# NORTH KIVU

## THE BACKGROUND TO CONFLICT IN NORTH KIVU PROVINCE OF EASTERN CONGO

# North Kivu
The background to conflict
in North Kivu province of
eastern Congo

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Map 1. *The eastern DRC, showing areas covered by the Usalama Project*

N

DEMOCRATIC

REPUBLIC

OF

THE

CONGO

Lindi

Mososa

BENI

Butembo

LUBERO

Lubero

Maiko
National Park

Lubero

Tanya

Lake
Edward

Semuliki

Virunga
National
Park

Ishasha

Buramba

UGANDA

Bilati

NORTH KIVU

RUTSHURU

Bisie

Rutshuru

Jomba

WALIKALE

Lubongo

Nyabiondo

Mokoto

Kitchanga

Tongo

Bunagana

Tshanzu

Runyoni

Walikale

MASISI

Masisi

Tebero

Musanze

Ntoto

Katale

Kabati

Kibabi

Mushaki

NYIRAGONGO

Bibatama

Sake

Kibumba

Ngungu

RWANDA

Goma

Nyabibwe

Lake
Kivu

KALEHE

Nyabibwe

Bugarula

Kahuzi-Biega
National Park

Kalehe

IDJWI

SOUTH KIVU

SHABUNDA

KABARE

Kabare

Bukavu

WESTERN

KABARE

Walungu

Ruzizi

WALUNGU

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Legend:

International boundary

KIVU — Province

UVIRA — Territory

Goma ☐ — Chief town – provincial

Bunia ☐ — Chief town – district

Uvira ● — Chief town – territorial

Musanze ● — Chief town – neighbouring country

Sake ● — Other town or village

National park

Selected road or track

Selected river

Lake

0    km    50

Map 2. *North Kivu, showing territories of the Petit Nord*

# Contents

# Preface: The Usalama Project

The Rift Valley Institute's Usalama Project ('peace' or 'security' in Swahili) is a response to on-going violence in the eastern Democratic Republic of the Congo. The protracted suffering of the inhabitants of this region in the past two decades has resulted in the expenditure of billions of dollars on conflict resolution. Yet the Congolese armed groups at the heart of the conflict are still poorly understood by the international organisations that operate in the DRC—and even by the Congolese government itself. The Usalama Project examines the roots of violence, with the aim of providing a better understanding of all armed groups, including the Armed Forces of the Democratic Republic of the Congo (FARDC, *Forces armées de la République démocratique du Congo*).

The Usalama research programme is guided by a series of questions. What is the history of these armed groups? Who supports and controls them? What are the relations of particular groups to the state, to neighbouring states, to business interests and to the Congolese armed forces? Why have some groups been so difficult to demobilize, while others have disappeared? Are there patterns to be discerned in the ways that groups proliferate, negotiate with the state, and then vanish again?

The project takes a primarily qualitative approach. It analyses historical sources–and the small amount of quantitative data available–and traces the origins of armed groups through interviews with politicians, businessmen, representatives of civil society and members of armed groups. The Project involves extended fieldwork by both international and Congolese researchers. The outcomes include reports on specific armed groups and wider geographical areas of conflict, and a series of seminars and workshops in the DRC.

Many of the interviews for this report were conducted on condition of anonymity. Where confidentiality was requested, identifying information in the report is limited to a number with a location and a date, e.g. Usalama Project Interviewee #105, Goma, 28 August 2012. In the course of the research, accounts of significant and potentially disputed events were confirmed by multiple sources with first-hand knowledge of the events under discussion.

# Summary

The continuing violence in the eastern Democratic Republic of the Congo (DRC) can be bewildering in its complexity: in the profusion of armed factions, the plethora of acronyms, and the multitude of grievances that trigger outbreaks of conflict—be they political, financial, or ethnic; local, national, or cross-border.

The province of North Kivu has been the epicentre of war in the DRC. It has generated a multitude of armed groups, with over two dozen emerging over the past two decades. It was here that the precursors to the Congo wars began with ethnic violence in 1993, and it is here that the most formidable challenges to stability in the country persist today. The present report sketches the historical backdrop to these conflicts, describing their social, political, and economic dynamics. It focuses on the southern part of North Kivu—in particular the territories of Masisi, Rutshuru, and Walikale—where the Congolese government currently faces the most substantial challenge to its authority.

The armed groups that have emerged in North Kivu have features in common, but there is no comprehensive theory that explains them all. They draw on three sources of instability: local, regional, and national. The Congolese state is decrepit and partial to private interests. It has neither the rule of law to guarantee property rights nor the force of law to suppress armed rivals. This weakness reinforces the belief that the only way of protecting property and individual freedoms is through armed force.

Such violence has exacerbated tensions between local communities, in particular a rift between so-called indigenous groups—those communities whose presence is most entrenched—and the Hutu and Tutsi populations, many of whom arrived as immigrants during the colonial and post-colonial periods. Most of the fighting today draws directly on this cleavage, hardened by two decades of killings on both sides.

Finally, local elites, especially in Kigali and Goma, have developed a

stake in armed groups, which they believe maintain their interests—either directly, by providing protection to businesses and their personal security, or indirectly, by bolstering their influence and giving them political leverage.

This potent blend of ethnic discrimination, state weakness and elite interest has rendered the conflict, in the eyes of many outside observers, intractable. But the armed groups also differ significantly. While some emerged organically from the realities of rural life, others were deliberately created by local politicians, and still others were exploited to serve the interests of urban businessmen. Some have lost touch with their initial motivations, while others stick to the pursuit of their founding principles. Most intriguing, from the point of view of policy and advocacy, some have disappeared while others resist and persist. Disentangling these differences can help explain the major obstacles to peace in the region.

# 1. Introduction

In 2002, the various warring parties in the DRC signed a peace agreement, prescribing a formal cessation of the hostilities that had consumed the country since 1998. While the peace deal was successful in reuniting rival factions in a transitional government and producing credible elections in 2006, it did not bring an end to the violence. Fighting escalated in the eastern Kivus region, reaching levels as high as they had been during the war.

Why did the peace deal not pacify the Kivus, while other areas, such as northern Katanga and Ituri, have seen a sharp decrease in violence? Interpretations of the ongoing violence in the eastern Congo variously stress grievances over land and identity, greedy local and international elites, or a weak and venal Congolese state.[1] The stakes are high, because each analysis leads to a different solution. This report provides a description of the history of the conflict in the lower part of North Kivu— the territories of Masisi, Rutshuru, Nyiragongo, and Walikale, commonly known as the *Petit Nord*—arguably the epicentre of the Congo wars.

Since the colonial era, communal strife has been at the heart of the violence. In particular this has been between Hutu and Tutsi, perceived as foreigners or immigrants, and those who describe themselves as indigenous. This conflict has its roots in the Belgian colonial administration, which promoted the mass immigration of Rwandans and manipulated ethnic power structures. But social realities have evolved during the

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1   For an emphasis on local dynamics, see Severine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding* (Cambridge: Cambridge University Press, 2009); on state weakness: Koen Vlassenroot and Timothy Raeymaekers, 'Kivu's Intractable Security Conundrum,' *African Affairs* 108 (2009), p. 432; also Théodore Trefon, *Congo Masquerade: The Political Culture of Aid Inefficiency and Reform Failure* (London: African Arguments, 2011). The greed hypothesis has been expounded by many international NGOs and journalists who have highlighted the role of minerals and profiteering.

half-century of independence. Whereas violence was largely rooted in local rural dynamics in the 1960s, by the next major violent episode in the 1990s, disputes over identity were linked into national and regional politics. Politicians based in Kinshasa and Goma fomented ethnic sentiment in the run-up to elections and both sides in the Rwandan civil war reached across the border to recruit in North Kivu.

By 2004, it was Rwandan security officials, local politicians, and Congolese army officers who called the shots within many, if not all, of the various armed groups. For local strongmen, armed mobilization along ethnic lines has become an essential part of their political strategy, to protect their assets and bolster their importance.

In order to understand this evolution, and to see the conflict from the point of view of its protagonists, it is inappropriate to remain fixated on late-twentieth century events. Local actors have grown up with memories of violence and prejudice that reach back generations and shape their actions today; conversations with or about armed groups in the region often begin with history lessons. This does not mean that these communities are trapped by their past, nor that historical grievances are more important than current interests. But history provides more than just the backdrop to the creation of armed groups: it allows us to disentangle their legitimate grievances from their more self-interested motives. It also gives some perspective, to take a step back and look at the larger structural forces underlying the violence in the region.

# 2. Precursors of conflict

There has been much debate over the role of Belgian administrators during the colonial era in stoking conflict in the Kivus. But it is clear that the region was neither static nor peaceful even before European explorers penetrated the region in the nineteenth century. Full-scale exploitation by King Leopold II of Belgium began in the mid-1890s under the auspices of the so-called Congo Free State. Slave raids, the incursions of its neighbours, and local feuds caused hundreds of violent deaths and widespread displacement.

Besides the areas currently called Bwisha and Nyiragongo, which had been inhabited by Hutu and Tutsi for several centuries, the *Petit Nord* was inhabited largely by Hunde, Nyanga, Tembo, Kano, Twa and Pere communities. These groups developed different forms of political organization, ranging from the extremely decentralized petty states of the Nyanga community in what is today Walikale to the more centralized chiefdoms in Jomba and Bwisha, led by Hutu and Tutsi, on the current border with Rwanda.[2]

These ethnic labels should be treated with caution, as their meaning and importance have varied over time. Current interpretations of ethnicity should not determine understanding of its significance in the past. In some areas, belonging to secret societies and religious sects was more important than ethnicity; elsewhere, clan membership dominated and individuals had little notion of a larger ethnic belonging. In general, ethnicity became hardened and more hierarchical during the period of colonial rule.

Violence is not a recent phenomenon in the region—and during the nineteenth century, as today, many of the worst bouts of warfare involved

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2    Daniel Biebuyck, *Rights in Land and Its Resources Among the Nyanga* (Brussels: Centre des sciences d'outre-mer, 1966), p. 32; Jan Vansina, *Le Rwanda Ancien* (Paris: Karthala, 2001), pp. 201–2.

forces from outside of what is today North Kivu. The East African slave trade saw Swahili traders carry out raids deep into the Congo river basin; as their influence peaked, they created spin-off armed groups, striking out from Swahili-speaking trade centres in what is today southern Maniema. These *Arabisés*—a label given to people influenced by the Arab culture prevalent on the East African coast—led a number of incursions into Walikale and Masisi in the mid-1890s, the most notorious one under a commander named Lukundula.[3]

Soon after these raids, mutineers from a colonial expedition passed through the same area. Originally from the Tetela community in the Kasais to the south-west, these troops mutinied against their abusive Belgian commander, Francis Dhanis, and rampaged across the eastern Congo for several years.

More pertinent—and controversial—in today's debate were the alleged efforts of the expansionist Rwandan King Rwabugiri to extend his influence within present-day Rwanda and into the highlands of the Kivus. Some Rwandan historians claim that Rwabugiri was able to conquer much of Rutshuru, Masisi and Walikale—a claim that has been repeatedly revived and exploited for modern political ends.[4] Rwandan President Pasteur Bizimungu notoriously repeated it, for example, in front of diplomats on the eve of the Rwandan invasion of Zaire in 1996. But most local sources and historians reject the claim, arguing that Rwandan kings were never able to control more than a few chiefdoms closer to Rwanda, such as Jomba and Bwisha, although Rwabugiri's expeditions did reach into Masisi and Walikale, where local chiefs levied tribute for him.[5]

In Jomba and Bwisha he did not have to use force; instead, he relied on political alliances, using chiefs already in place. His military incursions

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3   Bucyalimwe, 'Land Conflicts', pp. 48–9.

4   See 'Map 5' in Alexis Kagame, *Un abrégé de l'histoire du Rwanda de 1853 à 1972* (Butare: Editions universitaires du Rwanda, 1975).

5   Jan Vansina, *Antecedants to Modern Rwanda: The Nyinginya Kingdom* (Madison: University of Wisconsin Press, 2005), p. 159; David Newbury, 'Irredentist Rwanda: Ethnic and territorial frontiers in Central Africa', *Africa Today* 44/2 (1997), pp. 211–21.

not only caused disturbances but contributed to existing feuds among the various local chiefdoms. After Rwabugiri's death in 1895, local chiefs often took advantage of outside allies, including the Europeans, to help settle scores.

Throughout this period, where local chiefdoms were able to muster sizeable militias, they were temporary and usually fairly limited in size and range. Instead, the largest reported forms of armed mobilization stemmed from these outside forces.

## The colonial transformation of Congolese society

It is hard to exaggerate the impact of Europeans on the region. First as explorers, then as priests and administrators, they radically transformed social structures. The first colonial posts were created in Bobandana, a small bay overlooking Lake Kivu, and Rutshuru in 1902, with another soon to follow in 1907 in Kitofu, Masisi. The new authorities immediately set about reorganizing local power structures for their own purposes. In 1910, the Belgian and German governments also finally agreed on the border between their colonies, drawing a line north from Lake Kivu through the volcanic mountainous regions of Nyiragongo and Karisimbi, meaning that those parts of the *Petit Nord* that had been contested territory were no longer so. In the same year, the colonial government issued a decree recognizing chieftaincies—but placing them under the control of Belgian administrative officials and their military.

More importantly, the Belgians reshaped customary rule, regrouping small chieftaincies into new divisions called 'sectors'. In Masisi, the ministry created the Bahunde Sector in 1921 under *Mwami* (chief) André Kalinda, whose father the Belgians had supported in a local power struggle. Due to the favourable relations between the Catholic Church, the Belgian authorities, and Kalinda, this *Grande Chefferie des Bahunde* (Great Bahunde Chiefdom) expanded rapidly and, by 1935, included all of Masisi—an area many times the original size of Kalinda's traditional chiefdom. In addition, Kalinda was freed of some of the checks and balances that existed within customary rule, with the Belgians giving him power to preside over customary tribunals and impose administrative taxes.

In 1921, in what is today Rutshuru, the colonial rulers similarly subsumed previously autonomous chiefs under the rule of Daniel Ndeze—a Hutu translator and advisor to the Belgians—to form the *chefferie* (chiefdom) of Bwisha. In the small territory of Nyiragongo, just outside Goma, the Belgians were still more brazen, importing a customary chief from the Kumu community hundreds of miles to the west to rule over the local population, who were mostly Hutu.

Scholars of the region argue that decentralized despotism not only created artificial and unfettered rulers but also allowed them to claim customary rule over populations that were ethnically diverse and had little means to hold the chiefs accountable.[6] The territory's new colonial masters had changed the ground rules, in a literal sense. The Belgians only considered certain groups as 'indigenous' and restricted native authority to those communities. Those that did not qualify, including most rwandophones who arrived later, had no similar guaranteed access to land, instead having to rely on good relations with the local chief.[7] This was the material basis for the territorialization of identity: a significant legacy of colonial rule in Central Africa and elsewhere.

Resistance to colonial occupation flared up on several occasions during this period. In the early years of the twentieth century, Chief Ngyko, an ambitious Hunde, held out in southern Masisi, forcing the Europeans to send several expeditions to hunt him down. Perhaps the most dramatic uprising occurred among the Kumu of Walikale during the *Kitawala* (Watchtower) rebellion of 1944, when a religious community inspired by Jehovah's Witnesses rejected the colonial authority's exactions—taxes and communal labour—as ungodly. This revolt, as with the Binji Binji rebellion in South Kivu in 1931 and the various Nyabingi revolts in

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6   For example, Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996).

7   A rwandophone is simply a speaker of Kinyarwanda; the term, however, is often extended to refer to Hutus and Tutsis in general—irrespective of their actual first language—and can have a pejorative connotation, i.e. implying a political bias twards Rwanda.

Rutshuru, was notable for being organized by millenarian preachers and religious sects and carried out by peasants and workers: the customary elites that had previously monopolized power played little part.[8]

## Rwandan immigration and colonial land policy

No historical event shook North Kivu as much, or reverberates as fiercely into the present, as the mass immigration of over 150,000 Rwandans between 1928–56 to provide labour for European-owned farms and mines. At the same time, colonial rule introduced other reforms, including changing customary rule to render it more hierarchical and, in doing so, expropriating large tracts of land for settler farming. Together, these changes tore at the social fabric and played a key role in stoking violence.

When the Belgian government took over from King Leopold II as rulers of the Congo in 1908, the east of the country had barely been developed. The first plantations were not set up until around 1920; by 1930 Costermansville (now Bukavu) was home to only 300 settlers, while the whole of Masisi territory hosted just 83. The Belgian government launched a large public works campaign in the Congo, but was badly hit by the global financial depression that began in the 1920s. To save money, it opted for a partial outsourcing of development in the Kivus via the *Comité National du Kivu* (CNKi, National Committee of Kivu).

The CNKi was given a vast domain in the Kivus—initially eight million hectares but scaled back in subsequent decades—from which it profited by leasing and selling land to foreign settlers. The Congolese themselves were not allowed to own land titles until 1953. Under a decree issued by King Leopold at the beginning of colonisation, any land deemed vacant, even indigenous land administered by customary rulers, belonged to the state and could therefore be expropriated for a pittance and given to

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8    Daniel Biebuyck, 'La société Kumu face au Kitawala', *Zaïre* 11/1 (1957), pp. 7–40; Randall M. Packard, 'Chiefship and the History of Nyavingi Possession among the Bashu of Eastern Zaire', *Africa* 52/4 (1982), pp. 67–86; Koen Vlassenroot, 'Violence et constitution de milices dans l'Est du Congo: le cas des Mayi-Mayi', *L'Afrique des Grands Lacs: Annuaire 2001–2* (Paris: l'Harmattan, 2002), pp. 115–152.

prospective settlers. This policy set the foundations of private property rights that would pose a significant threat to those reliant on the customary land tenure system during the post-colonial period.

The settlers' focus was on the territories of Masisi, Rutshuru, Lubero, and Fizi in particular, given the high population density in some areas (such as Kabare and Walungu in South Kivu) and the unsuitable soil and terrain in others. Masisi and the *chefferie* of Bwito in Rutshuru, which were sparsely populated but had a good climate and fertile soil, were especially valued. It is difficult to estimate how much land was ceded to large plantations and ranches during this period. It is nonetheless clear that Europeans claimed much of the best farming land in the highland areas. In addition, 35,800 hectares of Masisi were gazetted to be included in Africa's first national park, the Albert (now Virunga) National Park, founded in 1925.

As the number of Belgian settlers increased, so did the demand for labour; there was an acute shortage of manpower for their plantations and for mining operations in South Kivu and Maniema.[9] This shortage was especially severe in Masisi, where the local Hunde population was reluctant to work for settlers and administrators. Private companies and, later, the colonial government itself addressed this challenge by recruiting in neighbouring Rwanda, while a small population of Hutu and Tutsi, whose number and status remain controversial, lived in the area even before the arrival of colonial administrators.[10] This strategy allowed them to foster a more docile and loyal labour force, which relied on Belgian officials for land and employment. At the same time, it alleviated overpopulation in Rwanda itself, where periodic famines had taken a heavy toll on peasants. During the first wave of recruitment between 1928–1936, private companies and white settlers registered 17,902 Rwandans, mostly men, who were recruited as workers, although

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9    Bucyalimwe, 'Land Conflicts', pp. 109–111 and 115–117.

10   'Memorandum des communautés Hutu et Tutsi du Nord Kivu', *Goma*, April 25, 1993.

there must have been many others who crossed the border without registering.[11] At the time, these workers came alone, without their families, and settled in temporary camps.

As it became more difficult to recruit individual labourers, the Belgian administration opted for a wholesale transplantation of families to targeted regions. Thus, in 1937, the administrators of Rwanda and the Congo created a new vehicle, the *Mission d'Immigration des Banyarwanda* (MIB, Banyarwanda Immigration Mission), charged with managing mass migration to Masisi.

These radical changes could not be carried out without the collaboration of local chiefs. To accommodate these new immigrants, the colony purchased 47,810 hectares of land from Chief André Kalinda for just 7,000 Belgian francs, a now infamous transaction. This sum equates to approximately US $20,000 in today's money for a territory the size of the New York boroughs of Queens, Brooklyn and Manhattan. The area became the new chiefdom of Gishari, with its administrative centre in Nyamitaba. Local Hunde were obliged to leave, although some refused. Today, in the minds of these so-called *autochtones* (i.e. the indigenous population), this huge land sale and the mass immigration marked the beginning of Rwandan domination.

Within a decade, Hunde became minorities on their own land—and developments today are seen explicitly in this light. For example, the preamble of a 2010 statement by the *Alliances des patriotes pour un Congo libre et souverain* (APCLS, Alliance of Patriots for a Free and Sovereign Congo) states unambiguously: 'We, the indigenous Congolese from Masisi, Rutshuru and Walikale in North Kivu province, denounce the Machiavellian plan to exterminate [the people] in the land of their ancestors.'

The first immigrants were mostly Tutsi, as the Belgians felt—reflecting the prevailing prejudice—that Hutu would need to be ruled by Tutsi. Their first chief Bideri, personally selected by the Rwandan King Rudahigwa,

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11   Bucyalimwe, 'Land Conflicts', p. 136.

arrived with the first wave of so-called *transplantés* (Rwandan immigrants who arrived before Congolese independence). During his chieftaincy, Gishari was linked to the Rwandan kingdom, even paying tribute to Rudahigwa's court. In 1942, Bideri was replaced with another Tutsi from Rwanda, Wilfrid Bucyanayandi, who asserted greater independence from the Rwandan ruler. Soon, however, most of the immigrants were Hutu. This was partly so as to prevent a surfeit of cattle—cattle are a symbol of status and wealth among Tutsi, leading the Belgians to designate people as 'Tutsi' simply on the basis of cattle ownership—but also the colonial authorities believed Hutu, often of a sturdier build, to be more suited to manual labour.

In total, between 1937 and 1945, the MIB helped around 100,000 Rwandans—men, women, and children—immigrate to Gishari. That figure excludes the many other migrants who made the trip under their own steam.[12] By 1945, the chiefdom was so saturated with immigrants that the colonial officials halted the influx. Regardless, Belgian-organized immigration continued until 1956 to other areas in Masisi, Rutshuru and Kalehe territories.

Finally, by 1957, the Belgian authorities were actively discouraging further immigration. Population densities in the highlands had spiked and administrators were complaining about Tutsi chiefs, especially Bucyanayandi, becoming too strong and arrogant. The same year, the colonial government abolished the Gishari chiefdom, breaking it into three parts and reinstating Mwami André Kalinda's authority. This was momentous because it removed Banyarwanda group rights to land in the region, damaged their 'indigenous' status, and compromised their right of belonging to the land—at least in the eyes of their neighbours.

Nonetheless, several further waves of Rwandan immigration took place during the upheavals surrounding Rwandan independence from 1959–1962 and during ethnic pogroms in Rwanda in 1973. Estimated to consist of somewhere between 30,000 and 50,000 people, these were not

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12  Bucyalimwe, 'Land Conflicts', p. 150.

so much economic migrants as refugees and included members of the more affluent Tutsi elite, a group that came to form an important part of Goma's upper class.[13]

In total, it is difficult to come to know how many Rwandans arrived during the colonial period: most estimates range between 150,000 and 300,000.[14]

The waves of immigration and the massive expropriation of land, combined with the Belgians' reform of customary rule, sowed the seeds of conflict. Around a third of Masisi—including some of the best farming land—had been earmarked by the colonial administration for Rwandan immigration, European settlement, or the Virunga National Park. By the end of the colonial period, the immigrants had contributed to a fourfold increase in population density in both Masisi and Rutshuru, making Banyarwanda—those of Rwandan origin—by far the largest ethnic group in the *Petit Nord*.

This dominance of Banyarwanda continued into the post-colonial period. Indeed, the consequences of these waves of migration and the ensuing demographic shifts manifest themselves in contemporary Congo-lese politics. In the 2006 legislative elections, for example, Hutu and Tutsi candidates took 14 of the 16 seats being contested in the two territories. At the same time, customary and administrative power remained in the hands of traditional elites who, although demographically marginalized, were often fiercely opposed to the immigrants. This was particularly the case in Masisi, where Hunde authorities—themselves newly empowered

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13  Réné Lémarchand, 'Patterns of State Collapse and Reconstruction in Central Africa', *African Studies Quarterly* 1/3 (1997).

14  Bucyalimwe, 'Land Conflicts', p. 154, provides official figures for immigration (which he believes to be underestimated) as follows: 17,902 for 1928–1936; c. 100,000 for 1937–1945; and c. 22,000 for 1949–1956. Jean-Pierre Pabanel, 'La question de la nationalité au Kivu', *Politique Africaine* 41 (1990), pp. 33–4, states that there were 464,182 people of Rwandan descent in all North Kivu in 1990. But Léon de Saint Moulin, 'Mouvements récents de population dans la zone de peuplement dense de l'est du Kivu', *Etudes d'histoire africaine* 7/10 (1975), pp. 113–24, states that a total of 300,000 Rwandans immigrated before independence.

by the Belgians—resented the loss of much of their land. These tensions inevitably led to the outbreak of violence shortly after independence in 1960.

# 3. Post-independence identity, land, and violence

Independence introduced new dynamics to the region. The advent of elections was the most fundamental shift. For communities who consider themselves indigenous, democracy sparked fears of domination by immigrants, while for Hutu and Tutsi talk of democracy has always been accompanied by some form of challenge to their citizenship. These electoral politics began tightening links between political elites and the peasantry, and setting the stage for bouts of violent mobilization in 1964–5 and again in 1993–96.

At the same time, the political economy of the region began changing with a shift toward cattle ranching, and with local businessmen becoming increasingly dependent on patronage doled out from Kinshasa. That, in combination with new land legislation passed and a ballooning population, squeezed peasants and undermined the authority of customary chiefs.

## Forays into democracy and violence

Rwandan immigrants had been granted voting rights by the outgoing colonial government and promptly won 80 per cent of local council seats in the pre-independence elections of 1958. But the Banyarwanda largely failed to oust the political elites of the *Petit Nord*, leaving most high-level positions in the hands of Nande, Hunde, and Nyanga. These leaders—especially Hunde—took advantage of their new political power to consolidate control over the local administrative apparatus, from the level of the *quartier* (neighbourhood) to the chiefdoms. Banyarwanda local officials were dismissed and Hunde chiefs were imposed even in areas where there had previously been few Hunde.[15] These authorities

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15   Bucyalimwe, 'Land Conflicts', pp. 217–18.

were in charge of taxation, communal labour, and most areas of legal arbitration—a situation that did not sit well with the Banyarwanda community.

Shortly thereafter, the national government in the new post-independence Republic of Congo (also known as Congo-Léopoldville) took the decision to decentralize power, creating twenty-one *provincettes* (mini-provinces) and splitting the Kivu province into today's North Kivu, South Kivu and Maniema. These changes aggravated communal strains, as the indigenous communities gained greater control over police and judicial bodies, power that they were then able to wield over their rivals. Tensions bubbled over briefly in 1962, when gangs of Hutu youths attacked police stations in Kibabi and Karuba, killing several officers.

In response, the provincial assembly set up a commission to investigate what they saw as a Banyarwanda problem. It concluded by recommending the expulsion of all Tutsi—immigrants and refugees alike—as well as the revision of voting laws to disenfranchise Banyarwanda and deport Tutsi, even those whose families had been in North Kivu for generations. Provincial legislators duly adopted all but the last of these measures, although they were never able to implement them.[16]

In May 1965, after disputed local elections in which Hunde candidates fared surprisingly well, tensions again came to a head as Banyarwanda clashed with Hunde and local security forces. Administrative buildings were burned down and, according to local press at the time, hundreds of people from both sides were killed. This conflict was dubbed *la Guerre de Kanyarwanda* (the Kanyarwanda War) and prompted the provincial assembly to label the Banyarwanda collectively as rebels and, once again, to demand their expulsion.[17]

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16  Stanislas Bucyalimwe Mararo, in 'Land, Power and Ethnic Conflict in Masisi', *International Journal of African Historical Studies* 30/3 (1997), p. 523, dates this resolution to 1963, whereas Paul Mathieu and Mafikiri Tsongo, 'Guerres paysannes au Nord-Kivu (République démocratique du Congo), 1937–1994', *Cahiers d'études africaines* 38/152 (1998), p. 393, state that it took place in 1965.

17  Mathieu and Tsongo, 'Guerres paysannes', p. 393.

## Mobutu, citizenship, and land-law

Colonel Joseph Mobutu's *coup d'état* of 1965 was welcomed by many in the Kivus who longed for a strong leader who could bring an end to the tumult and bloodshed that had followed independence. Mobutu's decision to name outsiders to local administrative positions defused much of the competition over local power. But other changes, especially laws and decrees he signed, were more problematic. As Mobutu switched allegiance—first courting then side-lining the Banyarwanda—citizenship laws were changed accordingly.

In 1972, under the influence of various prominent Banyarwanda from North Kivu—especially his chief of staff, Barthélemy Bisengimana, who had migrated from Rwanda around independence—the president passed a law granting citizenship *en masse* to anyone who had immigrated before 1960. Excluded from customary access to land because of their lack of a native authority, affluent Banyarwanda—many of whom had fled to the Congo due to the independence-era pogroms in Rwanda—were able to capitalize on this law and on the more general Mobutu-era principle that proximity or loyalty to the regime brought material rewards, in this case large tracts of land in North Kivu.

But the 1972 decision was reversed in 1981, allowing automatic citizenship only to those whose families could be proven to have arrived before 1885. This legislation cast in doubt the legal rights, including land tenure, of up to half a million Banyarwanda in North Kivu—amongst them those Congolese Tutsi communities who were by now calling themselves Banyamulenge, precisely in an effort to separate themselves, in the eyes of their neighbours and the government, from more recent Rwandan immigrants. The label stakes an explicit claim to belonging, to being 'indigenous'. By stating not only that their collective ancestry stemmed from the region around Mulenge, in South Kivu, but also that it dated back to the nineteenth century, such individuals and communities were making the point that they were Congolese, not outsiders.

This campaign to exclude Rwandan immigrants (of whatever vintage) from power continued throughout the 1980s, with Banyarwanda

## KEY MOBUTU-ERA LAND LAWS

- 1960: At independence, negotiations in Brussels—referred to as the *Table Ronde* (Round Table)—Resolution No 11 stated that Rwandans and Burundians present in the Congo for more than ten years would have the right to vote.

- 1964: In the constitution of Lualuabourg, the country's first, Article 6 stipulates: 'There is only one Congolese citizenship. It is attributed, on 30 June 1960, to any person with one ancestor who was or is a member of a tribe or part of a tribe established on the territory of the Congo before 15 November 1908.' This peculiar language, making citizenship ethnic and linked to the historical presence of a community, persists until today.

- 1971: In this short law—it was one sentence long—of 26 March 1971, the state gave citizenship to all people originally from Rwanda and Burundi who had come to the Congo by 30 June 1960.

- 1972: On 5 January 1972, a law was passed in the spirit of *authenticité* (Mobutu's elevation of indigenous culture) that had two articles. Without mentioning the law from less than a year earlier, it contradicted it, saying that citizenship would be granted to Burundians and Rwandans present in the Congo since 1 January 1950, thus effectively reinstating the *Table Ronde*-era law.

- 1981: This law repealed previous legislation, pushing back to 1885 the date by which an ethnic community had to have been established in the Congo. It also cancelled the collective attribution of citizenship in previous legislation.

- 2004: The transitional government voted a law on citizenship, which is still valid, stating that 'any individual belonging to an ethnic group whose people and territory constitute what became the Congo' have right to citizenship, reintroducing 30 June 1960 as the key date in determining citizenship, while it maintained the ambiguous language regarding ethnic belonging and arrival. This law—coupled with the distribution to most Congolese of voter IDs, which then became a valid form of national identification—brought an end to some of the controversy over citizenship. However, given the ambiguity of the 2004 law, and the deep-rooted communal tensions in the region, many still contest the citizenship of Congolese Hutu and Tutsi.

candidates systematically excluded from local and legislative elections. In 1987, members of the national parliament from the Kivus succeeded in persuading the ruling *Mouvement Populaire de la Révolution* (MPR, Popular Movement of the Revolution) to strike rwandophone candidates from the election lists. The 1989 elections were postponed in North Kivu after protests over the candidacies of Rwandan immigrants.

Finally in 1991, during the *Conférence nationale souveraine* (CNS, National Sovereign Conference) that was supposed to chart a transition from one-party rule, many Hutu and Tutsi delegates were barred from attending. The conference threw its moral weight behind Mobutu's more aggressive citizenship law from a decade earlier—although ultimately, it cautioned, it did not have the mandate to render people stateless.

Both the demographics and the rural economy of North Kivu, meanwhile, were changing. The number of people in the highlands of Masisi and Rutshuru rose almost tenfold between the first phase of massive immigration in the 1930s and the wars of the 1990s. In Masisi, for example, population density rose from 12 km$^2$ in 1940 to 111 km$^2$ in 1990.[18] These figures still under-represent the problem, as during this period many new large plantations and ranches were fenced off, pushing the growing population into an ever smaller space. At the same time, the number of cattle in Masisi grew from 21,000 in 1959 to 113,000 in 1983.[19] So just as political tensions were rising, demographic pressures began to make survival more precarious for peasants.

New legislation contributed to these tensions. In 1966, a new land law was passed, known as the Bakajika Law. It gave the state ownership over all land, allowing Kinshasa to seize lands abandoned by former owners as well as those deemed to be underused. The Land Law of 1973 radicalized these reforms by rejecting customary titles and making the state the only legal provider of land titles. For customary chiefs in Masisi and Rutshuru, who already felt buffeted by Banyarwanda immigration, this law was a

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18  Mathieu and Tsongo, 'Guerres paysannes', p. 390.
19  Bucyalimwe, 'Land Conflicts', p. 210.

direct threat. In the same year, the government launched the equally controversial process of Zairianisation, which led to the nationalization of some of the largest ranches in North Kivu, some of which were later granted to allies of the president.

These laws transformed the economy of the province, forged deep ties between Mobutu's ruling party and landed elites in the Kivus—and rendered land tenure much less secure for peasants. As land access for 'indigenous' peasants became increasingly insecure, Banyarwanda were able to buy more and more. Because they then owned it, they declined to pay tribute to the local *Mwami* (chief), further stoking communal resentment over Banyarwanda prosperity and influence. Customary authority was no longer a guarantee that livelihoods could be sustained. Dozens of cases have been documented where businessmen, often in collusion with customary chiefs and the provincial land registry, used their influence to redraw the boundaries of their property to the detriment of peasants with customary title.[20]

## The beginning of mass violence (1990–1996)

These critical issues of demographics, citizenship, and land reform all formed the prelude to conflict, although mass violence did not break out until the 1990s. Since then, North Kivu has had little respite from internecine war.

As in the 1960s, the problems began with democratization, as Zaire opened up after three decades of single-party rule. To permit proper elections, Kinshasa announced that it would organize an 'identification of nationals', starting in 1991. This census, the authorities declared, would not recognize the so-called *transplantés* or their children as Zairean citizens. The announcement prompted Banyarwanda gangs to attack and burn down many registration centres, especially in Masisi. The operation was aborted.

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20  Séverin Mugangu, 'La crise foncier à l'est de la RDC', *L'Afrique des Grands Lacs: Annuaire 2007–2008* (Paris: L'Harmattan, 2009), pp. 385–414; Bucyalimwe, 'Land Conflicts', p. 234.

At the same time, the logic of pre-electoral mobilization took hold and local political parties began to emerge. Since the 1980s, North Kivu had seen the emergence of *mutuelles* (ethnic solidarity groups), as well as NGOs that formed the basis for mobilization, patronage and protection. The main *mutuelles* were called Magrivi (representing Hutu), Bushenge Hunde (Hunde), Kyaghanda (Nande), and Umoja (Hutu and Tutsi).[21] The best organized of these—in particular Magrivi—carried out local development projects in addition to mobilization and lobbying work.

Mobutu's government, meanwhile, exacerbated community divisions by adopting a policy dubbed *la géopolitique* in 1991, which reversed the tradition of appointing outsiders to top provincial posts. In Goma, a governor (Jean-Pierre Kalumbo Mbogho) and vice-governor (Jean Bamwisho) were named from the Nande and Nyanga communities, respectively, while Hunde were also given influential provincial positions. It was not long before the powder keg exploded.

In March 1993, Kalumbo gave a speech urging the security forces to help the Nande, Hunde and Nyanga against the Banyarwanda.[22] The governor's inflammatory speech was swiftly followed by another by his vice-governor at Ntoto, a village on the border between Masisi and Walikale, where local officials had helped mobilize a militia to counterbalance the influence of Hutu armed groups.

This Nyanga-Hunde militia killed dozens of Hutu on 20 March 1993 and the violence soon spread, with each community arming itself and carrying out reprisals. At Ntoto, as many as 500 people were killed.[23] The conflict was dubbed *la Guerre de Masisi* (the Masisi War), even though

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21  Bucyalimwe, 'Land, Power and Ethnic Conflict', p. 530.

22  Koen Vlassenroot and Chris Huggins, 'Land, Migration and Conflict', in Chris Huggins and Jenny Clover (eds.), *From the Ground Up: Land-Rights, Conflict and Peace in Sub-Saharan Africa* (Pretoria: Institute for Security Studies, 2005), p. 146. See also Office of the High Commissioner for Human Rights (OHCHR), 'Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003' (June 2010), p. 57.

23  OHCHR, 'Report of the Mapping Exercise', p. 53.

violence spread to neighbouring Rutshuru, Kalehe and Walikale territories. The charity *Médecins Sans Frontières* (MSF, Doctors Without Borders) estimated that within three months, between 6,000 and 15,000 people had been killed and 250,000 displaced in the province.[24]

The violence lasted until November 1993 and led Mobutu to move his presidential guard to the area. This deployment, along with intensive pacification work carried out by local civil society, fostered a shaky truce between communities and rival militias.[25] Significantly, many of the main armed groups and leaders involved in more recent fighting cut their teeth on this war. Groups such as the *Coalition des patriotes résistants congolais* (PARECO, Alliance of Resistant Congolese Patriots), the APCLS, and the Mai-Mai loyal to General Padiri can all be traced back to this period.[26] Examples from the Hutu community include Janvier Mayanga, the only Hutu general in the national army today, as well as Zabuloni Munyentware. Prominent Tembo commanders also emerged during this period, among them Padiri Bulenda, Jules Mbirisa, and Damiano.

The conflict reignited in 1994, taking on additional national and regional significance, with the arrival of approximately a million refugees from neighbouring Rwanda following the genocide there, including many of the perpetrators of the massacres. At the same time, hundreds of Congolese Tutsi youths were being recruited into the Rwandan Patriotic Front (RPF) rebellion that launched attacks against the Hutu-dominated government of Juvenal Habyarimana in 1994.

Thus, what had begun as a local crisis became entangled in national Congolese politics, further infected by regional dynamics. In fact, the collision of man-made and natural disasters during this period prompted

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24  MSF, 'Populations in danger 1995', quoted in OHCHR, 'Report of the Mapping Exercise', p. 55.

25  Jean-Marie Muhongya Katikati, 'Role et efforts de la societé civile dans la resolution des conflits', *Dialogue* 192 (1996), p. 48.

26  Mai-Mai groups (derived from the Swahili word maji, 'water') are defence militias, rooted in the local community and often reflecting local customs. Mai-Mai groups have played a significant role in successive conflicts in the eastern DRC and continue to do so.

many outsiders to dismiss the eastern DRC as an irretrievable basket case. The reorganization of militias in the vast refugee camps, the resumption of at least attempted genocide *ex situ*, the mass arrival of the world's media and humanitarian agencies, combined with cholera outbreaks and even a volcanic eruption—all came together to be a defining moment for the perception of Central Africa as a perpetual disaster zone.

The loose alliance that had existed between Congolese Hutu and Tutsi collapsed with the refugees' arrival, as local Hutu militia began collaborating with the 'ex-FAR', soldiers of the pre-rebellion *Forces armées Rwandaises* (Rwandan Armed Forces). All Tutsi who had remained in rural areas—some suggest that as many as 200,000—fled to Goma or into Rwanda itself, sometimes following violent persecution.

In response to the mounting insecurity, the Zairean army carried out several large operations in the area, including Operation *Kimia* (Peace) in Masisi territory in March 1996, and Operation *Mbata* (Slap) in northern Rutshuru territory at around the same time. But these operations only compounded the violence; the list of atrocities carried out by government forces is just as long as those carried out by local militia.[27] And there was another perverse side effect: the crisis became progressively militarized, as the arrival of Zairean army contingents injected more weapons and so higher levels of violence into the region.

## The AFDL and the First Congo War (1996–1997)

This escalating insecurity was merely a foretaste of what was to come: all-out war in the eastern Congo. The twin catalysts of the First Congo War would be the presence of Rwandan refugees and the decay of the Congolese state. In October 1996, North Kivu was invaded by the *Alliance des forces démocratiques pour la libération du Congo-Zaire* (AFDL, Alliance of Democratic Forces for the Liberation of Congo-Zaire).

The rebel group brought together a complex coalition of interests: its leader, Laurent-Désiré Kabila, was Katangan; the agreement that launched

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27  OHCHR, 'Report of the Mapping Exercise', pp. 62–4.

## THE MOKOTO MASSACRE

Located in the central Masisi highlands, on the shores of a lake, the Trappist monastery in Mokoto was a social hub for the local community. In 1993 and in 1996, its buildings provided refuge for locals fleeing ethnically motivated killings. In January 1996, hundreds of Hunde and Tutsi fled there out of fear of marauding Hutu gangs, formed out of local militia and supported by members of the Rwandan army. The Hunde were the most threatened, given their historical opposition to the Hutu, and the priests tried to evacuate many of them. By April the monks counted 869 people in their compound.

On Friday, 10 May 1996, following several warnings and a night of gunshots, the monks decided that it was too dangerous for all of them, especially the Tutsi and Hunde among them, to stay. Most of them left, along with the nuns who staffed the local health centre, leaving six monks: a Belgian and five members of different ethnic communities. On Sunday at daybreak, Hutu militiamen attacked the monastery, causing panic and forcing the monks to flee to Goma in a decrepit Land Rover, along with the two Zairian soldiers who had stayed behind. After they left, a larger group attacked the monastery and many of those who had found refuge there were killed.

There is no official tally for those massacred at Mokoto. That same night, Hunde militiamen who were fighting against the Hutu used one of the monks' boats to evacuate several hundred Tutsi. One estimate, published by Human Rights Watch, suggests that a hundred people may have been killed. One monk who fled just before the massacre confirmed this approximate figure.[*]

[*] Human Rights Watch (HRW), 'Zaire: Forced to Flee – Violence Against the Tutsi in Zaire,' p. 16; a monograph by Fr Victor Bourdeau, one of the Trappist monks present, 'Mokoto en Exil', dated 30 May 1996.

it was signed by four genuinely Congolese parties; but it was backed—indeed, it is fair to say, created—by the new Rwandan government, which was intent on breaking up the refugee camps in the Kivus that harboured many of the officials and soldiers who had carried out the genocide two years before. The AFDL was later also backed by the Angolan, Ethiopian, Eritrean, Tanzanian, and Zimbabwean governments. These forces faced an alliance of the Zairean army, local militia and the ex-FAR.

While the AFDL troops were welcomed by parts of the population—and while thousands of local youths joined their ranks—their invasion threw fuel on the fire, exacerbating ethnic conflict and carrying out a series of massacres, especially against Hutu refugees and local Hutu civilians. These killings reverberate into the present, remaining in the memory of the local communities. A UN report described one of them in the following terms:

> Around 23 December 1996, elements of the AFDL/APR
> [*Armée patriotique rwandaise*/Rwandan Patriotic Army] killed
> over 460 Hutu Banyarwanda civilians, mostly men, in the
> village of Kausa, near the Nyamitaba locality. When they
> arrived, the soldiers explained that they were only looking
> for the Interahamwe and that they had come to reconcile the
> communities. They then asked the people to convene in the
> village square to attend a meeting. They then fired shots and
> bound the civilians. Some were locked in buildings, while
> others were led into the fields around the village. Still others
> were led on to the Kanyabihanga hill. Most of the victims were
> killed with hammer blows. Those who tried to escape were shot
> dead. After the massacre, the soldiers raped many women.[28]

For the AFDL rebels, the war was a success: on 17 May 1997—just a day after an ailing Mobutu fled the country—they entered Kinshasa and Kabila declared himself president. Zaire was now the Democratic

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28  OHCHR, 'Report of the Mapping Exercise', pp. 125–126.

Republic of the Congo. The wars brought also a new dynamic to armed groups. Having started out as local defence groups, often with close links to local leaders and customary authorities, they slowly developed their own interests and connections to provincial and regional elites. What began as ramshackle militia were now slowly integrating into larger political and business interests.

## The RCD and the Second Congo War (1998–2003)

When the Rwandan government fell out with Laurent Kabila—the man it had armed and supported all the way to the presidency—it launched the *Rassemblement congolais pour la démocratie* (RCD, Congolese Rally for Democracy) against him in the Kivus in August 1998. Both sides contributed to this new conflict, but Kabila provoked it when he asked all Rwandan troops to leave the country in July 1998. This triggered the deadliest war in modern African history. It involved eight nations, more than two dozen armed groups, and caused the deaths of millions of people, from violence, disease, and starvation.

This war had a different face than the previous one. Rwandan officials, led by officers within the security forces, realized it would be difficult to secure their western border as long the Congolese Hutu community continued to collaborate with the ex-FAR and allied militiamen who had participated in the genocide. These soldiers now rebranded themselves as the *Alliance pour la libération du Rwanda* (ALiR, Alliance for the Liberation of Rwanda). This label was used until they changed their name again in 2001, to the *Forces démocratiques pour la libération du Rwanda* (FDLR, Democratic Forces for the Liberation of Rwanda).

The big difference was the stance of the Hutu community, which had fought bitterly against the AFDL invasion. The RCD named prominent figures in the Hutu community to positions of power, including militia leaders—among them Nzabara Masetsa as Mayor of Goma, Théo Mpambuka as Minister for Conflict Resolution, and Eugène Serufuli, a Hutu medical assistant from Rutshuru, as Paymaster General.

The RCD quickly gained ground, advancing towards the city of Kisangani and the Kasai provinces in the west and seizing the northern half of

Katanga province in the south. However, due to internal rifts and a row between the Ugandan and Rwandan governments, the RCD split into two main factions in 1999. The RCD-*Mouvement de libération* (Liberation Movement, RCD-ML), supported by Kampala, eventually seized most of Lubero and Beni territories, splitting North Kivu into two. This produced a siege mentality within the RCD, especially after the RCD-ML, under Mbusa Nyamwisi, struck an alliance with the government in Kinshasa in 2001.

In a further move to court the Hutu community and to strengthen its legitimacy, the RCD founded its own Local Defence Forces (LDF), as well as a grassroots development group, *Tous pour la paix et le développement* (TPD, All for Peace and Development) in 1998. Neither organization really achieved prominence until Serufuli was promoted to governor in 2000. At that time, the local defence forces reached out to incorporate local Hutu militia that had resisted joining the RCD in the territories of Masisi, Rutshuru, and Kalehe in neighbouring South Kivu. More controversially, Serufuli and his allies were able to reform the structure of customary power by replacing dozens of traditional Hunde chiefs in Masisi and Rutshuru with Hutu leaders of their choosing, whom they then sent for basic paramilitary training.

While the RCD was relatively successful at co-opting Hutu armed groups, they faced fierce resistance from local Mai-Mai militias, of whom there were at least a dozen across North Kivu. While they operated with moderate autonomy and were divided along ethnic lines, many in southern Masisi and Walikale came under the command of General Padiri Bulenda. This was the case for the Hutu militias led by Bigembe Turikinko and Hassan Mugabo, as well as for Hunde fighters under Colonel Akilimali and the Tembo of General Damiano. All Mai-Mai were allied to Kinshasa, although they constantly complained about not receiving enough pay or equipment, and many fought alongside the Rwandan ALiR/FDLR rebels.

This period, lasting between 1998–2003, brought with it some of the worst fighting North Kivu has seen. The communal nature of many of these groups—they recruited largely along ethnic lines, were based

locally, and often relied on the support of customary chiefs—prompted a counterinsurgency campaign by the Rwandan army and the RCD, which took the lives of thousands of civilians.

# 4. Transitional government and beyond (2003–present)

Stability has remained elusive in the Congo, despite a protracted peace process that began in 1999 in Lusaka, culminating in 2002 at the Sun City resort in South Africa—and sputters on into the present. The formal name given to this last and most successful bout of negotiations, which lasted 19 months, was the Inter-Congolese Dialogue (ICD).[29] It was the 2002 agreement, signed by all major belligerents, that formed the blueprint for a transition to real and lasting national unification. There was still a Kabila presidency in Kinshasa—but the incumbent was now Laurent-Désiré's son Joseph, who was confirmed as head of state after his father's assassination by a bodyguard in January 2001. This peace deal was further cemented by bilateral deals with Rwanda and Uganda, leading to the withdrawal of their troops in 2002 and 2003, respectively.

In the short term, this peace process was largely successful—but it also created dissidents and malcontents, sowing the seeds for further conflict. The *Accord global et inclusif* (Global and Inclusive Agreement) signed at Sun City laid down a framework for a transitional government, the integration of security services, and mandated countrywide elections. The head of the RCD, Azarias Ruberwa, was named as one of four vice-presidents, while senior RCD officers secured not only the command of North Kivu and Western Kasai military regions but also other high-ranking positions

The deal also allowed the RCD to keep control of North Kivu, with Serufuli as governor and RCD officers commanding the military region.[30]

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29  Philip Winter, *A Sacred Cause: The Inter-Congolese Dialogue 2000–2003* (Edinburgh: Librario, 2012).

30  General Laurent Nkunda was initially named regional military commander but he refused to join the new national army. Over the next three years, Generals Obedi

The Mai-Mai, however, did not fare as well. While they also received their share of seats and positions, their lack of organizational structure meant that many groups and officers felt left out. Predictably, this would cause trouble further down the road: their lack of political and military representation made many Mai-Mai officers feel that they lacked representation within the patronage-riddled hierarchies of the security forces. Any new armed group could therefore draw on a large pool of former combatants.

## The rise of Laurent Nkunda and Eugène Serufuli

The three-year transition process—culminating in the 2006 national elections—provoked deep divisions within the RCD, as its leaders clashed over whether to continue to participate given the perceived bad faith of Joseph Kabila's government. Former RCD members resisted an integration that they felt would erode their political and economic power, while members of the rwandophone community also were anxious about discrimination and persecution. These fears were, in part at least, justified: the RCD won just a few per cent of national legislative seats and lost the governorship of North Kivu in the 2006 elections.

A first sign of trouble was the defection of three senior military officers in August 2003, among them General Laurent Nkunda, a Tutsi from Rutshuru territory. Nkunda, along with some members of the RCD leadership, created a new quasi-political movement in December 2003, the *Synergie nationale pour la paix et la concorde* (SNPC, National Synergy for Peace and Concord). Kigali, driven by an amalgam of economic, security, and political interests, was also afraid of losing a foothold in the Kivus and threw its weight behind these dissenting officers.

This formed the nucleus of the two rebel groups to come, which would have such a powerful and continuing impact on security in North Kivu: the *Congrès National pour la Défense du Peuple* (CNDP, National Congress for the Defence of the People) between 2006–2009, then the M23.

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Rwabisira, Gabriel Amisi, and Siatilo Ngizo held the position until General Vainceur Mayala was appointed in 2007 as the first non-RCD commander in the post since 1998.

Following friction between RCD officers and government loyalists in Bukavu in early 2004, Nkunda launched an assault on the capital of South Kivu in May. He did so, he said, to defend the town's Tutsi population from genocide. The national army did certainly persecute Tutsi in Bukavu—and summarily executed at least 15 Banyamulenge in May 2004—but nothing akin to a genocide was being prepared. Once again, Banyarwanda identity was at the centre of controversy, with Nkunda's soldiers driven by a blend of genuine fear and direct manipulation. Under growing international pressure, the rebels were forced to leave Bukavu after occupying it for several days.[31] The siege of Bukavu led to serious human rights violations. Thousands of Tutsi fled across the border to Rwanda, many with the help of the UN, and Nkunda's troops sacked the main market and raped dozens of women. It also drove the political transition to the brink of collapse.

Nkunda benefitted from Rwandan support, but also from that of other malcontents of the transition. Serufuli, who had retained his position as governor during the transition, was probably Nkunda's strongest, but also most fickle local ally. The TPD provided resources, including fuel and vehicles, for the Bukavu offensive. But it was not just out of solidarity: Serufuli saw Nkunda and the SNPC as competitors to his own power. So in January 2004, he created his own movement, dubbed *la rwandophonie*, aimed at creating a new alliance between Hutu and Tutsi and advocating a more federal system. This organization, however, was more symbolic than operational and fizzled out shortly afterward. As the political universe of the Congo was thrown into flux by the transition, different actors tried out different ways of positioning themselves.

All these groups benefited from the profound weakness of the Congolese state, which, instead of creating a strong and neutral administrative apparatus, merely absorbed politicians and military officers into patronage networks, exacerbating the dereliction of the state. Integration

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31  International Crisis Group (ICG), 'The Congo's Transition Is Failing: Crisis in the Kivus. Africa Report N°91' (30 March 2005).

of militias into the national army, a process called *brassage* (assimilation), was relatively successful at breaking down previous chains of command but it failed to foster discipline. The process managed to demobilize over 100,000 soldiers but, due to the lack of follow-up and the general poverty in the region, less than half of them received any long-term reintegration package—training, scholarships, or alternative livelihoods.

The crisis in the Kivus escalated quickly, with Nkunda consistently at its centre. The massacre of 160 Tutsi refugees in the Gatumba refugee camp in Burundi in August 2004, while several hundred kilometres away, only strengthened the anxieties of the Tutsi community over security. Burundian rebels of the *Forces nationales de libératio*n (FNL, National Liberation Forces) claimed responsibility for the massacre but questions still linger over the identity of their accomplices. The victims were almost exclusively members of the Banyamulenge community: Congolese Tutsi from South Kivu.

Finally, after having orchestrated the defection of several brigades from the national army, Nkunda officially launched his new CNDP rebellion in 2006. He drew largely on mid-ranking Tutsi officers who had previously been in the RCD. The CNDP, based in the highlands of Masisi and Rutshuru, claimed to defend the rights of the Tutsi community, though those claims were marred by their many abuses against the local population.

The CNDP had big ambitions, in particular to bring about either federalism or, according to some of its former leaders, outright secession. But while the tight networks and loyalty of Tutsi commanders were the backbone of its military prowess, Tutsi identity was also its main obstacle: in the eyes of most Congolese, the CNDP was another expression of Rwandan irredentism. This became particular clear in the early days of the CNDP, when several of its high-ranking Hutu officers defected, under pressure from Serufuli and other RCD leaders, who had by then been successfully courted by Kinshasa. In early 2006, the Hutu commanders of both the 81st and 83rd brigades, Colonels Smith and Rugayi, both defected from Nkunda and joined the national army along with hundreds of troops. Perhaps in response to these defections, the

CNDP came to rely increasingly on recruits from Rwanda and forced recruitment in local schools, which undermined their internal cohesion and reputation.

Despite repeated rounds of dialogue between the CNDP and Kinshasa, violence flared up periodically. In 2007, following heavy fighting around the lakeside town of Sake near Goma, the CNDP agreed to a deal to undergo mixage (another version of army integration). Nkunda's forces would be integrated with the national army to form six mixed brigades—with the key stipulation that they would not be deployed outside a small area close to the CNDP heartland in Masisi. The agreement fell apart before the end of the year and Kinshasa launched a large offensive against Nkunda that, once again, resulted in a humiliating defeat of the government forces.

## The Goma Conference and *Amani Leo*

These hostilities led to the rapid mobilization of at least a dozen more armed groups in the province, most notably a cluster of militias—including members of Hunde, Tembo, Nyanga, Nande and Hutu communities—that dubbed themselves PARECO. This spiral of mobilization was driven by insecurity, with communities seeking to defend themselves against the CNDP, as well as by the ambition to get a share in the anticipated power-sharing deal. The region, which had been on the mend for the several years following the 2002 peace deal, had once again plunged into a downward spiral of violence. While local self-defence militia, mostly called Mai-Mai, perpetrated some of this violence the political crisis had at its heart continuing tensions with Rwanda, the FDLR, and the CNDP.

In early 2008, backed by international donors, the Kinshasa government attempted to involve grassroots communities and to address the root causes of the violence by convening the Goma Conference—officially called the *Conférence sur la Paix, la Sécurité et le Développement du Nord et du Sud Kivu* (Conference on the Peace, Security and Development of North and South Kivu). The conference lasted for several weeks and resulted in the *Actes d'Engagement* (Articles of Engagement) between the rival groups,

which once again agreed to merge their troops into the national army. Twenty-two armed groups from across the Kivus signed these agreements—even if some of them barely existed. But neither Kinshasa nor the CNDP intended to honour their commitments: both began preparing for battle almost as soon as the conference was over. Fighting broke out again across the province and peaked in October 2008, when the CNDP almost seized Goma.

After four years of failed military offensives, the Kinshasa government reached out to Kigali, where the government had been embarrassed by UN reports accusing them of providing support to Nkunda.[32] In late 2008 the two sides reached a secret deal, details of which have not emerged up to this day, whereby Rwanda would detain Nkunda and help integrate the CNDP into the Congolese army, while in return Kinshasa would allow Rwandan troops into the Congo to help attack the FDLR.

Both parts of the deal were swiftly implemented. Congolese and Rwandan troops launched Operation *Umoja Wetu* (Our Unity) against the FDLR in January 2009—while Kinshasa and the CNDP signed the March 23 Agreement, integrating the rebels into the army. This 16-point blueprint for peace, along with a subsequent deal for other militias, included an amnesty for free political prisoners, the integration of armed groups, security sector reform, and a government pledge to promote the return of refugees.

The March 23 agreement, alongside the Rwandan-Congolese deal, proved more durable than its predecessors and within several months the CNDP and many other armed groups were integrated into the Congolese army. Operation *Umoja Wetu* became Operation *Kimia* 2 (Peace 2) in March 2009, before evolving into Operation *Amani Leo* (Peace Today) in January 2010. All of these operations targeted the FDLR along with remaining armed groups. More than 16,000 soldiers were integrated into

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32  UN Group of Experts, 'Letter dated 10 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council'.

the national army, including around 5,500 from the CNDP and 4,000 from PARECO.[33]

The operations were successful in decimating the FDLR. Between 2009 and 2012, over 4,500 FDLR combatants were repatriated through the UN to Rwanda, which may be over 70 per cent of their entire troops. But the combined military operations had devastating humanitarian consequences, displacing almost a million people in 2009 alone. The CNDP were allowed to maintain parallel chains of command, preventing any root-and-branch reform of the army and undermining both moral and discipline. The CNDP obtained high-ranking positions within the Amani Leo command. This included the deputy command position, which went to General Bosco Ntaganda—one of the most significant figures in the modern history of the Kivus, whose military activities and subsequent indictment by the International Criminal Court (ICC) are described in the Usalama Project report *From CNDP to M23: The Evolution of an Armed Movement in Eastern Congo*.

This deal between the two countries collapsed in 2012, even as Kinshasa tried to dismantle ex-CNDP networks in the Kivus and integrate CNDP fighters into the national army, and Rwanda backed Ntaganda's new project, the M23 mutiny.

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33  The official figures were much higher: at least 8,500 for the CNDP (or even 11,000 if one were to believe their own statistics) and 6,000 for PARECO.

# 5. Conclusions and policy considerations

The history sketched in this report provides an overview of conflict-linked social change in North Kivu over the past century. A form of vertical integration has taken place over the past two decades of conflict. Local, ramshackle self-defence groups have linked up with politicians and businessmen. Almost every group has leadership ties with Kinshasa, Goma, or Kigali. Indeed, an essential ingredient for long-term success for any rebel group is a solid connections to regional elites, who contribute money and equipment, broker larger alliances with other armed groups and politicians—and who can speak for the rebels in the inevitable peace talks.

The reverse is also true. Some leaders see having ties to a militia as political capital. In local parlance, it makes them *incontournable* (impossible to ignore) and raises their profile with their electorate as well as with Kinshasa. When the militia enters negotiations, these strongmen emerge as peace brokers—they are *pyromanes-pompiers*, starting fires just so they can be the only ones to put them out. This cynical culture has become pronounced in recent years, especially since the withdrawal of Rwandan troops, the arrival of democracy, and the splintering of local political elites.

The interests of soldiers themselves are also important. An armed group's key constituency is, to certain extent, is its own cadres and fighters. A culture of soldiering and violence has taken hold across the Congo; probably between 300,000 and 400,000 people have passed through the ranks of an armed group, the national army or the police. Some soldiers have been making their living by the gun for 20 years and simply know no other way. The ethnic nature of their rebellion and their lack of education often preclude joining the national army, where they fear being out of their depth and disrespected. With neither demobilization nor integration an option for some of these officers, they are constantly on the lookout for the next opportunity to rebel—not necessarily to fulfil some political goal but because fighting has become a way of life.

What are the implications of this history for policy-makers, or those who wish to influence policy?

In the long term, if the state can reform the police, the army, and the judiciary—in sum, impose the rule of law—these armed groups will disappear. But there are immediate challenges that demand attention. If military pressure cannot get rid of armed groups, what other options are there? Should new negotiations be started with armed groups, which could further the 'slice-of-the-pie' logic and undermine the national army? The Congolese government emphatically rejects this option.

There is also the question of prioritizing regional over local conflict in seeking resolution mechanisms. Would resolving relatively small-scale arguments over land—a problem seen by many outsiders as somehow innate to the DRC—help foster a climate in which regional disputes could then be tackled? Should a new demobilization process be launched for the thousands of members of armed groups, which would potentially encourage a surge of new recruits hoping to benefit in their turn from the demobilization process?

And, perhaps most vexing of all these questions, how can the various interests of the elites who back armed groups be addressed? It is clear that the deepest rift in the region lies between elites in Rwanda and Goma on the one hand, and the government in Kinshasa on the other. This rift rekindled the violence in 2004, and in 2012. As long as this conflict remains alive, it will be difficult to convince other local militia to demobilize. There are no easy solutions—as long as the decrepit Congolese government is not able to guarantee or suppress the interests of its rivals in the east, there will always be leaders calling for the use of force to protect property and liberty. Should options such as federalism, land and electoral reform, and a new reconciliation commission be put on the table, or perhaps even cross-border economic deals? Or should international sanctions be invoked against these elites in order to marginalize them?

# Glossary of words and acronyms

| | |
|---|---|
| AFDL | *Alliance des forces démocratiques pour la libération du Congo-Zaire* / Alliance of Democratic Forces for the Liberation of Congo-Zaire |
| ALiR | *Alliance pour la libération du Rwanda* / Alliance for the Liberation of Rwanda |
| *Amani Leo* | Peace Today |
| APCLS | *Alliances des patriotes pour un Congo libre et souverain* / Alliance of Patriots for a Free and Sovereign Congo |
| APR | *Armée patriotique rwandaise* / Rwandan Patriotic Army |
| *Arabisés* | people influenced by Arabs and / or by East African coastal culture |
| *askaris* | soldiers |
| *autochtones* | the indigenous population in the eastern DRC |
| *brassage* | assimilation of RCD, etc. into the national army |
| *chefferie* | chieftaincy |
| CNDP | *Congrès national pour la défense du people* / National Congress for the Defence of the People |
| CNKi | *Comité national du Kivu* / National Committee of Kivu |
| CNS | *Conférence nationale souvéraine* / National Sovereign Conference |
| *Directeur du cabinet* | Chief of Staff |
| FAR | *Forces armées rwandaises* / Rwandan Armed Forces |
| FARDC | *Forces armées de la République démocratique du Congo* / Armed Forces of the Democratic Republic of the Congo |
| FNL | *Forces nationales de liberation* / National Liberation Forces |
| ICD | Inter-Congolese Dialogue |
| *incontournable* | impossible to ignore |
| *Kimia* | Peace |
| *Kitawala* | Watchtower |

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|---|---|
| *la géopolitique* | reversal of Mobutu-era policy of appointing outsiders to top provincial posts |
| LDF | Local Defence Forces |
| *Mbata* | Slap |
| MIB | *Mission d'immigration des Banyarwanda* / Banyarwanda Immigration Mission) |
| *mixage* | assimilation of CNDP, etc. into the national army |
| MPR | *Mouvement populaire de la révolution* / Popular Movement of the Revolution |
| *mutuelles* | ethnic solidarity groups |
| *mwami* | chief |
| PARECO | *Coalition des patriotes résistants congolais* / Alliance of Resistant Congolese Patriots |
| *Petit Nord* | Small North: the territories of Masisi, Walikale, Rutshuru, and Nyiragongo |
| *provincettes* | mini-provinces |
| *quartier* | neighbourhood |
| RCD | *Rassemblement congolais pour la démocratie* / Congolese Rally for Democracy |
| RCD-ML | *RCD-Mouvement de liberation* / Liberation Movement |
| RPF | Rwandan Patriotic Front |
| *rwandophone* | lit., speaker of Kinyarwanda; often used generically for Hutu and Tutsi |
| SNPC | *Synergie nationale pour la paix et la concorde* / National Synergy for Peace and Concord |
| TPD | *Tous pour la paix et le développement* / All for Peace and Development |
| *transplantés* | Rwandan immigrants who moved to Congo before independence |
| *Umoja Wetu* | Our Unity |

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NO PEACE PROCESS IN DRC CAN SUCCEED
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WITH ITS MUCH-NEEDED MAPPING OF THESE
GROUPS, IS A CRITICAL STEP TO PEACE IN
EASTERN CONGO.

—MVEMBA DIZOLELE, VISITING FELLOW,
HOOVER INSTITUTION