

THE SITUATION IN THE KIVUS

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Historical background

Many historians argue that, since independence, most if not all wars and rebellions in the Democratic Republic of the Congo (DRC) either started or were played out in the Kivus. This is true in the sense that it was often the people of the east that took up arms, occasionally with outside help, and who rebelled against Presidents Mobutu and Laurent Désiré Kabila. In comparison, Congolese in the rest of the country tried to move on with their lives as best they could. It may therefore also be true that the solution to the DRC's current problems has to be found in the Kivus.

However, the DRC's problems, which are linked to land, ethnicity, nationality, access to political positions, respect of local authorities, and unequal distribution of services, could have been resolved before the situation turned violent. This would have been the case if the Zairian central authority had taken greater responsibility for those key issues. Years of bad governance, both under the colonial government as well as under Mobutu and in the period after the collapse of his regime, may be considered as the root cause of the conflict in the DRC.

For the purposes of this chapter, we begin with the conflict that started in 1993 with ethnic violence in the North Kivu territories of Masisi and Walikale. The violence that spread across these territories was caused by conflict between the Banyarwanda, mainly Hutu, and the more indigenous ethnic groups, which had customary rights over land as well as effective authority in those areas. The Banyarwanda, encouraged by a deal between the Rwandan president Habyiramana and President Mobutu, had been expanding into mainly virgin territories in Walikale and the outskirts of Masisi, which traditionally belonged to the Hunde and Nyanga ethnic groups.

This conflict was more or less under control when hundreds of thousands of Rwandan refugees suddenly arrived in mid-1994. These refugees created new tensions and introduced anti-Tutsi sentiments into indigenous Congolese communities. This change was to the benefit of Congolese Hutus, temporarily improving their relationship with the other communities as "they became united as Bantu people fighting against Nilotic or Tutsi superiority". This lasted until 1998, when the majority of the Congolese Hutus sided with the RCD rebellion.²

While bearing in mind the important impact of the influx of the Rwandan refugees, it is also vital to note that the conflict in the DRC is rooted in the period before the arrival of Rwandan refugees and militias, as well as before the intervention of the Rwandan Patriotic Army (RPA)/ Rwandan Patriotic Front (RPF). At the onset, the conflict was therefore not fed by anti-Rwanda sentiments but was focused on access to land, customary rights to land and the (non) respect of traditional authorities, while nationality was used as a means to put pressure on the Kinyarwanda-speaking population. Moreover, the fact that local tensions resulted in violent conflict was a direct result of decisions made and approaches adopted in Kinshasa. In this particular case a deal was struck between Kinshasa and Kigali with far reaching consequences for communities who were not consulted.

As a result, when thinking about the challenges ahead for MONUC or the peace building process in general, we should not forget these historic aspects. Consequently, to solve the conflict in a sustainable manner, the root-causes (and not only the consequences) will need to be tackled.

The current situation in the Kivus

The impact of the unification process on the dynamics of local conflict

The main rebel group's name, the "*Rassemblement Congolais pour la Democratie – Goma*" (Rally for Congolese Democracy–Goma/ RCD-G), sums up a prevailing sentiment within the movement. In fact, '*Rassemblement*' indicates that this movement is formed by a diverse group of people, all belonging to different factions of Congolese society. It is therefore not a unified group of people who hold the same ideas and ideology. In fact, many became part of the RCD for personal gain or to further the interests of the ethnic or political group to which they belong. Very few members of the RCD are interested in defending the welfare of the DRC's population as a whole or fundamentally changing the system of governance and representation. There have always been groupings within the RCD that opposed each other and some of these divisions continue to exist while others have only recently appeared. Currently the RCD is divided into one faction that has moved to Kinshasa to become part of the Transitional Government; and those who remain in the Kivus.

In addition, RCD members who stayed in the Kivus can also be subdivided into two main groups. Firstly, there is a large group that supports the peace process in principle, but that also feels marginalised. For example, the military no longer have a budget as all money generated in the former RCD territory is

now credited to an account in Goma and instructions from Kinshasa are awaited as to how this money will be managed and disbursed. Another reason those in support of the transition feel insecure is that they believe their comrades may be interested in starting a new war, even if this becomes more and more unlikely. At present, every commander in Bukavu moves with at least a dozen heavily armed escorts.

Secondly, there is a smaller but nevertheless important group that would have preferred a different solution to that offered by the peace process. They openly oppose the ongoing transition and its leaders. The headquarters of this group are in Goma and the leaders are the North Kivu governor Serufuli, the generals Bora and Laurent Nkunda and the South Kivu governor Chirabanya. There are also links with the UDPS and other movements from the Kasai that are opposed to the central Government because their leader, Tshisekedi, was not offered a position in the Transitional Government.

At one stage this latter group had concrete ideas to incite another rebellion, but these plans are believed to have been postponed owing to General Bora's failure to ignite the situation in Kisangani. He was arrested when a Munyamulenge brigade commander reported Bora's attempts to gain support for an armed opposition against the Transitional Government to Sylvain Buki, who is the former RCD Chief of Staff and now the commander of the ground forces of the Unified Army.

There are other reasons why a new rebellion is unlikely. The internal opposition, mainly amongst the military, is dependent on Rwanda, which cannot afford to be seen once again as the country that sparks off a rebellion in the DRC. As a result, the various groups that were involved in the development of a new rebellion have now started to look for other solutions. For example, a letter written by the 'Masasu' group offers a clear opening and all the major players, Governor Chirabanya, General Bora and Colonel Mirindi, have signed it.³ Several of the signatories had been linked to the Kabila assassination and were condemned to death by a Military Tribunal.

The three senior commanders, General Nkunda and Colonels Elie Gichondo and Eric Ruhorimbere, who had until now refused the invitation to go to Kinshasa and assume their positions as senior commanders of the United Army, have now accepted to consider moving to Kinshasa. Colonel Barnwell, MONUC's Commander for South Kivu met with them and despite some initial reluctance, they now seem to be sincerely interested in discussing a move to the capital. Mrs Lena Sundh, the Deputy Representative of the Secretary General, has now taken over these negotiations.

The Mayi-Mayi

Another major issue when discussing the dynamics of conflict in the Kivus concerns the Mayi-Mayi, their sub-divisions and their relations with the RCD and the 'Kabilistes'. The Mayi-Mayi are more united than many people suggest. It is true that they are constituted of many semi-independent commanders but most report to either General Padiri, General Dunia or General Masunzu. Padiri is the most important Mayi-Mayi commander - not only taking into account the territory he controls, but also because of his political and charismatic leadership and the number of less important commanders that report to him. He is in charge of the entire area from Masisi and Walikale in the North to Mwenga in the South. In addition, the remainder of the Mudundu-40 were absorbed into his army.

Dunia and Masunzu are working in a form of partnership and cover the areas of Uvira, Fizi and the High Plateau. The areas where smaller non-aligned Mayi-Mayi operate independently from these three main leaders are Maniema, North Katanga, Lubero and some pockets in the Ruzizi Plains (Uvira territory).

For peace and stability to return to the Kivus, it is essential that all other Mayi-Mayi leaders either become part of the Unified Army, are demobilised, or assume political functions. General Padiri, for example, is now in Kinshasa and has become a '*Commandant de Région Militaire*' (Military Regional Commander). For these changes to occur, however, major efforts on the ground are required, as well as some flexibility in Kinshasa. Generals Lokole (Mado-mado) and Dunia have expressed their great dissatisfaction to President Kabila for the fact that they have not yet received senior positions in the National Army - despite their loyalty to the president, which they feel they have demonstrated more clearly than General Padiri.⁴

In conjunction with MONUC, the Life & Peace Institute began a process to establish contacts between the former Mayi-Mayi and RCD units. These meetings, of which the first took place in Walungu on 10 September 2003, should prepare the ground for the unification of all armed factions. Another objective of these meetings was to create awareness of a new unified force made up of former RCD and former Mayi-Mayi units, along with the Central Government which would react to any armed opposition to the Transitional Government.

Congolese politics is clearly complex and sometimes irrational. The Kabilistes have put pressure on the Mayi-Mayi to end their approaches to former RCD units. However, either the Kabilistes do not understand the dynamics in the Kivus or they are afraid of the consequences of a unified and peaceful Kivu. The same mistake was made by the International Community when they did not allow meetings between the Mayi-Mayi and the RCD before the inauguration of the Transitional Government, fearing that this would create a

stronger opposition force against the Government, whilst many of the RCD commanders and also some politicians saw it as a step closer to their goal of gaining influence in Kinshasa. For most people (both military and civilians involved in either the RCD or the Mayi-Mayi movements), war had ceased to be the preferred option and they were seeking ways to end it.

Other conflicts in the Kivus

The Kivus are not only ravaged by conflict between the larger armed movements. Other local conflicts, ethnically based or linked to land or customs, should neither be neglected nor exaggerated. Many have not turned violent and should be dealt with by the new authorities, supported by local civil society organisations and the International Community. In fact, a number of these local conflicts can be resolved through reconciliation meetings at local level. In addition, a dialogue on the implementation of existing laws and reforms, involving all groups in the Kivus, should be encouraged since it is impossible to address all of these smaller conflicts on a case-by-case basis.⁵

Possibilities for a lasting peace in the Kivus

Taking all of the above into consideration, it remains clear that there are real possibilities for a lasting peace among the people of the Kivus. However, a number of important conditions remain unfulfilled for the creation of a durable peace in the Kivus:

- Mixed missions of former RCD, Mayi-Mayi and Kabiliste politicians and military are urgently needed. These missions should explain the transition process; listen to the difficulties faced in the provinces; and take concrete steps towards the unification of the army and the administration. Moreover, the government urgently needs to come forward with financial and material support for the army in order to end the dissatisfaction, reduce the pressure on local populations and undermine those that claim, for the moment with some reason, that the RCD and Mayi-Mayi politicians that went to Kinshasa have already forgotten about the Kivu and its soldiers;
- Particular attention should be given to the Uvira-Fizi region because of the dissatisfaction of the Mayi-Mayi from that area (combined with the fact that they did not receive important positions in the Unified Army);
- Particular attention should be given to the 'Masasu group' and the Group of General Nkunda;
- Local conflicts should be dealt with but not necessarily on the individual level as there are too many for this to be viable; and

- The 'Kabiliste' faction in Kinshasa should understand that they cannot undermine the cohabitation of ethnic and political groups in the Kivus.

Foreign influence in the Kivus

Rwandan influence remains highly prominent in certain areas of the Kivus. This influence stems from Rwandan refugees, the Forces for the Democratic Liberation of Rwanda (*Forces démocratiques de libération du Rwanda*- FDLR) and the Rwandan Government. Uganda, as was discussed in previous chapters, has provided support to the FDLR in the Lubero region until not long ago.⁶ Tanzania is often overlooked when discussing the DRC conflict but supplies to foreign militias and sometimes for the Mayi-Mayi, including arms and ammunition, come through the port of Kigoma. However, Tanzania is not only a distribution point, it is also a supplier. The Burundian influence may be regarded as limited politically, but the presence of Burundian rebels in the territories of Uvira and Fizi is an important destabilising factor and a daily threat to the large population.

Turning the focus on Rwanda, there remain security problems caused by the continued presence of the armed FDLR in the Congo. However, even if the FDLR could disturb the current security situation in Rwanda, it should not be considered as a serious threat to the Government.

Rwanda's problems are not only of military nature, but are also economical – mainly the issue of 'limited space' for its increasing population. In the past, every time there was famine or political upheaval in the kingdom, groups crossed into areas that are now known as the Congo, Uganda or Tanzania. With the creation of nation states this option has become extremely complicated, as was proven in the early nineties by the example given earlier (migration of Banyarwanda to new land in the Masisi and Walikale territories).

These are issues that should be discussed at the forthcoming International Conference for Peace and Security in the Great Lakes Region that will be facilitated by Ambassador Fall. In fact, even if Rwanda and the DRC can agree on ways to allow Rwanda's increasing population some level of access to Congolese land, Rwanda will still require assistance with the development of labour-intensive industries. Furthermore, there should be Congolese-Rwandan negotiations about economic exchange and collaboration since Rwanda cannot develop without having access to Congo and the Congo could benefit from Rwandan know-how and capital.

The DDRRR issue

The final issue of concern for this chapter can perhaps be summarised as the “DDRRR issue”. There are still thousands of FDLR troops and refugees spread throughout the Kivu provinces. Concentrations of these troops can be found in Lubero and Walikale in North Kivu and Mwenga and Fizi in South Kivu. Many of the troops and almost all the civilians wish to return to Rwanda but there are not enough opportunities for them to do so. This is therefore, to a large extent, an internal Rwandan problem. However, the more extreme elements amongst the FDLR, including those that have good reasons to fear justice, force others to stay and refuse them access to organisations such as MONUC.

The DDRRR process would therefore benefit from more structural and active collaboration with local organisations or individuals that have access to the FDLR or to refugees. MONUC’s DDRRR operation would be more efficient if it did not operate from the ‘frontline’ areas but rather from the inside. The frontline soldiers are under orders to defend positions while in the interior the leadership and less active combatants, along with civilians, may be more open to discussion. In this regard, the Life & Peace Institute and MONUC are collaborating very well and this may result in some positive repatriation results in the near future.

Another important issue is also the lack of contacts with the leadership of the FDLR as well as with Burundian rebels. After having spent over seven years in the forest, completely abandoned by the International Community, the FDLR has become extremely suspicious of all persons seeking contact with it.⁷ These contacts may be possible, however. For example, Rwarakabije (an ex-FAR colonel), the chief of the Northern wing of the FDLR in the Kivu may be contacted via the Mayi-Mayi faction of General Padiri. MONUC’s staff in contact with the FDLR should develop the negotiation skills required to deal with these groups.⁸

Finally, in addition to the repatriation and disarmament of armed militias, there remains the issue of the large number of refugees. The United Nations’ High Commissioner for Refugees (UNHCR) is doing very little to promote their repatriation. For example, a child died of malnutrition at a Transit Centre in Bunyakiri a few months ago because the UNHCR deemed the area too insecure to send cars with supplies or to repatriate the people in the centre. It was only after the recent visit of a celebrity, Angelina Jolie, that a reasonable food stock was sent to the camp. UNHCR should in fact become more active on the ground, collaborate more closely with MONUC and accept the aid of local and international organisations with less rigid security guidelines.

Conclusion

Returning to the initial point of departure (that bad-governance be considered the real root-cause of the conflict in the DRC) we may postulate that the peace process will be fruitless unless governance is made the main focus throughout the coming transitional period. It would therefore be disappointing if international donor assistance were to focus all its support on infrastructure projects such as building roads, or on the development of a new National Army. The country needs both better infrastructure and a unified army but what is more important is that the institutions and systems will be put in place so that peace in the DRC is sustainable.

The Kivus remain an area which is potentially troublesome for the Transitional Government. However, there are enough signs that this is neither what the people nor the political or military leadership want. It is of utmost importance that the Kivus receive immediate attention from all parties involved in the Transition, both Congolese and international. Those like the '*group Masasu*' and the RCD military that hesitate to go to Kinshasa should be offered assistance to find a peaceful way to resolve their demands. In addition, local political and ethnic conflicts should be identified and prioritised, so as to prevent them from becoming violent. Attention should also be paid to the Mayi-Mayi that are not yet fully integrated in the transition process. This important omission should be rectified as soon as possible.

While an exhaustive discussion of the complex relationship between Rwanda and the DRC is far beyond the remit of this chapter, it is nevertheless critical to emphasise the need for trust to be built between the two countries. This will not be an easy process. Nevertheless, only a co-operative relationship between Rwanda and the DRC will ensure lasting conflict resolution. Consequently, the DRC has to find the right politicians to defend its interests, but it should also take measures to assure the stability of Rwanda.

The search for peace in the DRC is also predicated upon its neighbouring countries being stable. In addition to the peace negotiations in Burundi and Rwanda, large-scale economic assistance to the region to improve income-generating capacities within each country should be considered as a pre-requisite for lasting peace.

Last but not least, the continued presence of large groups of foreign refugees and militias in the DRC must be addressed. MONUC is preparing for a reorganisation that possibly already addresses some of the concerns expressed in this chapter and this will generate positive results. Besides MONUC, UNHCR should start to play a more active role in the repatriation process. There are thousands of refugees that wish to return to their home country but find their way not only blocked by unwilling FDLR troops but also by the lack of UNHCR presence and activity on the ground.

Notes

1. Hans Romkema is the representative of the Life & Peace Institute in the Democratic Republic of the Congo.
2. However, it should be noted that not all Congolese Hutus sided with the RCD rebellion. In fact, integrated in General Padiri's Mayi-Mayi faction there are still several Congolese Hutu groups, of which Bwigembe and Mugabo (the main leaders), are respectively a former MAGRIVI leader and a former Hutu combatant.
3. Masasu was one of the four initial leaders of the AFDL. He was condemned to death in a controversial process and executed for treason. This took place under the regime of LD Kabila.
4. Especially since the Rwandan withdrawal, Padiri has not always executed Kabila's orders. Instead of unconditional support to the governor he acted more in the interest of the people of the Kivu. This became apparent when he refused to attack Bukavu in October 2002 when the Mayi-Mayi from the South had occupied Uvira.
5. Often referred to as '*Dialogue Inter-Kivutien*'.
6. As documented in a report that was distributed earlier this year to a number of embassies and UN agencies.
7. This includes the civilians who were denied all their legal rights as refugees.
8. The FDLR representatives often mention agendas that were not respected as a reason for the development of second thoughts about the collaboration with MONUC. E.g. for some of the appointments, the FDLR has to move on foot to locations they do not control and they do not want to stay longer than a few hours. If MONUC is not there at the day and hour of the appointment, the meeting is often cancelled completely. As such situations occur regularly, the FDLR thinks MONUC does this on purpose.