CONFLICT AND PEACE IN THE DEMOCRATIC REPUBLIC OF CONGO [1997-2005]
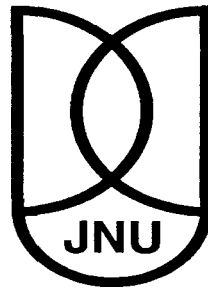
Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements for the
award of the degree of

MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled **"CONFLICT AND PEACE IN THE DEMOCRATIC REPUBLIC OF CONGO [1997-2005]"** submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. This dissertation has not been submitted for any other degree of this University or any other University.

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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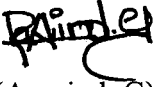
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Date: 14, July 2006

New Delhi

(Aravind. G)

PREFACE

Efforts to bring peace and reconstruction to the Central African region have been fashioned by contemporary conflict resolution models that have a standard formula of peace negotiations, with a trajectory of ceasefire agreements, transitional governments, demilitarization, constitutional reform and ending with democratic elections. Local dynamics and the historical and multifaceted nature of the conflicts are rarely addressed. Furthermore, participants in the peace process are restricted to representatives of political parties, the state and rebel movements, to the exclusion of civil society. One such example is the Democratic Republic of Congo.

The period 1997-2005 is important because after twenty-five years of dictatorship and seven years of Pseudo democratization, it took just seven months of war from October 1996 to May 1997 to bring down Mobutu's regime and paved the way for the conflict in DRC which carries the elements of civil war, ethnic disputes, and regular wars. The main cause for this was neighbouring countries such as Uganda, Rwanda, Burundi, Zimbabwe, Namibia, Angola are interfering in the conflict as a part of the Kinshasa Governments faction.

The peace initiatives never succeeded to have the expected impact in the eastern zone of DRC. Various rebel groups related to or supported by the neighbouring countries have found a good business in operating in an environment that on the surface seems anarchistic. The central government in Kinshasa on the other side of the country has only modest control of the situation in the east. That makes the rebel groups basis for negotiating better than the central government's, with arguments and unrealistic demands motivated from not wanting peace.

The objective of the study is to identify how the authoritarian and the corrupted Mobutu's regime gave way for an armed rebellion with popular support, to analyse how the intervention of foreign actors worsened the conflict, to asses how the conflict in DRC

affected the peace of the region because of the involvement of many neighbours and to examine the role of international and regional in the conflict resolution process.

I started my study with the following hypothesis which argues that no single hypothesis can provide an explanation to the puzzle of ignored conflict in DRC. The armed rebellion against Mobutu is in response to corruption and misrule. The intervention of the foreign actors was only to seek their national interest and not to resolve the conflict. The establishment of peace in the region largely depends upon the success in the conflict resolution process and the involvement of international and regional organization will result in signing of peace agreements.

The study is divided into following chapter: The chapter one presents the Introduction of the study which focuses on the general historical and political background till the rise of Laurent Kabila. The chapter two gives a clear insight of the background to the conflict from the start of the first Congo War to the current conflicts in the Congo. The chapter three discusses the role of internal factors like political, economic and social instability, the ethnic tension and refugee problem. The external factors include western powers and the neighbouring countries of the DRC in the conflict resolution process. The chapter four discusses the intervention, responsibilities and tasks of the UN and other regional organizations, and which one is the most effective in working towards successful conflict resolution in DRC. The conclusion consists of the findings of the study.

List of Abbreviations

ABAKO	Alliance des Bakongo
ADF	Allied Democratic Forces
ADP	Alliance democratique des Peuples
AFDL	Alliance des Forces Democratiques pour la Liberation du Congo
AliR	Alliance pour la Liberation du Rwanda
AMF	American Fields (US Mining Company)
ANZ	National Zairian Army
AU	African Union
CEPGL	Economic Community of the Great Lakes Countries
CFS	King Leopold's Congo Free State
CIAT	International Committee to Accompany the Transition in the DRC
Conakat	Confederation des associations tribales du Katanga
CNRD	Conseil National de Resistance pour la Democratie
CNS	Conference Nationale Souveraine
DDRRR	Voluntary Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement
DRC	The Democratic Republic of Congo
FAC	Forces Armies Congolaises
FAR	Forces Armees Rwandaises (Habyarimana's Army)
FARDC	Forces Armees de la Republic Democratic du Congo
FAZ	Forces Armees Zairoises (Mobutu's Army)
FDLR	Rwandais Forces Democratiques pour la Liberation du Rwanda
FIDH	International Federation of Human Rights
FONUS	Forces Novatrices de l' Union Sacree

ICD	Inter-Congolese Dialogue
IMF	International Monetary Fund
JMC	Joint Military Commission
MLC	The Congo Liberation Movement
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MPLA	Movimento Popular para a Libertacao de Angola
MRLZ	Mouvement Revolutionnaire pour la Liberation du Zaire
MRPC	Mouvement de Regroupement des Populations Congolaise
NAM	Non-Aligned Movement
NGO	Non-Governmental Organization
OAU	Organization of African Unity
PDSC	Christian Social-Democratic Party
PNP	Parti National du Progres
PSA	Parti Solidaire Africain
PUC	Interfederale- parti de l' Unite Congolaise
PUNA	Parti de L' Unite Nationale
RCD	The Congolese Democratic Rally
RCD-G	Rassemblement Congolais pour la Démocratie-Goma
RCD-ML	Rassemblement Congolais pour la democratie-Mouvement de Liberation (also known as RCD-Kisangani or RCD-Bunia)
RCD-ML	The Congolese Democratic Rally-Liberation Movement
RPA	Rwandese Patriotic Army
RPF	Rwandese Patriotic Front
SADC	Southern African Development Community

SSR	Programme of Security Sector Reform
UDPS	Union pour la Democratie et le Progres Social
UNHCR	United Nations High Commissioner for Refugees
UNICO	Union pour les Interests du People Congolais
UNITA	Uniao Nacional para a Independencia Total de Angola
UPC	Union of Congolese Patriots
UPDF	Ugandan People's Defence Force
US	United States of America
Usor	Union Sacree de l Opposition radicale
ZDD	Zimbabwe Defence Industries

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INTRODUCTION

CHAPTER I

INTRODUCTION

The Democratic Republic of Congo (DRC), formerly Zaire lies at the heart of Africa. The Republic of Congo to the Northwest, the Central African Republic and Sudan to the North, Uganda, Rwanda, Burundi and Tanzania to the East and Zambia and Angola to the South, border the third largest country on the Continent and the fourth most populous. Its strategic location with an area of 2,345,000 sq.km has been plagued by multiple crises and conflicts ever since it's Independence on 30 June 1960.

Straddling the equator in Western Central Africa, Democratic Republic of Congo has an abundance of land, and agriculture. The country also has excellent mining and hydroelectric potential. Yet the twentieth century was not kind to the inhabitants of this part of Africa. Economic development was not only restricted by the vagaries of the International market, but it was also fatally hampered by the actions of domestic political leaders.

French being the official language more than 400 Sudanese and Bantu dialects are spoken. The major ethnic groups are the Bantu, comprising mainly the Luba, Kongo, Mongo, Lunda, Tchokwe, Tetala, Lulua, Bangala and Ngombe, who make up 80% of the population. The remainders are Sudanese (the Ngbandi, Ngabaka, Mbanja, Moru-Mangbetu and Zande); Nilotes (including the Alur, Lugbara and Logo); Pygmies; Bambutis; and Hamites. Many ethnic groups are split by the national boundaries of the region. About half the population is Roman Catholic. Other recognised religious groups include Protestant churches (28%), and Kimbanguist (16%).

Congo basin has five distinct geographical regions (see Map 1.1). The northern part of the country is mostly arid and poor and suitable for growing cotton. South of it lies a wide belt of swampy and tropical forest with full of different kind of rubber trees and palm oil. The third region stretches from the mouth of the Congo River to the lake region in the east. Here, apart from cotton, numbers of staple foods are produced. South is the

fourth region which has some of the richest deposits of copper and cobalt in the world. And the eastern Congo is rich growing high-grade cash crops like tea, Pyrethum and Arabica coffee.

Map 1.1: Geographical Map of the Democratic Republic of Congo

Politically, the country is divided into 11 administrative provinces (see Map 1.2): Bandundu, Bas-Congo, Equateur, Haut-Congo, Kasai east, Kasai west, Kinshasa, North Kivu, South Kivu, Maniema, Katanga (formerly Shaba).[1]

Map 1.2: Political Map of the Democratic Republic of Congo

Source: [Online:web] Accessed on 12 june 2006,
URL:http://www.lib.utexas.edu/maps/africa/congo_demrep_pol98.jpg

The population of the DRC is estimated to grow at an average rate of 3.1 per cent per year, and at the end of the year 2000 it was estimated to have exceeded 52 million. Since 1996, two successive wars have wrought havoc amongst the population of the DRC and caused living conditions to deteriorate extensively. The war, which began in 1996,

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[1] Taylor and Francis Group (2004), *The Europa World Year Book Vol.I*, London: Europa Publications p.12676.

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brought down President Mobutu Sese Seko on May 17, 1997. One year later, on August 2, 1998, war broke out in the east of the country. That civil war has lasted until today.

The government of DRC, under Laurent Kabila and then his son Joseph Kabila, along with allies Zimbabwe, Angola and Namibia, was pitted against rebel forces which, after various internal splits, included three major ones: the Congolese Democratic Rally (RCD), the Congo Liberation Movement (MLC) and the Congolese Democratic Rally-Liberation Movement (RCD-ML), which are supported by Rwanda, Uganda and Burundi.

In addition to these forces, there are several armed groups directly or indirectly involved in the armed conflict in the DRC. These have led to the de facto partition of the country into separate areas. Despite the immense natural resources found in the DRC (mineral, agricultural, forestry and energy), it is amongst the poorest countries in the world. The UN Development Programme's Human Development Index ranks the DRC at 142 out of 164 nations.[2]

Between 1997 and 2000, economic activity declined at an alarming rate. GDP underwent a cumulative drop of 21.9 per cent. The average annual inflation rate in the same period was 212.4 per cent. Economic activity rests heavily upon export revenues and inflow of external capital. The looting of the Congolese wealth is financing destruction and death in the country. Currently, the external debt stands at US$ 12.3 billion.

Negative growth has affected health and education. Human underdevelopment is intrinsically linked to poor governance, while poor or non-existent road systems, telecommunications and health structures add to the problems faced by the Congolese people. These conditions compound the problems faced by humanitarian agencies. Of the 16 million affected by the conflict, only 50 per cent were able to receive humanitarian assistance in 2000.

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[2] Bernard, Otabil (14-20 April, 2003), "DRC – Journey Through the Rubble", *West Africa*, (4371): 10-11.

The war has resulted in extreme loss of human life. In May 2001, a study by the International Rescue Committee indicated that 2.5 million people had died as a result of war during the previous 33 months of unrest in the east of the country alone. This sadly increased over the following months, and even during the current cease- fire there is still some fighting within the country- notably in the Ituri area in the north-east – that has claimed more civilian and rebel lives. As recently as the last week of March, it is estimated that about 1,000 people died as a result of ethnic clashes within the country have been accused of failing to stop the slaughter, but Uganda denies this.

Of the 2.5 million deaths in the first 33 months of the war, approximately 350,000 were directly attributable to violence, while the remainders were a result of disease, malnutrition and the collapse of the health system. It is estimated that two million people have been internally displaced as a result of the war, most of who are women and children. Over 300,000 refugees have fled to neighbouring countries.[3] The spillover effect of the conflict had added to the instability of central Africa and the Great Lakes Region through unchecked military activities and epidemics.

The majority of the population in the DRC lives in the condition of fear, insecurity and poverty. Rape, looting, starvation, murder, torture, arbitrary arrests and intimidation have characterized the human condition in the civil war. Even though the security situation of the DRC today again continues to be precarious, it is better than a year ago, with exceptions such as the Ituri conflict and atrocities. A cease-fire has been widely in force and most of the foreign forces have been withdrawn.

1.1 HISTORICAL BACKGROUND

Beginning in the late 1870s the territory was colonized by Leopold II, king of the Belgians (reigned 1865–1909). King Leopold II believed that Belgium needed colonies to ensure its prosperity, and sensing that the Belgians would not support colonial ventures, he privately set about establishing a colonial empire. Between 1874 and 1877, Henry M. Stanley made a journey across central Africa during which he found the course

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[3] Bernard, n.2, p.11.

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of the Congo River. Stanley returned to Central Africa in 1879 and organized a large expedition designed to acquire for the King of the Belgians 'a slice of this magnificent African cake'.[4] Intrigued by Stanley's findings especially that the region had considerable economic potential, Leopold engaged him in 1878 to establish the king's authority in the Congo basin. Between 1879 and 1884, Stanley founded a number of stations along the middle Congo River and signed treaties with several African rulers purportedly giving the king sovereignty in their areas.

At Berlin West African conference between 15 November 1884 and 26 February 1885 the European powers recognized Leopold's claim to the Congo basin. Finally, the international recognition nearly coincided with the Berlin conference resulting in the myth that the conference formally recognized King Leopold's Congo Free Sate (CFS).[5] The announced boundaries were roughly the same as those of present-day Congo, but it was not until the mid-1890s that Leopold's control was established in most parts of the state. In 1891–92, Katanga was conquered, and between 1892 and 1894, Congo was wrested from the control of African Arab and Swahili traders (including Tippu Tib, who for a time had served as an administrator of the Congo).

Since King Leopold II did not have sufficient funds to develop the Congo, Leopold sought and received loans from the Belgian parliament in 1889 and 1895, in return for which Belgium was given the right to annex the Congo in 1901. At the same time Leopold declared all unoccupied land (including cropland lying fallow) to be owned by the state, thereby gaining control of the lucrative trade in rubber and ivory. Much of the land was given to concessionaire companies, which in return were to build railroads or to occupy a specified part of the country or merely to give the state a percentage of their profits. In addition, Leopold maintained a large estate in the region of Lake Leopold II (North East of Kinshasa).

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[4] Nzongola-Nalaja, Georges (2002), *The Congo from Leopold to Kabila: A People's History*, London and New York: Zed Books, p.16.
[5] Nzongola-Nalaja, n4, pp.20-21.

Private companies were also established to exploit the mineral wealth of Katanga and Kasai.[6] Brutal treatment was seen especially those forced to collect rubber for concessionaire companies led to a popular campaign for Belgium to take over the state from Leopold. After exhaustive parliamentary debates, in 1908 Belgium annexed the Congo.

1.1.1 The Belgian Colonial System

The Belgian Congo was strongly marked by the Leopoldian legacy as a system of economic exploitation, political repression and cultural oppression. When Belgium took over the running of the Congo in 1908, the Belgium government had to operate on the basis of what had already been established economically and administratively since 1885. In other words Belgium tried to stifle the growth of Congolese nationalism. More clearly than elsewhere, it was in Belgian Congo that a perfect fit was obtained between the 'Colonial trinity' and these three features of the Colonial system under imperialism.[7]

1.1.1 (a) Economic exploitation

Economic exploitation in the Belgian Congo was built on the legacy of the Free State, according to which the Congo served as a major source of capital accumulation for Belgium. It was only in 1892 the most important mission in Katanga laid the foundation for mineral exploitation, thanks to the excellent prospecting work done by a young Belgian geologist, Rene Jules Cornet.[8] The prosperity of the Congo rested on a shaky foundation as the major part of the colony's earnings came from exports of raw materials and mineral resources, which constituted 51 to 60 percent of its total exports. The prices of copper and other minerals started deteriorating from 1956 onwards. King Leopold II of Belgium put the mechanism in motion in the 1880's when he reduced the tribes of the region to so many employees of companies devoted to sucking up Congo's

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[6] George, Brausch (1961), *Belgian Administration in the Congo*, New York: Oxford University Press, pp.3-4.
[7] Pradhan, Ram chandra (1975), *The United Nations and Congo Crisis*, New Delhi: Manas Publications, p.4.
[8] Nkrumah, Kwame (1967), *Challenge of the Congo*, London: Thomas Nelsons and Sons Ltd., p.167.

treasures, principally Ivory and rubber.[9] Public debt was mounting and by December 1959 the total direct public debt amounted to over $300 million. As for its impact is concerned, it brought about the plunder of human and natural resources, and bequeathed the country.

In 1908 the Belgian parliament made the Congo an official colony, and renamed it the Belgian Congo. This took the Congo out of Leopold's direct rule, and thus allowed it more formal rights. Under the Belgian government's auspices, oppression of the Congolese decreased, but the natives were still not allowed the economic freedoms and rights for which they had hoped: "The Belgians, as colonists, were far less severe, but still treated the Congolese as inferior. They imposed high taxes and made villagers give a portion of their crops to the government each year".

During World War I, the Congo's economy was reorganized to assist in supplying the needs of the Allied war economy. After the war, the Belgian government showed its gratitude the Congolese by improving health care, education, skill development, and providing better-paying jobs in the expanding economic and urban centers. During World War II, the Congolese once again contributed to the war effort on behalf of the Allies. As the Congo spent its resources supplying the Allied war economies, industrial zones expanded and urban areas saw an increase in mass migration, as citizens sought work in the growing industrial and commercial centers. Along with mass urbanization, increased industrial output came more clamoring for political rights and national independence; citizens in urban centers began organizing politically, and were becoming harder to ignore. Following World War II, Belgium did grant more sovereignty to the Congolese, who now gained private property rights, freedom of organization, and the ability to participate in local politics. These liberalizations were done partly due to progressing racial attitudes, but more so as a result of the ever-increasing burdens inherent in managing overseas territories, and the futility apparent in trying to suppress nationalism and longings for independence.

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[9] Traub, James (July 3, 2005), "The Congo Case", *The New York Times Magazine*, p.4.

1.1.1 (b) Administrative Policy

Administratively, Congo was set up as a distinct identity from Belgian, with its own statutes, assets and liabilities. The administration was organized at four levels: central, provincial, district and territorial.[10] The Governor-General assisted by the Executive council was the head of the central government. The Belgian legislature was supreme in matters of the Congo, but the legislative powers were delegated to the crown, which issued decrees and orders. There was a Minister of colonies and a colonial council, which was purely consultative and composed of fourteen councilors of which eight were nominated by the crown and three by each of the two legislative chambers in Belgian.

The country was divided into six provinces administered by provincial governors who ran their areas on much the same pattern, as did the central government. The provinces are the Katanga in the southeast, the Kivu in the centralist, the eastern in the northeast, the Kasai in the south central, the equator in the north and west central, were furnished with provincial councils, which met once a year to shape policy but again only in consultative capacity.[11] Each province was divided into districts administered by district commissioners. There was considerable shuffling of these smaller administrative units in the year before independence. In 1956 there were 132 territories, each administered by a territorial administrator who was assisted by assistant administrators and territorial agents.

1.1.1 (c) Educational Policy

In the field of education, the two important characteristics of the Belgian colonial policy in the Congo were (a) the denial of opportunities for higher education to the Congolese and (b) an emphasis on primary education. There was no institute for higher studies till the year 1954 when the first university in the Congo was established at Lovanium, which was followed by the second university at Elizabethville in 1956. Belgian remained indifferent to the problem of higher education eve after the establishment of these two

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[10] Merriam, Alan P. (1961), *Congo: Background of Conflict*, U.S.A.: North Western University Press, p.8.
[11] Merrium, n.10, p.8

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universities. The colonial administration did not allow the Congolese to go abroad for higher education. This could be easily proved by the fact that on the eve of the Congolese independence on 30 June 1960 there were nearly a dozen graduates in the Congo. Thus the primary purpose of this education policy was to prevent the emergence of indigenous elite who could challenge the authority of Belgian in the Congo.[12]

Another major lapse on the part of the colonial administration was not to have trained Congolese in the administration. The higher administrative posts were practically reserved for the Belgians. Thus in December 1959 there were eight grades in the administrative services. The idea of training the Congolese for administrative responsibilities did occur to the Colonial administration in the early 1920's and some steps were taken to create an administrative cadre at the local level. Throughout the Colonial period the Belgians had restricted Africans to the lower ranks of the civil services, and there were no African officers in the armed forces.

1.1.2 Political Parties

1.1.2 (a) The Separatists

1. The Alliance des Bakongo (ABAKO) was the chief among the political parties with separatist tendencies with Leopoldville as its stronghold, but it was the so-called Mouvement de Regroupement des populations Congolaise (MRPC), which backed the first openly published announcement of a desire to create a completely independent, Bakongo state in the lower Congo region.

2. (What are the reasons behind their demand for separate state) The MRPC was probably a fictive creation of the ABAKO as an indirect means of attempting to make its programme seem stronger than it was. It was ABAKO itself, which made the strongest separatist movement had been formed in Leopoldville in 1950 by a group of Bakongo evolves, and turned itself into a political party in March 1959, when the Bakongo

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[12] George, n.6, p.8.

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population was drawn together sharply as a results of the riots in Leopoldville which produced sympathy for the imprisoned ABAKO leaders and for the victims of the riots.[13]

The ABAKO structure was comprised of two parts, the first of which was central committee composed of ten directors and ten legal members who were presidents of various sections in Lepoldville, and thirteen co-opted members who represented the interest of various territorial areas in the Lower Congo. The second part of the structure included the local sections of the Lower Congo, each section consisted a president, vice-president, secretary, treasures and a variable number of councilors.

i) The PSA

Among the political party, which strongly supported the policies of the ABAKO was the Parti Solidaire Africain (PSA). It has often been suggested that the PSA was simply a sectional movement of the ABAKO in the Kwango and Kwilu regions of the Leopoldville province. The PSA apparently grew out of a grouping of former students of the vicarate of the Kwango-Kwilu and began its activities by proclaiming itself for a united Congo in June of 1959. The PSA was one of the founding members of Kisantu Congress and stood solidly with the ABAKO and supported the plan for an Independent Republic of the lower Congo.

1.1.2 (b) The Federalists

The main spokesman of the Federalists was Confederation des Association Tribates du Katanga (CONAKAT) whose stronghold was Katanga. Though before independence it stood for a loose confederation, its federalism amounted to separatism. Conakat came out firmly in favour of total and loyal collaboration with Europeans in the framework of an independent but federalist state. This attitude drew the hostility of other Congolese parties and Conakat has long been accused of collaboration with the elgians.[14] After

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[13] Nkrumah, n.8, p.122.
[14] Nkrumah, n.8, p.134·

independence it broke away and tried to establish a separate sovereign state of Katanga. Its leaders Moise Tshombe, was a man with pro-Belgian leanings.

i) The Balubakat

Balubakat was the chief opposition party in the Katanga under the direction of Mr. Jaon Sandwe. The Balubakat follows an ethnic line, receiving its main support from the Baluba people of Katanga. Balubakat split off from Conakat at the end of 1959 and has since remained in opposition to it. It has embraced the federal idea but with emphasis upon a central government to hold the six federated provinces together.

1.1.2 (c) The Unionists

A third tendency in Congo politics was that towards a United Congo with a strong central government. Patric Lumumba, an ardent nationalist and a great advocate of African unity, favoured a completely independent national policy for the Congo. His party (MNC) the Mouvement National Congolais strongly advocated a centralized Congo. Though its stronghold was Stanleyville, its supporters were found in every part of Congo. Due to differences of opinion, which had been developing, between Lumumba and others in the MNC, a real split in the Party began to develop in July 1959. Mr. Joseph Ileo led dissenting faction.

1.1.2 (d) The Moderates

There were a number of political parties, which could not be under any of the above categories. They were moderate and advocated non-violent methods of independence and close relations with Belgium. Among the parties of generally moderate tendencies were:

    i.   Interfederale- parti de l' unite Congolaise (PUC)

    ii.   Union pour les Interests du people Congolais (UNICO)

    iii.   Parti National du Progres (PNP)

    iv.   Parti de L' Unite Nationale (PUNA)

The Interfederale launched a new political party called the Parti de l' Unite Congolaise (PUC) on 27 January 1959. Exactly one month later UNICO announced its formation on 12 September 1959. The UNICO absorbed the PUC-Interfederale as well as the PTC and six other parties. All the parties under UNICO plus nineteen others formed themselves into a new party the PNP. PNP emphasized the strong desirability of a United Congo and set itself firmly against any federalist or separatist tendencies. PUNA was a party of two ethnic groupings, the Bangala and the Mongo. Its programme includes-

i.   A United Congo in opposition to the federalism of ABAKO and Conakat and
ii. The maintenance of collaboration with Belgium.

1.1.3 The Independence Movement

In 1955, when demands for independence were mounting throughout Africa, Antoine van Bilsen, a Belgian professor, published a "30-Year Plan" for granting the Congo increased self-government. The plan was accepted enthusiastically by most Belgians, who assumed that Belgian rule in the Congo would continue for a long period. Events proved otherwise.

Congolese nationalists, notably Joseph Kasavubu who headed Alliance des Bakongo (ABAKO), a party based among the Kongo people and Patrice Lumumba who led the leftist Mouvement National Congolais, became increasingly strident. They were impressed greatly by the visit in late 1958 of French president Charles de Gaulle to neighboring Middle Congo (now the Republic of the Congo), where he offered Africans the opportunity to vote in a referendum for continued association with France or for full independence. In January 1959, there were serious nationalist riots in Kinshasa, and thereafter the Belgians steadily lost control of events in the Congo. On 14 December 1959 Belgian announced that a round table conference would be held in January 1960. On 25 January 1960 agreement was reached in Belgian at a round table conference on independence for 30 June 1960 with a national and provincial elections scheduled for

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May 1960.[15] It was in such a situation that Republic of Congo became independent on 30 June 1960.

1.1.4 Independence and Conflict

Following elections in June, Lumumba became prime minister and Kasavubu head of state. However, the Republic of the Congo (as the nation was then called) soon began to be pulled apart by ethnic and personal rivalries, often encouraged by Belgian interests. The law and order situation was fast deteriorating.[16] On July 4 the Congolese army mutinied, and on July 11 Moise Tshombe declared Katanga, of which he was provisional president, to be independent. There were attacks on Belgian nationals living in the Congo, and Belgium sent troops to the country to protect its citizens and also its mining interests. Most Belgian civil servants left the country, thus crippling the government.

On July 14, the UN Security Council voted to send a force to the Congo to help establish order; the force was not allowed to intervene in internal affairs, however, and could not act against the Katangan secession. Therefore, the final act in the drama of breakdown came with the split of the central government into two centers, each claiming to be sole responsibility of legality. Kasavubu, on the basis of a doubtful provision in the constitution, announced the dismissal of Lumumba. Lumumba went in to furious counter attack, announcing that he was removing Kasavubu.[17] The political deadlock was resolved by the intervention of the armed forces. Therefore, Lumumba turned to the USSR for help against Katanga, but on September 5 Kasavubu dismissed him as prime minister. On September 14 Col. Joseph Mobutu (later Mobutu Sese Seko), the head of the army, seized power and dismissed Kasavubu. On December1 Lumumba was arrested

[15] Crowder, Micheal (ed.) (1984), *The Cambridge History of Africa: Vol.8: 1940-1975*, London: Cambridge University Press, p.712.
[16] Morrow, John H. (ed.) (1969), *Nation- Building in Africa: Problems and Prospects*, New Jersey: Rutgers University Press, p. 179.
[17] Crowder, n.15, p. 719.

by the army and was murdered while allegedly trying to escape imprisonment in Katanga in mid-February 1961.[18]

By the end of 1960 the Congo was divided into four quasi-independent parts: Mobutu held the west, including Kinshasa (then called Leopoldville); Antoine Gizenga, the self-styled successor to Lumumba, controlled the east from Kisangani (then called Stanleyville); Albert Kalonji controlled South Kasai; and Tshombe headed Katanga, aided by Belgian and other foreign soldiers. The secession of Katanga, with its great mineral resources, particularly weakened the national government. In April 1961, Tshombe was arrested by the central government (Kasavubu was back as head of state), but he was freed in June after agreeing to end the Katanga secession. By July, however, Tshombe was again proclaiming the independence of Katanga.

In August the UN forces began disarming Katangese soldiers, and in December UN and Katangese forces became engaged in battle. Throughout 1962, Tshombe maintained his independent position and in December 1962, renewed UN-Katanga fighting broke out.[19] Tshombe quickly was forced to give in, and in January 1963, agreed to end Katanga's secession. However, the national scene remained confused, and there was considerable agitation by the followers of Lumumba.

At the end of June 1964 the last UN troops were withdrawn from the country. In desperation, Kasavubu appointed Tshombe prime minister on July 1964, but this move resulted in large-scale rebellions. With the help of U.S. arms, Belgian troops, and white mercenaries, the central government gradually regained control of the country. Nonetheless, national politics remained turbulent and were highlighted by a clash between Kasavubu and Tshombe. Finally on 13 October 1965 Kasavubu, who had been initially elected president in 1960, was ambitious for re-election. He dismissed Tshombe as primeminister and appointed Evariste Kimba as prime minister, but Kimba government failed to obtain a vote of confidence. The president instead of seeking a new

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[18] (Version 4, September 1999), "Democratic Republic of Congo Assessment", [Online: web] Accessed on 15 March 2006, URL:http://news.Amnesty.org.
[19] Hekhuis, Dale J., Charles G. McClintock and Arthur L. Burns (1964), *International Stability: Military, Economic and Political Dimensions*, New York, London and Sydney: John Wiley and Sons, pp.276-277.

prime minister reappointed Kimba creating a deadlock between Kasavubu and Tshombes's Confederation des associations tribales du Katanga (Conakat).[20]

These were the circumstances in which the Mobutu coup took form. The military high command decided to install general Mobutu as president on 25 November 1965. He ruled the country as an autocrat for the next three decades.

1.2 MOBUTU ERA: THE ROOTS OF THE CONFLICT

Initially, the Mobutu era enjoyed what can be described as a conspicuous popular mandate. The coup of 24 November 1965 won approval in nearly all sections of the population. The new regime was apparently popular because it held the promise of peace and stability in a country that had been torn asunder by over five years of civil strife caused in large part by the self-serving actions of politicians. The initial popularity of the regime overshadowed its external dimension, its class base and Mobutu's personal stake in the political life of the country.

With the state territorially re-united, and a military 'strong man' replacing the squabbling politicians, Congo-Kinshasa could get on with the business of economic development. Good relations with external powers, and the high price of copper on the international commodity markets, also helped. Yet within ten years Zaire (as it was renamed in1971) had started its journey of state collapse.

While Congo was brought under the highly centralized neo-patrimonial control of president Mobutu, large parts of this vast country remained outside the army's control. Internal opposition reared its head from time to time and regional rebellions, secessionist movements, and coup attempts threatened Mobutu's regime. As large parts of the vast country remained outside the army's control it provided bases for armed opposition groups to prepare for the eventual onslaught against his government. The army was also incapable of securing the country's borders. Twice, in 1977 invaded Shaba from Angola

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[20] Young, Crawford and Thomas Turner (1985), *The Rise and Decline of the Zairean State*, Wisconsin: The University of Wisconsin Press, p.50.

and Zambia and would have succeeded if Belgium, France and Zambia and would have succeed if Belgium, France, and the United states had not provided timely military assistance.[21]

Mobutu was adept at obtaining Western financial aid and military assistance by supporting Western strategic objectives in Africa, while resisting domestic pressures for reform. The Western powers therefore turned a blind eye to the abuses of the Mobutu regime, including the dictator's from the Western powers had further encouraged Mobutu to involve Zaire into foreign policy disadvantages. For instance Zaire was used as an important supply route for instance, Jonas Savimbi's UNITA forces in Angola.

With the end of Cold War the tide began to turn for the Mobutu regime. After the Angolan peace settlement, in 1991, Mobutu's Western allies discouraged logistical support for the UNITA from Zaire. In the changed foreign policy environment, the Western powers increasingly became critical of Mobutu's suppression of "people power", for instance, the massacre of protesting students by the army in Lumumbashi, in May 1990.

Withdrawal of foreign aid, economy in ruins, and intermittent public demonstrations and street violence, forced the depot to patch up some cosmetic changes. Within these cosmetic changes political parties, trade unions, churches and civic organizations were given some space to maneuver leading to further demonstration and anti-government popular protest. Pressure for reform led to Mobutu announcing the adoption of a multi-party system of government, and the initiative towards a fairly representative constitution making process. Mobutu of course did not introduce reforms with the intension of relinquishing power. Thus, when the Conference nationale souveraine (CNS) proposed a federal structure, governed by a parliamentary system with a ceremonial President, Mobutu retracted fast too soon get back to his old constitution in 1993.

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[21] Rai, Rupa (January-June, 2001), "Conflict and Prospects for Peace in the Democratic Republic of Congo", *Africa Quarterly*, 41 (1-2): 122.

Even though the reforms appeared to be a non-starter, they reflected the milieu where the Congolese people were not ready to let rampant inefficiency and a corrupt political setup continue and even the most entrenched political control had to promise a more democratic future. Mobutu thus could no longer maintain a status quo and soon involved the opposition parties to form a transitional government of national reconciliation.

Experience in many African countries has reflected that even the process of democratization, if not handled well has proved counterproductive. The democratic transition in Congo in many ways reopened the question of ethnicity in this ethnically diverse country. Most of more than 200 parties that emerged after the restriction on them were lifted in December 1990 relied on regional and ethnic support. Inter-ethnic rivalry divided the opposition, precluding the formation of a strong united front, though the Union Sacree (Sacred Union), comprising some 130 parties including the principal ones was an attempt in that direction. Democratization brought along with it the emergence of the myriad of political parties that were fast to capitalize on ethnic affinities. For instance, the ethnic affiliations of the two influential political parties the Union sacree de opposition radicale (Usor) and the Ugandan People's Defence Force (UPDF) fueled animosity between the Luba from Kasai and the Lunda of Katanga. But the major challenge that came in way of the democratic process in Congo had its roots in age-old rivalries in the great lakes region.

1.3 THE FALL OF MOBUTU AND THE RISE OF LAURENT KABILA

The fall of Mobutu came as a consequence of the drive by the Rwandan authorities against Hutu extremists in Congo. This situation is often interpreted as an imbroglio with the states that share their borders with the eastern part of the country. While the conflict was undoubtedly exacerbated as a result of the Rwandan refugee crisis, the problem was rooted in the issue of Congolese nationality. Ethnicity, as in many parts of Africa, transcends the "fluid" border of eastern Congo. The historically based issue of nationality concerning the Congolese of Tutsi origin like the Banyamulenge was intensified with the pouring in of Tutsi refugees from Rwanda. This resulted in an increasing animosity with the other local ethnic groups in an overpopulated agricultural

region. Thus, when the fear of a Tutsi backlash led to the inflow of Hutus refuges from Rwanda, Mobutu not only allowed the setting of the Hutu refugees and insurgents into the Congolese territory but also the member of the Zairian armed forces (FAZ) supported them. Mobutu's misadventure of supporting insurgency in Uganda and Rwanda set the ground for a rebellion that eventually ended his regime.

By 1996, Kabila had neither an autonomus and credible organization nor a coherent political vision for the country. The Alliance des forces democratiques pour la liberation du Congo (AFDL) was created on 18 October 1996 at Lemera in South Kivu, nearly two months after the beginning of the offencive from Rwanda. It was a coalition of four groups : Kabila's own PRP, which was now reduced to a few exciles in Europe and America; the Conseil national de resistance pour la democratie (CNRD), a small Lumumbist guerrilla group established in 1993 in eastern Congo by Andre Kisase Ngandu; the Alliance democratique des peuples (ADP), a grouping of Congolese Tutsi led by Deogratias Bugera; and the Mouvement revolutionnaire pour la liberation du Zaire (MRLZ), an opposition group centred around the Bashi of South Kivu led by Anselme Masasu Nindaga.[22]

Kabila gained the support of the majority of ethnic Tutsi from Zaire, capitalized on the grievances against Mobutu and used the region as a base to launch an attack. Kabila announced in 1996 from the eastern Zaire that the raid was primarily to oust Mobutu and was the dawn of a new era of guerilla warfare, armed at effecting the change many Zaireans had been yearning and carving for. By December 1996, the rebel forces had advanced in two-pronged attack from the eastern part of Benin, about 80 miles from Uganda border, post of Mpondwe in the Western Kasese district to Bundibugyo district.

The conflict, which strated as an anti-government uprising had by mid April 1997 fragmented the country into killing ground for the Kabila forces and the government troops, manipulated by external actors, whether at the invitation of the Mobutu ruling government in the capital or strategically placed rebel forces outside. Therefore the role

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[22] Nzongola-Nalaja , n.4, p.225.

of external sponcership became important in the Zairean conflict. When the Rwandan, Ugandan and also Angolan troops joined with Kabila's forces in 1996 against Mobutu, the ethnic Tutsi avenged their dead by shooting the Hutu's militants.

Within the first six months of attack, Laurent Kabila succeeded in controlling seventy five percent of the country, including the key interior city of Lubumbashi and the capital of the Southern Sabha province. Following inconclusive peace talks between Mobutu and Kabila, mediated by South African president Nelson Mandela, in early May 1997. Mobutu refused to resign and Kabila reiterated his intention to sieze the capital by force. Mobutu's paranoid madness led him to believe that the rebellion would be crushed.

The transitional government was unable to deal with the escalation of violence in the east. The prolonged illness and death of President Mobutu only created a power vacuum that could only be replaced by a strong military action. The political opposition and civil society was not strong enough to bring down the regime. On 17 May 1997, AFDL troops entered Kinshasa and Kabila, speaking from Lubumbashi declared himself, the president of the Democratic Republic of Congo(the name used between 1964-71). An immediate announcement was made that the country was going back to its old name as the Democratic Republic of Congo.[23] He banned all political activities and public demonstrations. With it, the state also limped back to controversies among the different power centers. It is the country's tragedy that Laurent-Desire Kabila, who replaced Mobutu, did not end some of the corrypt practices of the previous regime. Movements against the continuation of Mobutuism led to what some have described as Africa's First World War and as 'an old-fashioned war of liberation'.[24]

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[23] Hoenig, Patrick, "Congo Fact Sheet", Lecture delivered on 21 September 2005 at the Centre for International Politics, Organisation and Disarmament, School of International Studies, Jawaharlal Nehru University: New Delhi.
[24] Moore, David (2001), "Neo-liberal Globalisation and the Triple Crises of 'Modernisation' in Africa: Zimbabwe, the Democratic Republic of Congo and South Africa", *Third World Quarterly*, 22 (6): 909-929.

ORIGIN AND NATURE OF CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO

CHAPTER II

ORIGIN AND NATURE OF CONFLICT IN THE DEMOCRATIC REPUBLIC OF CONGO

The conflict in the Democratic Republic of Congo (DRC) has been called the "first African World War." It has caused, directly or indirectly, one of the highest death tolls of any conflict since World War II, including one million civilian deaths in the eastern Congo. Since 1998, African and Western diplomats have been supervising the DRC peace process. Peace agreements were signed in 1999, but remained ineffective for several years. Finally, on 30 June 2003, the war was officially ended, the Country was officially reunified, and a Transitional Government gathering was enacted. It had two years to re-establish Kinshasa's authority over the whole Congolese territory, establish a peaceful way of collaboration between the former enemies, and lead the country to general "free and fair" elections by 30 June 2005.

First, we will begin with a description of the major events of the last three years, which have transformed the DRC into an arena of international and internal violence and conflict involving so many participants that cumulatively it can legitimately be described as the first African World War. But it is important to note that there are in fact three wars which have taken place in the DRC; the first started in September 1996 and ended in May 1997 with Mobutu's exile and the establishment of the Kabila regime. The second started in August 1998 when Rwanda, Uganda, and a series of Congolese army units took control of large segments of Eastern DRC. The third war deals with the ongoing and growing violent conflict behind the cease-fire lines.

2.1 THE BEGINNING OF THE FIRST CONGO WAR

2.1.1 The Origin and Nature of the War

In order to know the events that transformed a comparatively nonviolent Congolese society into an arena of conflict and war, one must look at the following events:

2.1.1 (a) The Tutsi Genocide in Rwanda and its Consequences

The genocide of Tutsi in Rwanda in 1994, which involved Hutu leaders mobilizing almost the entire Hutu population in mass murder, is the first event in a series, which transformed a relatively peaceful society the DRC into an arena of conflict and war. This event was such a massive escalation of inter-communal conflict that it is unique in modern African History. Apart from this situation the people of the continent were divided culturally and physically, i.e. biologically, between the "Bantu" and the "Hamites" (or "Nilotics"). The "Hamites" who were accused of having designs on the land of the "Bantu" were wishing to oppress them. Rwandan Tutsi in particular, but also the Ugandans and Burundians were seen as expansionists wanting to create a so called "Hima" empire at the expense of the "Bantu" in the DRC. Of course, there have always been ethnic conflicts but if this ideology really takes hold it is likely to have massive, lethal consequences.

The genocide in Rwanda has profoundly destabilized Eastern Congo with the result that this area has been plunged into endless cycles of violence. Inter-ethnic relations in the Kivus (both North and South) have, for many years, been more problematic than in most other parts of the DRC. This is probably due to three underlying factors: first, the coexistence of pastoralists and sedentary farmers; second, a higher than usual population density; and third, a cultural divide between the original sons of the land and Kinyarwanda speaking immigrants both Hutu and Tutsi migrating westward from Rwanda and Brundi.

The Tutsi genocide completely changed the balance of power in the Kivus. When the Tutsi-dominated Rwandese Patriotic Army (RPA) defeated the Hutu government of Rwanda (which had perpetrated the genocide), about a million Hutu some with French army cover moved into the Kivus.[1] Close to the Rwanda border, UNHCR camps were established in which the political and military structures and personnel that were responsible for the genocide reestablished themselves. From these camps attacks were launched against the new government of Rwanda.

But more important, from the Congolese perspective, the ethnic balance in the Kivus was upset. The Hutu became a dominant force in some regions and proceeded to isolate and attack Congolese Tutsi and, because there had been an alliance between the Habyarimana (i.e. Rwandan Hutu) and the Mobutu regimes, these attacks found moral and eventually military support from the Congolese (then Zairian) army and some Kivu politicians. The presence of the camps also resulted in a serious ecological degradation and the channeling of foreign aid away from Congolese villagers in favor of the camp residents. This constellation of circumstances resulted in attacks on the Tutsi in the Masisi area of North Kivu. Those who managed to escape took refugee in Rwanda where they were, in the main, placed in camps. Then, in early and mid-1996, growing pressure developed against the Tutsi in South Kivu. These were the Banyamulenge, most of who lived in homogeneous communities high on a plateau. They are probably the oldest of the Tutsi communities in the DRC.[2]

Faced with the danger of an ethnic cleansing campaign against them, the Banyamulenge undertook a preemptive strike against the National Zairian Army (ANZ) soldiers and the Hutu "refugee" camps in their neighborhood in September 1996. As soon as the attacks against the camps began Rwandan forces entered the fray and the war against the Mobutu regime had begun. It should be recalled that the Rwandan Vice-President, General Paul Kagame, had pleaded with the international community to separate the Hutu military and

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[1] Nzongola-Nalaja, Georges (2002), *The Congo from Leopold to Kabila: A People's History*, London and New York: Zed Books, p. 224.

[2] Emizet, Kisangani N. F. (June 2000), "Massacre of Refugees in Congo: A Case of UN Peace Keeping Failure and International Law", *Journal of Modern African Studies*, 38 (2): 165-166.

militia (the *Interahamwe*) from civilian refugees and to make it impossible for the camps to be used to launch attacks against Rwanda.[3] When nothing was done, he warned that in the end Rwanda would act on its own. His words were not taken seriously. The attempt to expel the Banyamulenge from their homes in the DRC was, therefore, a gift from the heavens since Rwanda was able to defend its cross-border advances as preventing another genocidal attack against a Tutsi community.

In rapid succession, the Rwandan army attacked the Hutu camps and the Zairian army with the result that the ex-FAR (i.e. the former Hutu army of Rwanda) and the *Interahamwe* tended to flee westward with many Hutu civilians while the vast majority had little choice but to walk back into Rwanda where they were channeled to their home communities. Parenthetically, it should be noted that no genocidal killings were perpetrated against them even though the Tutsi in Rwanda had the power to follow any policy they chose. The picture was somewhat different in the DRC where, in subsequent months, the retreating Hutu both fought for the Mobutu regime were massacred by the advancing anti-Mobutu armies.[4]

It is obvious that it was very much in the interest of Rwanda and Uganda (which almost immediately joined the Rwandan invasion of the DRC) to portray their actions as something other than an attack against a sovereign state, no matter how corrupt and unpopular its leadership had become. Finding Congolese allies against Mobutu was, therefore, a priority. But the problem with this scenario was that, although a broad and substantial Congolese/Zairian opposition to Mobutu did exist, it had firmly opted for a non-violent strategy.

The non-violent opposition to Mobutu was started by a small group of politicians who had, in fact, begun by cooperating with his regime. But by 1980 the demand for reforms was set outright and two years later to form a political party, *Union pour la democratie et le Progres Social* (UDPS). This initiative was, of course, met with harassment and jailing

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[3] Taylor and Francis Group (2004), *The Europa World Year Book: Vol.1*, London: Europa Publications, p. 1261.
[4] Emizet, n.2, p.174.

as well as defections in response to Mobutu's stick manipulations.[5] This was the beginning of concerted, ongoing, internal pressure against the Mobutu regime. By 1990, the end of the Cold War resulted in his Western allies exerting growing pressure on Mobutu to reform and democratize. Ultimately, he was forced to make some concessions. They took the form of freedom to form political parties (over 200 were established, many by Mobutists), of promised elections (which never took place), of the installation of transitional governments (which were dismissed when they opposed the President's interests), and a National Sovereign Conference (which did take place, but its decisions were never applied).

In a word, the "transition" to a democratic state dragged on for seven years and in the end was overtaken by the arrival of Kabila. One may ask why this process failed and what, if anything, it has left behind. First and foremost, the failure must be attributed to Mobutu's unwillingness to give up power. But dictators rarely give up power out of the goodness of their hearts, so the question is, really, why this opposition was unable to dislodge him despite his many manipulations to remain the dominant actor.

There are many factors, which led to this result:

First, the opposition, which grew ever stronger through the 1990's, was extremely legalistic in its approach to gaining power almost ignoring the fact that Mobutu still had complete control over the military and police forces.

Second, it did a relatively poor job of mobilizing and organizing popular support. This is somewhat surprising because some of its leaders had led the independence struggle and at that time excelled at mass mobilization.

Third, the opposition was very much divided and its leaders competed with one another to such a degree that real unity in the face of the dictatorship eluded them.

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[5] N.A. (1999), *Africa South of Sahara*, London: Europa Publication Ltd., p. 343.

Fourth, this was an opposition, which not only rejected violence as a form of struggle but also was also timid in its use of non-violent methods. For instance, Mobutu's Presidential Division and Civil Guard opposed demonstrations with violent means when they almost came to an end. The most important demonstration, in February 1992, was not even organized by the opposition parties but by Catholic priests. Thirty people were killed. These events largely discouraged further mass demonstrations.

The National Sovereign Conference (CNS) did finally begin in August 1991. The great hope that it engendered was at least partly due to the apparent success of National Conferences, which had been held in Benin and Congo/Brazzaville earlier. The difference between those experiences and what was taking place in the Congo (then still Zaire) was that the presidents in those countries accepted the decisions and the consequent transfers of power. Mobutu had other plans; he used every opportunity to manipulate the CNS in his own interest and used force when that was not enough.

Despite many obstacles, the CNS did accomplish a great deal. Perhaps the most important result has been the broad legitimacy, which the Congolese people have given to its decisions. The CNS undertook a serious and thorough examination of the Congo's past, i.e. how it was ruled by the Mobutu regime. This examination analyzed the economy, political structures, past assassinations, so called "ill gotten gains," minority rights, etc. The CNS opted for a federal, parliamentary system of government. Finally, the CNS held an election for interim Prime Minister and the long-time opposition leader, Etienne Tshisekedi, who headed an alliance of anti-Mobutu parties, won an overwhelming victory.[6] But the underlying problem was that Mobutu's opponents at the Conference acted as if they were legislating in a post-revolutionary situation when in fact no revolution had occurred, and when Mobutu's manipulative skills failed, he employed his control over raw force.

Since the non-violent opposition to Mobutu showed no inclination for joining the Ugandan or the Rwandan or the Banyamulenge attacks on the government positions,

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[6] Taylor and Francis Group, n. 3, p.1259.

other allies had to be found. These were the circumstances which produced the *Alliance des Forces Democratiques pour la Liberation du Congo,* (AFDL) which was made up of four Congolese revolutionary parties in exile, all of which had almost no following. One of the four initial leaders did, however, have a certain revolutionary legitimacy. He was Laurent Désiré Kabila, who had not only fought in the great revolutionary upheavals of the mid-1960's but had for over 20 years been the leader of a small revolutionary redoubt in South Kivu. In addition, he gained some fame from the fact that Ché Guevara and several hundred Cuban volunteers had joined the fight in 1964 precisely in the zone he commanded.[7] The AFDL, therefore, became the main Congolese partner of an invasion by Rwanda and Uganda, which was soon joined by Angola and given support by other African states determined to rid the DRC of the Mobutu regime.

There was another Congolese force, which joined this alliance. It was made up of the so called "Katanga Tigers" composed mainly of Katangese soldiers who, under the leadership of Moise Tshombe, had been part of an attempted secession in 1960 and who, after their defeat by UN forces in 1962, had fled to Angola. They remained as a cohesive military force and, along with some Angolan army units, joined the attack on the Mobutu's regime.

2.1.1 (b) The motives and actions of anti-Mobutu forces

The Mobutu regime desperately tried to convince the world that what was happening was simply an invasion, but to little avail. Neither the UN nor the OAU condemned the invaders and the notion that what was happening was largely a revolution against the Mobutu regime gained wide currency. More importantly, Mobutu failed to obtain any serious military support from abroad. His army retreated on all fronts and in so doing looted, raped, and killed Congolese civilians. This was one reason why the Congolese soon welcomed the AFDL and allowed young men and boys to be recruited into its ranks. The only forces which did any serious fighting for the Mobutu regime were the Hutu ex-

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[7] Rosenblum, Peter (May 1998), "Kabila's Congo", *Current History*, 97 (619): p.194.

FAR/*Interahamwe,* the UNITA forces of Jonas Savimbi, and some Serb mercenaries.[8] Mobutu also received modest support from France. When Kinshasa fell, in May 1997, eight months after the war had started, a substantial number of the victorious forces were in fact Congolese; but, with the exception of the Katangans and a few ANZ units, which had changes sides, they tended to be very young and untrained. In addition, Banyamulenge soldiers, some trained by Rwanda before the war broke out, some recently recruited, were among the victors; but, at that time, they tended to be viewed simply as Tutsi by the Congolese public.[9]

It was already seen that Rwanda had already been given, the presence on its borders of UNHCR camps with close to a million Hutu who had been allowed to reestablish their political leadership and military structures. For Uganda, a similar but no doubt less pressing motive existed. The DRC had for some time been used as a rear base by anti-Museveni forces such as the Lord's Resistance Army, the West Nile Bank Front, and the Allied Democratic Forces, some of which were supported by the Sudan government. By occupying the frontier region in the DRC, Uganda hoped to end this threat. Angola had very much the same motive. UNITA had for years not only been supplied via the DRC but there were UNITA bases in the country.

There were two other, perhaps more vague, reasons to support an anti-Mobutu alliance.

First, for some African leaders, an old leftist, even Marxist, sympathy and friendship circle played a role. Hence, the antagonism toward Mobutu's long allied to Western powers during the Cold War and the support given Kabila by Robert Mugabe, President of Zimbabwe, and by Sam Nujoma, President of Namibia.

Second, the notion that a new dawn with new leaders had begun in Africa, which required change, especially in a country as important as the DRC. This view latter had

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[8] Reno, Williams (1998), *Warlord Politics and African States,* Bouldner and London: Lynne Rienner Publishers, p. 174.
[9] McNulty, Mel (1999), "The Collapse of Zaire: Implosion, Revolution or External Sabotage?", *The Journal Of Modern African Studies,* 37 (1): p. 56.

some resonance in the U.S. and was one of the reasons why the U.S. did not respond to appeals by Mobutu regarding the violation of the Congo's sovereignty.[10]

2.1.1 (c) The main features of the Kabila regime, since May 1997

During the anti-Mobutu alliance's quick march to Kinshasa, Kabila transformed himself from spokesman of the AFDL to its president. Because the foreign allies (Rwanda, Uganda, and a bit later Angola) preferred to keep their military presence and predominance as quiet as possible, Kabila was able to give a very personal imprint to the alliance. That imprint was profoundly affected by the period during the Cold War when he was a leftist and some thought Maoist revolutionary. Thus, it soon became clear that he planned to lead a veritable cultural revolution in the Congo and not simply rid the country of Mobutu and the system he had created.

Kabila initiated political lessons, which were to be conducted on a very wide basis, and which were virtual copies of the ones employed in Hewa Bora, the small revolutionary redoubt he had led in South Kivu from the mid-60s to the mid-80s. These lessons had an arcane quality, which had little relation to the society the DRC had become since independence. For instance, according to these lessons, Congolese society was divided into seven classes: the bureaucratic bourgeoisie, comprador bourgeoisie, national bourgeoisie, petite bourgeoisie, cultivators, workers, and proletarians. Ordinary citizens were to be watched by committees like *"chembe-chembe"* organized on a street-by-street basis. Both established political parties and civil society organizations were disdainfully excluded from participation in the decision-making processes. The party ADFL and the state were to overlap.

Kabila appears to have been so convinced that his revolutionary package would find great support among the masses of Congolese that he held elections in the towns that fell to the anti-Mobutu forces. Although organized in a rather crude fashion, people literally gathered in the "agora" and elected local officials by raising their hands; they turned out to be fair and honest. But it is here that he began to come up against Congolese realities

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[10] McNulty, n. 9, p. 72.

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he seems not to have expected. The elections were won either by members of the largest party belonging to what is commonly referred to as the non-violent opposition ("opposition" meaning to Mobutu but soon also opposition to Kabila), the UDPS, or by members of one of the civil society NGO's which had in the previous approximately seven years achieved real strength and respect among the Congolese. Soon, no further elections were held. Without a real, strong, and united national revolutionary party, and the cadres to go with it, he did not have the tools to overwhelm resistance from the public.

While liberation from Mobutu gave Kabila and the ADFL some credit and popularity, the ideology, which they sought to impose on the Congolese public, was very rapidly rejected. The Congolese public wanted a symbiosis between the armed and the non-violent opposition to Mobutu. In a poll conducted in Kinshasa in August 1997, i.e. at the beginning of the Kabila regime, 86 percent of respondents favored a "meeting" between Kabila and the leaders of the non-violent opposition. In the first six months, Kabila always polled less than Etienne Tshisekedi, the leader of the largest of the non-violent opposition parties, the UDPS. Moreover, the long, even if unsuccessful non-violent struggle which many political and NGO leaders had been involved with and which had genuine popular support with real roots and often real organizational structures led them to expect a role in a post-Mobutu regime. But Kabila had no inclination to share power. His past did not suggest it, and his ideology positively opposed it. So he did not respond to the desired "meeting" and his success at ousting Mobutu failed to give him broad popularity. The honeymoon was one of the shortest a successful revolutionary leader had ever been granted.

i) Kabila's Power base Support

There were three real sources of power base of early Kabila regime:

First, there were the Tutsi soldiers (in the early days there was little distinction made between the Rwandan and Congolese Tutsi), but the Congolese public rapidly resented them as foreigners.

Second, there were the Katangans, but old intra-Katangan conflicts made their loyalty less than certain even though they were at least viewed as genuine Congolese.

Third, there were the *"kadogos,"* the young men and boys who had been recruited into the ADFL army as it marched from the east to Kinshasa, but their youth and brutal behavior caused great resentment.

While Kabila did not share power with political parties or NGOs, he did co-opt individuals with diverse political and ethnic backgrounds. His closest allies and his Cabinet ministers were generally people without their own political base. Many of them were returned exiles. This made them totally dependent on Kabila. However, this approach did not sit well with the general public.

2.1.2 Different Armed Groups involved in the conflict

Integrating and disciplining and assuring the loyalty of the different armed units would be an essential and indispensable task for any new ruler, especially for one who rejects pluralism. For Kabila this was an especially daunting exercise because there were so many different armed "soldiers" and because none of them, perhaps with the exception of the *"kadogos",* had any reliable loyalty to him. In effect, the following potential participants in a new national army were available.

2.1.2 (a) The Katanga Tigers: These were, in the main, the remainders or the sons of the Katanga Gendarmes who had fled to Angola after the Katanga attempted secession was defeated by a U.S. backed UN military operation in 1962.[11] At the time, they were mainly south Katangan Lunda, but in subsequent years other Congolese who fled the Mobutu regime into Angola joined them. Among these newcomers were Katanga Luba from the north, as well as some former members of the Mulele led rebellion in Bandundu province (1963–67). The Katanga Tigers were first used by the Portuguese but later were allied with a variety of Angolan politico-military forces. They ended up as close supporters of

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[11] United Nations (1996), *The Blue Helmets: A Review of UN- Peace-keeping,* New York: United Nations, p. 195-196.

the MPLA-dominated Angolan government. From this base, they attacked the Congo in 1977 and 1978 by which time their ideological idiom had made a 180° turn; from pro-Western Tshombists they had become anti-Mobutu Marxists. When they joined the 1996–97 attack against the Mobutu regime; they did so in conjunction with the Angolan army. Their civilian leader at that time was Emile Ilunga, originally from north Katanga, who was promised the vice-presidency after victory. But Kabila did not offer him such a position and he thereafter opposed the new regime arguing that it had turned into a dictatorship. Later, Emile Ilunga became the leader of the *Rassemblement Congolais pour la Democratie*, RCD/ Goma, i.e. the Rwanda backed rebellion against Kabila. In the summer of 1997, it was for the above-cited reasons not certain that Kabila could really count on the Katanga Tigers even though they both hailed from Katanga.

2.1.2 (b) Former members of the *Forces Armees Zairoises* (FAZ), Mobutu's army: Clearly former FAZ members were, from Kabila's point of view, the least trustworthy future members of the new army. Nonetheless, distinctions have to be made. There were ordinary army units and special units like the Presidential Guards, the DSP. There were units, which had joined the Alliance during its march to Kinshasa, and there were units, which remained quasi-loyal to the Mobutu regime until the end. Kabila's response to this problem was to send them off to be "re-educated". However, this was done under such humiliating and at times physically abusive conditions that for many, the exercise had the opposite effect to that which was desired. They came away angry and disaffected from the new government.

2.1.2 (c) The Banyamulenge and other Congolese Tutsi: For Congolese Tutsi the never changing, eternally challenged goal was to have their Congolese citizenship recognized and no longer disputed. In this vein, they had supported Mobutu and joined his army until the regime changed sides and curried favor with the ethnic groups in the Kivus who considered them foreigners and enemies. The alliance between Mobutu and the Hutu regime in Rwanda, and the events which followed the Tutsi genocide in Rwanda, changed their situation radically and for the worse. At that time, roughly from 1993 to 1996, they drew close to the Rwandan Tutsi and then participated in the Kabila "led"

march to Kinshasa. After the Alliance's victory, resentment against the Tutsi grew rapidly and the Congolese Tutsi saw that their goal of being recognized as Congolese was further from being reached than ever before because they were now identified with the Rwandans. Again as they sensed rejection by the Congolese public they drew closer to the Rwandans who increasingly seemed the only people willing and able to protect them. But that did not mean that there was complete harmony between them, and events in August 1998 ultimately created a rift between many Bayamulenge and the Rwandan Tutsi.

Kabila speculation about this matter, found him pulled in two directions. On the one hand the Congolese public quite widely resented the Rwandan/Tutsi presence and wanted Kabila to free himself from their control or influence. On the other hand, the Congolese Tutsi wanted Kabila to reward them for having played a large part in putting him in power, i.e. firm assurances that they would be recognized as Congolese citizens. On the other hand, despite some soothing words, Kabila never acted decisively to assure the Congolese Tutsi of their citizenship rights. Thus, Kabila could not be certain of the Tutsi soldiers' loyalty, whether they were integrated in the new FAC or in Rwandan units.

2.1.2 (d) The "Kadogos": As indicated earlier, of all the armed units or more correctly simply soldiers, the young men Kabila had recruited on the path to Kinshasa were perhaps the most reliable in terms of loyalty to him.[12] They also constituted a problem since they were untrained and undisciplined and tended to lord it over the civilian population who resented these virtual children having the power of life or death over them. Indeed, the return of some sort of law and order (the single most appreciated change brought about by the new regime) depended on getting the "Kadogos" off the streets. Some of them were apparently employed in the "re-education" camps for former FAZ soldiers, but this too turned out to be costly in terms of resentment by mature soldiers at having to obey these young men. Kabila developed plans to mobilize youth in

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[12] Reyntjens, Filip (2001), "Briefing: The Democratic Republic Of Congo, From Kabila To Kabila", *African Affairs*, 100 (399): 314.

a National Youth Service and one may presume that many of the young Kadogos were intended to form part of this enterprise.

2.1.2 (e) The non-Congolese armed forces: In addition to these Congolese forces there were Rwandan Tutsi units as well as some Ugandan and Angolan forces and instructors invited to train the new army coming from a variety of African states. The Rwandans, especially, held important positions in the Forces armees congolaises (FAC) and as Kabila purged some of his ADFL co-founders, their position, even if briefly, became more powerful. In the end, until a few days before the Second Congo War began, a Rwandan officer, James Kabarehe filled the position of interim Chief of Staff of the FAC. Kabila's son in his twenties was second in command.

2.1.3 Violent Conflict in the Kivus

During the period in question, the FAC was quite obviously preoccupied with making itself into a coherent, unified, and capable military force. But it also faced a military challenge. In the Kivus and along the Ugandan border two real threats coming from guerrilla organizations continued to exist. First, on the Kivu-Rwanda border there still were Hutu ex-FAR/*Interahamwe* bands and further north various Ugandan insurrectionist forces were again using the DRC as a base from which to attack Uganda. Second, a Congolese challenge to both the Rwandan presence in the Kivu and to the Kabila regime had gained importance and local support of the Mai Mai. Mai Mai was a term generically employed to describe different Kivu groups, which had armed themselves and were essentially dedicated to expelling non-Kivu forces and people from what they considered to be their territory.[13] They were now essentially dedicated to expelling the Rwandans and the FAC, which was at this time closely allied to the Rwandans. Indeed, the FAC and the Rwandan army organized joint operations against the Mai Mai.

This problem had two consequences, which were to have a major impact in the period immediately following. First, the primary goal of both Rwanda and Uganda in organizing the 1996 invasion and support for the ADFL had not been met (the borders were not

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[13] Misser, Francois and Alan Rake (October 1998), "Congo in Crisis", *New Africa*, (367): 10.

secure from incursions coming from the DRC). Second, not only did Rwandan and Ugandan military units operate on both sides of the border, but also the best FAC units were sent to the east (this was the later famous 10th Brigade led by a former FAZ officer, Commander Ondekane). Indeed, it would appear that James Kabarehe had overall responsibility for this operation, both as Congolese Chief of Staff and as a Rwandan officer.

Given the background of Kabila and some of his closest collaborators, one would have expected a great effort at making the ADFL into an important instrument not only for control but also for mass mobilization. Indeed, in the early days of the regime the ADFL was defined as being above the state, but soon it became evident that Kabila did not intend to make the party an important ruling instrument. This became increasingly clear as highly placed ADFL leaders were purged, imprisoned, and sidelined. And, to jump ahead chronologically, it should be noted that several of them became the leadership nucleus of the anti-Kabila rebellion in Goma in August 1998.

2.2 THE SECOND CONGO WAR

The Second war began in 1998 and officially ended in 2003 when Transitional Government took power. The widest interstate war in modern African history, it directly involved nine African nations, as well as about twenty armed groups. An estimated of 3.8 million people died, mostly from starvation and disease brought about by the deadliest conflict since World War II. [14]

During June and July 1998, a number of events indicated that relations between Kabila and the Rwandan Tutsi-dominated government had not only seriously deteriorated but had reached a breaking point. Some of Kabila's collaborators reportedly concluded that a Tutsi officer was about to assassinate Kabila during the Independence Day festivities on June 30.[15] James Kabarebe, Rwandan Tutsi officer and Kabila's chief of staff, was

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[14] [Online: web] Accessed on 9 May 2006, URL:
http://www.globalpolicy.org/security/issues/congo/2005/0107volatile.htm
[15] Weiss, Herbert (2000), "War and Peace in the Democratic Republic of the Congo", *Current Affairs Issues*, (22): 13.

suspected and replaced within days, and Kabila, in his new nationalist posture, openly encouraged anti-Tutsi sentiment in Kinshasa. In a sign of the momentous split of the alliance that was taking place, Kabila traveled abroad during these days, visiting Namibia and Cuba, presumably to seek new backing. By the end of July, Kabila had terminated the Rwandan Mission of Cooperation, and asked the Rwandan military to leave the country. It is not an exaggeration to say that the next twenty days profoundly changed the history of Africa and plunged it into the second phase of the "first African Continental War,"[16] which has produced one of the greatest humanitarian disasters in the World today.

On August 2, 1998, two of the best and largest units in the new Congolese army, first the 10th Brigade stationed in Goma, followed by the 12th brigade stationed in Bukavu, declared that they were deserting the Kabila regime. Rwandan army troops crossed the border to support them. These units had been stationed in Kivu to help fight the Mai Mai and the Interahamwe/ex-FAR, which had organized guerilla operations in eastern Congo. These brigades, soon joined by other, had previously worked in close cooperation with the Rwandan and Ugandan soldiers, led by James Kabarebe, landed at Kitona army base in the Lower Congo where some 10,000-15,000 former Mobutu soldiers were being "reeducated". These ex-FAZ soldiers joined the Rwandan and Ugandan forces, and within days the "rebellion" captured a number of towns and most importantly, the Inga hydroelectric dam, which enabled them to cut off electricity. Within two weeks, and with the Kabila regime facing almost certain military defeat, a group of Congolese politicians ranging from former anti-Mobutu alliance leaders to former Mobutists, united in Goma to form the political wing of the Anti-kabila rebels who were caught were massacred on the spot, and a real pogrom against all Tutsi took hold.

In striking contrast to its actions in the First Congo War, on August 23, 1998, Angola broke with its former allies and intervened on behalf of Kabila. It attacked the Rwanda-Uganda-RCD positions in the lower Congo from its bases in Cabinda and defeated them. Although this attempt to overthrow Kabila failed as a result of Angola's intervention, the

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[16] Shearer, David (Summer 1999), "Africa's Great War", *Survival*, 41 (2): 89.

"rebellion" was able to achieve military control over eastern Congo. This second War would no doubt have ended in two weeks if it had not been for the Angolan about-face, even if Kabila's ally, President Mugabe of Zimbabwe, had opted to support him militarily, as eventually he did; in all likelihood, Kinshasa would have fallen before such aid could reach it.[17]

Angola's decision to change its earlier alliances with Rwanda and Uganda had a profound impact on the war and on politics in the region, and there has been much speculation about why Angola switched sides.[18] Since this intervention to help a neighbour meant diverting substantial resources away from the government's long-standing struggle with UNITA at home, the most plausible reason for Angola's decision is that the anti-Kabila alliance had struck a deal with UNITA. This view is supported by the reported presence of UNITA leaders in Kigali and Kampala, the recruitment of former Mobutist generals and politicians-long-standing supporters of UNITA-into the anti-Kabila alliance, and the relative ease with which the "rebellion's" troops were able to land and operate in Lower Congo, previously a UNITA stronghold from which it had launched attacks against the Angolan government.

Another possible interpretation is that the UNITA factor entered later, when the Ugandans and Rwandans solicited UNITA's aid to extract the remainder of the Kitona operation from an Angolan airbase controlled by UNITA. At present, support for the "rebellion", which has since split into at least three competing factions, is limited to Rwanda, Uganda, and to a lesser extent, Burundi, With the Congolese army defectors mentioned earlier and the politicians who created the RCD. However, support for the Kinshasa government under both Kabila regimes has been very wide. Angola, Zimbabwe, Namibia, and Chad sent substantial military contingents, Sudan gave advanced military training and air support to Kabila offensives in northern Congo, and Libya allegedly gave financial support. Joseph Kabila also successfully rearmed and mobilized the Interahamwe/ex-FAR, known today as the *Alliance pour la Liberation du Rwanda*

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[17] Nest, Michael (2001), "Ambitions, Profits and Loss: Zembabwean Economic Involvement in the Democratic Republic of the Congo", *African Affairs*, 100: 470.
[18] Weiss, n.15, p.225.

(AliR).[19] In addition he created an alliance with the Mai Mai rebels in the Kivus, who are quite effective Congolese guerilla fighters against the "rebellion" forces in North and South Kivu. Internationally, Laurent Kabila, and later his successor and son Joseph, was recognized as the legitimate president of the Congo, and was welcomed by his African counterparts.

2.2.1 Lusaka Peace Agreement

After delays, and considerable pressure from the Security Council, the United States, the EU, and regional powers, the Lusaka Agreement for a Cease-Fire in the DRC was signed by the six warring countries (Democratic Republic of Congo, Angola, Namibia, Zimbabwe, Rwanda, and Uganda) all but two belligerents on July 10, 1999 in Lusaka. The remaining two, the MLC and the RCD declined to sign.[20] South Africa under Mandela and then Mbeki, as well as Tanzania, were instrumental in pressurizing Uganda and Rwanda to acknowledge their military involvement in the Congo and to accept the terms of the agreement. To a lesser extent, non- African actors also applied pressure. The United States and other international donors tied aid to all states actors involved to the achievement of a negotiated settlement; and international financial institutions made lending to those with troops in the Congo conditional on making public their costs of war.

2.2.1 (a) Provisions of the Ceasefire Agreements

1. The agreement stipulated that all air, land and sea attacks are to cease within 24 hours of the signing, as well as the movement of military forces and all acts of violence against the civilian population;

2. The normalization of the situation along the international borders of the DRC, including the control of illicit trafficking of arms and the infiltration of armed groups;

3. An open national dialogue between the government of the DRC, the armed opposition (RCD, MLC) and the unarmed opposition;

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[19] Clark, John F. (2002), *The African Stakes in the Congo War*, New York: Palgrave and McMillan, p.93.
[20] [Online: web] Accessed 23 October 2004, URL:http://www.usip.org/library/pa/index/pa_drc.html

4. The need to address the security concerns of the DRC and its neighbouring countries;

5. The opening up of humanitarian corridors and the establishment of a mechanism for disarming all militias and armed groups;

6. The agreement also contained the modalities of implementation of the ceasefire. These provide for the establishment of a joint military commission composed of two representatives from each party under a neutral chairman to be appointed by the organization of African Unity (OAU) in consultation with the parties;

7. The agreement also contained proposals for an appropriate force to be constituted, facilitated and deployed by the UN, in collaboration with OAU to ensure the implementation of agreement.

Despite the signature of the ceasefire in Lusaka on 10 July1999 by six state parties concerned. The two Congolese Rebel Movement MLC and RCD declined to sign at that time. The leader of MLC Jean-pierre Bemba signed the agreement in Lusaka on 1 August, following intense diplomatic activity by President Chiluba of Zambia, the government of South Africa and others. Representatives of the remaining rebel movement (RCD) signed the ceasefire agreement in Lusaka on 31 August. The signing by the RCD representatives was followed by a meeting of the political committee established by the agreement, at the ministerial level to provide over political coordination in the implementation of the agreement. The political committee agreed that the UN and the OAU should be full participants in its work and in that of a Joint Military Commission (JMC) and that Zambia should have permanent observer's status in the two bodies.

Once RCD had signed the accord on 31 August, the UN after detailed discussion with the government of DRC established an advance military headquarter and a liaison presence in Kinshasa. The UN also dispatched military liaison officers to Kigali, Kampala, and Windhoek as the capitals of the state signatories. Despite the ceasefire following the signing of the Lusaka peace accord, insecurity remains a major obstacle to humanitarian

operation and hampers access to the internally displaced, now numbering more than 8,00,000 people.[21]

2.3 THE TWO CONGO WARS: A SYSTEMATIC COMPARISON

There are striking similarities between the wars:

1. In both wars Rwanda and Uganda, seeing insurgency movements against their governments using the DRC as a base of operations, helped launch Congolese rebels with the intention of overthrowing the Kinshasa regime.

2. In both cases, the Kinshasa authorities appealed to the international community, specifically to the Security Council of the UN and the OAU, to condemn this "aggression" but failed to obtain satisfaction.

3. In both wars, foreign forces did most of the fighting.

4. In both wars, massive violence was imported into a country, which since the mid-1960s had generated relatively little violence.

The differences between the wars are, of course, more telling than the similarities:

1. In the first war, the Kinshasa government was singularly unsuccessful in gaining foreign support, and since its army hardly fought at all, it was rapidly overwhelmed. In the second war, the Kinshasa government was very successful in obtaining foreign military and diplomatic support.

2. In the first war the effective foreign armies, which really fought, were Rwanda, Uganda, and Angola. In the second war, these allies split, with Angola supporting Kabila while Uganda and Rwanda attempted to overthrow him. So, in addition to getting military support from Chad, Namibia, Zimbabwe, and probably Sudan, the forces that had been so successful in defeating Mobutu were now divided and a prolonged, unresolved war ensued.

3. In the first war, the notion that the war was a "revolution" or a "war of liberation," coupled with generalized antagonism toward Mobutu, resulted in a considerable

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[21] SC Res. (1 November 1999), S/1999/1116.

amount of Congolese and foreign support for the "rebel" forces. In the second war, much of the Congolese population was convinced that they were being invaded by the much-disliked Rwandans, Ugandans, and, in some eyes, simply the Tutsi. This resulted in very little popular support for the new rebels, which in turn signified that there was more Congolese fighting on both sides in the second war than in the first. But the first was seen in much of Africa and in the Congo as a "revolution" while the second is generally viewed as an "invasion."

4. In the first war, Mobutu's call to arms produced little response and indeed had a hollow, impotent ring. Whatever popular support he still had was lost with the declining fortunes of his regime as his opponents advanced toward Kinshasa. In the second war, Kabila's call to arms produced a genuine response among the Congolese masses (especially in the cities) and his popularity soared.

Therefore the two wars of 1990's in the DRC, especially the anti- Kabila rebellion, illustrate the intricate relationship between conflict and mineral resources, and the convergence of domestic and international financial interests in perpectuating conflict. (Table 2.1 gives details on the main rebel groups). Natural resources provided incentives to fight to capture the resources and helped finance the war.[22] As a result economic gains that accrued to parties during the war, ending the war were not a concern of the major parties.

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[22] Ndikumana, Leonce and Kisangani F. Emizet (2005), "The Economics of Civil War: The Case of the Democratic Republic of Congo", in Paul Collier and Nicholas Sambanis (eds.), *Understanding Civil War: Evidence and Analysis*, Washington D.C.: IBRD and World Bank, p. 77.

Table 2.1: Characteristics of Main Rebel Movements Involved in the Anti- Kabila War

Name And Date Of Creation	Prominent Leaders	Ideology And Objectives	Ethnic Base	Size Of Group And Areas Controlled	Financing Sources	Foreign Support	
						Support To Rebels	Support To Government
RCD, 1998	Ernest Wamba Dia Wamba; Jean-Pierre Ondekane	Unpaid Soldiers In The East;Ethnic Representation In Government;Ugandan And Rwandan Interests	Banyamulenge; Former Afdl Fighters	Large Part Of Eastern Region; 11,000 Members In 2002	Mineral Resources	Rwanda, Uganda	Angola, Namibia, Zimbabwe
MLC, 1998	Jean-Pierre Bemba	Anti-Kabila; Ugandan Security And Strategic Interests	Former Mobutu Presidential Guard And Members Of Equateur's Ethnic Groups	Equateur Region; 5,000-10,000 Members In 2002	Diamonds, Gold, Timber, Taxes On Diamond Trade	Uganda	Angola, Namibia, Zimbabwe
RCD-Kisangani, 1999	E.W.D. Wamba	Anti- Kabila*; Uganda And Rwandan Security And Interests	Several Groups	Kisangani, Central Eastern Region; 15,000 Members In 2002	Mineral Resources; Foreign Financial Support	Uganda	Angola, Namibia, Zimbabwe
RCD-Goma, 1999	Emile Illunga; Deo Bugera; Adolphe Onusumba	Anti-Kabila*; Ugandan And Rwandan Interests	Several Groups	North And South Kivu, Parts Of North Katanga; 17,000 Members In 2002	Mineral Resources; Foreign Financial Support	Rwanda	Angola, Namibia, Zimbabwe

Note: AFDL= Alliance des Forces Democratiques pour la Liberation du Congo-Zaire; RCD= Rassemblement Congolaise pour la Democratie; MLC= Mouvement pour la Liberation du Congo.
Since 2002, RCD- Goma split into three factions: RCD- original, RCD- Authentique, RCD- Congo.
* The opposition accuses Kabila of monopolization of power while Uganda and Rwanda accuse him of reneging on his promises to resolve their border security concerns.

2.4 THE THIRD CONGO WAR

Since the signing of the Lusaka Agreement, there has been relatively little violence or combat along the cease-fire lines between Kinshasa- controlled and rebel-controlled regions. Large-scale violence and the accompanying humanitarian disaster has been largely due to the Kinshasa-supported violent, popular rebellion against the Rwandan occupation and the RCD-Goma rebels by the Mai Mai alliance with AliR (Interahamwe/ex-FAR), the Burundian Hutu insurgents, and the military wing of the Burundian Hutu party Conseil National pour la Defense de la Democratie.

At the time that the agreements was signed, there were AliR (Interahamwe/ex-FAR) forces in the territory controlled by Kinshasa and also RCD-Goma, although the majority

were in Kinshasa-controlled territory and formed the most dynamic and best units of the new Kinshasa army.

There were also AliR (Interahamwe/ex-FAR) guerilla units in the Kivus where they were increasingly allied to the Mai Mai and the FDD. During most of the time in question, Kinshasa not only did not disarm those under its control, but in every conceivable way, supported those in the Kinshasa and RCD-controlled areas. In spring 2001, with the change of regime in Kinshasa, and with the actual emplacement of MONUC, the Kinshasa government came to the conclusion that this relationship with the AliR (Interahamwe/ex-FAR) had to be modified. With the Kinshasa government's cooperation, the majority of these Rwanda Hutu troops (estimated at 7,000-10,000) managed to concentrate in the Kivus, thereby probably doubling the military and guerilla AliR (Interahamwe/ex-FAR) forces fighting in eastern Congo.

MONUC has consistently refused to monitor this fighting or to recognize it as a cease-fire violation, despite the intimate relationship between the Kinshasa government and the Mai Mai and AliR(Interahamwe/ex-FAR)forces. MONUC, under its terms of reference and under the overriding principles of the Lusaka Agreement asks the JMC, in anticipation of UN involvement, to verify the disarmament and quartering of all foreign armed groups, as well as to verify the disarmament of all Congolese civilians illegally armed, thereby opening the door for the JMC and MONUC to deal both with the AliR forces ("foreign armed forces") and the Mai Mai("Congolese civilian illegally armed").[23]

Moreover, the fact that these armed groups have been given material and moral support by Kinshasa should have been condemned by MONUC as a cease-fire violation. MONUC's failure to do so, and its rigid adherence to a more conservative interpretation of the cease-fire agreement, was a missed opportunity, which fell within its mandate, to mitigate the conflict.

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[23] UNSC: Report of the Secretary-General on the UN Mission of DR Congo, S/2000/30, 17 January 2000, [Online: web] Accessed 21 January 2005, URL: http://www.reliefweb.int.

On 22 July 2002 Rwanda and the Democratic Republic of Congo reached a peace deal after five days of talks in South Africa. The talks centered on two issues. One was the withdrawal of the estimated 20,000 Rwandan troops in the DRC. The other was what the rounding up and dismantling of the ex-Rwandan soldiers and Hutu extremist militia known as Interahamwe, which took part in Rwanda's 1994 genocide and continues to operate out of eastern Congo.[24] Rwanda had an estimated twenty thousand troops in the DRC and had refused to withdraw them until the Interahamwe militiamen are dealt with.

Zimbabwean troops began to pull out of the key diamond-mining town of Mbuji-Mayi in the southern Democratic Republic of Congo on 13 September 2002. The withdrawal from Mbuji-Mayi was significant because, for years, Zimbabwe had controlled activities in what is considered Congo's most important mining center.[25] Zimbabwe had been accused of extracting some of Congo's vast mineral wealth in exchange for supporting the Kinshasa government during its four-year battle with rebels. By then, Zimbabwean officials claimed only three thousand troops were left in Congo. This withdrawal followed that of Uganda, which, the previous month pulled out most of its troops from the country.

Under the July 2002 Pretoria accord, Rwanda and Uganda agreed to withdraw their forces from Congo-Kinshasa, in return for a promise by the Kinshasa government to apprehend, disarm, and repatriate Hutu militiamen menacing their borders[26]. The troop withdrawals began in mid-September 2002.

Despite this, conflict continued between the government and rebel forces in the northeastern part of the Democratic Republic of the Congo (DRC) despite committing themselves on December 16, 2002, to a ceasefire and agreeing on transitional arrangements intended to set the stage for the holding of free and fair elections. Forces from the Congolese Rally for Democracy-National/Congolese Liberation Movement (RCD-N/MLC), joined possibly by those from the Union of Congolese Patriots (UPC),

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[24] Taylor and Francis Group, n. 3, p.1264.
[25] Reyntjens, n. 12, p.314.
[26] Turner, Barry (ed.) (2004), *The Politics, Culture and Economics of the World*, New York: Palgrave and MacMillan, p. 489.

had failed to heed calls by the UN Security Council on 24 December to cease all hostilities and settle their differences peacefully. As of December 27, 2002, reports indicated that tens of thousands of civilians had fled their homes as military forces continued to fight over territory in the east. In addition, RCD-N/MLC forces were supposedly poised to take over the town of Beni, the center of the Congolese Rally for Democracy-Kisangani (Liberation Movement).

On 17 December 2002 the Congolese parties to the Inter Congolese Dialogue (Kinshasa government, MLC, RCD, RCD-ML, RCD-N, Political Opposition, the Civil Society and the Mai Mai) signed a global and inclusive agreement for a consensual running of the transition. The agreement ordered a cessation of hostilities and committed the country along a political transition process path that should lead to legislative and presidential elections within a period of two years starting from the time the transition government is put in place.

The persistent civil conflict continued to affect the agriculture and food situation throughout the country. In the Kasai Oriental Province, an intensification of fighting between Mayi-Mayi militias and the "Rassemblement congolais pour la democratie-Goma" rebel movement along the western bank of the River Lomami since late 2002 had resulted in over 30,000 new internally displaced people by January 2003. Following repeatedly looting and burning of crops, these populations had been forced to abandon their farms and seek refuge in the areas around Tshumbe, Wembonyama, Lubefu and Katako Kombe. Fighting in late February in the northeastern province of Bunia, bordering Uganda also resulted in fresh waves of internally displaced populations.

The Northeastern part of the Congo is possibly the richest part of the DRC both in terms of mineral and agricultural resources, and there lies the reasons for promoting conflicts. The region around Bunia has been the scene of intense fighting between two rival ethnic groups since early 2001. The area is extremely volatile following two-and-a-half years of civil war. Fighting between Lendu and Hema stemmed from an old conflict over land resources, but has been fuelled by the present conflict in the DRC. The Hema are traditionally pastoralists, while the Lendu are mainly farmers.

As of early 2003 the most significant foreign force in the DRC was the approximately 6,000 Ugandan troops in the Ituri region of northeastern DRC. Under an agreement signed in Luanda 06 September 2002, Uganda and the DRC agreed to form a group called the Ituri Pacification Committee to work out local administrative arrangements in preparation for the departure of the Ugandan forces.

On December 31, 2002, the three: The Movement for the Liberation of the Congo (MLC), the Congolese Rally for Democracy-National (RCD-N) and the Congolese Rally for Democracy-Liberation Movement (RCD-ML) agreed immediately to stop all fighting in the Isiro-Bafwasende-Beni-Watsa quadrangle. The United Nations was to deploy military observers to the area immediately. All three groups also agreed to guarantee the freedom of movement of the civilian population and humanitarian organizations. The Gbadolite Agreement provided for an immediate cease-fire, the cessation of all troop-movement in the axis leading to Beni, Bunia, Butembo, Bafwasende and Watsa. It also guaranteed the freedom of movement to the civilian populations from one area to another.

Later in the process Democratic Republic of Congo (DRC) delegates signed a historic "final act" on 02 April 2003 to end more than four years of brutal warfare and set up a government of national unity. South African President Thabo Mbeki and the heads of state of Botswana, Namibia, Zambia and Zimbabwe witnessed the signing in the luxury casino resort of Sun City in northwestern South Africa. Mbeki praised the delegates who had spent 19 months involved in the torturous Inter-Congolese Dialogue (ICD) negotiations.[27]

The agreements would see President Joseph Kabila remain as head of state during a transition period of two years, extendable to three, leading to the first democratic elections since those on independence from Belgium in 1960. He would share the power with four vice presidents -- one from each of the two main rebel movements, one from the government and one from the political opposition. Ministries will be divided up, and former rebel fighters will be integrated into the army and police force.

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[27] Bernard, Otabil (14- 20 April 2003), "Democratic Republic of Congo: the final act?", *West Africa*, (4371): p. 7

After serious fighting in early March 2003 with an armed Congolese group known as the Union of Patriotic Congolese (UPC), a Rwandan-backed militia group of the ethnic Hema community, Uganda increased its military presence in Ituri from around 1,500 to 6,000 troops. Uganda and the DRC agreed that Ugandan troops would withdraw from the DRC by 24 April 2003, so long as a security mechanism for the Ituri region is agreed to by that time through the work of the Ituri Pacification Committee.[28] Violence has been plaguing the northeastern province of Ituri since the beginning of May 2003, after Uganda withdrew its forces from the area.

But in late May 2003, squabbling over the composition of the new national army stalled the preparations for a power-sharing government to lead the country to elections in two years. Rebel groups, the Rally for Congolese Democracy [RCD-Goma], and the Movement for the Liberation of Congo [MLC], were upset over the government's plans to name the heads of the army, navy, and air force, and to retain control of six of Congo's 10 regions. The government had offered RCD-Goma the right to name the Defense Minister and control of one region. The MLC had been offered two regions, but it wanted its candidate installed in the top post in the army.

The 52-day Inter-Congolese Dialogue at Sun City in South Africa was sent into disarray when the Kinshasa government and Jean-Pierre Bemba's MLC movement announced they had struck a deal independently of the Sun City process.[29] The agreement had Joseph Kabila remaining president while Bemba would become Prime Minister. The RCD, Congo's biggest armed resistance movement, was belatedly offered control of parliament which it rejected outright. The secret deal also excluded important unarmed political parties such as Tshekedi wa Mulumba's Democratic Union for Social Progress. The result was the formation of the Alliance for the Safeguarding of the Inter-Congolese Dialogue with Tshekedi emerging as president and the RCD's Adolphe Onusumba and businessman Raphaël Katoto as the two deputy presidents.

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[28] [Online: web] Accessed on 1 May 2006, URL:http://www.ind.homeoffice.gov.uk/ppage.asp?section=197
[29] Bernard, n. 27, p. 9.

Relations between RCD-Goma and the government were further eroded by reports of fighting between RCD-Goma forces and Hutu extremists supported by the government in the eastern province of North Kivu. RCD-Goma officials accused the government of undermining the whole peace process.

On 05 May 2003 firefights involving both light and heavy weaponry erupted in several areas of Bunia, targeting MONUC and other UN offices, and provoking panic among residents. The fighting took place between armed Lendu and Hema groups, which are vying for the control of the town in anticipation of the complete withdrawal of Ugandan forces. The Uganda People's Defence Forces (UPDF), which had been reducing its presence in Ituri, retook control of Bunia and redeployed military police patrols, as did MONUC, reinforced by forces of the Congolese National Police.

As of May 2003, preliminary discussions and preparation were underway to send an international peacekeeping force to the region. France, the EU, South Africa, and the UN, had all expressed interest in sending resources and troops to Bunia to supplement the 600 UN troops that were already in position. Traditionally the area was under occupation by Ugandan troops, but in accordance with the Lusaka Agreement, Uganda withdrew its troops in 2002. In April of 2003, Uganda re-deployed limited forces to the Congo in response to massacres in the Ituri province.[30]

In May 2003, 280 bodies were found in Bunia, the deaths resulted from fighting between the Hema and Lendu ethinc groups. The conflict between the two groups escalated in mid 2002; between July 2002 and March 2003 over 5,000 lives were reportedly lost in the fighting. The Union of Patriotic Congolese seized control of Bunia on 12 May 2003. In early June 2003 a large number of Lendu gunmen launched an assault on positions of the rival Union of Patriotic Congolese. Lendu recaptured Dele village, about 8km away and then advanced into Bunia from the south. About 700 unarmed UN peacekeepers already in place had been unable to stop the fighting in Bunia.

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[30] Taylor and Francis Group, n. 3, p. 1264-1265.

While an international force prepared to land in the war-torn northeastern Congo town of Bunia, new fighting broke out farther south between rival rebel factions involved in the Congolese peace process. The fighting was in North Kivu province, 250-kilometers south of Bunia, near the borders of Rwanda and Uganda. The fighting around the town of Lubero involved troops of the country's main rebel group, Rally for Congolese Democracy [RCD-Goma], and its splinter group RCD-ML, which is allied with the government. The RCD-ML claims to have captured Rwandan soldiers who were working with the RCD-Goma. Officials of RCD-Goma accused RCD-ML of being backed by government forces as well as Hutu extremists that were involved in the 1994 Rwandan genocide. Although both sides vehemently denied the accusations, senior UN military officers confirmed the presence of forces loyal to the two groups operating north of Lubero, which violated their ceasefire.

French troops arrived in Bunia on 06 June 2003. The troops were assigned the task of evaluating the tactical situation, and preparing for the arrival of a 600 man EU force. The EU force was slated to stay until September 2003, at which time Bangladesh took over peacekeeping duties.

MONUC was authorized, under certain conditions, to deploy up to a total of 8,700 personnel. These personnel would continue to carry out MONUC's responsibilities under the Lusaka Agreement and will also oversee the disarmament, demobilization, and repatriation (DDR) of as many as 40,000 mainly Rwandan Hutu rebels in the DRC. South Africa also agreed to provide around 1,200 troops for the first task force.

In early June 2003 Secretary-General Kofi Annan's second special report on MONUC recommended that the mandate of the Mission be extended for another year, until 30 June 2004, and that its military strength to be boosted up to 10,800 troops.[31] Annan said the number of peacekeeping troops in northeastern Congo should be tripled to control tribal fighting and promote a peace deal to end the country's civil war.

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[31] SC Res. (29 July 2004), SC/1555.

On 30 June 2003 President Kabila announced the composition of the Government of National Unity and transition in the Democratic Republic of the Congo. President Joseph Kabila had four vice presidents, two of whom were trying to oust him by force until they assumed office in July 2003. The agreement on the power sharing of the army left the government with the top post, and rebels with control of the ground forces. The list of ministers for the new Congolese Cabinet, announced late Monday, marked an end to months of negotiations and political squabbling between the government of Joseph Kabila and the country's main rebel groups. The government took the ministries of the Interior and Finance, the Rwandan-backed rebel group The Rally for Congolese Democracy took the Ministry of Economy and Defense, and the Ugandan-backed rebels, The Movement for the Liberation of Congo took the Budget and Foreign Affairs postings. The civilian opposition was granted control of the Ministry of Mining, a significant post in the mineral-rich country.

Although negotiations between rebels and President Kabila's entourage started more than a year earlier, after the assassination of Mr. Kabila's father and then-president, Laurent Kabila, the talks had been undermined by clashes between government-backed militia and the Rwandan-backed rebels in the east of the country.

While the government installed, the UN mission in Congo that began a monitoring mission to ensure government-backed militia and rebel troops to start their withdrawal from North Kivu province, following weeks of clashes. Though the political questions have been resolved, for the time being, Congo will have to turn its attention to demobilizing its thousands of militiamen, and ensuring that trade in its mineral resources.

Despite the supposed cessation of hostilities, massacres continue in eastern Congo, where the United Nations peacekeepers are deployed. Rwandan Hutu militiamen fear returning to Rwanda, believing revenge-seeking Tutsis would target them.

Several holdouts had not joined the transitional government in Kinshasa. These included three high-ranking rebel officers in Goma in eastern Congo, who had not responded to orders from their superiors in the Rally for Congolese Democracy to report to the capital.

Map 2.1: The Main Rebel Movements' Areas of Control until the Reunification in 2003

DEMOCRATIC REPUBLIC OF CONGO
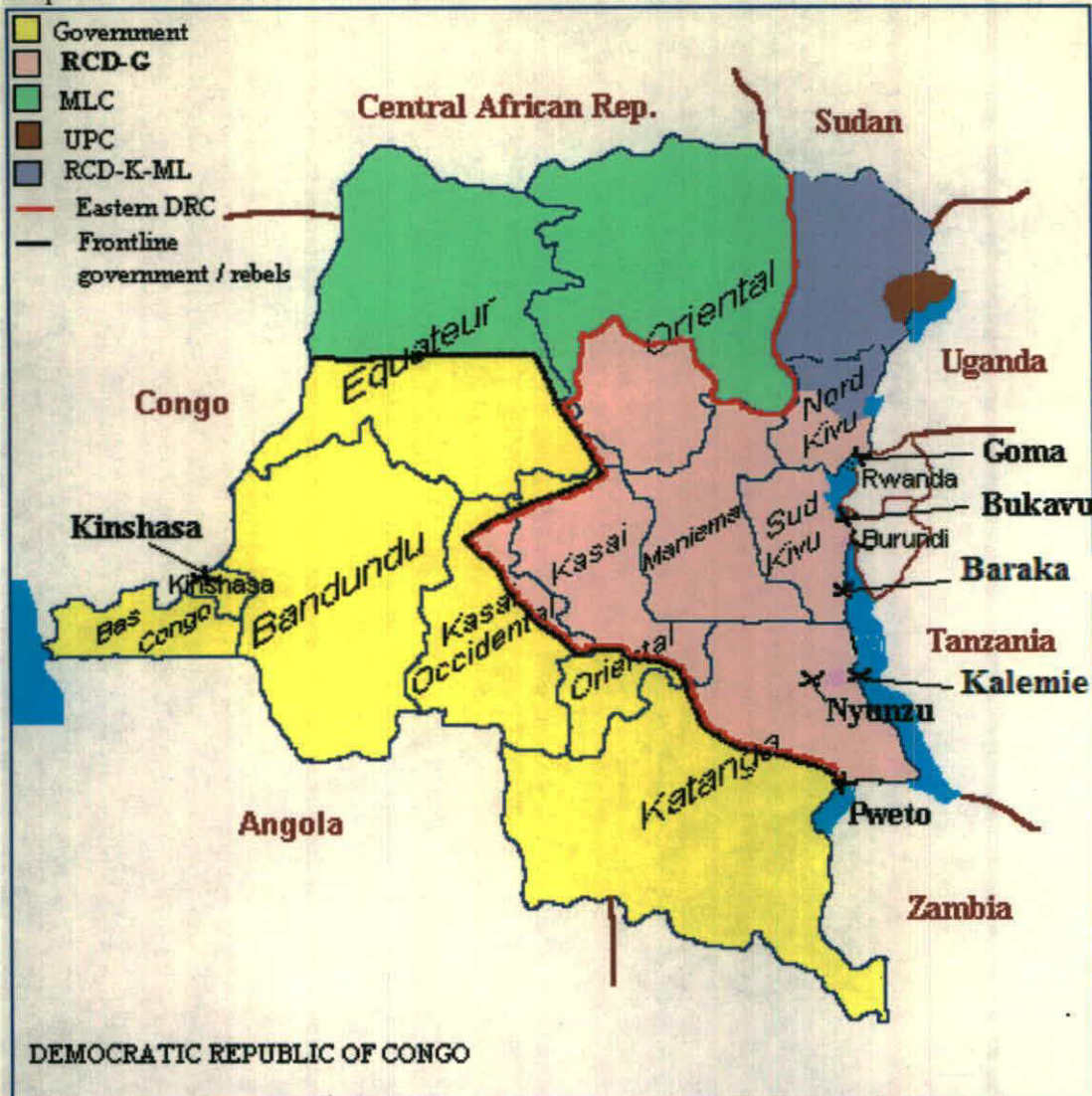
This led to fears that the war with Rwanda could flare up again. Reports from Bukavu, along Congo's border with Rwanda, indicated that Rwandan troops had made incursions into Congo in September 2003 (see Map 2.1).

In mid-November 2003 Congolese officials said hundreds of foreign troops had been spotted in the far west of the Democratic Republic of Congo, less than 400 kilometers from the country's capital Kinshasa. The fighters, who are believed to be Rwandan and Burundian Hutu extremists and Ugandan rebels, were all used as proxies by the former

government in Congo's five-year war. Dino Mahtani reports from Kinshasa. Senior Congolese officials, including Congo's vice president in charge of defense and security, Azarias Ruberwa, confirmed reports of a large group of foreign fighters in the western town of Kikwit, in Bandundu province.

The presence of one such group of foreign fighters raised fear that there may well be more such groups at large in the west of the country. The former government had used the fighters, made up of Rwandan and Burundian Hutu extremists and Ugandan rebels, during Congo's five-year war. The war officially ended in July 2003. The former government of Laurent Kabila had used such fighters against Congolese rebel groups that are now part of the country's transitional government. The foreign fighter groups had been disbanded as the new government and former rebels embarked on the process of reconciliation. But some 750 foreign fighters have been spotted in Kikwit again in the first sighting of such groups this far west of the country in many months.

On 17 May 2004 representatives of armed militia groups from the embattled Ituri District in northeastern Democratic Republic of the Congo (DRC) signed an agreement with the government to disarm and participate in the country's transitional process towards democracy, according to the United Nations mission in the country. The UN Organization Mission in the DRC (MONUC) reported that six armed groups operating in the eastern region of Ituri agreed to begin a disarmament process.

Congo's five-year war is officially over and a transitional government is trying to shepherd the vast African nation to elections next year, but the peace process has come to a halt, largely because of the continued presence of armed groups in the east. Fears of renewed hostilities in the region were raised in late November 2004 by threats from neighboring Rwanda to send its army into Congo to hunt down Rwandan Hutu rebels based in the east.[32] The United Nations said it was almost certain that Rwandan troops already are in Congo, but Rwanda denied its men had crossed the border. Several thousand Rwandan-speaking Congolese in the border town of Goma protested the

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[32] Eriksen, Stein Sundstol (2005), "The Congo War and the Prospects for State Formation: Rwanda and Uganda Compared", *Third World Quarterly*, 26 (7): 1103.

planned deployments of Congolese troops in the region, saying this would stir up anti-Rwandan prejudices and spark violence.

By early December 2004 rival units within Democratic Republic of Congo's supposedly unified national army clashed in eastern part of the country. Reports reaching the capital in Kinshasa suggested heavy fighting broke out on 12 December 2004, just south of the border town of Goma. The fighting was probably a continuation of in fighting between elements of a local militia known as the Mai Mai, which has officially been integrated into the newly unified Congolese army.

The head of the Rwandais forces democratiques pour la liberation du Rwanda (FDLR), Ignace Murwanashyaka, announced in April 2005 that his group was abandoning its war against the Rwandan government and that its 10,000 combatants, and their families, would return to Rwanda.In May 2005 it was reported that Rwandan Hutu rebels based in eastern Congo were responsible for hundreds of summary executions, rapes, beatings and hostage-taking of Congolese civilians in the territory of Walungu, South Kivu Province, the UN Mission in the Democratic Republic of Congo.[33] One rebel group is the FDLR while the other one, known as the Rastas, consists of Rwandan Hutus and some Congolese.

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[33] United Nations General Assembly (29 September 2005), Report submitted by the independent expert on the situation of human rights in the Democratic Republic of the Congo, UN Doc. A/60/39, p. 553-56.

ROLE OF INTERNAL AND EXTERNAL FACTORS IN THE CONFLICT OF THE DEMOCRATIC REPUBLIC OF CONGO

CHAPTER III

ROLE OF INTERNAL AND EXTERNAL FACTORS IN THE CONFLICT OF THE DEMOCRATIC REPUBLIC OF CONGO

In the previous chapter we have examined the factors, which led to the three Congo wars. The present Chapter deals with the role played by both internal and external factors in the conflict of the Democratic Republic of Congo.

The conflict in Congo relates to both internal and external dimensions. Internally, Kabila's exclusion of political players and continued disregard of basic democratic principles lies at the root of the current crises. Externally, his fall-outs with former allies who are neighbours with a keen interest in the end-state of the DRC gave momentum to the rebellion. The souring of relations with former allies has been precipitated by his inability or unwillingness to ensure the border security of his neighbours. The resolution of the DRC conflict therefore lies in addressing both internal and external dynamics.

3.1 INTERNAL FACTORS

3.1.1 Political and Social Factors

The Congolese political arena has been deeply fractured since before independence. The Belgian colonial power actively discouraged the emergence of nationwide political parties, and elected local councils were introduced only shortly before the hasty departure of the Belgians. The ethnicisation of politics were further encouraged by Katanga's abortive attempt at secession and were perpetuated and reinforced during Mobutu's rule as he played one group off against another in a complex game of shifting patronage. The end of the Cold War eroded his value as an ally of the West and exposed him to new demands for a democratic transition. Mobutu reacted cynically; encouraging the formation of a plethora of political movements, whose numbers eventually ran into the hundreds.

As a result, there are a large number of individuals and groupings that have played a role in the past, and many more are waiting for their chance to do so, for prominence in the political arena can pave the way to material success. The jostling for position also manifests itself within groupings, which fracture and re-align with scant regard for ideological or policy considerations.

Neighbouring countries, such as Rwanda, benefit from the weak leadership in the Democratic Republic of Congo (DRC), which allows them to play a role without necessarily engaging local support. Other foreign and external actors also exploit a situation in which they are able to exert influence in what remains to some extent a political vacuum. In these circumstances, the identification of political players with lasting qualities becomes something of a lottery, especially as the focus shifts over time. For instance, Masunzu formerly of the RCD defected in January 2002. He is now an important, if local, actor in his own right in the security of the High Plateau and thus becomes significant in resolving the issue of Banyamulenge citizenship.[1]

Joseph Kabila's suspension of several key figures in the heart of his administration following the release of the third report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo also demonstrates how people once regarded as untouchable can find their positions in jeopardy at short notice. This has left a dangerous vacuum in Kinshasa and has also altered the relationships between Kabila and the 'negative forces' in the east.

It also suggests a shift from his dependency on the Zimbabweans, and a growing reliance on Western financial assistance with all the alterations in patronage networks this entails, given the weakness of Congolese Armed Forces (FAC) – itself largely an unknown quantity. It would seem unlikely that he places too much trust in the FAC as indicated by the fact that foreign experts are dealing with this sensitive issue for him.

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[1] Smis, Stefaan and Wamu Oyatambwe (September/ December 2002), "Complex Political Emergencies, the International Community and the Congo Conflict ", *Review of African Political Economy*, 29 (93/94): 413.

The relevance of political players fluctuates, especially when a peace process is exclusively leadership driven, as is the case here. How facilitators accommodate the shifting sands of frequent personnel changes, when often the leadership has no real mandate remains a key concern, raising questions around which they represent and whether can they take binding decisions.

Political failure has been, in fact, directly responsible for much of the continued violence and disorder.[2] This is a problem for all the players in DRC at a time when few resources, if any, are devoted to building the capacity of local leadership. The Lusaka negotiations included civil society, but this approach is not without risk. Opening the door may simply admit to the process 'leaders' who are without any real following - there are players who are able to sell themselves well in international circles and thereby gain funding, but they are often not much more than ambitious and gifted individuals. This has been aggravated by foreign actors who continue to play an important role in supporting certain local players to the detriment of others. This situation is also one prone to frequent changes.

It is not necessarily fixed or permanent, but is a specific response reflected in the different culture in the Kinshasa-controlled areas where power is relatively easily achieved with the use of little muscle. In the east, a culture of violent political action finds acceptance because of the influence of neighbouring countries. It is also easier to analyze power in the east where there is a culture of support for certain groups and opposition towards others; thus the Mai-Mai has broad support as defenders against Rwandan occupation.[3]

There is an enormous problem of legitimacy of leaders, the absence of which creates problems for real transition. The difficulty at present is that there is a risk that there will be a political stitch-up between the principal armed groups and the international community; Congolese civil society will then have to fall in behind those arrangements.

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[2] Traub, James (July 3, 2005), "The Congo Case", [Online: web] Accessed on 5 May 2006 URL: http://www.globalpolicy.org/security/issues/congo/2005/0703congocase.htm.
[3] Taylor and Francis Group (2004), *The Europa World Year Book: Vol.1*, London: Europa Publications, p. 1265.

Other internal factors, such as the various Congolese Political parties, also need to be brought into any peace process. The Union for Democracy and Social Progress (UDPS) is the best-known party in the DRC conflict with its involvement dating back to moderate opposition to Mobutu and later to Kabila. Its leader is Etienne Tshisekedi who, it is claimed, is more popular than the president.[4] Kabila banned this party as a result of its vocal disapproval of his governance. Other parties worth nothing are the Christian Social-Democratic Party (PDSC) and the Forces Novatrices de l' Union Sacree (FONUS). The principle of non- violent opposition guides these parties, as they never participated in any armed activities either against Mobutu or Kabila. In addition there is still the ADFL, which was ditched by Kabila, which prior to its current position, played a crucial role in the politics of the DRC.

Congolese civil society organizations are by no means perfect. As social actors in a country that for long has marked by Kleptocracy (a nation ruled by thieves), Nepotism and Dictatorship, they are not immune from corruption, opportunism and anti-democratic values and practices.[5] Some of their leaders are autocrats who do not tolerate dissent and internal democracy, while others see the setting up of NGO's as a means of satisfying their pecuniary interests through foreign donations.

Civil society, through representation by Non-Governmental Organizations (NGO's) and Churches, is a vital factor if a lasting peace is the objective. The level of participation or lack thereof by civil society may well determine the future conflict trajectory in the strife-torn DRC. Attempts by the Kabila government to silence NGO's as well as his continued refusal to recognize them as role players, have not enhanced the peace process.

NGO's in the DRC acquired an elevated status over the years. The deterioration in social services delivery saw NGO's take over this function, thus endearing them to society in

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[4] Solomon, Hussein and Kwezi Mngqibisa (November 2000), "Towards Conflict Transformation in the Democratic Republic of the Congo with Specific Reference to the Model of Kumar Rupesinghe", *Strategic Review for Southern Africa*, 22 (2): 35.
[5] Nzongola-Nalaja, Georges (2002), *The Congo from Leopold to Kabila: A People's History*, London and New York: Zed Books, p. 245.

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the face of government complacency. When Kabila took over power, NGO's were organized and wielding extensive influence as far as public opinion was concerned. The NGO's lost favour with Kabila's regime as they exposed government excesses without fear or favour. Kabila attempted to silence them through banning or attempting to channel their funding.[6] But, the NGO's did not falter in the face of this adversity. They maintained their international contacts and continued to make their contribution to finding a solution to the conflict in the country.

The employment crisis is one of the major causes of the social crisis. The unemployment rate is very high, while salaries and social benefits are trifling. In 2000, only 4 per cent of the total working population, and 8 per cent of the male working population, had a job. The informal sector has become the largest sector of the economy, and salaries are negotiated in a context of strong demand for employment. Less than half of urban water requirements are satisfied, while in rural areas, where two-thirds of the population lives, access to drinking water is virtually non-existent. Social indicators in general have reached alarming levels and have deteriorated these last few years. The infant mortality rate has risen from 125 per thousand in 1990 to 170 per thousand in 2000, the maternal mortality rate from 800 per 1,00,000 live births in 1990 to 2,000 at present. Life expectancy was 42 years in 2002, whereas the African average is 51. Nearly half the population is under 15 years old, a situation which creates enormous needs in terms of education and health for young people. Unfortunately, fewer than 26 per cent have access to basic health care.

The resolve of civil society in the DRC is evidenced by its organization of a national dialogue workshop in October 1999 and a peace Forum launched on 29 February 2000. If the parties to the conflict are serious about bringing a real peace to this central African state, then they would need to create an enabling environment where such factors like relevant non-governmental organizations, the media, human rights and humanitarian institutions, peace institutions; religious institutions etc can make their own contribution to post- conflict reconstruction.

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[6] Solomon, n. 4, p. 41.

3.1.2 Ethnic tensions

Ethnic tensions are a long-standing issue, which is reflected, in DRC internal and external politics. The province of Shaba, now Katanga, has tried to secede since independence and there is friction with the Luba from Kasai-oriental. There is the question of discrimination against the Banyamulenge, people of Rwandan origin (Hutu,Tutsi or Twa) who have been living in the east since the last century but are resented because of their ownership of land. There is also conflict in North Kivu between residents of Rwandan descent, the Banyarwanda, and the Hunde and Nyanga tribes over land property rights in which the 1981 legislation sought to undermine the Banyarwanda's claim to citizenship.

The catastrophic failure of the Congolese state as an instrument of collective action is further compounded by the vast heterogeneity of its people and their intense and frequently violent polarization along regional, ethnic and parochial lines.[7] By one count, Congo has fourteen pre-colonial cultural identity zones and no less than 365ethnic groups. Some are fiercely antagonistic like the Lunda and Balubakat of Katanga, the Lulua and Luba of Kasai, the Hema and Lendu of the Oriental Province, or the Banyarwanda and most other groups from Kivu. Overlapping and crosscutting ethnicity, the Congolese have also developed strong provincial identities. Katangans and Kasaians have long-lasting grievances vis-à-vis each other and the state. Both regions seceded in the 1960s and both experimented with autonomous policies in the early 1990s. The Kivu provinces are also intensely particularistic. Furthermore, in each province, the Congolese tend to make a strong distinction between "autochthonous" and "non-autochthonous" populations based on the alleged precedence of their settlement there. Finally, the geographical distribution of Congolese populations concentrates around boundary zones, making Congo akin to a periphery with no core. Therefore the ethnic groups in DRC could be seen in two different contexts:

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[7] Ottaway, Marina (May 1998), "Africa's 'New Leaders': African Solution or African Problem", *Current History*, 97 (619): 213.

3.1.2 (a) Ethno Political Context

i) Banyarwanda: A population of Tutsi and Hutu (known as Banyarwanda) became Congolese after the "Berlin Conference", when colonial borders were demarkated. There were successive waves of immigration of both Tutsi and Hutu from Rwanda since the early 1900s. Many Banyarwanda refugees, mostly Tutsi, fled to Congo in the late 1950s and 1960s. In 1972 a change in the nationality law gave all of them citizenship. The citizenship law of 1981 abrogated their citizenship again. People could make individual applications for citizenship but in reality this provision was not applied. At present everybody who is or originally come from Rwanda is not a Congolese national.

ii) Banyamulenge: A majority of the Banyarwanda lives in North Kivu, whereas the Banyamulenge of Tutsi origin, mostly live in South Kivu and have a legitimate claim to Congolese nationality. Most of them have been living on the territory of the DR Congo since before the drawing of the colonial borders in 1890. As many as one million Hutu fled to Zaire in the aftermath of the 1994 genocide in Rwanda. Some of them merely fled Rwanda in fear of retaliation for the mass murder of the Tutsi population, but many had actively participated in the genocide (the so-called Interahamwe) and were arming the refugees in the camps along the Congolese/Rwandese border and organizing insurgencies into northwestern Rwanda.[8] Among the refugees were also unarmed civilians, including women, children and the elderly, fearing that they would be subjected to killings and other human rights abuses by rebel forces, which later formed the backbone of the new Rwandese Government. Many of these refugees returned to Rwanda from late 1996 after Rwandese and other forces attacked their camps. These violent activities have given Rwanda a pretext to come to the aid of the Tutsi population in the Kivus and to maintain presence on DRC territory.

iii) Baluba: Members of the Baluba ethnic group in Katanga province who originated from the Kasai provinces have been victims of severe discrimination in the beginning of the nineties, after Etienne Tshisekedi, himself a Luba from Kasai, had been appointed

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[8] Reyntjens, Filip (1999), "Briefing: The Second Congo War: More than a Remake", *African Affairs*, 98 (391): 242.

Prime Minister in 1992 by multi-party National Conference which had charted a political transition under President Mobutu. Mobutu and his supporters used violence to ensure he did not lose political power to his opponents. Katangans and members of the Balunda ethnic group, incited by Tshisekedi's political rivals in Katanga, particularly Karl-i-Bond and Gabriel Kyungu wa Kumwanza, retaliated against the Baluba and forced about 2,00,000 of them to flee from Katanga to Kasai. Kabila is a Luba from Shaba (Katanga) province, which has enormous mineral wealth in the DR Congo and historically prone to secessionist tendencies. Etienne Tshisekedi is said to be his biggest political opponent and to have enormous popularity in his home province as well as in Kinshasa. Kasai is home to the biggest diamond fields in the DRC, Mbuji-Mayi, and thus the center of fierce battles. So far, Kabila has succeeded in maintaining control of Mbuji-Mayi.

3.1.2 (b) Persecution on Ethnic Grounds Context

i) **Tutsi:** Hundreds of members of these ethnic groups were killed or detained until the second half of 1999 before being deported "for their own protection" to Rwanda, Benin and Cameroon on the way to the US where they received temporary asylum. In the rebel-controlled areas, anti-Tutsi sentiments have escalated among other sections of the population, which are opposed to what is perceived as domination by Rwanda and the military support it gives to Tutsi-dominated and other Congolese armed groups. Sections of the civil society consider all Tutsi to be foreigners. However, the armed groups and their foreign backers seeking to overthrow President Kabila of being anti-Tutsi also often accuse other members of the civil society, particularly human rights defenders, who denounce atrocities as well as the occupation and exploitation of the DRC by Rwandese and other foreign forces.

ii) **Ngbandi:** Apart from this group there are two other ethnic groups of particular concern. The Ngbandi are the main ethnic group in the Equateur province. Under Mobutu, members of this group played a significant role. Mobutu himself was an Ngbandi from Equateur. Very prominent members of the security forces, the head of the Division spéciale présidentielle and the head of the Civil Guard were from Equateur.

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Belonging to this group might still constitute a problem. The commander of one of the rebel factions, Jean-Pierre Ondekane, as well as the leader of the MLC, Jean-Pierre Bemba is from Equateur. What matters in these cases is what is imputed to the person because of his or her Ngbandi ethnicity.

iii) Baluba: The second group is the Baluba from Kasai. Many of them are members of the UDPS, the leading opposition party. In 1992-93 there was severe persecution of Baluba from Kasai in the adjacent Katanga province where many of them had migrated to in order to work in the mines.

Although this particular conflict is over, persecution of the Baluba who are known or suspected of supporting Tshisekedi continues. This persecution is characterized by discrimination, harassment and detention by state agents.

iv) Mai Mai: In the Eastern DRC, members of ethnic groups that traditionally support the Mai-Mai militia are presecuted by the armed opposition. These are the Bembe, Bafulero and Bahunde in South Kivu, but also the Batembo in North-Kivu. In his report to the Security Council dated 1 January 2000, the United Nations Secretary-General mentions reports that a group of 15 women suspected of supporting the Mai-Mai were buried alive in Mwenga, South Kivu province. Another massacre of alleged accomplices of the Mai-Mai militia was reported to have taken place in Kalima, a town northeast of Kindu.[9]

3.1.3 Refugees

In April 1994, Hutu extremists used the military, administrative and political structures of Rwanda to carry out genocide against the minority Tutsi and to kill moderate Hutu who were seen as Tutsi collaborators. Soldiers of the Rwandan Armed Forces (FAR) and

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[9] UNSC: Report of the Secretary-General on the UN Mission of DR Congo, S/2000/30, 17 January 2000, [Online: web] Accessed on 21 January 2005, URL: http://www.reliefweb.int .

members of militia groups known as the Interahamwe took the lead in slaughtering more than 500,000 people.[10]

In July 1994, the Rwandan Patriotic Front (RPF), a predominantly Tutsi movement, overthrew the genocidal government, against which it had waged war since 1991. Some two million Rwandans then fled to surrounding countries, some because they feared retribution from the RPF, some because they were ordered to follow government leaders into exile. The estimated 1.1 million who ended up in Zaire included both refugees as well as others who were implicated in crimes against humanity in their home country and remained armed, planning to continue the genocide--and their war against the RPF--from adjacent countries. This mixed population settled in camps, the great majority in Zaire and the next largest number in Tanzania, where they were nourished at the expense of the international community. Human rights organizations like Human Rights Watch and the International Federation of Human Rights (FIDH), humanitarian agencies, including the United Nations High Commissioner for Refugees (UNHCR), and the Rwandan government repeatedly demanded international intervention to separate the refugees, many of them women and children, from the armed elements, former soldiers (ex-FAR) and militia members. Although the U.N. prepared plans for such action, the Security Council rejected them as too expensive and perhaps unworkable.

Administrative officials and military and political leaders responsible for the genocide controlled the camps and with the ex-FAR and militia intimidated many refugees into staying in the camps instead of returning home. Within Rwanda, human rights abuses, particularly killings by soldiers, massive arrests without regard to due process, and the paralysis of the judicial system also discouraged refugees from returning.

Beginning almost immediately after settling in the enormous border-area camps, the ex-FAR and militia reorganized, trained new recruits and bought new arms from abroad. As their incursions into Rwanda increased in number and impact, the government of Rwanda

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[10] Emizet, Kisangani N. F. (June 2000), "Massacre of Refugees in Congo: A Case of UN Peace Keeping Failure and International Law", *Journal of Modern African Studies*, 38 (2): 174.

signaled that it would act on its own to end the threat from the camps in Zaire if the international community failed to intervene. In the face of stepped-up infiltration in 1996, a rash of killings of civilians in border areas, and apparently aware of preparations for an invasion, Rwandan leader General Paul Kagame again alerted leaders of the U.S. and perhaps other countries that Rwanda would act if conditions did not change.[11]

In early December 1996, the UNHCR and aid agencies observed refugees moving in three different directions. The largest group of 1,15,000 (1,00,000-1,30,000) refugees remained in South Kivu by hiding in the mountains; many of its surviovours later crossed the border via Cvangungu. The second group of 60,000 (55,000-65,000) refugees went from Bukavu to an area of Lake Kivu. This group might have reached other refugee camps in North Kivu strode south and some of its survivors reached Angola via Shabunda, Kindu and Katanga. According to Map I, two small groups split in Kananga and, moved towards Kikwit and Kapanga. In late 1996, the UNHCR relocated 52,500 (45,000-60,000) in Shabunda, which is hundreds of kilometers west of Bukavu. The last group, which was probably a group of fewer than 25,000 refugees, met with other refugees in the Uvira area and headed south. Its surviors reached Zambia via Kalemie, Moba and Lubumbashi (see Map 3.1). Thus, of 550,000 refugees who were unaccounted for in December 1996, a total of 5,27,500 were located by late December 1996 in Walikale, Masisi, Shabunda, hidden in South Kivu Mountains, and in the direction of Kalemie.

DRC has generated refugees who have left to many countries within the region, and has provided refuge to populations from many of the same countries. According to UNHCR data, the DRC ranks third in the world among countries of origin of refugees, with Congolese refugees totaling 4,62,000 just behind Sudan (7,30,000) and Afghanistan (2,084,900).[12] At present, the number of internally displaced within DRC due to ongoing insecurity far exceed the number of refugees within DRC.

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[11] Rosenblum, Peter (May 1998), "Kabila's Congo", *Current History*, 97 (619): 198.
[12] United Nations, General Assembly, 29 September 2005, A/60/395, p.11.

Map 3.1: The Massacre of Refugees in Congo
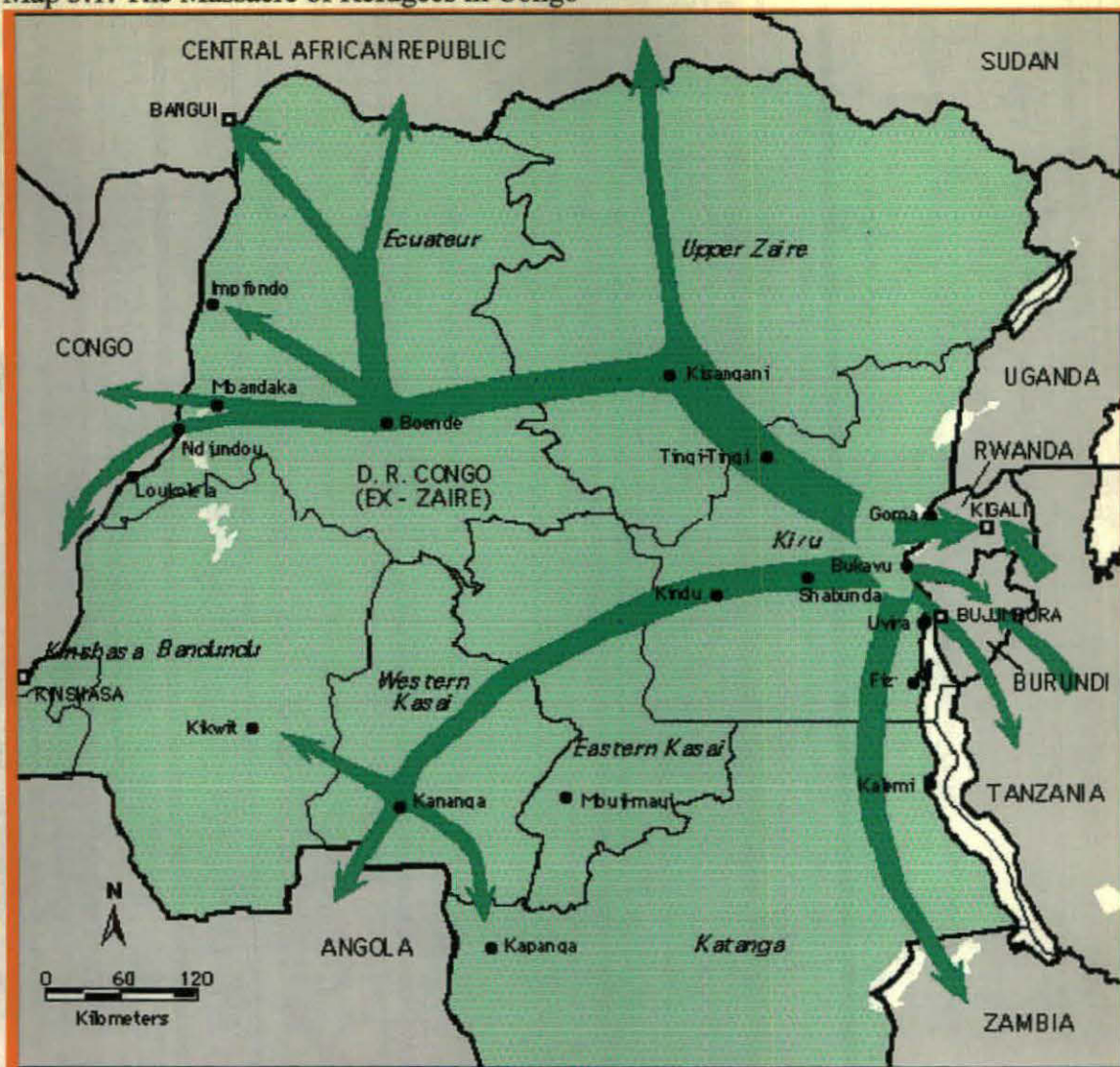
Dispersal of Hutu refugees from eastern Congo, 1996/97
Source: Data for map from UNHCR (1997: 16-17) and Pourtier (1997:31)

In 2001, in addition to longstanding refugees from Burundi, Rwanda, Congo and Sudan, refugees fleeing fighting in Angola crossed the border into southern DRC (some 20,000 between January and September); and from the Central African Republic into northern DRC (some 27,000 between January and September). Ongoing fighting in southeastern DRC saw refugees cross into neighbouring Zambia (some 13000 refugees between January and September). See Table 1 for summary data from 1998 and 1999. Ongoing conflict in DRC has prevented meaningful refugee returns and new refugee and IDP case loads have been reported through 2002.

Table 3.1: Refugees in, from and returning to DRC in 1998 and 1999

Refugees in Democratic Republic of Congo		
Country of origin	*No. At end of 1998*	*No. At end of 1999*
Angola	137,000	150,000
Burundi	20,000	19,200
Congo	15,000	11,800
Rwanda	35,000	33,000
Sudan	31,200	68,000
Uganda	2,000	3,200
Refugees from Democratic Republic of Congo		
Country of asylum	*No. At end of 1998*	No. At end of 1999
Angola	10,400	12,800
Burundi	23,100	20,800
Congo	300	12,400
Rwanda	32,000	33,000
Tanzania	58,300	98,500
Uganda	5,400	8,000
Zambia	12,200	38,400

Source: UNHCR {Online: web] Accessed on 16 March 2006,
URL:http://www.unhcr.ch/statis/99oview/intro.htm

Therefore in eastern Congo, UNHCR, found itself to be out of its depth. UNHCR was faced with security and political issues which it had neither the mandate nor the resources to deal with. Humanitarian crises never occur within a political vacuum, and UNHCR has been able, to varying degrees of success, to deal with the political milieu in which it has found itself on many occasions. Eastern Congo was unique, however, in the severity and brutality of many of the main actors who created and fed the humanitarian nightmare. UNHCR, as well as the many other humanitarian actors, was expected to work in, and indeed address, an exceedingly complex and insecure situation with virtually no backing from the international community, which had set it the task in the first place.

This was not the first time the international community has used humanitarian action to avoid squarely facing a situation. It perhaps, however, represented an extreme. In light of its refusal to stop the genocide and then to address the situation, which resulted as a result of its inaction, it is hard to see how the international community could become any more cowardly. It set up UNHCR to fail, even if not intentionally. Yet, given the extreme situation, it is hard to rate UNHCR as a failure in eastern Zaire. It has come under great criticism for creating and perpetuating the instability in the region by maintaining the camps. Yet, this is the job it was sent to do, and when it tried to truly address the broader situation, its pleas fell on deaf ears.

3.1.4 Internal displacement and recent developments

While the eastern province of North Kivu was the location of ethnic clashes and the displacement of thousands in the early 1990s, internal displacement spread throughout the DRC (Democratic Republic of Congo, formerly Zaire) during fighting in 1996 and 1998. The underlying causes of displacement have been the disintegration of the state, which started long before the 1996 demise of President Mobutu Sese Seko's regime, and the subsequent competition among various ethnic groups for political and economic power in their respective provinces. A series of rebel groups, more or less closely linked to outside powers such as Uganda and Rwanda, have competed to control large areas of eastern DRC. These groups have repeatedly clashed among themselves, as well as with the Kinshasa government and foreign troops.

Civilians have borne the brunt of the violence, often being targeted for ethnic or political reasons. Their valuable resources have been seized, children have been conscripted into armed forces, and combatants have used women and girls as sex slaves. Displacement peaked in 2003, with an estimated 3.4 million people forced from their homes, most of them in eastern DRC. Following an upsurge of violence by militias in Ituri in mid-2003, the UN Security Council authorized the MONUC (UN Mission in the Democratic Republic of Congo) peacekeeping force, under "Chapter VII" of the UN Charter, to use all necessary means to protect civilians under imminent threat of physical violence in

Ituri and in the Kivus.[13] MONUC was also tasked with monitoring compliance with the arms embargo imposed by the UN Security Council in July 2003 on armed groups operating in eastern DRC. With the establishment in mid-2003 of a Transition Government, which included the main armed groups and the political opposition, violence decreased until mid-2004.

In the second half of 2004 and in 2005 however, a series of crises caused heightened insecurity and displacement, and the Congolese government struggled to affirm its authority in the east of the country, particularly in Ituri and in the Kivus. One major problem was that while in theory former belligerents who joined the transitional government should have handed control of their armed groups to a new national army, in reality most of the combatants were still controlled by the same military hierarchies as before the transition. Also, the looting of DRC's natural resources by various armed groups continued, and those responsible for their illegal exploitation had not been held responsible. Weapons continued to be channeled to various armed groups in DRC from neighbouring countries, despite the establishment of the arms embargo. National elections planned for June 2005 were delayed, notably due to insecurity and to the logistical challenge of registering 2.9 million voters in a country with limited infrastructure.[14]

The voter registration process started on June 20, 2005. In March 2005, the UN Security Council noted that the situation in the DRC continued to constitute a threat to international peace and security in the region. The Hutu Rwandan Armed Liberation Forces (FDLR), Mai Mai factions, and other local armed groups were still attacking the local population. Unruly and unpaid Congolese military personnel were also reported to terrorize farmers, steal livestock and pillage local plantations. According to the UN Secretary-General, reports have been received of collaboration between Rwandan Hutu rebels and Mai Mai militias, and between Rwandan Hutu rebels and elements of the Congolese armed group. Despite the presence of UN peacekeepers, militias in Ituri

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[13] Vlassenroot, K. and T. Raeymaekers (2004), "The Politics of Rebellion and Intervention in Ituri: The Emergence of a New Political Complex?", *African Affairs*, 103: 385-412.
[14] United Nations General Assembly (29 September 2005), A/60/395, p.6.

attacked the population, collected revenues from gold mining, and smuggled goods and weapons to and from neighbouring Uganda.

From February 2004, dissident officers from the former rebel movement Rassemblement Congolais pour la Démocratie-Goma (RCD-G) sparked clashes in North and South Kivu which resulted in the displacement of tens of thousands in May/June 2004, particularly of ethnic Tutsi. Many also fled after the fighting out of fear of ethnically based reprisals, since the dissident commanders were Tutsi. Years of war have contributed to hostility against the Congolese Tutsis since other Congolese increasingly identifies them as "Rwandan". Over 150 ethnic Tutsi refugees from DRC were also massacred across the border in Burundi in August 2004.

Following the targeting of ethnic Tutsi, the Rwandan government mobilized its troops along its border with DRC, interpreting the violence as a threat against all Tutsi. The military mobilization as a response to the massacre played on the fears of many people in DRC that Rwanda might still be planning a large-scale intervention. In response to threats by Rwanda in December 2004 to enter the DRC to disarm Rwandan Hutu rebels by force, additional Congolese troops were sent to North Kivu. Since then, different segments of the Congolese army in the region – members of the former Congolese Army and members of the former rebel group RCD-Goma reportedly backed by Rwanda – have repeatedly clashed. In December 2004, fighting and soldiers' looting of homes and shops in North Kivu caused the displacement of more than 1,80,000 people, many of them into forested areas.

The peacekeeping mission MONUC has over 16,000 troops, who are mainly tasked to facilitate and assist the transition process. The main countries contributing troops are Pakistan, India, Uruguay, Bangladesh and South Africa. In September 2004, the UN and the Congolese government started to disarm and reintegrate ex-combatants in Ituri. Delays and a slow disarmament, demobilisation, reintegration and rehabilitation process, however, led to the remobilization of militias and widespread insecurity. Still, some 10,000 combatants – 3,000 of them children – had put down their weapons, either

voluntarily or by force. One of the biggest clashes involving MONUC troops in eastern Congo occurred in early March 2005, when peacekeepers killed at least 50 militiamen a few days after nine Bangladeshi UN troops were killed in an ambush in Ituri. Most IDPs live with host communities or hide in forests. Following massive influxes of people, IDP camps have also been set up, particularly in Ituri, North Kivu and Katanga. The latest IDP estimate caused by the war is more than two million people.[15]

The debilitating wars in Congo are the widest international war in Africa's history and pose an unprecedented foreign policy challenge. The Congo has confounded its rulers, from Leopold II to Mobutu, who both ran it as a personal colony or fiefdom. Kabila II likewise soon succumbed to illusions of the family jewels to fellow African presidential 'protectors'. In reality Congo has been partitioned by a group of neighbouring leaders who have paid their statutory forces of casualties, civil-military relations, and corruption etc. just as the Congo was initially the possession of the King of Belgium rather than the Belgian state.

3.1.5 Economic Factors

Historically, DRC's security issues have never been far from the question of control over oil, diamond, hardwood and metals. In 1997, for example, international companies regarded the ADLF advance as a lucrative business opportunity and a chance to reshuffle long-standing corporate holdings that had been secured under Mobutu. The rush of new companies wanting to secure deals with the Kabila administration was dubbed by journalists as 'the Second Scramble for Africa', inviting comparisons with colonial acquisitions in the late nineteenth century. The current conflict is no different, but instead of foreign companies, intervening African states have sought a different share in resource revenues and mine. Individuals in particular are looking more and more to their own personal enrichment. War might be a drain on a country's economy, but it is highly profitable for elites and their families. And if war can provide access to new wealth, that wealth can be a powerful disincentive to resolve a conflict.

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[15] Juakali, Kambale (30 June-6 July 2003), "Peace Creeping Nearer", *West Africa*, (4382): 22.

Kabila was counting on foreign investment in minerals to finance his administration. DRC was once the world's largest producer of cobalt, and copper ores found in the Katanga Province are five times pure than those commercially mined elsewhere.[16] But under Mobutu, extraction rates had plummeted. In 1986, the country exported nearly 500,000 tons of copper and 13,000 of cobalt. By 1996, exports were less than one-tenth. International investors abandoned lacking political stability and a secure economic environment, the country.

In the early stages of his rise to power, Kabila seemed willing to entertain anyone who expressed an interest in investment, particularly if they arrived with cash up-front to help his war effort. But those halcyon days were short lived. Kabila's administration failed to understand investor needs. Major extraction companies were tormented by uncertainty: the new ministers competed for authority, squabbles broke out between officials in Kinshasa and at provisional level, and large cash deposits were demanded without any real security offered in return. Major investment from organization such as US mining company American Fields (AMF) ground to a halt, and companies remained unwilling to sink hundreds of millions of dollars needed when the long-term future of the copper mines looked uncertain.[17]

Since August 1998, Africans have supplanted the international companies. Major General Salim Saleh, for example, Ugandan President Museveni's brother and previously commander of the Ugandan forces in DRC, reportedly has interests in a number of mining companies, particularly the Bunia goldmine in DRC's northeast. Zimbabwe has made no secret that business is a key reason behind its sending troops to Kabila's aid: it has publicly encouraged Zimbabwean business to make the most of the intervention in order to displace South African competition.[18] The Zimbabwean company, Ridgepoint, has signed copper and cobalt concessions with DRC's state owned Gecamines. And the

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[16] Leonard, David K. and Scott Straus (2003), *Africa's Stalled Development: International Causes and Cures*, Boulder and London: Lynne Rienner Publishers, p. 69.
[17] De Herdt, Tom (September, 2002), "Economic Action and Social Structure: 'Cambisme' in Kinshasa", *Development and Change*, 33 (4): 687.
[18] Michael, Nest (2001), "Ambitions, Profits and Loss: Zimbabwean Economic Involvement in the Democratic Republic of the Congo", *African Affairs*, (100): 474-475.

new head of Gecamines is Billy Rautenbach, a white Zimbabwean. Meanwhile, Kinshasa has admitted meeting Zimbabwe's military costs. The masses of the people have reaped no benefits from the vast sums gained from resource extraction; life expectancy has declined since the 1970s and 15 billion has accrued in the international debts (Table 3.2).

Table 3.2: Economic and Human Welfare Data

	Rwanda	DRC	Burundi
HPI%(2004)	44.7	42.9	45.8
HDI Ranking (out of 177)	159	168	173
GDP (US$)	1.7	5.7	0.7
ODA(% OF GDP)	20.6	14.1	23.9
Debt in US$ billion (1999)	1.2*	12.9	1.2
Debt service(% exports of goods and services)	14.9	-	59
Debt services(% GDP)	1.3	16.2	3.02
Life expectancy	44.6	45.8	44
1970-75			
2000-05	38.6	41.8	-

Notes:HPI: Human Poverty Index measures the percentage of population below a threshold level in basic dimensions of development; HDI: Human Development Index measures three dimensions of human development: health, education and standard of living;* =1998 data.
Source: UNDP, Human Development Reports, 2001, 2004. 1998 data from World Bank, *World Development Report*, Oxford: Oxford University Press, 2004.

The years of warfare have compounded this improvement as the fighting and population displacement have disrupted livelihood strategies. Resource extraction, serving international markets, is now seen by the UN and others as contributing to the continued conflicts in the DRC.

3.2 EXTERNAL FACTORS

3.2.1 Border Dispute with Neighbouring Countries

Congo's relationship with its neighbours has been complicated by the presence of refugees in border areas and activities of anti-government rebels. The Congolese political arena has been deeply fractured since before Independence. The Belgian colonial power actively discouraged the emergence of nationwide political parties, and elected local councils were introduced only shortly before the hasty departure of the Belgians. The provincialisation and, by extension, ethnicisation of politics were further encouraged by Katanga's abortive attempt at secession and were perpetuated and reinforced during Mobutu's rule as he played one group off against another in a complex game of shifting patronage. The end of the Cold War eroded his value as an ally of the West and exposed him to new demands for a democratic transition. Mobutu reacted cynically; encouraging the formation of a plethora of political movements, whose numbers eventually ran into the hundreds.

As a result, there are a large number of individuals and groupings that have played a role in the past, and many more are waiting for their chance to do so, for prominence in the political arena can pave the way to material success. The jostling for position also manifests itself within groupings, which fracture and re-align with scant regard for ideological or policy considerations. Neighbouring countries, such as Rwanda, benefit from the weak leadership in the DR Congo, which allows them to play a role without necessarily engaging local support. These countries exports of timber and strategic minerals have risen dramatically in recent years.[19] Other foreign and external actors also exploit a situation in which they are able to exert influence in what remains to some extent a political vacuum.

There is an overriding impression that the war in DRC is being used by the neighbours to sort out domestic problems. The main reason why Uganda, Rwanda and Burundi

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[19] Daley, Patricia (2006), "Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa", *Third World Quarterly*, 27 (2): 307.

intervened in Congo because they wanted to secure their border and to resort their own internal security against attacks from counter-revolutionary forces based in Zaire. Rwanda and Uganda seeks peaceful borders, but Angola, Namibia and Zimbabwe have also entered the fray with troops to support president Kabila. Kabila in many ways also brought the war himself. Welcomed as the man who could clean up Mobutu's mess, Kabila promptly restored Zaire's old name, Congo. Then he jailed political opponents and sacked the government with relatives and members of his own ethnic group. The bigger problem was that Kabila did not stop Ugandan and Rwandan rebels from using Kivu in eastern Congo as a base to attack across the borders.

The DRC relations with major allies in its war was against the Zairean army had deteriorated, when Kabila ordered Rwandan troops to leave. The insurrection spread with foreign help and the rebels quickly captured a large chunck of the east and several key points west of Kinshasa.

This conflict came on the top of those that have dogged Angola for more than two decades and are still being fought in the Congo. Much of the activity was centered across the Congo and on the Great Lakes region of Central Africa. This danger was seen that this menace would spread to states that have so far been stable.[20] Angola, Namibia and Zimbabwe had intervened on the side of Kabila and Rwanda and Uganda too backed the rebel.

3.2.1 (a) Congo's relation with Rwanda

Rwanda was the brains behind the removal of Mobutu. History will show that it was the Rwandan situation that launched the Congo uprising. Five out of Congo's nine immediate neighbours had actively contributed to the downfall of the Mobutu regime.[21] It was Rwanda's need to derive the Interahamwe and the Hutu militias from the refugee camps in Congo that started the ball rolling. Tutsi guerillas, dressed in Rwandan Patriotic Army

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[20] Venter, Al (January, 1999), "Arms Pour into Africa", *New African*, (370): 10-11.
[21] Reyntjens, Filip (2001), "Briefing: The Democratic Republic Of Congo, From Kabila To Kabila", African Affairs, (100): 241.

uniforms infiltrated into Uvira as early as August 1996. They went to support their fellow Tutsi's, the Banyamulenge living in Congo who was being harassed by the Mobutu authority. The Rwandans allowed them to cross the border carrying rifles, machine guns and RPGs. Some were already in uniform. On 22 October there was shelling across the border between Cyangugu (Rwanda) and Bukavu (Congo). The Rwandan artillery targeted passenger ships moving between Bukavu and Goma. Pasteur Bizimungu, the Rwandan President told his ministers that Rwanda had a moral obligation to stop the genocide being carried out against the Banyamulenge.[22]

As soon as Kabila had taken power, he was faced with a major dilemma. The continued visible presence of foreign troops and officers, mainly of RPA gave rise to accusation that Kabila was a mere 'puppet' of Rwanda. When Rwandan Vice-President General Paul Kagame recognized that Rwanda had played a decisive role in the war, this was a major embarrassment for the new Congolese regime. Relationships started deteriorating when Rwanda backed the rebel campaign to oust Kabila. He had angered the Rwandan in two ways. First, he neglected their security concerns. The Rwandans, having supported Kabila's effort against Mobutu, had expected the security of their borders to be a top priority. Kabila's efforts to control the movement of Hutu rebels in DRC, who continued to launch destabilizing attacks against Rwanda, were half-hearted.

This was perhaps inevitable: once installed in Kinshasa, Kabila was bound to become more concerned with Congolese as opposed to Rwandan interests. But the Rwandan leadership's shock and disappointment was also predictable. Ever present behind the machinations of Rwanda's Tutsi leadership is the spectre of the 1994 genocide that killed around 800,000 Tutsis and moderate Hutus. This element has shaped the Rwandan use of force. The elimination of Hutu insurgents most of whom were implicated in the genocide was, to Rwanda eyes, both a question of justice and critical to their survival. For that

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[22] Reyntjens, n.21, p.245.

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reason the tiny central African state with its highly disciplined 40,000 strong army has sought to determine DRC's future.[23]

Second, once in power, Kabila grew increasingly independent. He restructured his cabinet three times in the course of one year, each time consolidating his own power base, promoting fellow Katangese into powerful positions and marginalizing the Tutsi. His Chief of Staff, James Kabarebe, was Rwandan and had been a strategist for the ADFL rebellion. But wary of the Rwandan influence, Kabila placed his son Joseph to work alongside him.

Following the events in May 1997, the Rwandans had remained in DRC to help reshape Kabila's new army. They were also keen to monitor their new protégé and ensure he kept his side of the bargain. Restructuring the forces was no easy task. The army included around 70,000 ex-Armed Forces of Zaire (FAZ) who had previously fought for Mobutu; 3,000-4,000 Banyamulenge who were concerned chiefly with securing their homes in the eastern provinces of South Kivu; probably less than 2,000 other ADFL members; and 20,000 new recruits or *cadogas*- mostly young soldiers who joined the ADFL as it had marched westwards to the capital. It also included 6,000-8,000 ex-Katangese troops who joined Kabila from Angola had become his strongest allies. Significant divisions subsequently opened in the army. Many soldiers, especially the ex-FAZ, were unsympathetic to Rwanda's border problem and had little appetite for fighting its wars. And the *cadogo* grew particularly restless when Kabila had continually favoured his fellow Katangese, putting them in charge of the most favoured position, his presidential guard.[24]

Kabila, growing weary of their demands and increasingly worried that they might depose him, announced the expulsion of Rwandans from DRC in late July 1998. With this move, Rwanda stood to lose the entire strategic investment it had made in supporting the ADFL. Kigali immediately began to plan a military offensive. Congolese army split with choosing to side with the Rwandans, particularly the 10th Brigade at Goma in the east. In

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[23] Shearer, David (Summer 1999), "Africa's Great War", *Survival*, 41 (2): 94.
[24] Duke, Lynne (27, October1998), "Revolt in Congo had Multi-ethnic Genesis", *Washington Post*, p. A20.

an audacious offensive in early August these groups mobilized, flying reinforcements 1,500 kilometers across the country to head a march on Kinshasa. At the same time a coordinated attack was launched from the Rwandan border.

At this juncture the vanguard and Rwandan political front was the Congolese Assembly for Democracy (RCD), a group that included many of the same individuals who had installed Kabila just 15 months previously, as part of the ADFL. But Kigali miscalculated the extent of South African opposition to its incursion. With Kabila threatened, Zimbabwe stepped in to support him, followed by Angola and Namibia. Chad and Sudan also pledged their support.

Thus, the Rwandan state is clearly strong in the sense of having a large and effective army, and a high degree of central control over the armed forces (and over other parts of the state). It has also increased its capacity of resource extraction at home as well as from abroad in recent years, including the period of war. However, this strength is not primarily an effect of the war in the Congo, but of processes prior to the war, even if the war may have reinforced it.

So even if one cannot say that the strength of the state in Rwanda is a direct result of the war, one might tentatively conclude that at least the war has not weakened the state, and that it might have improved the state's financial basis. Thus, in the Rwandan case, there is no contradiction between the imperative of regime survival and that of state building.

A puzzling fact about Rwanda, however, is that this strength, in terms of military power and central political control, co-exists with widespread patrimonialism. Given the virtual consensus about the detrimental effects of patrimonialism on state capacity, the existence of an apparently strong patrimonial state is something of an anomaly. However, the fact that power, and thereby control over resources used for patrimonial purposes, has been centrally controlled in Rwanda, may have limited the damage of patrimonialism for state

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capacity. Centralised corruption if the kind seen in Rwanda is likely to be less detrimental for state power than decentralized corruption.[25]

3.2.1 (b) Congo's relation with Uganda

Historically, Ugandan-Zairean (Congo) relations have been complicated by border problems, including cross-border smuggling and disputes over fighting rights in the Lake along the border. Rwanda has been able to count on support, however, Uganda, which shares similar security concerns. Rwanda and Uganda, as well as Burundi, sit on axis that runs the length DRC's eastern border, a line of political instability on which the future of central Africa may well hinge. Ranged against them on the Congolese side is an amalgamation of factions that contest their governments and advocates violent changes. They include the ex-FAR and *Interahamwe* militias that were behind the Rwandan genocide. A growing number of reports suggest that these factions are forming a loose alliance and arms running network that has notably increased the volume of weaponry entering the region.

The Ugandan army, Known as the Ugandan Peoples Defence Force (UPDF), has fought pitched battles with a rebel group which calls itself the Allied Democratic Forces (ADF). This shadowy organization is firmly entrenched on the Uganda-Congo border, and the UPDF is finding it difficult to flush it out. Uganda claims that the ADF receives Sudanese support. Relations between Sudan and Uganda are tense because of Ugandan support for the Sudan People's Liberation Army, a rebel group in the south of Sudan that opposes the Khartoum's Islamic regime.[26] The conflict in DRC gives Sudan a further opportunity to hit back by destabilizing Uganda's Western border.

President Museveni's involvement is pivotal also because of his regional and international standing. He took power in 1986 as the head of one of the first successful rebel movements, and has been depicted as the key member of the new African

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[25] Reyntjens, Filip (2004), "Rwanda, Ten Years on: From Genocide to Dictatorship", *African Affairs*, 103 (411): 177-210.
[26] Clark, F. John (2001), "Explaining Ugandan Intervention in Congo: Evidence and Interpretations", *The Journal of Modern African Studies*, 39 (2): 272.

leadership[27]. His reason for sending troops into the northern part of east DRC is, like Rwanda's, primarily to control insurgents destabilizing Uganda. But he is also said to be disappointed with Kabila who has undermined his plan for a large economic community in the Great Lake region that he envisions as an integral part of future stability. The fortunes of Rwanda and Uganda are intimately linked, all the more so as key members of Rwanda's government were once headed military security in Uganda. And Museveni fears that the defeat of the Rwandan government would prompt a flood of Tutsi refugees into Uganda, as happened in 1959 when the Hutu government took power following independence from Belgium. There are also economic motivations. The DRC offers mineral and other economic wealth.

3.2.1 (c) Congo's relation with Angola

The Angolan crisis, set off by Portuguese coup of 1974 was the turning point in former Zairean foreign policy. The prospect of imminent independence for Angola represented both a threat and an opportunity from Mobutu's perspective. The Angolan government was distressed that the Rwandans and Ugandans sought to change leaders in DRC so soon after Kabila's May 1997 accession. Congo has always been a sore point for the *Movimento Popular para a Libertacao de Angola* (MPLA). Since Angolan independence in 1975, the rebel group *Uniao Nacional para a Independencia Total de Angola* (UNITA) which was once supported by both the US and South Africa, had relied on Mobutu's patronage and had established bases inside Zaire. It also wanted to encircle the diamond fields in the Cuango valley, which was under UNITA control.[28] An estimated $500 million annual trade in diamonds from the mines under UNITA control in the central highlands had funded the faction for over 20 years, fuelling one of the world's most persistent conflicts. With Kabila taking power, shipments of weaponry and diamonds through Congo had been disrupted.

Yet Angola was reluctant to enter the DRC conflict and risk alienating the Rwandan-backed alliance alongside which it had fought to install Kabila just a year earlier.

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[27] Clark, n.26, p. 266.
[28] Misser, Francois (July-August 1997), "Who Helped Kabila?", *New African*, (354): 9.

Angolan military officials traveled to Kinshasa and Kigali to work out a deal. But with reports that the RCD rebels in western DRC had enlisted ex-FAZ troops, formerly loyal to Mobutu, Angola's wish to stay out became increasingly untenable in the face of UNITA making strategic gains. It was also reportedly irritated by the lack of consultation from Rwanda before it launched its offensive. Reluctantly, Angola fell in behind the pro-Kabila initiative of the Zimbabwean President, Robert Mugabe, who had already sent troops to Kinshasa. It also felt duty bound to preserve its allegiances with the Southern African Development Community (SADC) group of states, which had taken a stance in support of Kabila.

But Angola's intervention in DRC has divided its military. It is already honouring a commitment to retain forces in Congo-Brazzaville to support the new President Denis Sassou Nguesso. Angola provided the military impetus for him to topple former President Pascal Lissouba in late 1997. Neither the Angolan military nor UNITA is capable of inflicting total defeat on the other. Nonetheless, President Dos Santos chose in August 1998 to support his ally Kabila from the west, following an airlift of troops across the breadth of the Congo.[29] The Angolan military is, in theory, much stronger than any of its rivals. It holds a distinct advantage of armour and air power. Its 80,000 troops vastly outnumber UNITA, but many troops are new recruits and their overall organization is questionable. UNITA's strength is estimated at around 30,000 enough to maintain a guerilla campaign that would be impossible to control. It has also recently received new shipments of weaponary. With both sides now committed to war, there appears to be little hope of a negotiated settlement. As a result, the UN in March 1999 withdrew its observer mission that had been tasked to monitor the reintegration of UNITA and government forces, agreed by both sides under the 1994 Lusaka Accord.

3.2.1 (d) Congo's Relations with Zimbabwe

Zimbabwe is the most surprising player in wars of DRC. It is the only country to intervene which does not share a border with DRC, from which it is separated by Zambia,

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[29] McNulty, Mel (1999), "The Collapse of Zaire: Implosion, Revolution, or External Sabotage?", *Journal of Modern African Studies*, 37 (1): 77.

and therefore has no direct interest in the conflict. But questions of regional precedence have undoubtedly influenced President Mugabe's decision. Since the end of apartheid, South Africa has taken Zimbabwe's place in Southern Africa and President Mandela's prestige has eclipsed that of Mr. Mugabe. Mandela's conciliatory attitude towards the rebels perhaps pushed Mugabe to espouse Kabila's cause, together with the desire to counterbalance the Ugandan influence.

In supplying Kabila with troops and weaponry the Zimbabwean leader marked out a new sphere of influence to compensate for the loss of Mozambique to South African intrusion. He is also asserting his primacy as a regional leader, shunting aside Minister of Foreign Affairs Alfred Nzo's peace moves in East Africa.[30]

Zimbabwe President Robert Mugabe is the most enthusiastic of President Kabila. Zimbabwe supplied arms worth several millions during the last campaign against President Mobutu. Also noteworthy is Mugabe's interest in consolidating Zimbabwean investment in the South Africa's take over of the Congo, as they did in Mozambique.[31]

Zimbabwe's import of electricity from the Inga Dam on the mighty Congo River notwithstanding, until recently there has been very little economic co-operation between Zimbabwe and Congo/Zaire. When added to the fact that a large part of the previously state owned enterprises in Zimbabwe are controlled by high-ranking politicians and army Officers, it might well be that the long-term commercial interests of Zimbabweans in the DRC form an important impetus behind its involvement in the war.

Already before the war, the Zimbabwean government company 'Zimbabwe Defense Industries (ZDD)', was sending supplies to the DRC army through 'Zvinavashe Transport' of General Zvinavashe. (ZDD) secured a $2 billion contract to supply goods and equipment to Congo. Zimbabwe's Agricultural and Rural Development Authority had been awarded huge areas of farming land in the DRC. In July 2000, at the time when Zimbabweans were eagerly waiting for the deputy appointments for the new government,

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[30] (August 1-31, 1998), *Africa Research Bulletin*, 35 (8): 13224.
[31] Abdulai, Napoleon (19 October-1 November 1998), "The Key Players", *West Africa*, (4197): 752.

President Mugabe himself headed a commercial delegation to Lumumbashi. An agreement between the Zimbabwe on Electricity Supply Authority's and Snel of the DRC was claimed to result in saving of up to Z$ 38 million (US$ 1 million) for Zimbabwe on electricity imports each month.[32]

The most important business co-operation, however, probably took place in the mining sector. For example the Zimbabwean businessman Billy Rautenbach's scandalous involvement in the Gecamines, a big mining company in Katanga, and the failed attempt of Oryx Diamonds to get listed on the London stock exchange, are examples that have got a lot of publicity.

In the case of the Zimbabwean occupation of the mineral areas of Kasai and Katanga, there has been systematic collaboration with members of the Congolese government in the exploitation of Congo's natural resources. These formal "joint ventures" between the Congolese state and Zimbabwean entrepreneurs have put a premium on the reproduction of the weak state in these regions. For the Congolese elites, the weak state facilitates the conversion of their formal public functions into private gains. For the Zimbabweans, it provides a seal of legality to their business deals. The economic appetites of Congolese and Zimbabwean political elites account therefore for much of the Congolese institutional rigidity, in contrast to the business informality and criminalisation that prevail on the ground.

More recently, the Zimbabwean and DRC governments announced joint ventures in diamond and gold mining through companies that will be run by military officers. In the long term, perhaps fighting on Kabila's side is Zimbabwe's and SADC's way of keeping multinationals away from African resources so that Africans can use them without Western meddling. This might have succeeded. Yet, these resources can not be mobilized for African development without peace. Besides, what ever business opportunities there are in the DRC for Zimbabwean government and ordinary businessmen and women, it is

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[32] Darnolf, Staffan and Liisa Laakso (eds.) (2003), *Twenty Years of Independence in Zimbabwe: From Liberation to Authoritarianism*, New York: Palgrave and Macmillan, p.190.

unlikely that they will generate profits without investments, time and adequate experience in the maddeningly difficult business environment of the DRC.

Cost of the War for Zimbabwe: In August 1998, Zimbabwe had deployed 3000 soldiers in the DRC but the figure has since risen to 11,000.[33] Some Zimbabweans, including parliamentarians, opposed to whole deployment just when Zimbabwe was going through its worst crisis in two decades. The reason for these sentiments centre on the losses that Zimbabwe had been bearing, and the fact that Zimbabwe had no good reason to be in the DRC anyway. Many were concerned about the economic costs of the war. The International Monetary Fund (IMF), which has been withholding balance of payments support for Zimbabwe, asked the government to explain the funding of the DRC military incursion. Thus it is not surprising that the government was reluctant to release details of the cost of the record saying the war was being financed by the DRC itself.

However, the budget overview for the 1997-98 financial year prepared by Minister of Finance Herbert Murerwa for the parliamentary Budget Committee in June 1999 indicated that the expenditure on Zimbabwe's commitment in the DRC had increased from Z$ 35 million a month in 1998 to above Z$ 70 million in 1999. Irrespective of the exact sums, there is no doubt that the financial resources being channeled to the DRC intervention have created budgetary constraint for essential public services, which have been severely strapped because of a cash shortage.

3.2.2 The Western Powers

The two major powers involved in the region are the United States and France. Since both have a strategic interest in rare metals, they would like to see their transnational corporations have access to these resources. For this reason, and for fear that such resources might fall into the wrong hands, particularly those of international terrorist groups, they cannot remain indifferent as to who holds state power in the various countries of the Great Lakes region. It has been reported that Al-Qaeda, the major terrorist organisation in the world today, has "used diamonds purchased in Sierra Leone

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[33] Darnolf, n. 32, p.191.

[and] the Democratic Republic of the Congo to fund its activities, in turn laundering these commodities through Dubai".[34] More importantly, the global interests of the United States as a superpower and France's neo-colonial alliances and stakes in central Africa require that they remain engaged in this region.

The United States sees its major interest in Africa as fighting transnational threats including Islamic fundamentalism, terrorism, narco-trafficking, and humanitarian disasters. A close ally of Eritrea, Ethiopia, Uganda, and Rwanda as guardians on the frontline vis-à-vis the Islamist threat from Sudan, Washington supported their sponsorship of Laurent Kabila to remove its former ally Mobutu from power. But Kabila's incompetence, erratic behaviour, and friendship with countries to which the United States is hostile, such as Cuba, Libya, and Sudan, did not endear him to American policymakers.

Until July 1998, US military personnel were training Rwandan troops in counter-insurgency, and a US military and diplomatic team was sighted at the Rwanda–Congo border when war broke out on 2 August 1998. Officially, the team was there to assess the Rwandan government's ability to prevent another genocide. There could be no better expression of support for Rwanda's aggression in DR Congo, which Kigali justified in terms of preventing another genocide. Thus, despite official US statements that Rwanda and Uganda had to withdraw their troops from the Congo, both countries continued to receive assistance from the United States and the World Bank. This encouraged the invaders to continue their aggression in the Congo.

As the number one power in central Africa, France has had a major stake in the region's political dynamics. In Rwanda, Paris supported the Hutu regime of Juvénal Habyarimana against the Tutsi RPF. Its UN-approved post-genocide intervention in June 1994 resulted in bringing to DR Congo the remnants of Habyarimana's regime and military with a lot of equipment and supplies. Together with the Interahamwe, this military machine posed a

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[34] Turner, Thomas (April 2000), "War in the Congo", *Foreign Policy in Focus*, 5 (10), [Online:web] Accessed on 12 June 2006, URL: http://www.fpif.org/briefs/vol5/v5n10congo.html.

serious threat to the newly established RPF regime in Kigali, and its raids into Rwanda were the immediate cause of the war of 1996–97. The military training it gave to Kabila foes compromised United States good intentions in the Great Lakes region.[35]

A major reason for France's intervention was to stabilize the Mobutu regime and help rehabilitate the discredited dictator internationally. The rehabilitation had in fact begun in October 1993 at the Francophone countries' summit in Port Louis, Mauritius. It continued with efforts by the Western Troika (the United States, France and Belgium) to withdraw support from Etienne Tshisekedi, the prime minister elected in 1992 by the Sovereign National Conference, in favour of Léon Kengo wa Dondo, a Mobutu protégé who was strongly backed by the Bretton Woods institutions as a supposedly competent technocrat. The fact that Kengo had presided over the greatest pillage of the country's wealth during his previous two terms as prime minister (1982–86 and 1988–90) escaped the attention of institutions and people who were mostly interested in debt recovery. During his third term (1994–97), he and his interior minister, Gérard Kamanda wa Kamanda, did their best to help Mobutu block the transition to democracy. France's support for both Mobutu and Habyarimana was thus a major factor in the present crisis.

On the other hand, France's military disengagement from Africa and pressures from its African allies such as President Omar Bongo of Gabon have resulted in increased French support for Congolese resistance to domination by the Anglophone regimes of Uganda and Rwanda. France was responsible for the June 2000 UN Security Council decision to set up a panel of experts to investigate the illegal exploitation of the natural resources and other wealth of DR Congo by its neighbours, and the French permanent representative to the United Nations was then the most vocal critic of Rwandan and Ugandan aggression in the Congo. France, along with Belgium, has also played a role in mobilising European Union support for the Kinshasa government under Joseph Kabila, who succeeded his father Laurent Kabila as DR Congo's president following the latter's assassination in January 2001. This has provided much needed leverage for the government and other

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[35] Milton, G. Allimaid (April 2000), "The Men Behind Africa's 'Awful' Wars", *New Africa*, (384): 28.

Kinshasa-based political and civil society organizations in negotiations for a political settlement with the Rwandan- and Ugandan-backed rebels.

UNITED NATIONS AND REGIONAL ORGANIZATIONS IN THE CONFLICT RESOLUTION PROCESS IN THE DEMOCRATIC REPUBLIC OF CONGO

CHAPTER IV

UNITED NATIONS AND REGIONAL ORGANISATIONS IN THE CONFLICT RESOLUTION PROCESS IN THE DEMOCRATIC REPUBLIC OF CONGO

This chapter analyses the responses and interactions of the United Nations and the Regional Organisations such as African Union (AU) (previously the OAU), the Southern African Development Community (SADC) to the conflict in Democratic Republic of the Congo, specifically dealing with the three Congo Wars since 1996 and draws preliminary conclusions about the role played by them in resolving the conflict that involves the entire region.

The United Nations pioneered the concept of international peacekeeping during the 1950's. Since then, the U.N. has sponsored numerous peacekeeping missions throughout the world. The largest, the most expensive, the most complex, and the most controversial of these missions were the United Nations attempt to maintain peace in the DRC. As already discussed in chapter II, following the 1994 genocide in Rwanda, some 1.2 million Rwandan Hutus- including elements who had taken part in the genocide- fled to the Kivu province of Eastern Congo. The ensuing conflict drew in two opposing regional blocs, a Great Lakes alliance of Rwanda, Uganda and Burundi versus Angola, Zimbabwe and Namibia. The Lusaka Agreement signed in July and August 1999 by six heads of state and all rebel leaders, proved hallow which led to neither a ceasefire nor peace.[1] While the accord largely froze the armies in their positions, it did not stop the fighting.

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[1] Daley, Patricia (2006), "Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa", *Third World Quarterly*, 27 (2): 312.

4.1 THE ROLE OF THE UNITED NATIONS

The Congo gained independence from Belgium on June 30, 1960. The following period was politically tumultuous and resulted in a complete break down of law and order in the entire country. Several riots occurred as well as mutiny in the Congolese national army. On June 7 Belgium decided to reinforce its troops that remained at key bases in Congo, not only to restore law and order but also to protect the remaining Europeans. On July 10, the central government in Leopoldville (Kinshasa) asked the UN for military assistance. The Belgian colonial power had left the indigenous Congolese poorly educated with little chance to govern the country successfully. When the Katanga province declared its independence from the central government on July 11, the UN had its hands full. The cold war was at its height and Congo had become a strategic playground on the African continent. That was the Congo crisis.

The UN Secretary-General, Dag Hammarskjold, was the key architect of the Congo mission, which at that time was named ONUC. The main tasks were to assist the central government in restoring law and order, and maintain the territorial integrity of the country.

On February 18, 1997, five months into the anti-Mobutu military campaign and three months before Mobutu relinquished power, the Security Council adopted a five-point peace plan for eastern Zaire. The plan called for the immediate cessation of hostilities; the withdrawal of all external forces, including mercenaries; respect for the national sovereignty and the territorial integrity of Zaire, and other states of the Great Lakes region; the protection of all refuges and the facilitation of humanitarian assistance; and the peaceful settlement of the conflict through dialogue, elections, and the convening of an international conference.[2] Although this resolution recognized, for the first time, the presence of foreign forces in the Congo and called for their withdrawal, the Security Council stopped short of identifying any one force as the aggressor. An internationally recognized government, albeit an unpopular one, was claiming invasion, yet the UN and

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[2] SC Res. (February 18, 1997), 1097.

the OAU were united in not responding substantively to a clear violation of international law and the UN charter. The general sentiment seemed to be that a handful of states in the region were doing everyone a favor by assuming the responsibility of ridding Africa of one of its more embarrassing and enduring dictators who had, over several years, hosted insurgency movements aimed at overthrowing the governments of its neighbours.

International action during this period took the form of weak declaratory UN resolutions on the war and intense international and regional diplomatic efforts with the OAU on this issue, the UN secretary-general appointed ambassador Mohamed Sahnoun of Algeria to serve as a joint UN-OAU Special Representative for the Great Lakes region. Although there was no real institutional involvement by the SADC yet, individual Southern African leaders took the lead in efforts to mediate a negotiated settlement. South African President Nelson Mandela, one of the most senior African leaders and seen by many as the least self-interested, emerged as the principal mediator in the First War. The first meeting between Mobutu's government and the rebels, which took place in Cape Town on February 20, 1997, was brokered largely by the United States, which wanted to ensure a soft landing in Kinshasa, and South Africa.[3] These talks collapsed, however, and subsequent talks failed to reach an agreement, even on an agenda for discussion.

In mid-March 1997, Mobutu was hospitalized in Monte Carlo with advanced prostrate cancer. By that time, the anti-Mobutu alliance had captured Kisangani, a key city 770 miles east of Kinshasa. By early April, the anti-Mobutu alliance had taken southern towns and military base of Kamina- a strategic supply center for the FAZ- as well as other towns in the east and south. Meanwhile, reports out of the Congo claimed that rebel forces were systematically rounding up and executing retreating Hutu, and international press reports began referring to the anti-Mobutu alliance as a "clean-up" operation aimed at eliminating the remaining perpetrators of the Rwandan genocide.[4]

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[3] Meyers, Steven Lee (1997), "Zaire and Rebels Warily Begin Indirect Talks", New York Times, New York, 21 February 1997.
[4] French, Howard W. (1997), "Zaire Rebels Blocking Aid, UN Says", New York Times, New York, 23 April 1997.

A preliminary report presented to the UN commission on Human Rights in Geneva on April 8, 1997 by the UN's Special Rapporteur for Human Rights in Zaire, Roberto Garreton, listed more than three dozen mass grave sites in the Congo that he said were the graves of mass killings of Hutu refugees by the anti-Mobutu alliance, and .called on the UN to set up a commission to investigate these killings and other possible human rights violations perpetrated by the rebels during the war.[5] A strong statement by the President of the Security Council in the third week of April 1997 under scored the UN's growing frustration with the rebels treatment of retreating Hutu, and the refusal of the anti-Mobutu alliance to cooperate with UN relief efforts, and called on the alliance to ensure unrestricted and safe access by all humanitarian relief agencies and to guarantee their safety, as well as to cooperate with the newly established human rights investigative team.[6]

As the tension between the anti-Mobutu alliance and the UN over humanitarian assistance to the retreating Rwandan Hutu in the Congo continued to escalate, Kabila demanded an apology from UN Secretary-General Kofi Annan for accusing the alliance of the "slow extermination" of refugees, and gave the UN an ultimatum of 60 days for removing the retreating Hutu out of the Congo, warning that "...if it is not completed, we will do it ourselves".[7] Meanwhile, the United States stepped up its diplomatic efforts to speed up Mobutu's departure and avoid a battle for Kinshasa, which could well have produced a massive bloodbath. The United States also put pressure on Kabila to resolve the problem of the Hutu "refugees" by stressing the importance –in terms of international aid to his future government –of claiming victory with as little damage to his future government- of claiming victory with as little damage to his international reputation as possible. The U.S. ambassador to the UN, Bill Richarson, was dispatched to the Congo on a high-profile mission to break the impasse and was able to get Kabila to lift the 60-day deadline, but left Sahnoun and Mandela- representing the UN and the region-to

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[5] Lewis, Paul (1997), "UN Report Accuses Zaire Rebels of Mass Killings", New York Times, New York, 9 April 1997.
[6] Lewis, Paul (1997), "UN Says Zaire Rebels Block Aid for Ailing Rwandan Refugees", New York Times, New York, 3 April 1997.
[7] French, Howard W. (1997), "Zairian Rebel Takes Defiant Stance on Refugees", New York Times, New York, 28 April 1997.

continue their efforts to broker a transition. In spite of promises to cooperate with UN investigators, Kabila continued to block UN personnel from suspected massacre sites.

It should be noted that Mandela's mediation efforts, meant to ensure a smooth transition through a negotiated exit for Mobutu, did not include the so-called nonviolent opposition, local NGO's, or church groups, all of which had considerable public support in the struggle to end the Mobutu dictatorship. While Kabila's and Mobutu's representatives were at the negotiating table in South Africa, Etienne Tshisekedi, the leader of the unarmed opposition in Kinshasa, was defying Mobutu's state of emergency and leading a civilian disobedience campaign against him in the capital. In March 1997, Tshisekedi tried to end the war- and Mobutu's rule- by inviting the anti-Mobutu alliance to stop fighting and join his cabinet. Kabila refused the offer, charging Tshisekedi with being Mobutu's ally and part of the old guard that needed changing.

By excluding Congolese opposition parties from negotiations for a transitional government, mediation efforts in the First War effectively marginalized the political leaders who had gained much popularity over the years. Participation in these negotiations was limited to the forces with guns. By treating the AFDL as the only opposition to Mobutu's rule, these international and regional actions bestowed a considerable degree of legitimacy on Kabila and the alliance. This no doubt encouraged Kabila, once in power, to ignore later calls by the UN and donor countries for multiparty politics.

On May 17, 1997, after a failed last minute efforts by Mandela and Sahnoun to produce agreement for another round of talks, and facing certain military defeat, Mobutu left the Congo for the last time, and the anti- Mobutu alliance marched into Kinshasa without opposition. This ended First War.

In spite of the damage to Kabila's image abroad caused by Hutu crisis, and his lack of cooperation with UN investigators, the Security Council gave his new government the imprimatur of legitimacy. On May 29, it issued a statement expressing its support for the Congolese people "as they begin a new period in their history..." adding that it

"welcomes the end of the fighting and expresses its satisfaction that stability has begun to return to the country".[8] The UN followed the lead of a region that chose to ignore the principle of nonintervention when a regional coalition willing to overthrow the Mobutu dictatorship tendencies suggest that the month period and Kabila's early dictatorial tendencies suggest that the paramount objective of the OAU and the UN in the Congo was not a transition from dictatorship to popular rule in the Congo, but rather regional stability through a quick, peaceful resolution to the war.

There were encouraging signs for substantive UN involvement in Central Africa coming out of the Security Council in late1999. UN Security Council soon after the war broke out commended the region's diplomatic efforts for a peaceful settlement, and called for the withdrawal of all foreign forces in the Congo.[9] The Security Council President's statement of December 11, 1998 said that the Security Council was "prepared to consider, in the light of efforts towards peaceful resolution of the conflict, the active involvement of the United Nations, in coordination with the OAU, including through concrete, sustainable and effective measures, to assist in the implementation of an effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for a political settlement of the conflict.[10]

There were other signs that could have been interpreted by the region as a greater willingness of the UN to help enforce peace agreements negotiated by the region. Security Council Resolution 1208, on the plight of refugees in African conflicts, adopted a month earlier on November 19,1998, called on African states to develop procedures to separate refugees from "other persons who do not qualify for international protection..." and urged African states to "seek international assistance, as appropriate," to do this. UN Resolution 1234, adopted on April 9, 1999, supported SADC's regional mediation efforts by name, and for the first time since the Second War began, made a clear distinction between invited and non-invited forces in the Congo. This was in contrast to the Lusaka Agreement, which made no such distinction.

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[8] S/PRST/1997/31, May 29, 1997.
[9] S/P RST/1998/26, August 31, 1998 and S/PRST/1998/36, December 11, 1998.
[10] S/P RST/1998/36, December 11, 1998.

Once the agreement was signed in Lusaka, UN Security Council Resolution 1258 on August 6, 1999 welcomed the agreement and authorized an observer mission to the Congo. In November 1999, United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was established, initially with a limited mandate. However, the Security Council did not grant this mission the enforcement mandate requested by the signatories to the Lusaka Agreement, nor did it authorize the force size they expected. The UN deployed 90 military liaison officers to the headquarters of the belligerents for three months to assist the Joint Military Commission (JMC) in the peace process, and to determine when there might be sufficient security guarantees to deploy a large UN force. In defending this preliminary action against critics who argued it was insufficient, a UN spokesperson noted that although small in number, "these (military liaison officers) MLO's will contribute to confidence-building among the parties and represent the vanguard of further UN involvement".

The Congolese mission at the UN pushed hard for this resolution, and even embarked on a successful campaign to lobby African members of the Security Council and other non-permanent members through the Non-Aligned Movement (NAM) caucus. The Congo viewed a UN intervention as being very much in its interest; both because Kinshasa recognized that it would not easily defeat the Rwandan military, but also because as long as Rwanda claimed that it had security concerns, it would generate international sympathy. It was, therefore, hoped that a UN intervention would help eliminate the principal justification for Rwanda's presence in the Congo.[11]

Once this small technical assessment team was deployed, the Security Council adopted Resolution 1279 on November 30, 1999 authorizing MONUC. MONUC would be constituted by the earlier deployment of military liaison personnel and increased by an additional 500 military observers. Its mandate included that of the earlier technical assessment team the "observation of the ceasefire and the disengagement of force," (paragraph 5d) and "to facilitate the delivery of humanitarian assistance..." (paragraph

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[11] Reyntjens, Filip (1999), "Briefing: The Second Congo War: More Than a Remake", *African Affairs*, 98 (391): 241-250.

5e). The deployment of the force was to occur in three phase, conditional on the security situation on the ground. Phase I, the deployment of military liaison officers to the headquarters of all the signatories to the agreement to help coordination, had already been launched under Resolution 1258. The deployment of military observers inside the Congo, authorized by Resolution 1279, to monitor compliance with the peace agreement constituted phase II.

In January 2000, the warring parties met in New York under the auspices of the UN Security Council during "Africa month"-an initiative of U.S. Ambassador Richard Holbrooke who held the Security Council presidency during that month. This was a public relations victory for Kabila. The Security Council accorded him all of the trimming reserved for a head of state, while the rebel leaders or their representatives sat in the gallery. On February 24, 2000, the Security Council adopted Resolution 1291 extending MONUC's mandate for another six months and expanded the force to 5,537 military personnel, including 500 observers and appropriate civilian staff. The resolution gave the mission the authority, under Chapter VII, "to take the necessary action... To protect United Nations personnel... ensure the security of and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence," Kabila, demonstrating his long-standing suspicion of Westerners, supported the resolution only on the condition that the UN force be composed solely of troops from the South, preferably from Africa, and reserved the right to reject any of the contributions.

The size of the force authorized was criticized again as far too small to effectively monitor a peace agreement with multiple belligerents in a country with little infrastructure. Canadian Ambassador Robert Flower said, "We do not believe that the number of 5,537 is magic. We would have liked to see a more capable observation mission. We do not believe that the mission, as currently planned, has the capacity to ensure or even verify compliance with relevant provisions of international human rights and humanitarian law".[12] Flower also noted that the deployment for the Congo was half

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[12] Edwards, Steven (2000), "Inadequate Congo Mission Doomed, Canada Tells UN", *National Post Online*, Canada, 18 May 2000.

that of Sierra Leone's, even though the size of the Congo is ten times that of Sierra Leone. It is clear how the number 5,537 personnel were arrived at, but some reports suggest that it was the result of American opposition to a large, more expensive force.[13] and of the insistence of the U.S. delegation to first seek congressional approval for the mission before supporting the resolution or determining the size of the mission. Flower initially threatened to vote against the resolution but agreed to it on the condition that the authorized force would constitute only a second phase, with a larger force deployed in a subsequent phase.

Frequent cease-fire violations and Kinshas's continued refusal to allow the UN unfettered access made deployment of phase II difficult and the monitoring of the disengagement of forces nearly impossible. Because of these difficulties, the OAU deployed 30 "neutral verification teams" inside the Congo in November 1999 for a year to help monitor the cease-fire pending the deployment of MONUC observers. President Kabila assured a Security Council mission to the Congo, led by Ambassador Holbrooke between May 4 and 8, 2000, and the first of a series, that Kinshasa would fully cooperate with MONUC, while criticizing the UN for "failing to condemn the presence of uninvited troops" in the Congo.[14] Disagreements over where to co-locate the JMC and MONUC, and the MLC's refusal to withdraw its forces as mandated by phase II further delayed deployment.

A devastating clash between Uganda and Rwandan troops in Kisangani that began on June 5, 2000 resulted in thousands of civilian casualties and neither inspired confidence at the UN that there would soon be any peace to keep, nor favored calls for a more robust UN force in the Congo. A strongly worded resolution adopted by the Security Council on June 16 expressed "outrage" at the fighting, called for the immediate demilitarization of Kisangani and the withdrawal of foreign troops from the country, and, for the first time, directly accused Uganda and Rwanda of violating "the sovereignty and territorial integrity of the Democratic Republic of the Congo.[15] Discussions with American and

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[13] Ibid.
[14] S/2000/416, May 11, 2000.
[15] S/RES/1304, June 16, 2000.

other officials lead to the conclusion that this resolution was driven primarily by French animus towards Rwanda.

The American position was that this resolution would severely undermine the Lusaka process in two ways. First, because it gave primacy to the withdrawal of foreign forces over the promotion of the internal dialogue and the disarmament of armed groups, and thus would only serve to harden the resistance of the Kinshasa hard-liners to disarming AliR (Interahamwe/ ex-FAR). Second, because it privileged the foreign forces supporting Kinshasa, therefore undoing the balance reflected in the Lusaka Agreement's failure to distinguish between Kinshasa's foreign allies and the foreign allies of the rebel groups. Since the adoption of this resolution, the Kinshasa government has repeatedly emphasized the specific reference to Rwanda and Uganda, making progress on foreign troop withdrawal more difficult. Today, Uganda and Rwandan troops have left Kisangani, but the RCD-Goma continues to maintain a presence there despite repeated UN calls to demilitarize the city.

Laurent Kabila's assassination on January 16, 2001 removed some of the obstacles to further MONUC deployment, as his 29-year old son and successor, Joseph Kabila, soon consented to the full deployment of UN forces. On February 22, 2001, Security Council Resolution 1341 demanded that "Ugandan and Rwandan forces and all other foreign forces withdraw" from Congo, and asked that a timetable for that withdrawal be prepared within the next three months.

On April 26, 2001, six workers with the International Committee of the Red Cross were killed by armed groups near Bunia, leading then Security Council president U.K. Ambassador Sir Jeremy Greenstock to note that the incident "made us not just worry about the safety of the peace process in the Congo".[16] Moreover, Uganda's anger at the accusations made against Ugandan officials in the April 2001 UN report on Resource Exploitation in the DRC led Museveni to declare Uganda's unilateral withdrawal from Congo and from the Lusaka Agreement. But as Kamel Morjane, the UN's Special

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[16] Traub, James (July 3, 2005), "The Congo Case", [Online: web] Accessed 5 May 2006 URL: http://www.globalpolicy.org/security/issues/congo/2005/0703congocase.htm.

Representative for the Congo noted, Uganda's withdrawal would not threaten the peace process: "If the government decides to withdraw its forces from the Congo, it's always favorable. This is in line with the Lusaka Agreement".[17] Museveni did not follow through on his threat until later.

It was in this climate that the Security Council, this time led by French Ambassador Jean-David Levitte, visited the Central African region in mid-May 2001 to assess efforts to implement the peace plan. On the day the delegation was due to arrive in Kinshasa, Kabila repealed Decree 194, imposed by his father to restrict political party activity. This high-level delegation determined that "the cease-fire is holding and the parties to the conflict, with one exception, have disengaged their forces in accordance with the agreement they have signed".[18] The Security Council delegation took the opportunity of MONUC was reopening the vast Congolese river network. What the delegation failed to mention was that there was a third war emerging in eastern Congo. On the basis of the Security Council mission's report, the Security Council decided that disengagement was nearly complete, and on June15, 2001, adopted Resolution 1355 authorizing preparations for the deployment of phase III including plans for the voluntary disarmament, demobilization, repatriation, reintegration, and resettlement (DDRRR) of all armed groups in the Congo.

The role of the UN in this process, as spelled out in a joint communiqué signed by all the parties at the conclusion of the Security Council's visit to the region in May 2001, is that of an "impartial arbiter".[19] The UN is responsible for coordinating all aspects of the DDRRR process for foreign-armed groups while international humanitarian agencies are responsible for the screening of *genocidaires* and war criminals and turning them over to the international tribunal investigating the Rwanda genocide. The role of the UN and the OAU, therefore, is one of coordination and monitoring. The rest is conditional on the voluntary compliance of the armed groups .In other words, the foreign armed militia

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[17] N.A. (2001), "Uganda Pulls Out of Peace Pact Intended to End Congo Civil War", *New York Times*, New York, 30 April 2001.
[18] S/2001/521/Add.1, May 30, 2001, Annex I, para. 4.
[19] Ibid, Annex III, para. 11.

fighters in the Congo are asked to voluntarily give up their arms and demobilize, and to voluntarily return to their countries of origin.

Enforced compliance is not in the mandate established by the UN or the OAU. The problem with voluntary compliance is that many of these armed groups went underground to avoid giving up their weapons, a fact noted by the UN as early as June 2001.[20] MONUC's original chapter VII mandate was, therefore, much more a chapter "6 ½" mandate. Its enforcement capability was limited to the protection of its own personnel, that of humanitarian relief workers, and some Congolese civilians. The reference to chapter VII, however, raised expectations in the country of what the UN was prepared and able to do.

MONUC troops have gradually been deployed in previously blocked areas, and as of December 31, 2002, 4,420 out of the authorized 5,537 uniformed personnel had been deployed.[21] Despite its relatively small numbers, MONUC has established a noticeable presence in some key cities in the encouraging the movement of the people and goods, and it provided over $700,000 worth of relief support, mostly, in the form of air transport for relief workers, after the devastation caused by the eruption of Mount Nyiragongo in Goma on January 17, 2002. However, MONUC's greatest failure to date is in its response to the Third Congo War.

Predictably, perceptions of the UN in the region are mixed. There is an extraordinary-and unfortunate- coincidence in the negative experience that three of the major actors in the Central African drama have had with the UN. The most recent is that of the Rwandan Tutsis who believe that not only did the UN and the major powers abandon them to their genocidal fate, but that the UN subsequently protected the retreating genocidaires and allowed them to rearm. As Collette Braeckman notes, "The UN has yet to live down the abandonment of Rwanda in 1994, and its reputation has been further damaged by the continued presence of Rwandan Hutu refugee camps in Tanzania and Kivu province, which has perpetuated the efforts of the effects of the war and sown the seeds of further

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[20] S/2001/572, June 8, 2001, para. 106.
[21] S/RES/1445, December 4, 2002.

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conflict".[22] Two other actors are the Katangans and the Lumumbists in the Congo, the two most prominent forces in both Kabila regimes whose mistrust of the UN dates to the 1960s.

Lumumbists still harbor the belief that the democratically elected Lumumba lost power as a result of UN connivance, which also resulted in his assassination; and they blame the west, which they see as dominating the world organisation, for defeating the Congo rebellions of 1963-1965. The Katangans, of course, still remember the UN's role in defeating their secession attempts of 1960-1962, sending many of them into exile in Angola. The more recent performance of the UN in the country, such as MONUC's failure to protect against the massacres committed by RCD-Goma in Kinsangani in May 2002, has only deepened these suspicions and widened the Congolese population's disappointment in the UN. Despite the perception that the UN has failed the Congolese and Rwandan peoples, all the parties in the war see the UN as the actor able to enforce the regionally brokered peace. The Lusaka Agreement's call for an UN-led Chapter VII force, in tandem with a national dialogue, represents an inherent recognition by the belligerents and signatories to the Lusaka Agreement that a region that is itself divided and at war cannot enforce a peace agreement.

The paramount responsibility of the UN, according to charter, is the maintenance of international peace and security. It does not say, as Ibrahim Gamabari reminds us, "Except when it comes to Africa". The reality in the Congo wars is that the UN failed to act in the one area in which it has the sole advantage- the ability to mobilize more resources than some regions are able to, for peace enforcement. This failure is due to the unwillingness of the major powers on the Security Council- the United States in particular- to bear the enormous costs required financing such combat missions and risking the political fallout that may result from their own war casualties, in order to contain conflicts in which they do not have overriding interests.

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[22] Gray, Christine (2004), *International Law and the Use of Force*, New York: Oxford University Press, pp.248-249.

Thus, the role of the UN in these wars has largely been to monitor and verify cease-fire agreements, coordinate relief efforts, and advocate for human rights. Consequently, by demonstrating a consistent unwillingness to use coercive force to disarm armed militias, the UN missed some critical opportunities along the way to contain the conflict even when it was obvious that only a preponderance of extra-regional force might achive this. First, *Operation Turquoise* not only failed to stop the massacres underway in Rwanda, but also allowed the *genocidaires* to escape into eastern Zaire with much of their political and military infrastructure intact. This in turn, resulted in the conflict spilling over into eastern Congo and, two years later, igniting the First Congo War. Second, although it was widely known that between 1994 and 1996, the UNHCR camps in eastern Congo housed both armed Hutu as well as unarmed civilian refugees, the UN chose not to disarm the camps.

The insecurity felt by Rwanda, and much of the violence in eastern Congo, is a direct consequence of that missed opportunity, as the AliR (Interahamwe/ex-FAR) have regrouped, rearmed, and have been fighting the Rwandan government from bases in the Congo ever since. The UN missed yet another opportunity to disarm the ALiR (Interahamwe/ex-FAR) when the Canadian-led multinational force authorized by the Security Council in 1996 was not given that mandate, and then was never deployed. MONUC, the UN observer mission authorized by the Security Council in 1999 following the signing of the Lusaka Agreement, is another missed opportunity in that its size and mandate are inadequate to achieve the goals set by the agreement, or to address all of the realities on the ground. All of this represents the UN Security Council's reluctance to act with force and commitment required, even after incredible loss of life and pressure from the region to do so.

4.2 THE ROLE OF THE REGIONAL ORGANISATION

The UN was largely prevented from taking a more active role in resolving the conflict due to the reluctance of the major powers, especially the United States, to intervene in such a large-scale and complex regional conflict before a peace agreement was reached. This inaction created a space for a number of local initiatives. Between the outbreaks of the war in August 1999, there were 23 failed SADC or OAU-sponsored meetings at the ministerial or presidential level aimed at brokering an end to the war, as well as numerous other unsuccessful efforts by individual leaders in the region.

The SADC is the most prominent regional organisation affected by the civil war in the DRC and it has been largely silent on the issue. One of the first regional responses was a decision by Zimbabwe, Angola, and Namibia to invoke Kinshasa's recent SADC membership. As a reason to launch a SADC military intervention to defend the Kabila government from foreign aggression. Zimbabwe's President Mugabe held the chairmanship of SADC's Organ on Politics, Defense and Security co-operation during this time, and used his position to secure a SADC umbrella for Zimbabwe's, Angola's, and Namibia's military intervention to end the war in Kabila's favor. The three countries also justified their actions as an application of the principle of individual and collective self-defense under Article 51 of the UN charter, a justification later affirmed by the Security Council.[23]

This intervention, which neither sought nor received UN Security Council authorization, is what South African analyst Cedric de Coning calls SADC "neo-interventionism"-operations undertaken by sub-regional groups that intervene not as peacemakers, but as allies of one of the belligerents in the conflict with the aim of influencing the outcome of the war.[24] It deeply divided the sub-regional organisations, as there were members, most

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[23] S/RES/1234, April 9, 1999.
[24] Coning, Cedric de (2000), "Neo-Interventionism: An African Response to Failed Internationalism", South African Yearbook of International Affairs 1999-2000. Quoted in Denis Kadima and Claude Kademba (eds.) Whither Regional Peace and Security? The DRC after the War, Pretoria: Africa Institute of South Africa.

notably South Africa, who strongly opposed it. South Africa leaders felt that Mugabe had hijacked SADC to give a Zimbabwean intervention greater legitimacy.

The Organ's decision to intervene militarily was challenged by Mandela, then chair of the SADC summit. Mandela argued that such decisions should rest with Summit, as that is the institutional body that represents all community members at the level of head of state. In what appears to have been a power struggle between Mugabe and Mandela for regional dominance, South Africa's preference for nonintervention and SADC neutrality decision-making authority lies on security issues, there still is no consensus among SADC members about which of the organisation's decision-making bodies has the ultimate authority in such matters.

A draft cease-fire agreement prepared by UN and OAU representatives for a summit of regional defense ministers held at Victoria Falls on August 18, 1998, demonstrated the problem that would plague the region in mediating a negotiated settlement: how to define the nature of the conflict. Each party to the war interpreted to the conflict differently, and consequently, could not agree on who the belligerents were. This draft agreement identified the governments of Angola, the DRC, Namibia, Rwanda, Uganda, and Zimbabwe as the belligerents. However, Rwanda and Uganda had not yet publicly declared their military presence in the Congo, and protested the exclusion of any of the Congolese rebel groups from the proposed list of signatories by walking out of the meeting.[25] In his continuing efforts to present the war exclusively as a case of foreign aggression by Rwanda and Uganda, Kabila initially denied the existence of an internal rebellion and refused to recognize the RCD as a belligerent. Of course, the RCD defined this war as revolution against a dictatorial regime, and argued that the only two belligerents were the RCD and the Kabila regime, each with their foreign supporters.

At its 18th Summit meeting in Mauritius on September 13-14, 1998, SADC appointed Zambian President Frederick Chiluba to lead the peace efforts, and during the last few

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[25] S/P, n.10.

months of 1998, a number of regional and extra-regional actors joined his efforts.[26] The EU sent Aldo Ajello as its Special Envoy, and the United States dispatched Ambassador Thomas Pickering, then Undersecretary of the for political affairs, and Howard Wolpe as Special Envoy. Indeed, both Wolpe and Ajello were deeply involved in the negotiations.

By early 1999, the war had acquired an even greater complexity, as there were now three rebel groups operating in the Congo, collectively controlling over half the country. The RCD had split into two movements as a result of internal disagreements: the RCD-ML (*Mouvement de Liberation*) backed by Uganda and the RCD-Goma, backed by Rwanda. The *Mouvement pour la liberation du Congo* (MLC), another anti-Kabila armed group, was established with Ugandan support in the northern Equateur Province some months after the founding of the RCD.

A meeting with Kabila and Museveni hosted by Libya's Muammar Kaddhafi on April 18, 1999, resulted in the signing of an initial peace agreement. The Sirte Accord called for the deployment of a peace keeping force, the withdrawal of foreign troops from Congolese soil, and a national dialogue, but resulted only in the withdrawal of Chadian troops from the Congo, as neither the RCD nor its sponsor, Rwanda, were parties to the agreement. Although SADC, the OAU, and other regional power brokers continued their efforts to mediate a negotiated settlement during these months, what ultimately brought the warring parties to the negotiating table was a settlement in the war.[27]

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[26] Baregu, Mwesiga and Christopher Landsberg (), *From Cape to Congo: Southern Africa's Evolving Security Challenges*, Boulder and London: Lynne Rienner Publishers, p. 214.
[27] MacLean, Sandra J. (2003), "New Regionalism and Conflict in the Democratic Republic of Congo: Networks of Plunder and Networks for Peace", in J. Andrew Grant and Fredrik Soderbaum (eds.) *The New Regionalism in Africa*, Aldershot and Burlington: Ashgate Publishing Limited.

Recent events in the Democratic Republic of Congo threaten the ongoing peace process towards political stability and power sharing. The tense neighbourhood between DRC and Rwanda has yet again blazed up, and a military intervention is once again close to becoming a reality.

The United Nations is having a hard time in fulfilling its role in a way that awakens sympathy and support among the Congolese people in a time where that is extremely important. The work of conflict resolution does not end when the armed conflict ends. The reconstruction phase after the conflict is where the UN and the other involved parts of the international community should show their worth in a nothing less than eminent way.

The UN is (or should be) the living example of nations gathering together to make democratic political structures where such are missing or non-existing. In an ongoing conflict such as Congo's, the UN should with its presence provide the just framework, in which every factor that fuels the conflict is replaced by a solid foundation for human security, without despair and suffering for the people on the ground.

From March to July 2004, the Democratic Republic of Congo has been the stage for three coups. All three of these were very poorly executed. It is possible that they might have been instigated by the Kinshasa government to strengthen its own power and profiting on the presidency as a part of a delaying tactic for the coming democratic elections. In May 2004 the situation in the capital was so insecure that the MONUC chose to withdraw all their personnel from the Kinshasa area, and the public airport, Ndjili, was temporarily closed for flights.

In the last days of that month a Rwanda backed faction, headed by two renegade commanders, launched attacks against Bukavu at the border to Rwanda and succeeded in attaining control over the city from June 2 to June 9. The MONUC mission's 600 soldiers failed to fight back against 2000-3000 armed rebels and to keep control over the city. The result was the death of several hundreds and over 30,000 Congolese fleeing into Rwanda and Burundi. Heavy criticism from both the international and the local community

poured down on the UN mission, and UN people were attacked, and their offices and vehicles where set on fire in Kinshasa.

Map 4.1: MONUC June, 2006
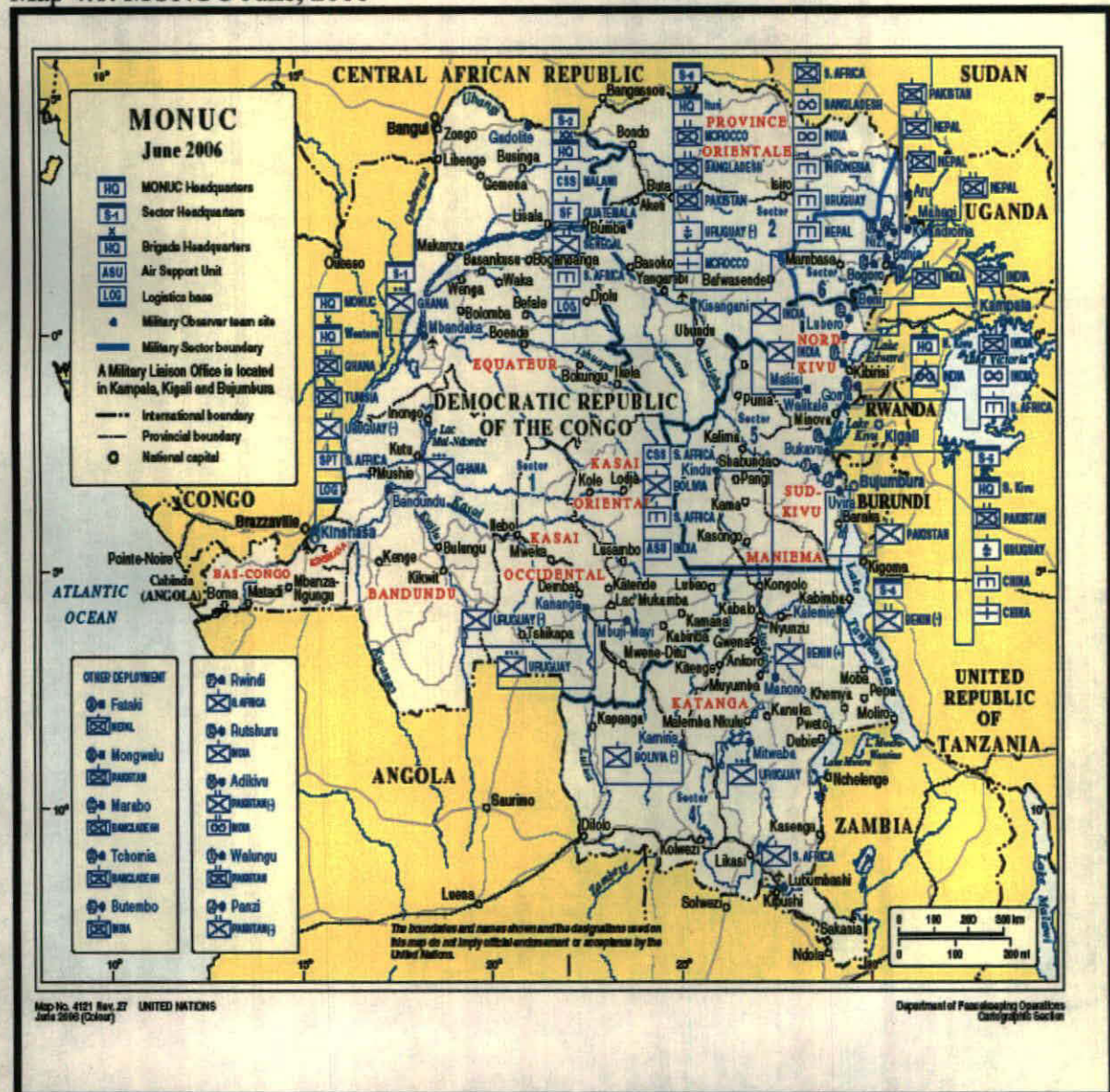
Source: [Online: web] Accessed on 6 July 2006, URL:
http://www.reliefweb.int/rw/fullMaps_Af.nsf/luFullMap/C33396D90233AD858525718C005759F7/$File/uncs_PRG_cod0606.pdf?OpenElement

The UN mission has been set to phase out in 2006 (see Map 4.1). If it should be done successfully to secure the peace for the many civilians that are being held as hostages in

the conflict, it will have to maintain a super efficient observing and reaction system to come down hard on violators of international law. It is also very important that the UN and the international community play an active part in establishing a firm foundation for a politically viable system that puts an end to the suffering of a downtrodden nation. The transitional government with its four vice presidents is holding the key to the solution of the political conflict, and is facing a task that is only possible to solve with true political will and openness.

It is important to have the sympathy of the local population on every level of peace keeping operations to prevent unnecessary resistance and violence against all parts in conflicts. There is also a need for more sophisticated analysis that can combine intellectual knowledge with pragmatic solutions in the continuous process of the international community's interventions.

Troops, observers and staff operating on conflict sites must be "culturally well equipped" and educated in the cultural and historical background of the regions of their operations, and should not only present an authoritative role, but also be a guide of justice. In modern times where troop based warfare is being gradually replaced by highly skilled and specialized soldiers and sophisticated technology, this surely seems a surmountable mission.

Therefore, the Congo wars draw a clear picture that at least in the case of region-wide wars; the UN is the only international institution which can hope, through early intervention, to end violence. Indeed, there is a parallel between the inabilities, as we see it, of regional organisations to succeed in peace enforcement and the reason for the UN veto. If the UN cannot act in a World War, it is logical that a regional organisation cannot act when much of the region is involved in an intra-regional war.

CONCLUSION

CHAPTER V

CONCLUSION

Africa is a continent of contradictions. Governments have been changed and regimes replaced in ways that are quite unconventional. There have been military coups, overthrow of regime by rebel groups and insurgent operations in various parts of the continent from time to time. During the cold war, ideology played a crucial role in forming the pattern of alliances and rebel groups aimed at overthrowing existing regimes. The external actors had their cut out roles in the African continent on the basis of east-west ideological rivalry. But the ground realities in the African continent changed substantially with the end of the cold war and the subsequent developments. The changed global order had its impact on the nature of insurgent operations and regime responses in the African continent; an example is the case of the Democratic Republic of Congo (DRC).

The Congolese people have gained a real sense of their national identity from the trials and tribulations through which they have been forced to live. No significant body of opinion wants anything else than a single Congolese state. Despite the virtual collapse of education and employment opportunities in many if not most parts of the country, public opinion has again and again been seen to support a compromise and inclusion — in short, a democratic solution. The disaffection of the public from most of the visible political leaders is due to the fact that in one way or another they have closed the door to open participation. This picture of a politically aware people seeking basic freedoms and an opportunity to rebuild — modest goals, which have been denied for decades — has its blemishes. The expulsion of the Luba from Katanga, though manipulated by a Mobutist governor, found a receptive audience among the Lubumbashi population. The hatred expressed against Congolese Tutsi and their very unresolved future fate in the DRC is another example of intolerance. But given half a chance the Congolese public would respond positively to a pluralistic social agenda.

Until the collapse of the Mobutu dictatorship, paving the way for Kabila's dramatic ascent to power, the latter was an obscure figure in Congolese politics. Kabila captured power on account of the political vacuum created by the fragmentation of the Sacred Union and the ineptitude of Mobutu's army. Notably, Kabila was initially regarded by the Congolese masses as a national hero and his self-appointed role of president of the DRC was virtually uncontested. However, the euphoria that greeted his triumphal return was quickly replaced by disappointment over his autocratic style of leadership, his ambiguous stance on democratization and his lack of a clear strategy for revamping the economy.

Clearly, since 1996 the Congo has become the battleground where military actors, government armies as well as non-state armed groups, fight their wars extra-territorially and where economic actors, often of a mafia like nature, pursue short-term interests in what often amounts to plundering rather than entrepreneurship. The complexity of the situation is further compounded by the sheer number of actors, like in the Great Lakes region alone, four government armies, two former government armies and over a dozen rebel groups and ethnic militias were engaged in violent confrontation. This occurred in a region with extremely porous borders, unstable states and considerable uncontrolled flows of weapons. A number of Ugandan and Rwandan army officers are involved in extractive and commercial activities which would not be possible in a stable environment; Rwanda actually exports diamonds, although it does not produce a carat of that commodity. The proceeds of these activities fund, at least in part, the war efforts of the neighbours; in that sense, the Congo is willy-nilly financing its own consequences.

The regional extension of a bipolar ethnic antagonism from Hutu vs. Tutsi to Bantu vs. Nilotics may well prove to be a lasting obstacle to peace in the future. The greatest challenge to a resolution of the Congolese war remains the fact that six separate disputes are being waged on Congolese territory and the fact that the internal Congolese conflict has been forcefully linked to the internal problems facing the other countries, Rwanda, Uganda, Burundiand Angola. The war has not yet produced any winners or losers. If the war does produce a victor, the field will be free for the imposition of another dictatorship and the culture of violence will become even more deeply ingrained in Congo. However,

the death of President Laurent Kabila and his replacement by his son Joseph Kabila has momentarily decreased the level of fighting between the belligerents. It has created space for the tentative implementation of the Lusaka Accord. It seems peace has been given a chance by the belligerents. The withdrawal of foreign troops, especially those considered by the Kinshasa government and the Congolese people as invaders, is necessary for the peace process to continue. Furthermore, the success or failure of the coming round of the proposed inter-Congolese dialogue would be critical. The first steps towards peacemaking for the Great Lakes region consist of accepting that elitist and statist solutions have completely failed in Burundi, Rwanda and Uganda as well as in the DRC. All are, without exception, in a situation of war and violence, and it must be accepted that reconciliation (not militarism) is the cure.

'African solution to African problems' has become a fashionable term among Western states keen to let go of any residual responsibilities for the continent. But the war in DRC brings an unexpected twist to this expression. African states have decided to sort out the conflict without the encumbrances of colonial expectations or Cold War anxieties. It would be a mistake, however, to assume that the war augurs a break-up of central Africa. For the foreseeable future, DRC will remain a battlefield for its neighbours, all wanting a strong administration in Kinshasa that is sympathetic to their own interests.

While it is the primary responsibility of the people of Congo and their leaders to devise long-term solutions to their political problems as well as create a national climate that is conducive to economic recovery, the international community can support their efforts in some basic ways. For instance, Western governments and financial institutions could collaborate with Congolese officials in devising ways to recover public money stolen by Mobutu and his cronies and discourage future leaders from hiding such money abroad. Similarly, they can support the process of democratization and national reconstruction in Congo by creatively writing off the country's foreign debt. Finally, Western governments can help to reduce senseless bloodshed and human rights abuses in Congo and neighboring countries by imposing arms embargo on governments and rival political groups that engage in brutalization of local opponents and unnecessary wars.

Despite two years of transition in the DRC there is an ongoing, and evolving, humanitarian crisis in the country in which the protection of the civilian population remains a key concern. Protection issues remain a key element to understand the DRC context and should be at the forefront of international community's approach to assist the country. If relative stability continues to take hold there will be more possibilities for addressing the protection of civilians. There are a number of priorities that need to be addressed.

Firstly, there needs to be a stronger application of MONUC's mandate. It is not so much the words included in the mandate that cause the problem, but rather MONUC's inability to interpret and carry out the tasks it has been given. With all military interventions, whether they are peace-monitoring missions or direct military interference, there is a need for exemplary behaviour. Interventions must establish ethical standards that can be a leading example for future operations in conflict areas. An intervention should always present a just picture by good leadership and for the subsequent political frame and system of government that is to be installed or motivated.

Examples from eastern DRC where UN troops have been taking advantage of their power position to have sex with distressed women for bananas, or simply just committed rape, is not just an act of immorality, but helps to create an aggravated feeling of hate between the local population and the peace keepers. This again can lead to a strengthening of the opposition or rebel groups, opposed to the peace efforts, that will slow or stall the peace keeping efforts, or even clear the road for a possession of political power as the example was in Bukavu, May 2004.

It is important to have the sympathy of the local population on every level of peacekeeping operations to prevent unnecessary resistance and violence against all parts in conflicts. There is also a need for more sophisticated analysis that can combine intellectual knowledge with pragmatic solutions in the continuous process of the international community's interventions.

Troops, observers and staff operating on conflict sites must be "culturally well equipped" and educated in the cultural and historical background of the regions of their operations, and should not only present an authoritative role, but also be a guide of justice. In modern times where troop based warfare is being gradually replaced by highly skilled and specialized soldiers and sophisticated technology, this surely seems a surmountable mission.

The international community can support peace processes by empowering local human capital of peacemaking as they have the background knowledge and contacts. Africa must access the vast intellectual resources it has at its disposal when choosing facilitators to conflicts. States have proven not to be the safest rout to facilitation as they are often involved in the conflict in one way or another. Unlike the DRC case, the facilitators need to be untouched by rumour of involvement in any way so as to ensure utmost objectivity.

Addressing the root causes of any conflict needs proper identification and commitment of all that is of local and regional players and the international community at large. The identification of actors in any conflict needs extra care so as not to exclude potential players. External dynamics should be engaged by including the actors affected by the process of finding a solution. Without sounding pessimistic, it is of little use identifying rebel groups and vow to get rid of them when there are no mechanisms to assimilate their views into society.

The UN Security Council has agreed an additional 2,580 peacekeepers for the DRC and extended its mandate until September 2006. The Congolese army and the UN troops swept through their strongholds and splintered the once mighty militia into ragged bands to prepare the country for an election scheduled for July 30. The campaign has been controversial and the UN has launched an investigation.[1] This may, however, be again "too little, too late" to avert an upsurge of violence during the holding of elections. The problem remains one of ensuring that adequate resources are in place so that troops are able to respond quickly to situations that endanger civilians.

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[1] Carrol, Rory (2006), "Congo's Jungle Terrorists Disband: Broken Militias Lay Down their Arms after Years of Slaughter", *The Hindu*, New Delhi, 3 July 2006.

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Secondly, a comprehensive programme of security sector reform (SSR) urgently needs to be developed and implemented. A lack of military integration of the former warring parties has remained the most important conflict risk throughout the transition period and in turn threat of violence to the civilian population. Even when military integration has been successful the Forces Armees de la Republic Democratic du Congo (FARDC) has continued to prey on the civilian population. There has been $200 million committed for DDRRR, but not a commensurate amount for SSR (although it is a far greater priority) because donors have been too timid to commit the technical assistance to ensure the successful integration of the FARDC.

Thirdly, the scale of humanitarian need is still massive in the DRC and the response woefully inadequate. The Transitional Government has just drawn up a special action plan with external partners to address the humanitarian situation in the DRC, with a preliminary budget of $800 million. There still needs to be a massive scaling up of the humanitarian effort in DRC. Furthermore, humanitarian actors will be able to develop a more concerted response to their other protection needs.

The overall success of the United Nations operations in the region could also be challenged. Recent United Nations' reports describe the eastern part of the Democratic Republic of the Congo as a civilian disaster zone, where many people remain out of reach of much-needed relief assistance. The United Nations' ability to operate under extreme violence and turmoil is virtually impossible. The prospect of free, fair and most importantly peaceful elections in June 2005 will remain a mirage mired in war, ethnic tensions and instability if the various flashpoints in the DRC are not stabilized. Various unresolved issues and tensions continue to harm efforts at securing a viable peace in the region. One cannot realistically talk of peace while violence continues to overshadow the process.

Various diplomatic sources have spoken of the need to revive the Economic Community of the Great Lakes Countries (CEPGL), which comprises of the DRC, Burundi and Rwanda. The need to host an urgent consultative conference under the auspices of the

International Committee to Accompany the Transition in the DRC (CIAT) should be seriously considered to resolve all outstanding issues that continue to create stumbling blocks towards peace in the DRC. The peace process, while far from being dead, is however slowly but surely being eroded as the acts of violence take their toll, the causalities mount and the refugee crisis worsens. However brutally honest this may seem, there appears to be more cases of belligerent transgression than peaceful transition in the embattled Democratic Republic of the Congo - a fact that could be costly to the future of the entire region.

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