

## Reflections on the Crisis in Eastern Congo (\*)

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As I look back to the many memorable moments experienced during a recent three-week trip through eastern Congo -- starting in Uvira and continuing on to Bukavu and Goma, and back to Uvira -- three stand out as metaphors for the deepening crisis in eastern Congo.

One is a brief conversation with a young man from Uvira, working for the UNHCR, whom I met while standing in line at a local bank: as I casually mentioned how much I learned from a recent exchange with a couple of Banyamulenge community leaders in Uvira, he quickly corrected me: “You mean the so-called ‘Banyamulenge’, who of course are Rwandans”. His peremptory tone made clear to me that any attempt to challenge his position would be a waste of time. For him and many others, ethnic Tutsi, including the Banyamulenge of South Kivu whose ancestors have lived in the Congo for generations, are undeserving of the status of citizens: they are Rwandan nationals.

Another relates to my visit to the Speaker’s office of the provincial assembly of South Kivu, in Bukavu, in hopes of obtaining data on the deputies’ social profile. On that occasion, and much to my astonishment, I learned from the clerk in charge of the archives that although the deputies had been in office for nearly two years, all along drawing substantial salaries (\$2,500 monthly, plus perquisites), not a single piece of legislation had been passed. The reason for this unhappy state of affairs, I was told, lies in the deputies’ lack of familiarity with the rules of parliamentary democracy (“they simply don’t know the rules of the game”). Further probing yielded this qualifying remark: rather than point to their low learning curve, or lack of interest in the exercise of their legislative duties, their poor performance is part of the legacy of Mobutu’s thirty-year dictatorship.

My visit to Panzi hospital, a few kilometers away from Bukavu, sticks to my mind as a particularly moving episode. At first I was told that the personnel was on strike, after a group of protesters forced their way into the building where a notorious thug – presumably guilty of armed robbery -- was being treated for his wounds. Nonetheless, I was able eventually to persuade one of nurses to let me into the raped women’s ward. Known as *le pavillon des femmes violées* it is a somber testimony to the country’s rape problem, the worst in the world. There, scores of victims of sexual abuse, some in their early teens, are trying to recover from their horrendous physical and emotional wounds. Some are resting under the shade of a wooded area nearby, others are sitting in their hospital beds. All wore a vacuous, haggard look on their faces, as if in search of their moral bearings. They are the lucky ones. Thousands of others are nowhere to be seen. Just how many died, how many survived is impossible to say.

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\* This paper could not have been written without the help of numerous friends, colleagues and former students, many of them Congolese. To all of them I wish to express my sincere gratitude.

Together these images capture some of the key dimensions of the Congo's agony: succinctly put, the crisis in eastern Congo is a crisis of identity – what communities belong within the boundaries of the Democratic Republic of the Congo (DRC)? – compounded by a huge institutional void and a humanitarian catastrophe of unparalleled proportions. Which in turn helps explain the failure of the Goma conference on Peace and Security (January 2008) to live up to its stated objectives, and the subsequent collapse of the much-touted Amani peace process – of which more in a moment.

### *A Humanitarian Crisis of Huge Proportions*

It is a commentary on the public indifference surrounding the Congo crisis that in spite of its far greater death-toll it receives only a fraction of the media attention devoted to Darfur.<sup>1</sup> While there are ample grounds for public revulsion over the tragedy in Western Sudan, it does not come anywhere near the scale of the human losses suffered by the DRC. According to a survey conducted by the International Rescue Committee (IRC), between August 1998, when the second Congo war began, and January 2008, an estimated 5.4 million died of war-related causes, including hunger, disease and sheer physical exhaustion. Approximately half of the dead were children under the age of 5. This means an average of 45,000 deaths each month. Since then another million may have succumbed of the same lethal side-effects of civil strife. Significantly, less than one per cent of these losses are identified as battle field casualties, a telling commentary about the deadly consequences of factional violence among civilians.

In North Kivu alone 1.2 million internally displaced persons (IDPs) have been forced out of their homes by the war. Since the resumption of hostilities in early October, an additional 100,000 IDPs are said to have fled their traditional homelands in and around Masisi and Rutshuru. Many of them are beyond the reach of humanitarian NGOs, facing starvation. But if the delivery of emergency aid to IDPs deserves urgent attention, the longer term problems of rehabilitation, social reinsertion and ethnic reconciliation are no less daunting.

In both North and South Kivu rape has become the weapon of choice of militias. The figures I came across for South Kivu indicate a total of 44,000 women raped since 2004, including 27,000 in 2006; for North Kivu 28,000 cases were reported in 2006. One UN official described the extent and intensity of sexual abuses in that part of the Congo as “worse than anywhere else in the world.”<sup>2</sup> The region is said to account for 75 per cent of all the cases treated by Médecins Sans Frontières (MSM) worldwide.<sup>3</sup>

A 2007 Human Rights Watch (HRW) report shows in graphic detail that responsibility for such crimes is widely shared among the main protagonists.<sup>4</sup> These are Kabila's rabble army, the *Forces Armées de la République Démocratique du Congo*

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<sup>1</sup> For notable exceptions see Lydia Polgreen, “Fear of New War As Clashes Erupt on Congo's Edge”, and more recently Jeffrey Gettelman, “Rape Victims' World Help Jolt Congo Into Change”, *New York Times*, December 13, 2007, p. 1, 20, and October 18, 2008, p. 1, 7.

<sup>2</sup> John Holmes, UN under-secretary general for humanitarian affairs, quoted by Tanguy Berthemet, “Au Kivu, la barbarie à visage humain”, *Le Figaro*, November 11, 2007.

<sup>3</sup> Ibid.

<sup>4</sup> HRW, *Renewed Crisis in North Kivu*, October 2007, vol. 19, no. 17 (A), pp. 34-42.

(FARDC) ; the remnants of Rwanda's Hutu génocidaires and their Congolese recruits, the *Forces Démocratiques pour la Libération du Rwanda* (FDLR); Rwanda's proxy in North Kivu, t General Laurent Nkundabatware (better known as Nkunda) and his *Conseil National pour la Défense du Peuple* (CNDP), to which must be added a flurry of local militias, the Mai-Mai, consisting of ethnic warlords whose loyalties are frequently shifting from one side to the other. The most brutal rapes, according to doctors interviewed by International Crisis Group (ICG), appear to have been committed by FDLR, only surpassed in terms of numbers by FARDC soldiers, who are said to have perpetrated 40 per cent of all human rights violations during the second half of 2006, including summary executions, beatings and rape.<sup>5</sup>

All armies have to contend with rapist elements in their midst -- including the Allied armies in WWII, whose record of sexual abuse in Sicily and Italy in 1943 and 1944, leaves one gasping.<sup>6</sup> What makes the case of eastern Congo unlike most others, with the possible exception of Liberia and Sierra Leone, is the frequency and sheer perversity of sexual violence. Victims of rape include girls in their early teens as well as infants, like that three-year old girl admitted to the Heal Africa hospital in Goma, her body horribly mutilated.<sup>7</sup> Some have endured excruciating pain, their genital organs torn. "Many of these rapes", writes Jerrey Gettelman, "have been marked by a level of brutality that is shocking even by the twisted standards of a place riven by civil war and haunted by warlords and drug-crazed child soldiers."<sup>8</sup> The rapist's aim is not just to inflict suffering, but to shame the victim, to insult her honor and dignity and thus disqualify her from the sphere of civilized society. Shame reaches out to the entire family and beyond. In such extraordinary circumstances, and for all the progress registered in bringing punishment to the rapists<sup>9</sup>, the prospects for lasting reconciliation appear extremely dim.

### *The Costs of the Institutional Deficit*

The state in the DRC is a fictional construct. This is largely true as well of the provincial institutions, many of which are simply not capable of discharging the functions devolved upon them. Most critically, they lack the capacity for resolving

<sup>5</sup> Ibid., p. 42-43, and ICG, *Congo Bringing Peace to North Kivu*, Africa Report No. 133, 31 October 2007, p. 28.

<sup>6</sup> As told by Rick Atkinson, in one province of "liberated" Italy (Frosinone), Italian authorities tallied "seven hundred crimes of 'carnal violence'; in one locality (Ceccano) "approximately 75 women ranging in age from 13 to 75 years had been raped; one woman claimed to have been raped 17 times... Norman Lewis, the British intelligence officer and author, investigated various allegations and found 'wholesale rape' in many villages". Moroccan troops, the so-called Goumiers or Goums, were among the worst. In the face of such abuses, one chaplain wrote "our men are sick at heart, and are commenting that they would rather shoot the Moroccan Goums than the Germans... Another chaplain cited specifics: a fifteen year old girl raped by eighteen soldiers; a twenty-seven year old raped by three soldiers; a twenty-eight-year-old raped by five." Rick Atkinson, *The Day of Battle: The War in Sicily and Italy, 1943-1944* (Henry Holt and Co, New York: 2007), p. 557. In France, according to Alice Kaplan, 180 US soldiers were charged with rape, of whom 130 were African Americans, against a total of 904 for the whole of Europe. "Even if the numbers were much higher", she adds, "they do not compare with a terrible legacy of World War II-era rapes, often officially sanctioned, including the rape of the women of Nanking by the Japanese, rapes by Nazi soldiers throughout the German sphere of occupation, the rape of Italian women by the French army during its campaign to liberate Italy, and hundreds of thousands of rapes by the Red Army across Eastern Europe and Germany". Alice Kapan, *The Interpreter* (Free Press, London and New York: 2002), p. 154, 156.

<sup>7</sup> Tanguy Berthemet, op. cit.

<sup>8</sup> Jeffrey Gettelman, "Rape Victims' Worlds Jolt Congo", op. cit., p. 1.

<sup>9</sup> Gettelman reports that European aid agencies "are spending tens of millions of dollars building new court houses and prisons... mobile courts are holding rape trials in villages deep in the forest;" in Bukavu "the American Bar Association opened a legal clinic in January, specifically to help rape victims bring their cases to court". Ibid.

conflict. Absent an efficient and neutral constabulary, a reliable police force, a functioning judiciary, a legislative assembly which legislates and an executive which enforces the law, conflict resolution is left to the whims of the groups in conflict, with or without the assistance of external actors. The ill-fated Amani program, designed to set in motion the peace process in North Kivu, is illustrative of just how counter-productive such peace initiatives can be in the absence of viable institutions to put them into effect.

The country's institutional weakness is in large part traceable to the clientelist legacy of the Mobutist state. Now as before access to the state means access to wealth. Political loyalty rather than competence is what counts. The consequences are inscribed in the pervasive corruption reported at the highest levels; the mismatch between the social profile of provincial ministers and their official responsibilities; the repeated attempts of the Kinshasa authorities to buy off opponents, including warlords, renegade generals, and notorious human rights offenders, with predictably mixed results.

One of the most egregious cases of corruption in South Kivu occurred shortly after the 2006 elections, when the time came for provincial legislators to elect the governor. The candidate who won the majority of the votes, Célestin Chibalonza, is remembered both for the brevity of his tenure and his corrupt behavior. Held responsible for diverting tens of thousands of dollars to reward his supporters he was forced to hand in his resignation after eight months in office. Oddly, this happened shortly after having been acquitted to wrongdoing by the Supreme Court of Kinshasa.

Sheer incompetence is a major source of institutional paralysis. An extreme example is the president of the provincial assembly of South Kivu, whose illiteracy makes it impossible for him to even read a speech in public. Asked how a confirmed illiterate could be elected to such high office, one respondent replied: "As a wealthy trader from Uvira he was able to bribe his way to the top, while at the same time meeting the requirements of *dosage ethnique*".

Putting the wrong man to the wrong place is the defining trait of some key ministerial appointments. The cases of Prosper Birhakaheka and Georges Shanyagu Sadiki -- respectively in charge of the ministries of Health, Social and Humanitarian Affairs, Gender, Family and Child of South Kivu, and Justice, Political Affairs and Relations with the Provincial Assembly -- are not untypical: until their appointment as provincial ministers both were professors of history at the University of Bukavu. While both are ardent supporters of the ruling party neither one can claim special competence in health issues or judicial matters (not to mention the additional responsibilities covered by their respective ministries). One could also mention the case of Jerome Balegamira, a former medical doctor, now in charge of the ministry of Infrastructures and Public Works. Although there can be little question that health, justice and infrastructures are crucially important policy issues, along with social and humanitarian affairs and political affairs, one wonders what kind of logic (other than opportunism) presided over their nominations.

Opportunism is in fact the principal explanation for Kabila's policy of "recuperation" in trying to enlist the support of former warlords and renegade officers. All have been richly rewarded with promotions -- majors to the rank of colonel

and colonels to that of general, causing one observer to remark that the FARDC is an army of colonels and generals. Examples abound of rebels-to-colonels (or generals) stories. General Gabriel Amisi (aka Tango Fort), once a key figure of the pro-Rwanda rebel movement *Rassemblement Démocratique Congolais* (RDC) -- and known to have taken an active part, along with Nkunda, in massive human rights violations in Kisangani in 2002<sup>10</sup> -- is now the Chief of Staff of Kabila's army. Another notorious RCD defector is Colonel Pacifique Masunzu, a Munyamulenge who earned his spurs while holding at bay the Rwandan army in the Itombwe high plateau area of South Kivu, back in 2003, and is now interim commander of the Tenth Military Region in Bukavu. The commander of the Eighth Military Region (Goma) is none other than a well-known Mai-Mai warlord from Bunyakiri, Colonel Padiri. Another Mai-Mai, Colonel Sami, is in charge of the 86<sup>th</sup> Brigade in Walikale, and said to be involved in juicy business operations with the FDLR. The military commander in Rutshuru -- a strategic spot -- is the highly influential but notoriously incompetent and erratic (some call him "delusional") Colonel Delphin Kahimbi, who once served in Kabila's *Alliance des Forces Démocratique pour la Libération du Congo* (AFDL), the Rwanda-backed anti-Mobutist rebellion. Kahimbi's limitations as a commanding officer came in full view during the resounding defeat inflicted on the FARDC by Nkunda's warriors in Rumangabo on October 12, only one in a series of setbacks recently suffered by Kabila's troops.

The rallying of so many turncoats did little to discourage claimants to their succession. As more rebel commanders switched sides, others rose up to replace them. One reason is the expectation that they too, in due course, could use "recuperation" as an avenue of upward mobility. In the meantime access to the region's vast mineral wealth remains a major inducement to join the fray. The war over resources is of course a key element behind the proliferation of armed groups, a point that has been repeatedly and convincingly argued by a number of analysts. What needs to be underscored is that the extreme weakness of state institutions is what allows these groups to operate with impunity, committing in the process countless human violations, and diverting into their own hands the bulk of the profits derived from the trade in minerals.

The result at any rate has been an ever more fragmented political arena. Now as before aspiring strongmen manipulate local conflicts to their advantage; in the words of one informant, they create insecurity to promote a reshuffling of the cards. South Kivu is where a flurry of new warlords are looming on the horizon, competing for recognition and access to minerals: Yakutumba, a Bembe, has emerged as the leading Mai-Mai rebel in Fizi; in Uvira the old Zabuloni, a veteran of the 1964 rebellion, has replaced Dunia as the local Fulero Mai-Mai; the vacuum left by Masunzu in Itombwe has been filled by two leading Banyamulenge personalities, Makanika and Bisogo, the latter claiming the leadership of a newly created Banyamulenge party, the *Forces Républicaines Fédéralistes* (FRF). Both are said to have close contacts with Nkunda.

Commenting on the dangerously fragmented situation in South Kivu a close Congolese observer lamented "the resurgence of intra-ethnic conflicts, the birth of new armed factions, rivalries among traditional chefferies (*groupements*),

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<sup>10</sup> For further details see Human Rights Watch (HRW), *War Crimes in Kisangani: The Response of Rwanda-Backed Rebels to the May 2002 Mutiny*, Vol. 14, No. 6, August 2002.

rising tensions between pastoralists and agriculturalists, the imposition by warlords of new administrative structures”, all of which, he said, add up to a “regression” compared to the period preceding the elections.<sup>11</sup>

Regression takes many forms, however. While fragmentation and intra-ethnic conflict are dominant features of the South Kivu scene, ethnic polarization is a central characteristic of the crisis in North Kivu.

### *Contested Identities*

The common thread that runs through the history of the Kivu region brings into sharp focus the question of identity: are Rwandophones – i.e. speakers of Kinyarwanda -- legitimate members of the Congolese nation? And since Hutu and Tutsi both speak Kinyarwanda, how does ethnicity affect one’s claim to citizenship?

Language is evidently not the most reliable identity marker. Until the Rwanda genocide, it was central to the distinction between Banyarwanda and “native” Congolese; “Rwandophonie” again emerged as a major source of Hutu-Tutsi solidarity during the tenure of North Kivu governor Eugène Serufuli (2004-2006), himself a Hutu. In the Congo as elsewhere in the continent representations of “the other” have been subject to constant redefinitions and re-ordering, but nowhere with such astonishing fluidity as in the Kivu region, where language, body maps, regional ties, migration patterns are competing for recognition as criteria for “belonging”.

Not cultural givens but historical events are the key to the question as to why one cultural trait – be it language, ethnicity or body map -- happens to prevail over the other at any given time. This is not the place for a detailed excursion into the colonial and post-colonial past, except to note that history is itself a major source of contestation. Whether it is denied, reinterpreted or simply forgotten, historical evidence is an important reference point in defining the contours of conflict. Interestingly, while ethnic Tutsi are frequently ostracized by “native” Congolese, this is seldom true of those Hutu, *interahamwe* as well as civilians, who came in as refugees after the Rwanda genocide. As allies of Kabila pere during the second Congo war (1998-2003), their strong stand against Rwanda’s incursions exonerates them of the onus of foreignness.

As I was reminded by my chance encounter with this young man from Uvira, for many Congolese intra-Tutsi differences – as between the Tutsi-Banyamulenge of South Kivu and the Tutsi of North Kivu – are irrelevant; they are all “Rwandans”, no matter how divergent their historical trajectories. Even though they are sometimes lumped together as “ethnic Tutsi” they stand as distinctive aggregates. Unlike the majority of ethnic Tutsi in North Kivu, the Banyamulenge lived in the Itombwe plateau long before the advent of colonization. Furthermore, for geopolitical and historical reasons, the Banyamulenge have shown a propensity to fragment that has no equivalent among ethnic Tutsi of North Kivu. Nor is there any parallel among the latter for the strong distrust of Rwanda displayed by a number of

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<sup>11</sup> Interview with S.M., Bukavu, September 17, 2008.

Banyamulenge who, to this day, claim to have been consistently “instrumentalized” by the Kigali authorities to serve their own short-term strategic objectives.

Irrespective of their differences, both groups have been the target of systematic violence during the dying days of the Mobutu regime. As a consequence both have emerged as Rwanda’s most trustworthy allies in the years following the genocide, spearheading the anti-Mobutist rebellion in 1996, and again in 1998 when many Banyamulenge joined the RDC during the Rwanda-backed anti-Kabila crusade. This last episode, coupled with Kagame’s role in sponsoring the birth of the pro-Banyamulenge RDC, were key elements behind the rise of anti-Tutsi sentiment among self-styled *autochtones*. And with the attack -- and temporary take-over -- of Bukavu by Mutebutsi (a Munyamulenge) and Nkunda (a Tutsi native of North Kivu) in May 2004, anti-Tutsi feelings quickly morphed into rage. After the recapture of the city, a week later, hundreds, and possibly thousands of Banyamulenge residents of Bukavu and neighboring rural areas would pay with their lives the aberrant behavior of a handful of Tutsi commanders.

These are important facts to bear in mind if we are to grasp the widespread resentment of the “native” Congolese towards ethnic Tutsi in general, and more specifically towards their self-proclaimed protector, Nkunda. Seen by his enemies as Rwanda’s proxy in North Kivu, the CNDP leader owes his rising popularity among Tutsi to his unambiguous stance on minority rights – including the rights of Twa! – and his demonstrated ability to attract international media attention.<sup>12</sup> Furthermore, his capacity to effectively use force against his enemies is seen by most Tutsi as a vital security guarantee at a time when their political future has never looked so bleak.

The 2006 provincial elections effectively denied the Tutsi access to political representation. Their marginalization is made clear by their exclusion from all positions of authority at the provincial level.<sup>13</sup> There is not a single Tutsi in the provincial assembly of North Kivu, and only one in the provincial government (Pierrot Kabanda, Minister of Planning and Budget); the same is true of South Kivu, except for the presence of two Banyamulenge in the provincial government (Sebineza, Vice-Minister for Higher Education, and Ngomerakiza, Minister of Agriculture). Denied access to legitimate channels of participation, they needed little prodding to turn to Nkunda. Further enhancing the attractiveness of the CNDP is the post-electoral decline of the RDC and Serufuli’s *Tous Pour le Développement* (TPD), the two major vehicles through which the Banyamulenge and ethnic Tutsi pressed their claims in the years preceding the elections.

Nkunda’s immediate goal is to protect the rights of the Tutsi minority, meaning not only their right to life in the face of what he sees as an impending genocide – the spurious pretext invoked to capture Bukavu in 2004 – but their right to access the rich pastureland of Masisi and Rutshuru against the claims of other indigenous minorities. Already a fair

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<sup>12</sup> See for example, Nicholas D. Kristof, “Dinner With a Warlord”, which sets forth a highly positive view of Nkunda as “a smart and charismatic man with a university education who treated us to several hours of lively conversation”, *New York Times*, June 30, 2007.

<sup>13</sup> By contrast Tutsi are well represented in the FARDC, with a total of 9 generals, and some hold senior positions in the central government and parastatals; furthermore, in Goma business interests are largely in Tutsi hands, and the wealthiest property owner, Victor Ngazaio, is a Tutsi.

number of Tutsi pastoralists who lived as refugees in Rwanda have returned to Masisi, along with their herds. His long term goal, however, is to carve out for himself a substantial sphere of influence in North Kivu, so as to bring back to their traditional homeland all of the 50,000 ethnic Tutsi currently living in Rwanda, the principal recruiting grounds for his combatants.

For all the bogus evidence used in the Congolese media to show proof of direct Rwandan intervention on Nkunda's side during the recent confrontation in Rumangabo, many questions persist about the exact nature and scale of Rwandan assistance to the CNDP. Once this is said, if push comes to shove, there can be no doubt that Kagame can be counted on to come to the rescue of his loyal ally.

This is where the conflict in eastern Congo carries ominous implications. A re-entry of Rwanda on Nkunda's side would have the direst consequences. Besides ratcheting up Hutu-Tutsi tensions throughout the Great Lakes, including Burundi, it could only imperil the still fragile coalition stitched together by Kabila in the wake of the elections. Even if the efforts of the international community are temporarily successful in preventing Kagame from joining the fray, this will not bring the conflict to an end. Given the appalling performance of the Congolese army, and in the light of the virtual collapse of the Amani initiative, the prospects for peace are anything but encouraging.

### *The Collapse of Amani*

On September 25, Kabila's Minister of Interior succinctly described the essence of the Amani peace process: "on désengage, on s'empare, on regroupe et on démobilise ou on réintègre!"<sup>14</sup> Notwithstanding a few difficulties, he added, the results are globally positive. Even as he spoke, however, it had become painfully evident that Amani was on the ropes.

Amani – "peace" in Swahili – refers to the machinery put in place to implement the commitments made by the participants to the Goma conference (January 6-26, 2008), officially known as the Conference on Peace, Security and Development in the Provinces of North and South Kivu. Through this so-called *acte d'engagement*, they agreed to work towards (a) a cease-fire through the whole of North Kivu, (b) the disengagement of the combatants and the creation of demilitarized zones as a first step towards the disarmament and reintegration of the troops, (c) the return of the IDPs and refugees, (d) an amnesty law for acts of violence other than genocide, war crimes and crimes against humanity.

The conference began with 600 but as the word got around that each participant would receive a \$ 135.00 per diem attendance rose to 1,500, including delegates from some 30-odd "grassroots communities" and as many armed groups.<sup>15</sup> The listing of such groups in the opening sentence of the *acte d'engagement* lends a touch of the surreal to the proceedings: "We, FRF, Groupe Yakutumba, Groupe Zabuloni, Mai-Mai Kirichiko, Pareco SK, Raia Mutomboki, Mai-Mai Nyikiriba, Mai-Mai Kapopo, Mai-Mai Mahoro, Mai-Mai Shikito, Mudundu 40, Simba Mai-Mai, Mai-Mai

<sup>14</sup> Radio Mandeleo, Bukavu, Sep. 25, 2008.

<sup>15</sup> See *Amani Leo! Actes d'Engagement*, Publié par la cellule de communication de la Conférence, Goma, February 2008, p. 5.



Shabunda,... make the following commitments...”. One wonders what to make of the commitments of such ephemeral groupings, many of which appear to have materialized out of thin air in order to cash in the per diems. In any event, in view of its size it is easy to see why procedural matters consumed much of the agenda, and why in the end the really important issues were handled through a small group of movers and shakers, among whom Nkunda, Vital Kamerhe, President of the National Assembly, Malu-Malu, Head of the Electoral Commission, Alan Doss, Special Representative of the UN Secretary General, Tim Shortly, representing the US, and Roland Van Der Geer, on behalf of the European Union.

Responsibility for implementing these noble objectives was entrusted to an extraordinarily complicated scaffolding of committees and sub-committees, which together formed the mainstay of the Amani program. Thus, to assist the key decision-making body (*Commission Technique Mixte Paix et Sécurité*) two sub-committees were set up in each of the two provinces (*Sous-Commission Militaire Mixte*, and the *Sous-Commission Humanitaire et Sociale*) Each gave birth to two committees (*Comité Provincial Militaire*, and *Comité Provincial Humanitaire et Social*) which in turn spawned a number of smaller bodies, known as cells (*cellules*) : *Cellule de Désengagement et Cessation des Hostilités*, *Cellule de Désarmement, Démobilisation et Réinsertion (DDR)*, *Cellule Resoration de l'Autorité des l'Etat*, for the first of these committees, and *Cellule des Déplacés Internes*, *Cellule des Réfugiés*, *Cellule d'Appui Politique*, *Cellule Administrative et Juridique* for the second. Overseeing the work of this top-heavy bureaucracy was the *Comité de Pilotage*, consisting of representatives of all the relevant government ministries, assisted by the *Facilitation Internationale*, serving in an advisory capacity and made up of US and EU delegates. Hundreds of participants were involved, drawn in part from the provincial and central bureaucracies and the international community as well as from civil society organizations (*communautés de base*) and representatives of armed groups. Both received monthly salaries of approximately \$ 2,000 as well as free meals. The total cost of the enterprise, and who picked up the tab, are anybody's guess.

Even in the best of circumstances it is hard to imagine that anything constructive could have emerged out of this extraordinarily ponderous machinery. Cynics would argue that such was not the prime objective of Amani; the aim, rather, was to make sure that the pursuit peace would hold tangible benefits for the participants so as to insure their continued participation. This was undoubtedly true of the *groupes armés*, whose involvement in the peace process was crucial to its success. Nonetheless, to view Amani as a mere trough<sup>16</sup> does little to illuminate the wider landscape.

A major shortcoming of both the Goma conference and the Amani follow-up is that it left out of the proceedings a major political actor, the FDLR. There can be no doubt that the hard-core leaders are génocidaires or ex-*Forces Armées Rwandaises* (FAR), and that many continue to commit atrocities against civilians. Excluding them on moral grounds makes considerable sense; from a political perspective, however, bringing them on board is a more sensible approach (for the same reasons that critics of the Bush administration would open talks with Iran, however unpalatable this may seem on moral grounds). One wonders indeed whether there is any point in expecting the FDLR to lay down their

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<sup>16</sup> Nonetheless, the trough metaphor -- the French word for it, *la mangeoire* is even more evocative -- is hard to resist when I recall the scores of *groupes armés* reps traipsing down the luxurious VIP Hotel in Goma every afternoon to enjoy a regal lunch, one of the many freebies kindly offered by the conference organizers.

arms, voluntarily or by force, as long as Rwanda remains unwilling to negotiate their return to their homeland. The use of force is not a viable option. The November 2007 Nairobi accord between the governments of Rwanda and the Congo, providing for joint military operations against the FDLR and the reintegration of Nkunda's forces into the FARDC, never got off the ground. The reasons are not far to find. Anyone who has spent time tracking down the FDLR -- as I have recently, with the kind assistance of the MONUC in Uvira -- knows how difficult it is to locate them and identify them, especially where they live in complete symbiosis with the host communities. Furthermore, it is a question whether Kagame is really serious about getting the FDLR back to Rwanda. Officially, of course, Kigali's position is that the FDLR poses a double threat, to Rwanda's stability and to the Congo's indigenous Tutsi minority. On the other hand Kagame can manipulate the issue to justify continued military support to Nkunda, or, if the circumstances require, direct intervention in North Kivu. Failure to include the FDLR in a trilateral political agreement with Kinshasa and Kigali is a recipe for continued violence and instability.

Another problem is that the state of the play on the ground only bears a distant relationship to the neat, phased scenarios envisaged in the peace process -- disengagement, separation, regroupment, demobilization. Who violated the cease-fire, where and when is not always clear. The cease-fire has indeed been violated as many times by the CNDP as it has by the FARDC, and some of the major military engagements, as happened on August 28 of this year, have been preceded by countless mutual provocations. Although the CNDP bears much of the responsibility for the violence that continues to ravage North Kivu, the record of Congolese army is hardly edifying. As reported by one informant, on the few occasions where the FARDC emerged triumphant, they celebrated their victories by plundering the property of civilians. What the peace deal failed to take into account is the disconnect between its blueprint for peace and the context of civil war. Where there are no front lines, where the fighting almost never stops, where troops and their commanders evade the control of a central authority, where plunder and rape are part of the combatants' behavioral code, and causing hundreds of thousands of civilians to run for their lives, there is something almost surreal in the widening gap between intention and reality.

What about the MONUC, so often criticized for its inaction and so seldom given credit for what it does? The issue is too complex to be dealt with adequately in this paper. Yet it is worth emphasizing that if it hadn't been for the MONUC Nkunda would probably be in control of Goma, and possibly Bukavu. On several occasions MONUC troops have intervened to repulse Nkunda's troops. It has played a major role in providing protection to local humanitarian NGOs. And yet, when one considers the magnitude of the humanitarian crisis one wonders why the MONUC failed so egregiously to protect human lives. Part of the reason is that it fears that by taking sides it would compromise its neutrality; to this must be added its concern that by turning against Congolese offenders, be it the FARDC or the Mai-Mai, it would incur the wrath of the host community; by the MONUC's own admission it also lacks the requisite manpower to effectively deal with threats to the civilian populations, especially when faced with renewed unrest in the Ituri region.

But where the MONUC's record leaves most to be desired is in its failure not just to suppress violence but the roots of violence. As has been argued convincingly by Séverine Autesserre, considerably more attention should be given to the many complex local issues that lie in the background of rural unrest. To quote, "distinctively local agendas motivate a large part of the ongoing violence in the Congo, yet diplomats, UN officials, and journalists have focused almost exclusively on the regional and national problems."<sup>17</sup> What has evaded the grasp of MONUC officials is "the critical fact that today local conflicts are driving the broader conflicts, not the other way around",<sup>18</sup> and because of this myopic view of the dynamics of conflict almost nothing has been done to effectively come to terms with the roots of inter-group violence.

Last but not least, the MONUC has an image problem: for many observers, including Congolese, the MONUC is everywhere except where it should be – at the front lines. The MONUC's visibility is inscribed in its shiny fleet of 4x4 vehicles, resplendently white against Goma's black volcanic landscape, driven by neatly dressed officials with one hand on the wheel and the other on their cell phones. For the poverty-stricken residents of Goma's slums there is something offensive about this spectacle, all the more so when seen against the backdrop of the immense sufferings visited upon civilians. In a tract circulating in Bukavu last September, "the students of South Kivu" stated their grievances against a variety of local actors, including the MONUC, which they accused among other things of being "complicit in the war against Nkunda."<sup>19</sup> Despite its accusatory tone, the statement captures the hostility directed against the MONUC by many segments of Congolese public opinion. To restore the MONUC's reputation will require more than a mere disavowal of the many strictures articulated by its critics.

### *Concluding Thoughts*

The crisis in eastern Congo has implications that go beyond the case at hand. If anything it brings into sharp focus the many shortcomings of the 2006 elections in ushering peace and reconciliation. Some would argue that although the electoral process momentarily froze pre-existing conflicts, it did nothing to resolve them. But the problem goes much deeper. Closer scrutiny of the post-electoral chessboard shows that it has generated new conflicts while at the same time substantially raising levels of corruption and bringing into full light the horrendous costs of the growing institutional vacuum.

The conflict over minority rights is nothing new in Kivu region; what is unprecedented in the depth of the *allochtones-autochtones* confrontation in the wake of an election that resulted in the political exclusion of the Banyamulenge/Tutsi minority. The phenomenon, as noted earlier, is directly traceable to the vitriolic campaign of the ruling party and its regional allies, thus giving Nkunda's CNDP a popularity it never had before.

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<sup>17</sup> Séverine Autesserre, "The Trouble With the Congo: How Local Disputes Fuel Regional Conflict", Foreign Affairs, May/June 2008, p. 104.

<sup>18</sup> Ibid., p. 102.

<sup>19</sup> "Ne Jamais Trahir le Congo", Collège provincial des étudiants du Sud Kivu, Bukavu, September 17, 2008, p. 3.

But as much as the racist overtones of the government-controlled media, corruption contributed in no small way to the twisted outcome of the legislative and gubernatorial races. This was true not only of the Kivu but of other provinces as well, notably in the Bas-Congo region where corruption reached alarming proportions. It is estimated that on the average the cost of a vote for the election of a provincial governor ranged between \$ 1,000 and \$ 10,000; which apparently did not prevent some unsuccessful candidates to publicly insist on getting their money back.<sup>20</sup>

In protest against corruption and electoral manipulation some opposition movements did not hesitate to have recourse to violence, and where this happened (as in Matadi, Luozi and other localities in Bas Congo in late 2007 and early 2008<sup>21</sup>) the indiscriminate use of counter-violence by the police and the army only increased popular frustration and anger. It was principally in North Kivu that the performance of Kabila's army proved utterly counterproductive in checking the military challenge posed by Nkunda's militias, but the "rabble" quality of the army also speaks to the fragility of democratic transitions where state institutions are weak or inexistent.

Statelessness is the chief impediment to peace. The very limited penetration of the state into the interior of the country means that in much of the Congo militias serve as surrogate state institutions, along with civil society organizations, Churches and international humanitarian NGOs. In such conditions the peace process becomes an exercise in mediating among armed groups. At a minimum, if it is to succeed mediation assumes that the guns will fall silent while the negotiations are going on. But this has rarely been the case since the Goma conference, and now that Nkunda has pulled out of the Amani process -- menacing to "liberate" the Congo and accusing the FARDC to be working hand in hand with Hutu "rebels", the prospects for peace have never seemed more distant.

Nor is the growing personal acrimony between Kabila and Kagame, not to mention the rising tension between the MONUC and Kabila, likely to make things any easier for international mediators. One can only sympathize with its "profound worries in the face of renewed violence in eastern Congo" expressed by the UN Security Council through its president, and its hope that "the governments of the RDC and Rwanda will take urgent measures to settle their differences".<sup>22</sup> Seen from the trenches of Masisi, Ruthuru and Rumangabo – the strategic locality recently retaken by Nkunda's forces, at great cost to the FARDC – such exhortations sound like nothing so much as pious wishes. Meanwhile the lives of hundreds of thousands are at stake in a conflict that threatens to become much worse before anything constructive is done to contain it.

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<sup>20</sup> International Crisis Group (ICG), Congo: Consolidating the Peace, Africa Report No. 128, 5 July 2007, p. 10

<sup>21</sup> See MONUC Human Rights Division, *Enquete Spéciale sur les Evénements de Février et Mars 2008 au Bas-Congo*, Rapport Special, May 2008, pp. 30.

<sup>22</sup> See "L'ONU demande un cessez-le-feu dans l'est et met en garde Nkunda", *Jeune Afrique*, October 21, 2008.