⁰⁴

The persistence of these parallel command structures formed the background for the first major crisis of the transition between Ruberwa and Kabila, in early 2004. A year later, after little was done to fix the problem, a similar confrontation took place between Bemba and Kabila. In January 2005, the head of the MLC threatened to withdraw from the transition unless Kabila shared control of the lucrative state-run enterprises and the local administration as was agreed at Sun City. The only integration that has taken place so far has been through appointment of provincial governors and vice governors. All other officials remain in place, often with strong loyalties to the former belligerents. Bemba argued that Kabila also retained state-run media such as the *Radio et Télévision Nationale Congolaise* (RTNC) and the security service in the part of the country formerly under the old army's control. As this includes more than 60 per cent of the population, it suggests a Kabila electoral advantage. PPRD officials appear more concerned with Bemba's rivalry than Tshisekedi's, despite the latter's standing in polls,¹⁰⁵ indicating that they believe control over the administrative apparatus may be more important in the election than personal popularity.

B. WEAKNESS IN POLITICAL PARTIES

Governance in present-day Congo, as in Mobutu's Zaire, is characterised by weakness and internal conflict. This has severely undercut political progress and given individuals free rein for their personal ambitions. Both the PPRD and the RCD-G have no clear hierarchy, and have been hurt in the past year by defections, internal dissent and corruption. The crises in North Kivu and in Kinshasa are partly the consequence.

The PPRD was founded in March 2002 to succeed the older Kabila's AFDL. Like it, the son's party has no coherent political or economic platform. Its structure is small -- a secretary general, Vital Kamhere, and a few advisers. Top party aides lament the lack of funding and admit that they have yet to develop a full campaign platform.¹⁰⁶ Its ministers and parliamentarians do not form a cohesive, structured group but are fairly independent and compete for the favours of the president. To the PPRD's alarm, Kabila has not declared himself a member or a candidate in the elections, and he continues to be influenced by military commanders outside the party, such as General John Numbi. The vice presidents in the transitional government often complain that Kabila is not able to impose his will on the various

¹⁰⁰ 100kg sacks of beans were bought for \$20 each in the east, flown to Kinshasa for \$100 and transported back east for another \$240. The total cost per bag came to around \$360. ICG interview with high-ranking security official, Kinshasa, January 2005.

¹⁰¹ Crisis Group interview with MONUC official, Kinshasa, January 2005.

¹⁰² This was the case with General Mufu Kiyana, the ex-FAC commander in Goma.

¹⁰³ The CIAT took note of the dangerous level of discontent and officially urged Kabila in March 2005 to pay his soldiers.

¹⁰⁴ Crisis Group interview with diplomat, Kinshasa, May 2004.

¹⁰⁵ Crisis Group interview with PPRD official, Kinshasa, January 2005.

¹⁰⁶ Crisis Group interview with PPRD top adviser, Kinshasa, January 2005.

tendencies among his advisers.¹⁰⁷ Those advisers, on the other hand, are more than happy to delay the run-up to elections that might well go against Kabila.

Kabila, like his father, regularly changes staff. In November 2002, he purged some of his top people, including Mwenze Kongolo and Katumba Mwanke, after they were incriminated by a UN report for illegal exploitation of natural resources. Others, like Denis Kalume and Sylvestre Lwetcha, who had fought beside his father in the bush, were also replaced. Most recently, he removed the heads of his presidential guard and his military office, Jean-Claude Kifwa and Damas Kabulo. Many of these moves, however, are merely cosmetic. Katumba, Kifwa and Kabulo were all later given other important positions. A diplomat explained: "Kabila's not strong enough to remove them completely, but he also can't trust them enough to leave them in one position for too long".¹⁰⁸

The RCD-G has had similar problems. Since the former rebels arrived in Kinshasa in 2003, many of the non-rwandophones have become close to the PPRD and have criticised Ruberwa. In June 2004, three RCD-G parliamentarians created a movement within the party called "RCD-G Reform" (*RCD-G rénovateur*), denouncing its leadership for kowtowing to Kigali.¹⁰⁹ When Ruberwa suspended his party's participation in the transition following the Gatumba massacre, 62 of 94 RCD-G deputies ignored his orders. Prominent members such as Joseph Mudumbi (minister of education), Emile Ngoy (minister of finance), Jean-Pierre Ondekane (minister of defence), Emile Ilunga (second president of the Senate) and Banza Mukalay (vice minister of infrastructure) criticised the decision and remained in Kinshasa.¹¹⁰ RCD-G members regularly criticize Ruberwa in the Kinshasa media, giving an impression that the party is falling apart.

In December 2004, Ruberwa managed to remove some of the dissidents, replacing Mudumbi and Ondekane with loyalists. He also convened a general assembly that appointed a new secretary general, Barthélemy Mumba Gawa. However, the harshest challenge to Ruberwa's power has come from his power base in Goma. As already described, at the same time as the creation of the

RCD-G Reform, eight other Kinyarwanda-speaking parliamentarians suspended their participation in the transition and retreated to Goma, joining Serufuli's group. Ruberwa has been caught between these two tendencies. In response to the ex-ANC soldiers' dissidence in North Kivu in December 2004, he branded them "mutineers" and supported the decision to send troops to the east. This caused Serufuli to accuse him of betraying the party and his community. According to party members, Serufuli would like to replace Ruberwa at the head of the RCD-G. Ruberwa is now marginalized by both his base and the other political parties in Kinshasa.

The RCD-G was born as a party with divergent tendencies: people like Mudumbi and Ondekane joined the movement in opposition to Kabila's authoritarianism but later became disenchanted with Rwandan dominance in the party; the Hutu and Tutsi communities of North and South Kivu feel strongly that the communal conflicts in the east need to be addressed. Anti-Rwandan sentiment and Serufuli's extremism have driven a wedge between these two camps. "The only thing holding the RCD-G together today is their quota in the government and in parliament", a disaffected RCD-G member commented.¹¹¹

These divisions have made the military option all the more attractive for the hardliners in Goma. Many RCD-G officers, especially the non-rwandophones who were sent as staff officers to the general staff in Kinshasa, have been co-opted by Kabila. Ex-ANC officers in Goma openly criticise their former colleagues in Kinshasa, accusing Mbuki, the commander of the land forces, of looking out for his personal interests instead of those of his party. Left without representation in Kinshasa, ex-ANC hardliners see no future in the national army. Several high-ranking ex-ANC commanders in South Kivu have indicated they will leave the military as soon as the unification process has been completed.¹¹²

¹⁰⁷ Crisis Group interview with MONUC official, New York, February 2005.

¹⁰⁸ Crisis Group interview with diplomat, Kinshasa, January 2005.

¹⁰⁹ The founders were deputies in the parliament: Michel Tshibuabua, Mathieu Kazadi Balowa and Joseph Mwewa Lunda.

¹¹⁰ Crisis Group interview with civil society parliamentarian, Bukavu, December 2004.

¹¹¹ Crisis Group interview with RCD-G parliamentarian, Kinshasa, January 2005.

¹¹² Crisis Group interview with ex-ANC commanders, Bukavu, December 2004.

V. EXTERNAL INFLUENCES

A. THE FDLR¹¹³

The Hutu militias have been at the centre of the two wars in the Congo and remain a major obstacle in the transition. While the FDLR is no longer a serious military threat to Rwanda, it can still launch cross-border raids and poses a danger to civilians in the Congo, where it is a political liability for the transition. As long as it is present in the east, Kigali and the RCD-G hardliners will use it as a pretext for pursuing their objectives in the Congo, and Katangan radicals in Kinshasa allied to President Kabila will preserve it as a possible mercenary force.

The FDLR has five brigades, each 1,200 to 1,500 soldiers, and several reinforced reserve battalions -- a total of 8,000 to 10,000. They are deployed in the more remote areas of South and North Kivu where they survive by extorting and looting the local population and traders.

The FDLR was formed in 2000 from two branches of the Rwandan Liberation Army (*Armée de Libération du Rwanda*, AliR), one which fought a guerrilla war against Kigali's army and the ANC in the east, and another which was integrated into Kabila's army and used in the frontline of the war. It set up a political representation in Europe led by Dr Ignace Murwanashyaka, and renamed the armed wing in the Congo FDLR-*Forces Combattantes Abacunguzi* (FOCA), led by General Paul Ruarakabije. Succumbing to international pressure, Kabila declared the FDLR unwelcome in the Congo in 2002. Some high ranking officers were arrested in Kinshasa, while 1,900 FDLR troops cantoned in an army base in Kamina were attacked and dispersed into the forest.

The remnants of the western branch were forced eastwards into the Kivus, where they joined their comrades. In 2003, the groups were fused, creating deep tensions. Colonel Sylvestre Mudacumura, the leader of the western forces, accused Ruarakabije of mismanaging the eastern insurgency and criticised the failed 2001 offensive,¹¹⁴ when over 1,000 AliR troops were killed attacking northwestern Rwanda. Leadership styles also conflicted. Mudacumura had been in President Habyarimana's presidential guard and is reportedly on the list of those

responsible for the genocide,¹¹⁵ while Ruarakabije was a moderate *gendarmier* officer.

Rwanda exploited these tensions and in November 2003 brokered the desertion of General Ruarakabije and four other high-ranking FDLR officers, who were then incorporated into Kigali's army. This triggered further desertions of top officers and soldiers, who followed their former commander back home. The political wing of the FDLR has also suffered from dissension. After a year of heated debate, a separate wing, calling itself Rally-FDLR (*Ralliement-FDLR* or R-FDLR) and led by Jean-Marie Vianney Higiroy formed in the United States. It accused the FOCA and Murwanashyaka of embezzlement and mismanagement.¹¹⁶

FDLR strategy is to destabilise the region in hopes of provoking another war between Rwanda and the Congo. In 2004, it launched "Operation La Fronde" (Operation Slingshot), infiltrating small units into southern and northern Rwanda.¹¹⁷ The aim was to attack crucial infrastructure and civilians, probably in the hope of provoking a counterattack into the Congo, a tactic that nearly worked in late November.

Nevertheless, the FDLR has been severely weakened since Kinshasa cut off its supplies in 2002. It has sufficient light weapons but ammunition is low, and it must buy provisions from local Mai-Mai groups.¹¹⁸ It believes that by rekindling hostilities between Kigali and Kinshasa, it can regain a sponsor that will enable it to continue its insurgency. While there have been reports of weapons and ammunition being delivered to the FDLR through the Mai-Mai,¹¹⁹ hundreds of FDLR deserters interviewed by MONUC and the Rwandan military testify that the rebels are running low on both bullets and supplies. Its grip on several trade routes and small mines in South and North Kivu has allowed the leadership to enjoy small luxuries, but this is insufficient

¹¹³ For more background on the FDLR, see Crisis Group Africa Report N°63, *Rwandan Hutu Rebels in the Congo: A New Approach to Disarmament and Reintegration*, 23 May 2003.

¹¹⁴ *Oracle du Seigneur*.

¹¹⁵ Crisis Group interview with Rwandan official, Kigali, January 2005.

¹¹⁶ R-FDLR press statement, 12 September 2004.

¹¹⁷ Crisis Group interviews with MONUC DDR officers and the Rwandan officials, Bukavu and Cyangugu, December 2004.

¹¹⁸ For example, a repatriated FDLR officer said that his battalion headquarters in Ngando had two 107mm mortars with only three shells; one 82mm mortar with eight shells; and one 60mm mortar with two shells.

¹¹⁹ "The Report of the Experts Group on the Application of the Arms Embargo Measures Imposed by the Security Council in DR Congo" describes several cases of collaboration between ex-Mai-Mai and the FDLR. Colonel Nakabaka, an ex-Mai-Mai commander from the Rusizi plain in South Kivu, is mentioned as conducting operations with the FDLR. There is no indication, however, of such a policy from Kinshasa.

to augment the group's military capabilities.¹²⁰ Troop morale is very low -- the accounts of deserters suggest some 80 per cent are willing to return to Rwanda. However, strict discipline and indoctrination hold them back. On several occasions the FDLR has executed captured deserters and their families.¹²¹

According to Kigali, the FDLR made eleven armed incursions into the country in 2004, eight in the north west, three in the south. International observers have confirmed at least three of these. The responses of the international community and the Congolese army, however, have been confused. Despite declaring the FDLR an illegal force in 2002, Kabila has hesitated to take it on militarily. Some of his staff keep ties to the movement, especially General John Numbi, who organised some of the supply flights in 2001 and 2002. At least as late as November 2004, there were still FDLR representatives in Kinshasa, who were in touch with members of the international community, although obviously concerned about arrest.¹²²

While the new national army began military action against the FDLR in South Kivu in April 2004, it did not sustain the operations and finally halted them with the siege of Bukavu in May. In November it launched a joint operation against the FDLR with minimal MONUC support in Walungu but the objectives were never clear; the FARDC commander said he had not received orders to attack, and his forces were still negotiating with the rebels. At the end of 2004 in South Kivu, isolated skirmishes alternated with friendly discussion and even joint roadblocks and tax collection points. Several Mai-Mai groups in South and North Kivu are particularly guilty of cohabitation and even joint operations with the FDLR.¹²³

In late 2004, Samba Kaputo, Kabila's national security adviser, presented the international community in Kinshasa with a new plan for dealing with the FDLR, and a vague early 2005 deadline was given for the FDLR to leave the country. In February 2005, Kaputo, together with the community of Sant'Egidio,¹²⁴ launched another attempt to persuade the FDLR to depart. Transitional government representatives met in Rome with members of the FDLR's political wing, reportedly to discuss the

repatriation of the movement's armed forces. Kaputo's aide indicated to MONUC that it might be possible to secure the voluntary repatriation of several hundred, if not more, FDLR combatants.¹²⁵ Several weeks later, an FDLR delegation led by Murwanashyaka arrived in the Kivus for talks with the military commanders that Kaputo indicated were to begin preparations for a voluntary return to Rwanda. Another meeting between the FDLR and the transitional government is scheduled in Rome for early April. It is questionable, however, whether the hardliner commanders -- many of whom are wanted for genocide there -- will yield to any diplomatic pressure.

Barring negotiations with Rwanda, which seem improbable, the only incentive for the FDLR appears to be a cash payment by Kabila.¹²⁶ A pay-off, while perhaps effective, could produce violent dissension within the FDLR and would leave open the question of hardliners who refused to return to Rwanda. A first step at understanding the possibility of peaceful repatriation would be learning how many FDLR commanders are wanted in Rwanda for category one and two crimes of genocide¹²⁷ but the Rwandan government has not been forthcoming with this type of information.

If negotiations fail, the only option remaining will be military. 3,000 to 4,000 soldiers from the various armed forces have been sent to the Kitona army base for training by the Angolan army. A smaller group of 600 reportedly went to Luanda in February 2005 for training as Special Forces.¹²⁸ According to Kaputo, these troops are to be the backbone of a force that will be deployed against the FDLR. However, as with many military issues, numerous chains of command have appeared; Chief of Staff General Kisempia as well as the presidential military adviser, General Denis Kalume, separately contest Kaputo's authority.

The UN, Rwanda and the transitional government all now recognise that voluntary FDLR demobilisation has reached its limits. Various options have been laid out for a military offensive. These need to be studied carefully and synchronised, as different actors appear to be pulling the cart in different directions.

¹²⁰ Ibid.

¹²¹ Crisis Group interview with MONUC DDR officer, Bukavu, December 2004.

¹²² Crisis Group interview with MONUC official, Kinshasa, January 2005.

¹²³ UN report on the arms embargo, op. cit.

¹²⁴ Sant'Egidio is a lay movement affiliated with the Catholic Church. It played a major role in the peace negotiations in Mozambique.

¹²⁵ Crisis Group telephone conversation with UN officials in New York and Bukavu, February 2005.

¹²⁶ Members of the government delegation have spoken of \$1 million to \$5 million to pay off the FDLR political and military leadership.

¹²⁷ Category 1 and 2 crimes of genocide include the most egregious acts of violence leading to death and the organisation of the genocide.

¹²⁸ Crisis Group interview with MONUC official in Kinshasa, January 2005.

Ultimate responsibility for dealing with the FDLR resides, under the Pretoria Agreement, with the FARDC, the new national army. While it seems to be becoming more serious, it is far from beginning meaningful operations. The brigades being trained by the Angolans will not be functional at least until the end of the year. Commanders like General Amisi indicate they will attack the FDLR with the resources already available in the east but experience shows that the army is not capable of a sustained campaign. When it attacked in April 2004 on the Rusizi plain, it ran out of ammunition and food and had to retreat after only a few days, thus allowing the FDLR to retaliate against the local population. The international community is very reluctant to supply Congolese troops, who are notoriously brutal and ill-disciplined during such operations.

Any attack by the army on the FDLR would result in civilian casualties. The local population would be caught in the crossfire, while both sides would likely pillage and punish villagers for perceived collaboration with the other. Especially MONUC would have a crucial role to protect civilians from rape and other violence during any operation.

With such precautions built in, however, the advantage to giving the national army responsibility to attack the FDLR is that this could lead to reconciliation between Kigali and Kinshasa. Therefore, no matter what other initiatives are undertaken by the African Union (AU) or MONUC, pressure should be kept on the army to live up to its responsibilities. The international community has not yet sufficiently articulated this in Kinshasa, and left to its own devices, the army lacks determination and wherewithal to put significant pressure on the FDLR.

A credible plan needs to be devised and put into place for development of the national army, including provision of an International Military Assistance and Training Team (IMATT) that is urgently required to coordinate, train and support a FARDC force of 10,000 to disarm the FDLR.¹²⁹ Guidelines of the Organisation for Economic Cooperation and Development (OECD) on overseas development assistance have restricted use of development funds for military aid from some countries, but should not be an obstacle to assisting the army against the FDLR.

After its November 2004 invasion threats and the subsequent North Kivu crisis, Rwanda was able to focus AU attention on the FDLR. During the Libreville and Abuja summits in January 2005, Kigali -- which is an important player in the organisation and has peacekeepers

in its Darfur mission -- obtained a pledge to deploy troops to disarm the rebels forcefully. The EU has promised to fund the operation out of its African Peace Facility Fund. But the AU, which also wants to commit troops to Somalia, is spread thin. It remains to be seen whether nations like South Africa and Nigeria -- which have expressed interest -- are willing to lead the effort.

Any efforts at coercion should be backed up with incentives from Rwanda. While it is not likely that Kigali will pardon many FDLR commanders -- indeed, some of them are guilty of crimes against humanity -- it has in the past struck repatriation deals with individual leaders. It should now give MONUC and the transitional government a list of FDLR commanders whom it believes are guilty of category 1 and 2 genocide crimes so that the more moderate elements of the leadership can be targeted for repatriation. The launch of the Joint Verification Commission (JVC) in South and North Kivu will allow opportunity for direct negotiations between the Rwandan military and the FDLR.¹³⁰ In mid-February 2005, a JVC team, including two high-ranking Rwandan officers, met with an FDLR captain in Kalonge, South Kivu. While nothing substantive resulted from that meeting, these contacts should be encouraged.¹³¹ The meetings facilitated by Sant'Egidio provide another opportunity to offer FDLR commanders attractive terms for returning to Rwanda.

B. RWANDA

The Rwandan government has continued to undermine the Congo peace process. While some of Kigali's involvement is directed at the FDLR, it has also used its influence to encourage dissidents in the Kivus. The appointment in January 2003 of Governor Chiribanya and others accused of assassinating the elder Kabila set up the transition in the east for failure, as described above. When Kinshasa named General Nabyolwa the commander of South Kivu, Kigali continued to encourage a parallel command structure.¹³² Dissenting officers like

¹³⁰ The JVC was created in September 2004 to monitor allegations of FDLR activity and RDF incursions into the Congo. Its teams are composed of Rwandan military (RDF) and new Congolese army (FARDC) officers, as well as MONUC officials.

¹³¹ A forthcoming Crisis Group report will examine more closely ways of dealing with the FDLR.

¹³² An example of Rwanda's direct interference in the military command of South Kivu was apparent during the repatriation of FDLR commander General Ruarakabije in November 2003. The operation was facilitated by ex-ANC commanders Colonel Espérant Masudi and Colonel Georges Mirindi, who escorted Ruarakabije over 90 km from Bunyakiri to the Rwandan border in Cyangugu, where the RDF Cyangugu

¹²⁹ See Crisis Group Africa Briefing N°21, *Back to the Brink in the Congo*, 17 December 2004.

Colonel Ruohimbere spent much time in Rwanda against Nabyolwa's orders, while the Rwandan army gave Chiribanya and Mutebutsi weapons and ammunition.¹³³ As a UN panel investigating violations of the arms embargo reported, Nkunda recruited soldiers from Rwandan refugee camps in the presence of Rwandan authorities before his attack on Bukavu. His claim to be intervening spontaneously to stop a genocide there were belied by his preparations in the preceding months; MONUC documented the stockpiling of weapons in nearby Kalehe and preparations by Nkunda, Chiribanya and Mutebutsi for action in March and April 2004.¹³⁴

While MONUC lacks conclusive evidence, many other sources confirm an incursion of Rwandan troops in North Kivu in November and December 2004. According to border officials at the customs posts in Goma and Bunagana, army trucks crossed the border in late November and headed for Rutshuru. This was confirmed by diplomats in Kigali.¹³⁵ Rwanda's intention, as expressed in a letter to the AU on 25 November, that it would send special forces into the Congo for two weeks to conduct surgical strikes against the FDLR seems implausible. The FDLR is located in isolated areas and unlikely to accept direct battle. Military analysts say any effective campaign would require much more time.¹³⁶

Congolese often claim Rwanda wishes to annex these parts of the country in order to continue to exploit their resources. While Rwanda has in the past benefited from its occupation of the Congo, especially during the coltan¹³⁷ boom of 2000-2001, its complex interest in the Congo is more than economic and involves domestic politics as well as its preoccupation with the FDLR.¹³⁸

brigade commander was waiting. Mirindi and Masudi did not inform Nabyolwa or MONUC of the operation; their commander was furious and accused them of treason.

¹³³ Crisis Group interview with border officials, Bukavu, December 2004.

¹³⁴ Crisis Group interview with MONUC officials, Bukavu, December 2004/January 2005.

¹³⁵ Crisis Group interview with diplomat, Kigali, January 2005.

¹³⁶ Crisis Group interview with MONUC military officer, Kinshasa, January 2005.

¹³⁷ Coltan, a mineral otherwise known as colombo-tantalite, is used for capacitors in cellphones. The world price of coltan soared in 1999-2001 but dropped after the opening of a large mine in Australia and reports of its connections to the war in the Congo.

¹³⁸ Indeed, the old Rwandan economic networks have been eroded in South Kivu, Maniema and Kisangani. Crisis Group interviews with pilots and businessmen, Bukavu and Goma, December/January 2004/2005. Today, minerals and goods from these areas are primarily exported through Burundi,

The RPF runs a highly disciplined state with a strong focus on security and suppression of dissent or opposition. It is the only state in the region capable of controlling and administering all its territory, not an insignificant accomplishment considering history. This emphasis on security is not surprising since many senior government figures are former officers in the Rwandan and, during the 1980s, Ugandan armies.¹³⁹ Instability in the Congo provides Rwanda with a justification for harsh restrictions on domestic political activity and the press. These restrictions increased in 2004, as a report on genocide ideology in parliament led to restrictions on human rights NGOs and even international organisations such as CARE and Norwegian People's Aid.¹⁴⁰ This is indicative of the apprehensions of a Tutsi regime that is distrusted by the Hutu, who make up 80 per cent of the population. Driven by these concerns, Kigali has demonstrated its ability to foster instability in the eastern Congo since the beginning of the transition.

Several mechanisms have been put in place to help ease tensions between Kigali and Kinshasa. After the Bukavu crisis, the U.S. sponsored a tripartite agreement that included Uganda. It established committees on diplomatic relations and security issues. In late November, heads of state of eleven African countries met in Dar es Salaam on the crisis in the Great Lakes region. Presidents Kabila and Kagame signed an agreement pledging to work towards peaceful resolution of their differences, in particular the dismantling of the FDLR.

Rwanda flaunted this Dar es Salaam Declaration just days after signing it, however, by threatening to send troops into the Congo. After receiving evidence that Rwanda had in fact done so, Sweden suspended \$6 million in loans, while the UK withheld around \$18 million pending clarification of the situation.¹⁴¹ In late December, Foreign Minister Murigande formally withdrew the invasion threat.

Tanzania, and Uganda in order to avoid the steep taxes in Rwanda. Even the Goma administration in North Kivu is now cut off from the profitable cassiterite mines in Walikale, as well as the Kasindi border crossing with Uganda, which brings in up to \$2 million in taxes a month. Crisis Group interview with ex-RCD-K-ML administration official, Goma, January 2005.

¹³⁹ Leaders such as Paul Kagame (president), James Kabarebe (army chief of staff), Jack Nziza (director of external security) are all Ugandan-born of Rwandan Tutsi descent and were officers in Museveni's National Resistance Army (NRA) in the 1980s.

¹⁴⁰ Crisis Group interview with diplomat, Washington, March 2005.

¹⁴¹ Crisis Group interviews with diplomats, Kinshasa and Kigali, January 2005.

More than 40 per cent of Rwanda's budget is dependent on aid, and donors have considerable influence, despite the assertion by Ambassador Sezibera, Rwanda's special envoy to the Great Lakes region, that "we would rather be alive and poor than die rich".¹⁴² Donors have generally been reluctant to use their aid to pressure Rwanda on issues concerning the Congo, however. There are several reasons. Proof of Kigali's interference in the Congo was, until recently, often circumstantial and difficult to substantiate. Rumours abound in the region, and many diplomats give more credence to the sober assessments of Rwandan officials than the often exaggerated accounts of the Congolese government.

However, even when there is overwhelming evidence, there has been hesitation. Rwanda's involvement in the May-June 2004 uprising in Bukavu was extensively documented by the UN expert panel, as well as by Human Rights Watch and diplomatic missions. Nonetheless, the U.S. doubled its aid in the past year by granting over \$30 million in HIV/AIDS relief. While the initiative is laudable, it is indicative of the politics of donor funding in the country. Rwanda's HIV/AIDS rate is lower than several others in sub-Saharan Africa which were not included in the fifteen countries worldwide chosen to receive special funding under the "President's Emergency Plan for AIDS Relief" (PEPFAR).¹⁴³ Members of the U.S. Congress still show strong sympathy for the Rwandan government, in part as a result of American inaction during the 1994 genocide. The substantial budgetary aid given to Rwanda by the UK and other donors is a sign of acceptance of its domestic and foreign policies, despite occasional admonishments in the press.

In order to give the Congo's transition a chance to succeed, foreign aid for both Rwanda and the Congo should be linked more closely to political reforms and the improvement of regional relations.

VI. MONUC'S RESPONSE

Since its arrival in the Congo in 2000, the UN Mission has had to respond to constantly changing challenges in a complex political environment. It has often been hampered by an unwieldy bureaucracy and organisational problems. While the media and the Congolese often see MONUC inefficiency as a problem of mandate and resources, a more fundamental impediment has been the lack of coherent strategy and vision to implement the mission. As a consequence, it has been unable to live up to its mandate in several areas, most notably protection of civilians, support to the national army in demobilising the FDLR and enforcement of the arms embargo.

MONUC has had to transform itself from a ceasefire observation mission to one that handles a multitude of other tasks in support of the transition. According to Security Council Resolution 1565 (October 2004), it is responsible primarily for the following:

- ❑ deployment of its 16,700 troops to discourage violence, protect civilians in imminent danger, and protect UN personnel and installations;
- ❑ establishment of three joint commissions with the transitional government to move forward essential legislation, security sector reform, and the electoral process;
- ❑ support of the new army's operations to disarm foreign combatants; and
- ❑ help in monitoring and enforcing the embargo on the illegal flows of arms imposed by Security Council Resolution 1493.

By the time the Secretary General's latest report was released in March 2005, however, the mission had not yet been able to devise coherent strategies to implement these four tasks.

A. PROTECTION OF CIVILIANS AND DETERRENCE OF VIOLENCE

Its failure to protect civilians and the recent scandal on sexual abuse have severely damaged MONUC's standing among the population. Contrary to popular belief in the Congo, however, it has had a mandate under Chapter VII of the UN Charter to protect civilians in imminent danger since 2000.¹⁴⁴ While it is true that it is short of military resources, it also lacks a coherent strategy for how to do this and political will. This became most apparent when more than 160 civilians

¹⁴² William McClean, "Analysis invoking genocide, Rwanda takes aim at rebels", Reuters Relief Web, 28 November 2004.

¹⁴³ "PEPFAR in Rwanda Fact Sheet", at www.usaid-rwanda.rw/SO2/PEPFAR%20Fact%20Sheet%20Sept%202004.pdf.

¹⁴⁴ Security Council Resolution 1291, 24 February 2000.

were massacred in Kisangani in May 2002, just kilometres from a camp of 1,000 MONUC soldiers. Following a mutiny by several mid-ranking military commanders, the RCD-G retaliated against the civilian population with looting, gang rapes, and extra-judicial executions over several days.¹⁴⁵ Its deputy force commander decided MONUC did not have sufficient resources to intervene, citing in particular a concern for UN casualties.¹⁴⁶

Given the international outcry following the massacre and the subsequent expansion of MONUC's military capacity, it is disappointing that UN military planners have not changed their approach to the use of force. The UN leadership in both New York and Kinshasa has adopted an overly cautious approach to peacekeeping, forcing MONUC to react hastily to contingencies rather than prevent them. This became evident again during the May-June 2004 siege of Bukavu. During the months before the fighting broke out, MONUC field officers had warned of probable clashes in the Bukavu area. Nonetheless, MONUC was without a solid contingency plan to act on.

When Colonel Mutebutsi and General Mbuza Mabe clashed on 26 May, MONUC, under Deputy Force Commander General Jan Isberg, reacted fairly swiftly. By 29 May, it had cantoned Mutebutsi's troops at several locations in the Nguba area of Bukavu, while setting up a buffer zone in the town. As General Nkunda approached from Goma, however, and General Mbuza's troops struggled with internal dissent, MONUC's resolve faltered. While General Isberg and other commanders wanted to stop Nkunda's advance on Bukavu, MONUC's political leadership in Kinshasa and in the Department of Peacekeeping Operations (DPKO) in the UN Secretariat in New York instructed them to stay out of what they considered internal affairs.¹⁴⁷ As the UN's spokesman, Fred Eckhard, explained subsequently, "It's for the [Congolese] parties to sort out. When war breaks out, the role of peacekeepers ends".¹⁴⁸ A recent internal UN report reportedly has criticised the passive attitude of the MONUC leadership in Kinshasa in response to the crisis and made valuable recommendations.¹⁴⁹

While the UN attempted to dissuade Nkunda, his troops marched through MONUC checkpoints and proceeded towards Bukavu. Before Nkunda managed to take the city, however, Mutebutsi's troops broke out of their cantonment. Fully armed, they confronted their Uruguayan guards, who promptly backed down.¹⁵⁰ It is not clear why Mutebutsi's men had not been disarmed and more Uruguayans had not been deployed around the sites. There were also individual incidents of military misunderstandings and outright disobedience within the MONUC command structure. The Uruguayan commander who handed over the airport's perimeter to Nkunda's troops contradicted General Isberg's order to use force to defend the airstrip.¹⁵¹

MONUC could have done far more to prevent Nkunda's advance on Bukavu, with the consequent looting, killing, and rape or wounding of over 100 civilians. By 29 May 2004, MONUC had 800 troops around Bukavu, with several attack helicopters at its disposal and a fleet of armoured vehicles. Contrary to the belief of some in the UN, the Bukavu fighting was seen by most in the transitional government as mutiny against its authority, not resumption of hostilities by the RCD-G or Kabila. A large majority of General Mbuza's troops were ex-ANC soldiers, and the operations were led by ex-ANC General Sylvain Mbuki in Kinshasa. With a mandate to protect civilians and to support the transitional government, MONUC should have done more to prevent escalation of the crisis.

MONUC is often caught in the dilemma of not wanting to alienate the very parties it is trying to get to collaborate in the peace process. Some UN analysts believed that the RCD-G would withdraw from the transition if MONUC attacked Nkunda or Mutebutsi.¹⁵² They also feared that if MONUC was more aggressive, UN personnel throughout the Congo would become targets for armed groups. By not acting decisively, however, MONUC has further damaged its reputation and increased the likelihood that it will be targeted. It is not seen by most of the armed groups as a serious deterrent, as it rarely follows up its denunciations militarily. MONUC has increased its force to 16,700,¹⁵³

¹⁴⁵ Human Rights Watch, "War Crimes in Kisangani", August 2002.

¹⁴⁶ Ibid.

¹⁴⁷ Crisis Group interviews, UN officials, Bukavu, Kinshasa, New York, December 2004, January 2005.

¹⁴⁸ Susannah Price, "Peacekeepers powerless in DR Congo", BBC online, 3 June 2004. This comment is still repeated at a senior level in DPKO.

¹⁴⁹ Crisis Group telephone interviews with UN officials in New York and Bukavu, March 2005

¹⁵⁰ There were only a few Uruguayans deployed around the cantonment sites. When Mutebutsi's troops came out of the compound, "we didn't have a choice but to back down, they were far more than we were". Crisis Group interview with MONUC officer, Bukavu, December 2004.

¹⁵¹ Crisis Group interview with UN official, New York, March 2005

¹⁵² Crisis Group interview with UN officials, New York, December 2004.

¹⁵³ Crisis Group supports the Secretary General's call for the Security Council to increase the troop ceiling to 23,900 and for greater participation in MONUC by countries with advanced

deploying 6,000 Indian and Pakistani troops to the Kivus to prevent further fighting. While its officers now say they have contingency plans to prevent further violence in North and South Kivu, it remains to be seen if the new contingents are willing to be more decisive in interpreting their mandate.

In response to widespread criticism within the UN and from member states, MONUC has recently promised to act more robustly against armed groups that threaten the civilian population, especially in Ituri. On 1 March 2005, in response to an attack there by the Nationalist and Integrationist Forces (*Forces nationalistes et integrationnistes*, FNI) that killed nine Bangladeshi peacekeepers, it carried out a series of aggressive cordon and search operations. These operations, led by Major General Patrick Cammaert, the new Eastern Divisional Commander, were seen to represent a reinterpretation of MONUC's mandate to include use of preventive force. In other words, the very presence of the militia in Ituri would be considered a threat to the civilian population sufficient to justify MONUC's forceful intervention.

One such search operation led to a clash with FNI combatants in the village of Loga. Pakistani and South African troops, supported by attack helicopters, killed around 60 militiamen after the FNI opened fire. This incident caused a stir within the UN bureaucracy as well as among the Congolese. While many senior UN authorities support this type of robust enforcement of the mandate, others see it as too risky and want to avoid the use of deadly force. They fear that a more aggressive stance could provoke the militia into lashing out against the local population and that the UN would be blamed for any ensuing casualties. The latest report of the Secretary General (March 2005) said little about Cammaert's operation and mentioned no change in military strategy. As the Security Council considers renewing MONUC's mandate, which is due to expire on 31 March 2005, it is vital to clarify how the mission should use force to implement that mandate and prevent the killing of civilians.

MONUC needs to adopt a more proactive, preventive stance on the use of force. The events in Ituri, where over 60,000 civilians have been killed since 1999, clearly show that it cannot wait until the militias strike again. The Security Council should mandate the mission

explicitly to use preventive force,¹⁵⁴ and the Department of Peacekeeping Operations (DPKO) should ensure that it devises a coherent strategy to implement that mandate.

B. HOW CAN YOU FORCE PEOPLE TO MAKE PEACE WHO WANT WAR?

There will be no political progress unless the Congolese leaders assume ownership of the transition. Many Congolese politicians seem uninterested in making the transition work. The international community supplies 53 per cent of the transitional government's budget, but MONUC officials point out that key donors who supply most of the budgetary aid, such as the World Bank and the IMF, are reluctant to tie their funds to political progress. And some Congolese politicians are not overly interested in funds that, as one UN analyst explained, "come with too many strings attached to misappropriate".¹⁵⁵

MONUC and the international community, through the International Committee for Support of the Transition (*Comité international d'accompagnement de la transition*, CIAT),¹⁵⁶ have developed two main strategies. The first is establishment, per Security Council Resolution 1565, of three joint committees between MONUC and the transitional government. These committees -- on essential legislation, security sector reform, and elections -- are seen as ways to influence the transitional government and speed up its operations. As noted above, while there has been progress on preparations for elections, little has been done on security sector reform.

The second strategy for speeding up the political process is to identify spoilers and sanction at least those who break the arms embargo. Various groups, including most recently the UN Group of Experts on the Arms Embargo, have begun investigating actors who have undermined the transition through business deals, military operations or political manoeuvring. The hope is that the spoilers can be isolated and punished through diplomatic means and that targeted financial sanctions can be directed at embargo violators. For the actors believed guilty of serious crimes, such as Nkunda and Mutebutsi, the Congolese justice system needs to assume its duties and prosecute.

military capabilities, so that the mission can obtain better surveillance and intelligence, a rapid reaction force, additional tactical mobility assets, and a core of trained staff officers to improve command and control. See Crisis Group Africa Report N°84, *Maintaining Momentum in the Congo: The Ituri Problem*, 26 August 2004; "Third Special Report of the Secretary General on the United Nations Organisation Mission in the Democratic Republic of the Congo", 16 August 2004.

¹⁵⁴ While Security Council Resolution 1565 arguably does this already, it is vaguely phrased.

¹⁵⁵ Crisis Group interview with MONUC official, Kinshasa, January 2005.

¹⁵⁶ The CIAT is composed of the permanent members of the UN Security Council, Belgium, South Africa, Angola, Canada, Gabon, Mozambique, Nigeria, Zambia, the African Union and the European Union.

While this effort is laudable, it remains to be seen if sufficient proof can be assembled about the secret dealings of many of those involved in the transition. Nonetheless, this push for transparency in the transition is much needed and should be supported by all international representatives in Kinshasa. In the past, MONUC has been very reluctant to accuse main actors openly of undermining the transition. As a MONUC official said, "We need to be more open. Above all, we need to tell the truth. Otherwise nothing will change".¹⁵⁷

C. SUPPORT FOR DDR

MONUC now acknowledges that voluntary DDR of foreign combatants¹⁵⁸ has come to an end. It received the mandate in 2004 to support the new national army forcefully disarming the FDLR in the Kivus. However, what exactly 'support' entails has been the subject of considerable debate in MONUC and has led to hesitant and ineffective operations on the ground.

In November 2004, the new army and MONUC launched their first joint operation in Walungu, South Kivu. Roughly 1,000 Congolese soldiers were deployed to the south east and north east of an FDLR brigade command in Nindja, while around 200 South African and Uruguayan MONUC soldiers set up camp behind the army's positions. The operation was vaguely framed. It was supposed to begin with an awareness-raising campaign among the FDLR (a process MONUC has been engaged in for three years without much success) and proceed after two months to forced disarmament. By the end of the year, however, the army had not had substantive talks with the FDLR, and it was clear there would be no attack on it any time soon. The MONUC

commanders have remained passive, patrolling within the FARDC-occupied area. Instead of facilitating contacts with the FDLR, the MONUC military contingent restricted the movement of MONUC civilian, who had previously been in extensive contact with FDLR officers from Nindja. After a long dispute about what kind of support MONUC could give the army, it decided it would only transport the Congolese military in UN vehicles and would provide no financial or material backing.¹⁵⁹

As international pressure increases for forceful disarmament of the FDLR, MONUC needs to devise more efficient ways of working with the Congolese army. As described in the Third Special Report of the Secretary General, it can perform crucial functions by demilitarising key areas such as main roads, towns and markets. It will also be needed to protect civilians if the army attacks the FDLR and provokes retaliation against surrounding villages. At the moment, MONUC has not developed a coherent strategy defining how the Indian and Pakistani contingents in the Kivus should perform their duties. During the Walungu operation, no clear instructions were given to MONUC troops on how to support the national army or on rules of engagement.

D. ENFORCING THE ARMS EMBARGO

MONUC has the mandate to monitor and discourage the illegal movement of arms across the Congolese borders in accordance with the arms embargo imposed by SC Resolution 1493 in 2003. This allows for unannounced inspections of vehicles, aircraft and military facilities. Nevertheless, MONUC only very recently began to take concrete steps on the ground to enforce the resolution.

MONUC has had no presence at the border crossings in the Kivus. During its incursion into North Kivu in November 2004, the Rwandan army reportedly drove its trucks across several major border crossings, including those in Bunagana and Goma.¹⁶⁰ In South Kivu, MONUC received regular reports in early 2004 concerning ammunition being smuggled across the border into Bukavu. No action was taken. When MONUC did begin house-to-house searches for arms in Bukavu, its Bukavu headquarters ordered a stop, following complaints from important RCD-G officials in Kinshasa.¹⁶¹

¹⁵⁷ MONUC and the CIAT should also search for new allies in the effort to advance the transition and the overall peace process, including women's organisations. Women are already playing an important role in reconstruction of the Congo, assisted by among others, MONUC's Office for Gender Affairs. However, their skills and expertise are largely untapped, especially by the transition government. As UNIFEM Executive Director Noleen Heyzer said of the Congo, "Women have extensive experience in reconciliation within their communities, in the provision of basic services after war, and in rebuilding their families. But rarely are their perspectives and insights utilised in negotiation and peace building. Societies pay a huge price for ignoring the proven abilities of women to forge agreements". Quoted in Nadine Puechguirbal, "Women and Peacekeeping in Democratic Republic of Congo", ACCORD, issue 3, 2003.

¹⁵⁸ For ease of terminology, Crisis Group uses the acronym DDR -- disarmament, demobilisation and reintegration -- instead of the more cumbersome DDRRR. As employed by Crisis Group, the concept of reintegration includes, as appropriate to the circumstances, repatriation and resettlement.

¹⁵⁹ Crisis Group interviews with MONUC officials, Bukavu and Kinshasa, December 2004, January 2005.

¹⁶⁰ Ibid.

¹⁶¹ Crisis Group interview with MONUC military officers, Bukavu, February 2004. Some operations were successful, and small quantities of weapons and ammunition were seized.

The borders in the eastern Congo are very long and porous, especially in North Kivu and Ituri, where there is often no natural barrier like the Rusizi River in South Kivu. Nonetheless, MONUC can significantly discourage arms smuggling by setting up checkpoints and conducting spot-checks in key locations. A first and important step has been taken by placing military observers at the airports in Goma and Bukavu to inspect commercial flights but this needs to be extended to the border crossings in Bunagana and Goma, as well as to controls on key roads, such as the Kasindi-Lubero route over which the FDLR has allegedly received supplies. The Security Council explicitly instructed MONUC in October 2004 to conduct random and unannounced inspections of Congolese military bases, airfields, vehicles and other installations.¹⁶² It has only hesitantly begun to enforce this aspect of its mandate.

The Group of Experts on the Arms Embargo has provided useful information on illegal arms flows into the region. Numerous actors, including Rwanda, Uganda and members of the transitional government, are still violating the arms embargo, thereby endangering the peace process. If the experts' report is not backed up with monitoring on the ground and deterrence as well as diplomatic pressure, it will have no impact. The suspension of six ministers in December 2004 proved that, if pressured by the media and the CIAT, the main actors in the transition will take action against offenders. The publication in 2002 of the UN report on the illegal exploitation of natural resources provided a welcome justification for Kabila to suspend hardliners like Mwenze Kongolo. The Security Council should accordingly target with sanctions (asset freezes, travel bans) those mentioned by the Group of Experts, such as Mai-Mai Colonel Nakabaka, ex-FAC commander General Numbi and ex-ANC commander General Obedi, and push for their prosecution.

VII. CONCLUSION

Even if June 2005 elections are no longer feasible, the Congo is expected to vote within the next year. To date, however, there is no Congolese ownership of the peace process, and few of the leaders of the former belligerents are interested in the prospect of fair elections. Nonetheless, as the CIAT often says, "the transition is irreversible". Its success in uniting the former belligerents in a government is not insignificant. The need is not to find an alternative formula for power sharing but to implement the current one. The solution must take into account both the national and the local dimensions of the recent crisis.

The transitional government has provided a new framework for the power struggle, moving many conflicts from the battlefield into Kinshasa politics. Instead of just fighting over turf, the former belligerents are now contesting the constitution, legislation and the distribution of political posts. While this is in many ways a welcome development, it brings its own dangers. As the Kivus crisis has shown, actors in Kinshasa will use violence in the interior to further their aims in the transition. The February and May 2004 mutinies in Bukavu cannot be understood without taking into account the political struggle in the capital between Ruberwa and Kabila for control over the army, state revenue and the amnesty law. Similarly, the clashes in North Kivu must be placed within the context of an internal crisis of the RCD-G as well as the desire by hardliners in Kabila's camp to get rid of that movement once and for all.

Appropriate solutions must address political problems in Kinshasa as well as the local conflicts in the Kivus. In Kinshasa, this means living up to the promise of the Sun City Agreement that brought the transition into existence. It is unacceptable that, almost two years on, little has been done to unify the armies and the administrations of the former belligerents.

The most difficult task is to force progress from actors who have an interest in maintaining the status quo. However, while many leaders are averse to fair elections, many in the transitional government genuinely want the polls to take place. Above all, 60 million Congolese are tired of the war and want the transition to live up to its promises. The international community needs to find ways of drawing on this support to help it get a grip on the spoilers. That a parliamentary commission can initiate an audit of state enterprises and thereby get several important ministers fired is evidence that there is some momentum to the transition. The international community should step up support for these corruption-curbing initiatives and isolate the

¹⁶² UN Security Council Resolution 1565, para. 4 (f).

spoilers. In this effort, the CIAT must move beyond merely denouncing to a more muscular use of diplomacy, political leverage and, with respect to violators of the arms embargo, targeted sanctions.

On the other side of the country, in the east, communal conflicts that were at the heart of the war have been left to fester. Struggles over citizenship, land ownership and customary authority have been exacerbated by eight years of continuous low-grade warfare in North and South Kivu. Politicians in Goma, Kinshasa and Kigali have manipulated local conflicts between the Kinyarwanda-speakers and other communities to the detriment of the local population. The resulting violence has created one of the most deadly, but also one of the least visible humanitarian crises in Africa. According to the UN's Office for the Coordination of Humanitarian Affairs (OCHA), by the end of 2004, around one million

people in North and South Kivu -- roughly a sixth of the population of those provinces -- were displaced, many having fled into the inhospitable forests. It is this type of unspectacular calamity that has killed most of the almost four million victims of the war since 1998 and that continues to take 1,000 lives a day.

While the Congo's problems are many and complex, this does not justify the pervasive fatalism of both its citizens and foreign authorities. The country has come a long way in the last two years thanks to the concerted action of local and international players. There are now concrete measures that can be taken to build on this progress and make the transition and the elections succeed.

Nairobi/Brussels, 30 March 2005

APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF CONGO



APPENDIX B

GLOSSARY OF ACRONYMS

AFDL	<i>Alliance des forces démocratiques pour la libération du Congo-Zaïre</i> , Laurent Kabila's original rebel group.
ALiR	<i>Armée de Libération du Rwanda</i> , a Hutu rebel group, based in the Kivus, made of ex-FAR and Interahamwe who led an insurgency in north western Rwanda in 1997-1998.
ANC	<i>Armée Nationale Congolaise</i> , the armed wing of the RCD-G. Banyamulenge Ethnic Tutsi pastoralists who have lived on the Highlands of South Kivu since the late 1800s. Banyarwanda Congolese Rwandophones of North Kivu, both Hutu and Tutsi.
CIAT	<i>Comité international pour l'appui à la transition</i> , a body in Kinshasa that coordinates the diplomatic efforts of the most important embassies.
Ex-FAR	Former Rwandan Armed Forces which took part in the 1994 genocide.
FAC	<i>Forces Armées Congolaises</i> , Congolese Armed Forces, the military force of the previous Kinshasa government.
FARDC	<i>Forces Armées de la République Démocratique du Congo</i> , the new unified national army composed of troops of the former belligerents.
FAZ	<i>Forces Armées Zairoises</i> , the Mobutu regime's military.
FDD	<i>Forces de défense de la démocratie</i> , a Burundian Hutu rebel group led by Jean-Pierre Nkurunziza.
FDLR	<i>Forces démocratiques de libération du Rwanda</i> , a Hutu rebel group, led by remnants of the ex-FAR, based in the Kivus with a political wing in Europe.
R-FDLR	<i>Ralliement-FDLR</i> , a splinter faction of the political wing of the FDLR based in the United States that was created in 2004.
GSSP	<i>Groupe Special de la Sécurité Présidentielle</i> , Joseph Kabila's presidential guard.
Interahamwe	An extremist Hutu militia group that committed the bulk of Rwanda's 1994 genocide.
MONUC	United Nations Organisation Mission in the Democratic Republic of the Congo, created in August 1999 and authorised to deploy 16,700 troops.
MLC	<i>Mouvement pour la Libération du Congo</i> , Vice-President Jean-Pierre Bemba's Equateur-based political party, created in 1998.
PPRD	<i>Partie du Peuple pour la Reconstruction et la Démocratie</i> , the political party most closely linked to President Joseph Kabila.
RCD -G	<i>Rassemblement Congolais pour la Démocratie-Goma</i> , the Congolese Rally for Democracy, a rebel movement created in 1998 in the Kivus with support from Rwanda.
RCD-K/ML	<i>RCD Kisangani-Mouvement de Libération</i> , a faction of the RCD that split from the Goma-based movement in March 1999 and is now led by Mbusa Nyamwisi.
RCD-National	A faction of the RCD that split from the RCD K/ML, now led by Roger Lumbala and allied to the MLC.
RPA/RDF	Rwanda Patriotic Army, renamed Rwandan Defence Forces in July 2002, the military force created by the Rwandan Patriotic Front rebel movement in 1990, which became the Rwandan army after its victory over the génocidaire régime in July 1994.
SMI	<i>Structure Militaire d'Intégration</i> , the military agency responsible for the unification of the various armed groups.
TPD	<i>Tous pour la Paix et le Développement</i> . North Kivu development NGO linked to Governor Eugene Serufuli.
UPDF	Uganda People's Defence Forces, the army of Uganda.

APPENDIX C

CONTROL OF GOMA ADMINISTRATIVE AND MILITARY STRUCTURES

North Kivu administration		
<i>Position</i>	<i>Name</i>	<i>Ethnicity/origin</i>
Governor, North Kivu	Eugene Serufuli	Hutu
Vice Governor	Bakungu Mithondeke	Hunde
Vice Governor	Kayisavera Mbake	Nande
Administrator, Masisi	Paul Sebihogo	Tutsi
Administrator, Rutshuru	Oscar Ntambiye	Tutsi
Mayor, Goma	Xavier Nzabara	Tutsi
Security sector		
Commander, 8 th military region	General Gabriel Amisi	Maniema
Commander, 11 th brigade	Colonel Bonané Habarugira	Tutsi
Commander, 12 th brigade	Colonel Smith Gihanga	Tutsi
Commander, 5 th brigade	Colonel Mayanga	Hutu
Commander of Police, North Kivu	General Jean-Marie Ndaki	Kinshasa
Commander of Police, Goma	Major Ntawavuka	Hutu
Coordinator, Internal Security Agency (DGS)	Gillain Birate	Hutu
Deputy Coordinator, , DGS	Felicien Hitimana	Hutu
Coordinator, Immigration Agency (DGM) and DGS	Albert Semana	Tutsi
Coordinator, External Security Agency	Edy Ngarambe	Tutsi
Finance and business		
Coordinator, Customs Authority (OFIDA)	Deo Rugwiza	Tutsi
Director, National Electricity Company (SNEL)	Léon Muheto	Tutsi
Director, Water Distribution Agency (REGIDESO)	Vincent Mihatano	Hutu
Director, Congolese Control Authority (OCC)	Oswald Mukingi	Hutu
Director, Land Division	Dieudonné Birate	Hutu
Director, Maritime Freight Management Office (OGEFREM)	Patient Semuswa	Tutsi
Petroleum Services Authority (SEPONGO)	Debat Muzo	Tutsi
Office for the Protection of Public Revenues (OPRP)	Gervais Ruboneka	Tutsi
Contribution	Robert Mbarushimana	Havu

APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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March 2005

APPENDIX E

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