

War in the Great Lakes Region

FILIP REYNTJENS

INTRODUCTION

This chapter examines a two-decade period of instability, violence, war, and extreme human suffering in central Africa. Considered in the past as peripheral, landlocked, and politically and economically uninteresting, in the 1990s the African Great Lakes region found itself at the heart of a profound geopolitical recomposition with continental repercussions. Countries as varied as Namibia in the south, Libya in the north, Angola in the west, and Uganda in the east became entangled in wars that ignored international borders. However, the seeds of instability were sown from the beginning of the 1960s: the massive exile of the Rwandan Tutsi, who fled to neighboring countries during and after the revolution of 1959–1961, and the virtual exclusion of Tutsi from public life in Rwanda, the radicalization of Burundian Tutsi who monopolized power and wealth, and the insecure status of Kinyarwanda-speakers in the Kivu provinces—all these factors were to merge with others to create the conditions for war.

I argue that a unique and contingent combination of factors explains the occurrence of the war, its course, and its outcome.¹ While this combination of factors helps us to understand the past, it may also have some value for assessing the future. Indeed, as long as these factors persist, the risk of renewed war continues to exist. The factors studied here are (i) the weakness of the Zairean/Congolese² state; (ii) the territorial extension of neighboring countries' civil

wars; (iii) the shifting regional alliances; (iv) the profitability of war; (v) the linking up of local stakes; and (vi) the impunity for major human rights violations.

The acute destabilization of the region started on October 1, 1990, when the Rwanda Patriotic Front (RPF) attacked Rwanda from Uganda with Ugandan support. After the collapse of the 1993 Arusha peace accord and following the genocide and massive war crimes and crimes against humanity, the RPF won a military victory and took power in July 1994. Over a million people died and over 2 million fled abroad, mainly to Zaire and Tanzania. Eight months earlier, the democratic transition had ended in disaster in Burundi: tens of thousands of people were killed, and the country embarked on a decade-long civil war. At the end of 1993, some 200,000 Burundian refugees inundated the Zairean Kivu provinces, followed in mid-1994 by 1.5 million Rwandans. This was the beginning of the dramatic extension of the neighboring conflicts, most prominently of the Rwandan civil war.

Given the complexity and abundance of events, a brief timeline of the war is proposed here.³ After the genocide and the overthrow of the Rwandan Hutu-dominated regime in July 1994, 1.5 million Hutu refugees settled just across the border in Zaire. Among them were the former government army, the Forces Armées Rwandaises (FAR), and militia. They launched cross-border raids and increasingly became a serious security threat for the new regime, dominated by the mainly Tutsi RPF. First under the guise of the “Banyamulenge rebellion” and later the “AFDL [Alliance des Forces pour la Libération du Congo-Zaïre] rebellion,” the Rwanda Patriotic Army (RPA) attacked and cleared the refugee camps during the autumn of 1996. Having security concerns similar to those of Rwanda, Uganda and Burundi joined from the beginning, later to be followed by a formidable regional coalition intent on toppling Mobutu. In May 1997, Laurent Kabila seized power in Kinshasa. During the latter half of 1997, relations between the new Congolese regime and its erstwhile Rwandan and Ugandan allies soured rapidly. In August 1998, Rwanda and Uganda again attacked, once more under the guise of a “rebel movement,” the RCD (Rassemblement Congolais pour la Démocratie), which just like the AFDL was created in Kigali. The invading countries expected this to be a remake of the first war, only much faster this time. The reason for this failing to occur was a spectacular shift of alliances, when Angola and Zimbabwe sided with Kabila against their former allies Rwanda and Uganda. This intervention made up for the weakness of the Congolese army, thus ensuring military stalemate along a more or less stable frontline that cut the country in two.

Considerable pressure from the region led to the signing of the Lusaka Accord in July 1999.⁴ However, Kabila blocked its implementation and only after his assassination and succession by his son Joseph in January 2001 was the peace

process resumed. Again under great pressure, by South Africa in particular, and after cumbersome negotiations, the Congolese parties signed a “Global and All-Inclusive Accord” in December 2002.⁵ It took another three and a half years to implement the accord, along a bumpy road replete with incidents, obstructions, negotiations, and renegotiations, and constantly threatened by the resumption of the war. An informal international trusteeship, supported by a large UN peacekeeping force and also by the international and Congolese civil society, imposed elections on very reluctant political players. These took place in July–October 2006, in an overall free and fair fashion, and were won by Joseph Kabila and his party, PPRD. Kabila was sworn in in December, both houses of parliament were installed in January 2007, and a new government was formed in early February, thus formally ending the transition.

STATE FAILURE

Well before the start of the war, Zaire had ceased to empirically perform a number of essential state functions, such as territorial control, public taxation, the provision of essential services, the monopoly of violence, and the rule of law. The gradual failure of the state preceded its collapse, and the first signs of a “shadow state”⁶ were visible in the 1970s, after the “Zaireanization” measures allowed the transfer of large parts of the economy to political and military elites. This heralded the putting into place of a prebendary and neo-patrimonial exercise of power that profoundly corrupted official institutional norms and frameworks.⁷

Georges Nzongola-Ntalaja writes that “the major determinant of the present conflict and instability in the Great Lakes Region is the decay of the state and its instruments of rule in the Congo. For it is this decay that made it possible for Lilliputian states the size of Congo’s smallest province, such as Uganda, or even that of a district, such as Rwanda, to take it upon themselves to impose rulers in Kinshasa and to invade, occupy and loot the territory of their giant neighbour.”⁸ Indeed, the void left by the state was filled by other, nonstate actors. Some of these—such as NGOs, churches, local civil society, or traditional structures—assumed some functions abandoned by the state, but other less benign players also seized the public space: warlords, (ethnic) militias, and “entrepreneurs of insecurity,” both domestic and from neighboring countries.⁹ This not only explains the extreme weakness in battle of the FAZ/FAC,¹⁰ which mirrored the collapsed state, but also why a small country like Rwanda was able, without much of a fight, to establish extraordinary territorial, political, and economic control over its vast neighbor. What Achille Mbembe has called the “satellization” of entire provinces by (much) smaller but stronger states was accompanied by the emergence of new forms of privatized governance.¹¹

In eastern DRC, most functions of sovereignty were thus privatized, as some examples show. In 1996 and 1998, the Zairean/Congolese government forces hardly engaged in combat; during the war that started in 1998, foreign and nonstate forces faced each other—the Angolan and Zimbabwean (and, at one point, Chadian and Namibian) armies, and Rwandan and Burundian rebel groups on Kabila's side, and on the other the Rwandan and Ugandan armies with their RCD and MLC (Mouvement de Libération du Congo) proxies. Territorial control, the provision of (in)security, and the management of populations were taken over by militia, rebel groups—both domestic and from neighbors Rwanda, Uganda, and Burundi—and the armies of neighboring countries (and even the former Rwandan government army).

A UN panel monitoring an arms embargo reported compelling data on the absence of the state in controlling cross-border traffic, including at ports and airports; indeed “irregular aircraft practices are the norm.”¹² The state's fiscal function, too, which was limited anyway, was profoundly eroded. Import and export levies collected by militias, rebel groups, and Rwandan and Ugandan “elite networks” funded the wars and lined the pockets of individuals. Toll barriers (*péages*) were put up to extract resources from peasants taking their meager surplus products to markets, so the possession of a gun was a sufficient means to impose internal taxation. In North Kivu, travelers passing between the zones controlled by two opposing wings of the RCD¹³ were required to declare goods and pay duties at the “border.” There were fixed tariffs for pedestrians and vehicles, and traders were required to hand over some of their merchandise. In areas controlled by the RCD, there were annual taxes on vehicles and a panoply of charges for individual journeys, road “tolls,” and “insurance.”¹⁴ The RCD taxed the coltan¹⁵ trade, sold mining rights, and demanded license fees, nonrefundable deposits, various export taxes, and a “war effort tax.”¹⁶ The panel documented a number of other examples showing that borders and their control became prized assets for armed groups and their sponsors in Rwanda and Uganda, allowing them the necessary revenue to maintain and resupply troops.¹⁷ It concluded that “as an institutionally weak state, the DRC significantly lacks control over both customs and immigration.”¹⁸

TERRITORIAL EXTENSION OF CIVIL WARS

While the sources of instability in the Great Lakes region were, in essence, domestic, reflecting as they did the political conflicts in Rwanda, Burundi, the Kivu, and Zaire more generally, their repercussions were increasingly felt throughout the larger region. This regionalization of violence was reinforced by the geographic proximity of conflicts, by the game of alliances, and by population flows.

In the mid-1990s, the territory of Zaire was used by insurgent forces of several neighboring countries as a base for attack and retreat. They included the Allied Democratic Forces (ADF) from Uganda and several groups (CNDD-FDD and Palipehutu-FNL, in particular) from Burundi. From mid-1994, the most serious threat concerned Rwanda, after 1.5 million Hutu refugees fled into North and South Kivu after the genocide and the victory of the RPF. Rwanda was facing an increasing security threat since 1995,¹⁹ particularly in the three western prefectures, affected by commando operations emanating, at least in part, from Zairean territory. During a speech in Tambwe on February 19, 1995, General Kagame set the tone: "I wholeheartedly hope that these attacks take place! Let them try! I do not hide it. Let them try" (translated from Kinyarwanda). Kagame candidly told journalist François Misser that "if another war must be waged, we shall fight in a different fashion, elsewhere. We are prepared. We are ready to fight any war and we shall contain it along the border with Zaire."²⁰ Officials from the United States and The Netherlands, two countries close to the Rwandan regime, confirmed that they had had to dissuade Kagame on several occasions from "breaking the abscess" of the Rwandan refugees in Zaire the hard way.²¹ During a visit to the United States in August 1996, one month before the start of the "rebellion," Kagame told the Americans that he was about to intervene,²² the more so since, according to some sources,²³ the ex-FAR were preparing a large-scale offensive against Rwanda from Goma and Bukavu. Faced with the obvious unwillingness or inability of the international community to tackle this problem, Kigali's patience had reached its limits.

In September 1996, under the guise of the "Banyamulenge rebellion" first and later hiding behind the back of a Congolese rebel group, the AFDL created in Kigali, the RPA cleared the refugee camps around Goma and Bukavu. Thousands of civilian refugees were killed in the initial attack, hundreds of thousands were forcibly returned to Rwanda, and hundreds of thousands more moved westward, where they became the victims of a phased extermination campaign by the RPA. Pourtier noted that "the strategic choice (of Kigali) to attack the camps clearly shows the fundamental objectives of a 'rebellion' that was no longer (a rebellion), because what really happened was the extension of the Rwandan civil war into Zairean territory."²⁴

Faced with similar (though less vital) security concerns, Uganda and, to a lesser extent, Burundi participated in the war, thereby destabilizing the bases of their "own" rebel groups. By the end of 1996 Angola, another country facing a rebellion (UNITA) supported by Mobutu's cronies and operating in part from Zaire, realized that its security concerns had not been met by the situation created in eastern Zaire and decided to make a difference.²⁵ Luanda's position, which was to expand the ambitions of the rebellion to the whole of

Zaire, eventually prevailed.²⁶ Angola provided the crucial impetus through the Katangese Gendarmes, known as the “Tigres.”²⁷ During two weeks in mid-February 1997, several battalions (2,000–3,000 “Tigres” men) were airlifted to Kigali, and taken from there by road to Goma and Bukavu. This operation was logistically supported by the Angolan army, obviously in close cooperation with Rwanda. The entry of the Gendarmes and, later during the war, of the Angolan army caused the “rebellion” to pick up speed. While it took four months (October 1996–January 1997) to occupy less than one-twentieth of the country, the remainder of Zaire was captured in the three months that followed the arrival of the “Tigres” (mid-February to mid-May 1997). The outcome of the war, namely regime change in Kinshasa, was the consequence of the merger of several civil wars that were intrinsically unlinked, but that came together against the background of a weak state in Zaire and of geographical proximity.

SHIFTING ALLIANCES

The players in what became a regional civil war reasoned in the logic of “the enemy of my enemy is my friend.” The fact that Mobutu had made many enemies explains the emergence of the formidable regional alliance that eventually defeated him. But that such a circumstantial alliance is also very fragile was clear during the second phase of the war, from 1998, when yesterday’s friends became today’s enemies almost overnight. Indeed, coalitions shifted dramatically.

At the beginning of the resumption of the war in August 1998, Kabila was saved by Angola and Zimbabwe, who turned against their former allies Rwanda and Uganda. Angola was concerned about two developments. Former Mobutu generals Nzimbi and Baramoto had been seen in Kigali before the new war broke out, and some politicians of the Mobutu era openly joined the rebellion, as did some former FAZ units. Because of their support for UNITA in the past, these elements were considered archenemies in Luanda. Moreover, Angolan intelligence was aware that there were contacts between UNITA and the rebel leadership and their Rwandan and Ugandan sponsors. Indeed, elements of UNITA later fought alongside rebel forces, the MLC in particular. Given the likelihood of the resumption of the Angolan civil war (which indeed materialized a few months later), for Luanda the choice was clear: those supporting UNITA were the enemy, and their enemies merited support.

The motives behind the involvement of Zimbabwe were diverse. The DRC had an important war debt outstanding toward Zimbabwe, and the Zimbabweans were worried about repayment in the event of Kabila’s being over-

thrown.²⁸ A second motive was also economic: Zimbabwean business interests had made efforts during the past year to penetrate the Congolese market and to invest in the mining sector, partly at the expense of South African ventures. Some of President Mugabe's business associates and high-ranking army officers stood to lose important assets if Kabila were defeated. Finally, the "old revolutionary" Mugabe saw the Congolese crisis as an opportunity to reassert some of his leadership in the region,²⁹ lost to Mandela's South Africa, and to short-circuit the new leaders of the "African Renaissance," such as Museveni and Kagame,³⁰ who were being promoted—notably by the Americans³¹—much to Mugabe's dismay.

Other realignments soon occurred. Thus the local *mai-mai* militias³² in the East, which had been fighting Kabila even before he came to power, now aligned with him in the context of an "anti-Tutsi" coalition. Within the same logic, an even more spectacular shift brought the ex-FAR and former Interahamwe militia into Kabila's camp, although less than a year earlier, the Rwandan Hutu had suffered massive loss of life during and after the previous rebellion at the hands of Kabila's AFDL and his erstwhile Rwandan allies. FAR were brought in from neighboring countries, rearmed, retrained, and deployed on the northern and eastern fronts.³³ A UN report noted that "the changing alliances in and around the DRC have unexpectedly worked to the advantage of the former Rwandan government forces," because the ex-FAR and ex-Interahamwe "have now become a significant component of the international alliance against the Congolese rebels and their presumed sponsors, Rwanda and Uganda." The commission found it "profoundly shocking that this new relationship has conferred a form of legitimacy on the Interahamwe and the ex-FAR."³⁴ Likewise, the Burundian FDD's (Forces pour la Défense de la Démocratie) alliance with Kabila opened access to equipment, weapons, training, and bases, and even to a degree of respectability. They were headquartered in Lubumbashi, and troops recruited in Tanzanian refugee camps were transferred to the DRC.³⁵ Another shift in the East concerned Sudan, which had supported the Mobutu regime against Kabila's rebellion but now sided with Kabila against the new rebellion. The context here was the conflict between Khartoum and Kampala, as the latter supported the South Sudanese rebellion.

The frailty of the alliances again showed when conflict erupted between Rwanda and a major section of the Banyamulenge, who had earlier sought the protection of Kigali, while at the same time being used as a pretext for the Rwandan invasion in 1996. Already by the autumn of 1996, Banyamulenge leaders had realized that they were being instrumentalized by Rwanda and that, rather than protecting their community, their close association with Kigali further marginalized and threatened them. This feeling of being used increased

further when, in October and December 1996, the RPA attempted to convince Banyamulenge leaders to resettle their entire community in Rwanda, an idea most of them rejected.³⁶ Disagreements with RPA commanders of the FAC over command positions and deployment of troops further exacerbated the tensions in the early months of 1998. When the second “rebellion” started in August 1998, the Banyamulenge were again faced with a crucial dilemma. On the one hand, they knew they were going to be instrumentalized once again by Rwanda and that this would worsen their relations with other groups, but on the other hand, they needed the physical security the RPA provided, including for their men in Kinshasa.

As the war progressed, it became increasingly clear that those Banyamulenge (like Ruberwa, Nyarugabo, and Bizima Karaha) who had joined the RCD were a minority, and that most Banyamulenge opposed the RCD and Rwanda. This rejection received both a political and a military translation. On the one hand, leaders such as Müller Ruhimbika and Joseph Mutambo created the Forces Républicaines et Fédéralistes (FRF) just after the beginning of the war. Operating from outside the territory occupied by the RCD/RPA, they vehemently opposed the RCD and the occupation by the Rwandan army.³⁷ On the other hand, the military response was the result of the growing distrust between Banyamulenge officers and the RPA. After repeated confrontations since early 1999, Munyamulenge commander Patrick Masunzu retreated to the South Kivu Haut Plateau in early 2002, and in the following months several battles were fought between the RPA and Masunzu’s men. Masunzu even cooperated with *mai-mai*, and he eventually joined the government army, becoming a commander of the Forces Armées de la République Démocratique du Congo (FARDC).³⁸

The most dramatic shift occurred between the former core allies Rwanda and Uganda. In the words of Charles Onyango-Obbo, chief editor of the Ugandan daily the *Monitor*, in August 1999 “the impossible happened”:³⁹ the Rwandan and Ugandan armies fought a heavy battle in Kisangani, and more clashes followed later. In May and June 2000, the RPA and the UPDF again confronted each other in Kisangani; heavy weapons were used and some 400 civilians and 120 soldiers were killed. The rift had several causes. While Uganda wished to avoid repeating the mistake made in 1996–1997, when Kabila was parachuted into power without much Congolese ownership, Rwanda preferred a quick military solution and the installation of yet another figurehead in Kinshasa. Prunier noted that Kampala had no problem with an independent and efficient government in the DRC, a vision dramatically opposed to the view of Kigali that wanted to keep its Congolese proxies under control.⁴⁰ In addition, “entrepreneurs of insecurity” belonging to the elite net-

works in both countries were engaged in a competition to extract Congolese resources (see below).⁴¹ Finally, Museveni resented the geopolitical ambitions of his small Rwandan neighbor and the lack of gratitude displayed by Kagame, who owed his accession to power to Uganda's support.

Just like the extension into the DRC of the Rwandan civil war, the conflict with Uganda was fought out on the soil of a weak neighbor and, in part, by proxy. Both countries supported rebel movements and (ethnic) militias in the context of an increasingly fragmented political-military landscape. They continuously traded accusations of supporting each other's rebel groups, which both sides indeed did. In March 2001, Rwanda was declared a "hostile nation" by the Ugandan government. Despite attempts at appeasement during the following months, on August 28, 2001, Museveni sent a long and bitter letter to UK Secretary of State for International Development Clare Short "about the deteriorating situation in the bilateral relations between Uganda and the government of Rwanda, led by President Kagame." As a consequence, Rwandan-Ugandan relations further deteriorated, and troops were massed on both sides of their common border. On November 6, 2001, Short summoned her two protégés to London to put an end to a situation that risked becoming a fiasco for the UK, just like the Ethiopian-Eritrean war of 1998–2000 had been for the United States. While relations did not become cordial, the threat of direct war subsided.

A dangerous escalation occurred again when, in early 2003, Rwanda started sending troops and supplies to the Ituri region in support of the Union des Patriotes Congolais (UPC), which until then had been supported by Uganda.⁴² The attempt by the RCD-Goma and Rwanda to intervene in the Ituri conflict was seen by Kampala (which considered Ituri as its "backyard") as a lethal threat and again brought the two countries to the brink of direct war.⁴³ In the summer of 2003, both countries were forced out of Ituri as a result of a great deal of pressure by the international community,⁴⁴ while at the same time the political evolution in the DRC, where an agreement on political transition was arrived at and the war formally came to an end (see below), made it more difficult for them to be seen as overtly derailing the process. As Kigali and Kampala were held on a leash by the United States and the UK, the Congo offered less food for conflict between them, though relations were never again friendly.⁴⁵

PROFITABILITY OF WAR

A UN panel⁴⁶ set up in 2001 published a number of increasingly detailed reports on the criminal practices of "elite networks," both Congolese and from

neighboring countries, and identified elements common to all these networks. They consisted of a small core of political and military elites and businesspeople and, in the case of the occupied territories, rebel leaders and administrators. Members of these networks cooperated to generate revenue and, in the case of Rwanda, institutional financial gain. They derived this benefit from a variety of criminal activities, including theft, embezzlement and diversion of “public” funds, undervaluation of goods, smuggling, false invoicing, nonpayment of taxes, kickbacks to officials, and bribery. International “entrepreneurs of insecurity” (among them Viktor Bout) were closely involved in this criminal economy, as the local and regional actors drew support from the networks and “services” (such as air transport, illegal arms dealing, and international transactions of pillaged resources) of organized international criminal groups.⁴⁷

The linkage between military engagement and illegal economic activities was a clear trend. Indeed pillaging was no longer an unfortunate side effect of war, but economic interests rather became its prime driving force. Christian Dietrich has drawn attention to the dangers inherent in what he calls “military commercialism,” whereby a stronger state deploys the national military in a weaker neighboring country, supporting either the sovereign power (as did Zimbabwe) or insurgents (in the cases of Rwanda and Uganda), in exchange for access to profits.⁴⁸ Under these circumstances, economic criteria invade military decision-making, for example with regard to troop deployment and areas of operation.⁴⁹ In addition, if domestic resources are scarce or cannot be illicitly mobilized as a result of the scrutiny of the international community, cross-border predatory behavior, out of sight and/or hidden behind political and military concerns, provides an alternative resource. Finally, when control over resources has become a military objective in itself, this is a strong disincentive for troop withdrawal, simply because the “expeditionary corps” and those they support, whether rebels or governments, need each other. Put simply by Samset, “war facilitates excessive resource exploitation, and excessive exploitation spurs continued fighting.”⁵⁰ As late as mid-2007, a panel monitoring the UN arms embargo confirmed that “the most profitable financing source for armed groups remains the exploitation, trade and transportation of natural resources. . . . All supply chains from areas controlled by armed groups are compromised.”⁵¹ Crawford Young notes that this “ability to sustain themselves through traffic in high value resources under their control” distinguishes contemporary insurgents from their predecessors.⁵²

Nowhere is this as clear as in the case of Rwanda, a small and very poor country with few natural resources, but with an elite needing to maintain a lavish lifestyle and possessing a large and efficient army.⁵³ In 2000, the revenue collected by the RPA in the DRC from coltan alone was believed to be US\$80–100

million, roughly the equivalent of official Rwandan defense expenditure (which stood at US\$86 million).⁵⁴ In a similar vein, the UN panel found that in 1999–2000, “the RPA must have made at least US\$250 million over a period of 18 months.”⁵⁵ Stefaan Marysse calculated that in 1999, the total value added of diamond, gold, and coltan plundered in the DRC amounted to 6.1 percent of Rwanda’s GDP,⁵⁶ and to 146 percent of its official military expenditure.⁵⁷ The Kigali economy, which is virtually disconnected from the Rwandan economy as a whole, was largely dependent on mineral and other extraction in the DRC (as well as on international aid). Pillaging the Congo not only allowed the Rwandan government to beef up the military budget in a way that was invisible to the donor community,⁵⁸ but also bought much-needed domestic elite loyalty. This is what Stephen Jackson calls the “economisation of conflict”: a process whereby conflicts progressively reorient from their original goals (in the case of Rwanda: securing its borders) towards profit, and through which conflict actors capitalise increasingly on the economic opportunities that war opens up.⁵⁹

The Rwandan military and civilian elites thus benefited directly from the conflict.⁶⁰ Indeed a UN panel noted a great deal of interaction among the military apparatus, the state (civil) bureaucracy, and the business community. It found that the RPA financed its war in the DRC in five ways: (i) direct commercial activities; (ii) benefits from shares it held in companies; (iii) direct payments from the RCD-Goma; (iv) taxes collected by the “Congo Desk” of the external military intelligence office ESO (External Security Organisation),⁶¹ and other payments made by individuals for the protection the RPA provided for their businesses; and (v) direct uptake by soldiers from the land.⁶² In sum, the Congolese funded their own occupation by neighboring countries’ armies. Local coltan diggers were even forced out of the market in 2001–2002, when Rwanda used its own forced labor, among other things under the form of prisoners “imported” from Rwandan jails. After officially withdrawing its troops from the DRC in September 2002 as a result of discreet but intense international pressure, Rwanda therefore changed tactics by seeking alternative allies on the ground and sponsoring autonomist movements, in order to consolidate its long-term influence in eastern Congo and make the most out of the Kivu region.⁶³ In addition, even after its official withdrawal, Rwanda maintained a clandestine military presence in the DRC.⁶⁴

The unpublished part of the UN panel’s final report of October 2003 is particularly revealing in this respect.⁶⁵ At the request of the panel, this section was to remain confidential and not to be circulated beyond the members of the Security Council, as it “contains highly sensitive information on actors involved in exploiting the natural resources of the DRC, their role in perpetuating the conflict as well as details on the connection between illegal exploitation and illicit

trade of small arms and light weapons.”⁶⁶ The findings showed an ongoing presence of the Rwandan army in the DRC. It had, the panel found, continued shipping arms and ammunition to the Kivus and Ituri, provided training, exercised command, supported North Kivu Governor Serufuli’s militia, and manipulated ex-FAR/Interahamwe by infiltrating RDF (Rwanda Defence Forces, the name of the RPA since 2002) officers into them. The panel considered the “Rwanda Network” “to be the most serious threat to the Congolese Government of National Unity. The main actor in this network is the Rwandan security apparatus, whose objective is to maintain Rwandan presence in, and control of, the Kivus and possibly Ituri.”⁶⁷ Rwandan support for dissident forces went on throughout 2004, while the DRC was engaged in its delicate and fragile political transition. A later UN panel was concerned that “the territory of Rwanda continues to be used for recruitment, infiltration and destabilisation purposes,”⁶⁸ and it observed a “residual presence” of the RDF in North Kivu.⁶⁹

Uganda, too, greatly benefited from its military/commercial presence in the DRC. Although, unlike Rwanda, it did not set up an extra-budgetary system to finance its activities there, the UN panel found that the “re-exportation economy” had a significant impact on the financing of the war, in three ways: by increasing the incomes of key businessmen, traders, and other dealers; by improving Uganda’s balance of payments; and by bringing more money to the treasury through various taxes on goods, services, and international trade.⁷⁰ By way of example, Ugandan gold exports totaled US\$90 million in 2000, while the country produced practically no gold.⁷¹

The logic of military commercialism could also be seen in the strategies developed by domestic armed groups. Thus the Walikale region west of Goma became a battleground between RCD rebels and *mai-mai*, both supposedly integrated into the FARDC, but who ceased to obey the FARDC Eighth Military Region commander, an RCD general who himself refused to obey orders from Kinshasa. In their fight for control over Walikale’s cassiterite mines, these *mai-mai* units cooperated with FDLR troops. Small aircraft based in Goma collected the cassiterite “caught” by the RCD for purchasing agents; once it arrived in Goma, shares were distributed to local military and political authorities before being transported across the border to Rwanda, where a smelting plant is located near Kigali, or exported to South Africa.⁷²

Clearly, criminal or informal regional integration was very real, and it was certainly more effective than the often-called-for formal integration. Jeroen Cuvelier has shown how the support of Rwanda for the RCD heralded a growing cooperation between businesspeople, politicians, and high-ranking military on both sides of the border.⁷³ The establishment of SOMIGL (Société minière des grands lacs) and of the Congo Holding Company were instruments set up by

the rebel group and Rwanda to get as much financial benefit as possible out of the international interest in Kivu's natural resources. Two Rwandan companies with close links to the RPF and the army, Rwanda Metals and Grands Lacs Metals, were key in organizing the Congolese commercial ventures of the Kigali regime. What is novel about what Ian Taylor suggests are "neo-imperialist" regional networks of violence and accumulation is that they are managing to develop their own links and ties to the international arena, often on their own terms.⁷⁴ The type of alliances and transboundary networks currently reconfiguring central Africa may well, in his view, offer a prophetic vision of what is in store for vulnerable and peripheral areas of the world.⁷⁵

LOCAL DYNAMICS

The mega-conflict developed against the background of several local level conflicts. Problems related to identity in the Kivu region are ancient. Important migratory flows before, during, and after the colonial period, considerable demographic pressure, the uncertain status of (neo-)traditional authorities, the political and economic dynamism of the region, its peripheral situation in the Zairean context, and its partial incorporation in the East African space: these factors form the local background to events in eastern Zaire. The most visible and violent expression of this was the situation of the Banyarwanda, the Kinyarwanda speakers living in the Kivu. They consisted of several groups: the "natives," established since precolonial days; the "immigrants" and the "transplanted" of the colonial period;⁷⁶ the "infiltrators" and "clandestines" before and after independence (1960); and the Tutsi⁷⁷ and Hutu⁷⁸ refugees. This mixture gave birth to conflict in the 1960s during the so-called Kinyarwanda rebellion, when the Banyarwanda faced the threat of expulsion from the North Kivu region.⁷⁹ After a long period of calm under the regime of Mobutu, whose influential director of the political bureau, Barthélémy Bisengimana, was himself of Tutsi origin, the problem came to the fore again during the National Conference (1991–1992), when representatives of civil society of North and South Kivu raised the question of the "Zaireans of dual or doubtful citizenship," a coded expression referring to the Banyarwanda.

While the conflicts have older roots, this chapter picks up the story from early 1993 onward.⁸⁰ The events that started in North Kivu in March 1993 show how fluid ethnic categories are. Indeed, those who became the victims of a wave of violence waged by such "indigenous" ethnic groups as the Hunde, Nande, and Nyanga, supported by their respective militias (the *mai-mai* and the Bangilima), were the Banyarwanda, Hutu, and Tutsi alike. Only two years later, the Hutu and Tutsi confronted each other in "ethnic" strife.

There are various reasons for the violence that erupted in early 1993. First, the democratization process under way since 1990 opened up a new way of competing for power. As only nationals exercise political rights, citizenship became important, particularly in regions with a high proportion of Banyarwanda (in the extreme case of the zone of Masisi, they numbered 70 percent of the population). Second, in this relatively overpopulated part of Zaire, conflicts over land set groups against each other in two ways. On the one hand, two types of land use, agriculture and stock breeding, began competing with each other. On the other hand, two concepts of land tenure and access to land clashed with each other: land use by members of a group that holds corporate ownership (the customary law regime), as opposed to the concept of individual ownership of the modern law type, which allows for contractual transactions in land. A third source of conflict, not unrelated to the previous one, concerned the position of customary authorities. Groups that are immigrant or presented as such tend to try to free themselves from the authority of local chiefs, thus threatening their position and differentiating themselves from “indigenous” populations. This attitude of distancing was more frequently adopted by pastoral communities of Tutsi extraction. Under these circumstances, the denial of citizenship became a means for the political and economic exclusion of the Banyarwanda, and of the Tutsi in particular.

The conflict came to the fore again during the Zairean National Conference, and confrontations had already taken place in 1991 and 1992, particularly in the zones of Masisi and Rutshuru.⁸¹ However, conflict spread dramatically in March 1993.⁸² Violence started in Ntoto in the zone of Walikale, close to Masisi. There were large-scale killings of Hutu and Tutsi Banyarwanda, their houses were burned, and their cattle were stolen. During the following days, the violence extended to the zone of Masisi, where, however, the Banyarwanda were the majority group and had organized their defense. As the casualties show, a real war broke out with many deaths: “indigenous” and “immigrant” communities lost about 1,000 each; tens of thousands more were displaced. Each party accused the other: the Banyarwanda claimed that the “indigenous” wanted to chase and even massacre them, while according to the “indigenous,” the Banyarwanda, and the Hutu in particular, intended to claim a territory they allegedly considered to be part of “Ancient Rwanda.”

Two factors contributed to the pacification of North Kivu, at least for a short period. President Mobutu went to Goma, where he stayed for a month and met with most local players, and units of the Special Presidential Division (Division spéciale présidentielle—DSP) were deployed; their sheer presence brought apparent calm without a shot being fired. In the long run, “reflection days,” organized in November 1993 and February 1994, consolidated the re-

turn to order. Together with NGOs, the local Catholic church of Mweso brought together representatives of territorial units, tradespeople, teachers, local NGOs, clergymen, officers of the DSP, leaders of cooperatives, customary chiefs, civil servants, and simple peasants—a total of eighty-eight local actors who were joined by thirty external “observers.”

Only a few months after pacification, North Kivu was flooded by over 700,000 Rwandan Hutu refugees who fled the civil war in their country and the victorious RPF, accompanied and to some extent controlled by those responsible for the Rwandan genocide. Concentrated in five huge camps (Katale, Kahindo, Kibumba, Lac Vert, and Mugunga) on a limited area close to the Rwandan border, they completely upset the demographic situation, and therefore the politics of the region. At the beginning of the 1990s, approximately 425,000 Banyarwanda lived in the three zones (Masisi, Rutshuru, and Goma) where the refugees settled; out of a total population of about 1 million, this was about 40 percent.⁸³ Obviously, as a result of this massive injection of people, the Banyarwanda and the Rwandan refugees suddenly constituted the majority of the regional population. In addition, the Hutu (both the Rwandan refugees and the Zairean Hutu) had now become largely dominant in numbers, thus breaking the fragile balance put in place earlier in the year. The alliance of Hutu and Tutsi Banyarwanda broke up and, as in Rwanda, the two groups entered into violent conflict. The massive arrival of refugees also had other destabilizing effects: the environment was thoroughly disturbed by deforestation, poaching, and pressure on water supplies; the economy was destabilized by dollarization and the dramatic decrease of livestock; and basic infrastructure, already very weak before the crisis, was badly damaged.

However, large-scale violence did not start until November 1995. Probably unwillingly, the Zairean government contributed to the instability in August 1995 by announcing that the Rwandan refugees were to be expelled; they were given until December 31, 1995, to leave the country. As a result, many refugees left the camps and attempted to settle in the zones of Masisi and Rutshuru, where they inevitably clashed with the “natives” and Tutsi Banyarwanda, whose houses and land they threatened to occupy. On a more general political level, these attempts at occupation heightened the fears of many Zaireans that a “Hutu-land” was being put in place in North Kivu.⁸⁴ Incidents of uneven intensity in September and October 1995 were the prelude to a real war that started first in Masisi but rapidly spread to Rutshuru and Lubero.

Massacres by Hutu militias against the Hunde and Tutsi and by Hunde militia against the Tutsi and Hutu progressively created ethnically homogeneous spaces. By March and April 1996, the zone of Masisi had been “ethnically cleansed”: most local Tutsi fled to Rwanda, where about 18,000 refugees

had arrived by the end of April. In March, the conflict extended to the zones of Rutshuru, Walikale, and Lubero, where the Bangilima, a Hunde militia, attacked the Banyarwanda. In May and June about 65,000 people were displaced in Rutshuru alone.

The spread of violence was enhanced by the ambiguous attitude of the local authorities, used to manipulating ethnicity for plutocratic purposes. Thus in May 1995, the governor of North Kivu, Christophe Moto Mupenda, stated during a public meeting before a Hunde audience in the town of Masisi that “hospitality has its limits” and that it was necessary “to strike and strike now against the immigrants.” During the following year, two Goma-based radio stations fueled anti-Tutsi feelings, while megaphones were used to call on residents to chase the Tutsi out of town; Tutsi businessmen were arrested by local authorities without specific charges.⁸⁵ In November 1995, FAZ Chief of Staff General Eluki declared publicly that “the Hunde, Nyanga and Batembo are right to fight for the land of their ancestors and to chase the foreigners away from it.”⁸⁶

Séverine Autesserre has shown that the relationship between local and national or regional tensions was not merely top-down, and that issues usually presented as regional or national had significant local components, which fueled and reinforced the larger dimensions.⁸⁷ This reality was particularly strong in the region, as Hutu and Tutsi are found in Kivus, Rwanda, and Burundi, a situation that is conducive to cross-border alliances, solidarities, and strategies.

IMPUNITY

Although an important factor, the practice of impunity for persistent gross violations of human rights can only briefly be mentioned. The humanitarian consequences of the conflicts in the Great Lakes region over the past twenty years have been disastrous. Millions have died since 1990, of which over a million were the victims of direct violence. Generally speaking, those responsible for crimes against humanity, war crimes, and even genocide have remained unpunished. The only justice at work in the region has been victor’s justice meted out to the authors of the genocide in Rwanda, MLC leader Jean-Pierre Bemba and a few Ituri warlords. However, the RPF, for instance, was not held accountable for the crimes it committed in Rwanda before, during, and after the genocide or for those perpetrated in Zaire/DRC, particularly at the end of 1996 and the beginning of 1997. While these crimes were well documented,⁸⁸ no prosecutions took place before the International Criminal Tribunal for Rwanda, before Rwandan or Congolese courts, or before courts in third countries on the basis of universal jurisdiction.⁸⁹

This practice of victor's justice had a dual consequence. On the one hand, as impunity prevailed, it reassured criminals that they could commit new crimes without risk of judicial prosecution. For instance, it is likely that the RPA would not have massacred tens of thousands of civilian refugees in Zaire/DRC had those responsible for crimes committed in Rwanda in 1994 been prosecuted before the International Criminal Tribunal for Rwanda (ICTR). On the other hand, biased justice created frustration and resentment among the victims of these crimes, thus creating a fertile breeding ground for new violence. Many Rwandan Hutu and Congolese remember what the RPA did to them, and they may well take revenge if and when the occasion presents itself.

CONCLUSION

This chapter has addressed the combination of factors that allows one to understand why war occurred in the Great Lakes region, and why it unraveled the way it did. While this analysis has an explanatory function, it may also offer clues as to future developments. Indeed, if these factors are still present, one could conclude that a context favorable to new wars continues to prevail.

Although some steps have been made toward state reconstruction in the DRC, the state remains very fragile, particularly (but not exclusively) in the East, where earlier conflicts started. Territorial control is limited, private taxation continues, and the illegal exploitation and the smuggling of natural resources goes on.⁹⁰

With regards to neighbors' civil wars, the one in Angola came to an end in 2002. The last remaining Burundian rebel movement, Palipehutu-FNL, laid down arms at the end of 2008 to become a political party under the name FNL. However, after the outcome of the 2010 elections was rejected by several opposition parties, some politicians, including chair of the FNL Agathon Rwasa, went underground. At the time of writing, a new rebellion seemed to be under way, with Burundian combatants operating in South Kivu, where they were joining forces with Congolese and Rwandan insurgent groups.⁹¹ The Ugandan Allied Democratic Forces continue to operate on both sides of the Congo-Uganda border in the Ruwenzori region. The Lord's Resistance Army (LRA) is no longer active inside Uganda, but it operates in the DRC, though many of its fighters have relocated to the Central African Republic.⁹² The porous region straddling the DRC, the Central African Republic, and South Sudan remains particularly open to insurgent activities. While peace seems to have returned in Rwanda, this is only apparent. Structural violence is widespread, and an authoritarian regime attempts to keep a lid on the volcano.⁹³ Dissident Tutsi who once occupied very high positions in the Rwandan political and military establishment entered into

open opposition in 2010. They created a political structure, the Rwanda National Congress, and there are signs that they are preparing a military capacity intent on overthrowing Kagame (see below). The Hutu FDLR continue to be active in both South and North Kivu, and Rwanda supports the Tutsi CNDP, which, while officially incorporated into the FARDC, continues functioning as a militia.

In a situation of relative regional peace, alliances between states have become less prominent, but they continue to be concluded at more reduced scales. Thus the Rwandan RPF dissidents are suspected of having been in contact with armed movements in eastern DRC, such as the Nkunda wing of the CNDP and the FRF, and possibly with elements of the FDLR, while at the same time seeking support inside Rwanda.⁹⁴

In the Kivu provinces in particular, the national army, several armed groups, and Uganda and Rwanda continue the exploitation of Congolese resources. Despite attempts to tag some materials and to raise awareness in the business community of due diligence guidelines, conflict around mineral and other wealth remains attractive. The UN panel of experts found that minerals continued to be transported through illegal border crossings between the two Kivus and Rwanda.⁹⁵

Local tensions based on (ethnic) identity remain as intense as before, in Rwanda in particular, and cross-border alignments along these lines are still present. However, intra-Tutsi elite differences, as shown by the dissidence of the RNC and by the fact that many Tutsi Banyamulenge are opposed to the regime in Kigali, may alleviate the ethnic divide, though this may be replaced by other lethal alliances and the emergence of new violent strategies.

Finally, the issue of impunity has not been addressed seriously. For instance, the 2010 mapping report of the UN High Commission for Human Rights (see above) has not (yet) been acted upon. Despite an arrest warrant issued by the ICC against General Bosco Ntaganda for crimes committed in Ituri, he lives and moves about openly in Goma, where—in addition to being involved in illegal activities (see above)—he was involved in the murders of family members or former supporters of Laurent Nkunda, whom Ntaganda ousted from the leadership CNDP in January 2009 with the help of Rwanda, where Nkunda remains illegally detained. The Congolese government refused to execute the ICC arrest warrant “in the interest of maintaining peace,” asserting that Ntaganda is needed to keep the former CNDP troops integrated in the Congolese army.

Clearly the conflict factors outlined in this chapter have not disappeared, although they have generally decreased in extent and intensity. Two of these factors need to be especially monitored. On the one hand, for both the development of the country and regional stability, state reconstruction in the DRC

is essential. Given the colossal nature of this endeavor, putting Humpty Dumpty together again will need to start with the main functions of sovereignty: regaining control over the state's territory and reestablishing links with the population; rebuilding public fiscal capacity, with revenues collected and spent in a transparent, efficient, and honest fashion, and resources harnessed as public goods; and restoring legal security and the rule of law. On the other hand, the Rwandan regime must address the country's severe problems of political governance. Rwanda has been at the origin of two major regional wars, and it could be so again if current authoritarian practices are not amended.

NOTES

1. I use the term "war" in singular, because the two wars (the one in 1996–1997 was called the "war of liberation" by many Congolese, whereas the one from 1998 to 2003 was dubbed the "war of occupation") were in reality two episodes of one and the same conflict.

2. This text uses the name of the country at the time of the events that are analyzed: Zaire before May 1997, Congo or DRC after that date.

3. Appendix 12.1 summarizes the timeline. Appendix 12.2 offers an overview of the main actors. For a fuller treatment of the war, see G. Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (Oxford: Oxford University Press, 2009); F. Reyntjens, *The Great African War: Congo and Regional Geopolitics, 1996–2006* (New York: Cambridge University Press, 2009); and J. K. Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa* (New York: PublicAffairs, 2011).

4. In addition to a cease-fire signed by Congo, Angola, Namibia, Rwanda, Uganda, and Zimbabwe, as well as by the Congolese rebel movements, the accord provided for an "open national dialogue" involving the government, the rebel groups, the unarmed opposition, and civil society. This was to lead to a new political dispensation.

5. The accord provided for a two- to three-year transitional period, during which the executive branch would be made up of a president and four vice presidents, and a government in which the rebel movements and the unarmed opposition would be represented. A bicameral parliament included the same entities as those represented in the government.

6. W. Reno, "Shadow States and the Political Economy of Civil Wars," in *Greed and Grievance: Economic Agendas in Civil Wars*, ed. M. Berdal and M. Malone (Boulder, CO: Lynne Rienner, 2000), pp. 43–63.

7. G. de Villers, "La guerre dans les évolutions du Congo-Kinshasa," *Afrique Contemporaine*, 215 (2005): 54.

8. G. Nzongola-Ntalaja, *The Congo from Leopold to Kabila: A People's History* (London and New York: Zed Books, 2002), p. 214.

9. The expression is from S. Perrot, “Entrepreneurs de l’insécurité: la face cachée de l’armée ougandaise,” *Politique Africaine* 75 (1999): 60–71. It refers to rational makers of cost-benefit analyses, who realize that war, instability, and absence of the state are more profitable than peace, stability, and state reconstruction.

10. Forces Armées Zaïroises until May 1997, Forces Armées Congolaises between 1997 and 2003. The national army was renamed Forces Armées de la République Démocratique du Congo (FARDC) as a result of the agreement.

11. A. Mbembe, *On the Postcolony* (Princeton, NJ: Princeton University Press, 2001), pp. 92–93.

12. UN Security Council, *Report of the Group of Experts on the Democratic Republic of the Congo*, S/2004/551, July 15, 2004, para. 56.

13. In 1999, a wing known as the RCD-ML broke away in protest over Rwandan domination and placed itself under Uganda tutelage. The RCD-Goma remained a proxy for Rwanda.

14. Amnesty International, *Democratic Republic of Congo: Rwandese-Controlled East: Devastating Toll* (London: Amnesty International, June 19, 2001), pp. 16–18.

15. Coltan, short for “columbite-tantalite” and known industrially as tantalite, is a dull black metallic ore from which the elements niobium (formerly “columbium”) and tantalum are extracted.

16. *Ibid.*, p. 33.

17. UN Security Council, *Report of the Group of Experts*, para. 44.

18. *Ibid.*, para. 31.

19. In *The Congo Wars: Conflict, Myth and Reality* (London and New York: Zed Books, 2007), pp. 15–16, Thomas Turner rightly points out that this threat applied to the regime, but not per se to Rwanda as a whole. Indeed, the majority of the population may well have considered those posing this threat to be its allies and potential liberators. Likewise, when Kigali argued that it needed to protect the Congolese Tutsi, this may well have reflected the feelings of many Rwandan Tutsi, but probably not those of many Hutu.

20. F. Misser, *Vers un nouveau Rwanda? Entretiens avec Paul Kagame* (Brussels, Belgium: Luc Pire, 1995), p. 121.

21. EU Special Representative for the Great Lakes Region Aldo Ajello has confirmed this information to this author.

22. According to the then-US ambassador to Kigali, Robert Gribbin, Kagame had already told him in March 1996 that “if Zaire continues to support the ex-FAR/*Inter-ahamwe* against Rwanda, Rwanda in turn could find anti-Mobutu elements to support,” adding that “if the international community could not help improve security in the region, the RPA might be compelled to act alone”; R. E. Gribbin, *In the Aftermath of Genocide: The U.S. Role in Rwanda* (New York: iUniverse, 2005), pp. 144–145.

23. The existence of this project was later confirmed by documents discovered in Mungu camp in November 1996. Although these documents have never been published, some echoes can be found in extracts published in newspapers, for example, *Le Monde*,

November 19, 1996, and *Le Figaro*, November 20, 1996. It is surprising that neither the AFDL nor the RPA has kept these archives; on the contrary, they reportedly burned them (S. Boyle, “Rebels Repel Zaire Counter-Offensive,” *Jane’s Intelligence Review*, April 1, 1997). However, copies of a number of these papers are on file with this author.

24. R. Pourtier, “Congo-Zaire-Congo: un itinéraire géopolitique au coeur de l’Afrique,” *Hérodote* 86–87 (3rd–4th Term 1997): 27.

25. The more historical causes for the Angolan intervention in the war are addressed by T. Turner, “Angola’s Role in the Congo War,” in *The African Stakes of the Congo War*, ed. J. F. Clark (New York and Houndmills, UK: Palgrave Macmillan, 2002), pp. 77–81.

26. Thus, the Angolan weekly *Espresso* of May 3, 1997, affirmed that President Dos Santos insisted that Kabila should pursue his offensive to the end.

27. Having fled to Angola after the collapse of the Katangese secession in early 1963, a number of them were eventually integrated into the Angolan army, of which they (or rather their sons) became the 24th Regiment in 1994.

28. The exact amount, due mainly to the state-owned Zimbabwe Defence Industries, is unknown, but estimates range from US\$40 million to US\$200 million.

29. Zimbabwe happened to chair SADC’s Organ on Politics, Defence, and Security. As Kabila’s Congo had become a member of SADC, it benefited from a defense agreement providing for member states’ assistance in case of an attack. However, South Africa and Botswana disagreed with the intervention in the DRC. Although presented as such by the coalition of the willing, it is doubtful whether the operation of Angola, Namibia, and Zimbabwe occurred under the SADC umbrella.

30. Other members of the club included Eritrea’s Afewerki and Ethiopia’s Meles Zenawi. All four eventually turned out to be just banal African dictators.

31. Addressing the Economic Commission for Africa in Addis Ababa on December 9, 1997, Secretary of State Madeleine Albright stated, without mentioning their names, that “Africa’s best new leaders have brought a new spirit of hope and accomplishment to your countries—and that spirit is sweeping across the continent. . . . [Africa’s new leaders] share a common vision of empowerment—for all their citizens, for their nations, and for their continent. . . . They are moving boldly to change the way their countries work—and the way we work with them.”

32. Space prohibits a discussion of the *mai-mai* phenomenon. Suffice it to say that this is a generic term designating a wide array of local groups with very diverse organizational structures and ideologies, all claiming to protect the “indigenous” populations against exactions by “foreigners.” A useful treatment can be found in K. Vlassenroot, “The Making of a New Order: Dynamics of Conflict and Dialectics of War in South Kivu (DR Congo),” PhD diss., University of Ghent, 2002, pp. 300–343. Vlassenroot insists that, while the *mai-mai* were also a resistance movement against foreign occupation, they can be understood only as an indigenous reaction to marginalization and exclusion. The theme of the *mai-mai* militias as an experience of more egalitarian forms of solidarity-based social organization, with violence as its main discursive mode, is developed in F. Van Acker and K. Vlassenroot, “Les ‘maï-maï’ et les fonctions

de la violence milicienne dans l'Est du Congo," *Politique Africaine* 84 (December 2001): 103–116.

33. It is important to restate that, contrary to Rwandan claims (thus "justifying" the invasion by the RPA), this occurred *after* the beginning of the war. In other words, the Rwandan invasion was not a consequence of the involvement of *génocidaires*, but rather its cause.

34. UN Security Council, *Final Report of the International Commission of Inquiry (Rwanda)*, November 18, 1998, S/1998/1096, paras. 86–87.

35. International Crisis Group, *Scramble for the Congo: Anatomy of an Ugly War*, December 20, 2000, p. 19.

36. On this strange episode, see M. Ruhimbika, *Les Banyamulenge (Congo-Zaire) entre deux guerres* (Paris: L'Harmattan, 2001), pp. 61–63, and K. Vlassenroot, "Citizenship, Identity Formation & Conflict in South Kivu: The Case of the Banyamulenge," *Review of African Political Economy* 29, no. 93–94 (2002): 510–511.

37. Ruhimbika explained that "we have founded the FRF as a reaction to the invasion of our country by Rwanda and to express our refusal of the instrumentalization of the Banyamulenge by Kigali" (*La Libre Belgique*, September 1, 2000).

38. More details on the parting of ways between the RCD/RPA and most Banyamulenge can be found in M. Ruhimbika, *Les Banyamulenge . . .*, *op. cit.*, pp. 80–109, and K. Vlassenroot, *The Making of a New Order . . .*, *op. cit.*, pp. 235–250. Vlassenroot notes that, as a consequence of their instrumentalization by Kigali, "the future of the Banyamulenge community risks becoming very grim" (*Ibid.*, p. 248).

39. *East African*, August 30–September 5, 1999.

40. G. Prunier, "L'Ouganda et les guerres congolaises," *Politique Africaine* 75 (October 1999): 47.

41. A Congolese acquaintance of this author compared the fighting in Kisangani to two neighbors breaking into his house and then fighting in his living room over who would steal his television set.

42. Only in the summer of 2003 were the supplies from Rwanda to the UPC cut off through airspace surveillance by the Interim Emergency Multinational Force (AIP, APFO, CSV, FEWER, "Ituri: Stakes, Actors, Dynamics," September 2003, p. 5).

43. On Rwandan and Ugandan involvement in the Ituri conflict, see, e.g., Human Rights Watch, *Ituri: "Covered in Blood": Ethnically Targeted Violence in North-Eastern DR Congo* (New York: Human Rights Watch, 2003); B. Leloup, "Le contentieux rwando-ougandais et l'Est du Congo," in *L'Afrique des grands lacs. Annuaire 2002–2003*, ed. S. Marysse, F. Reyntjens (Paris: L'Harmattan, 2003), pp. 246–252.

44. Between May and September 2003, a French-led Interim Emergency Multinational Force was deployed by the European Union. It pacified Ituri's capital, Bunia, after which a reinforced Ituri brigade was deployed by the UN peacekeeping mission MONUC.

45. On Rwandan-Ugandan relations in the context of the Congo war, see B. Leloup, "Le contentieux rwando-ougandais et l'ordre politique dans la région des grands lacs d'Afrique," PhD diss., University of Antwerp, 2008.

46. The panel's early work was criticized on account of both its focus on the activities of the rebel groups and their sponsors, and its definition of "illegality." While these criticisms were not unfounded, the value of the panel's work is considerable: it has unearthed a large amount of empirical data and, in its later phase, redressed the balance by inquiring into the predatory practices of the Kabila regime and its allies, Zimbabwe in particular.

47. UN Security Council, *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2002/1146, October 16, 2002. The panel produced another "Final Report" in October 2003 (see below).

48. C. Dietrich, *The Commercialisation of Military Deployment in Africa* (Pretoria, South Africa: ISS, 2001); C. Dietrich, *Hard Currency: The Criminalized Diamond Economy of the Democratic Republic of the Congo and Its Neighbours* Occasional Paper #4, Partnership Africa Canada, June 2002.

49. Several reports point to the direct link between the exploitation of resources and the continuation of the conflict. The UN panel noted that the control of mineral-rich areas "could be seen primarily as an economic and financial objective rather than a security objective for Rwanda" (UN Security Council, *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2001/357, April 12, 2001, para. 175); "Most of the fights between Rwandan soldiers and *mai-mai* have occurred in the so-called 'coltan belt'" (ibid., para. 176). Under the title "Rwanda's unusual tactics," the panel found that "attacks (by the RPA) seem to coincide with the period when coltan has been extracted and put in bags for evacuation by the *mai-mai*. Attacked, the *mai-mai* abandon their coltan, which is then taken away by small aircraft" (ibid., para. 177).

50. I. Samset, "Conflict of Interests or Interests of Conflict? Diamonds & War in the DRC," *Review of African Political Economy* 29, no. 93-94, (2002): 477.

51. UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of Congo, Pursuant to Security Council Resolution 1698 (2006)*, S/2007/423, July 18, 2007, para. 37.

52. C. Young, "Contextualizing Congo Conflicts: Order and Disorder in Postcolonial Africa," Clark, *The African Stakes*, p. 25.

53. Indeed, post-1994 Rwanda has been called "an army with a state," rather than a state with an army. In the Kivus, the Rwandan army was nicknamed "Soldiers Without Borders," a wink to the international NGO Médecins sans frontières.

54. Sénat de Belgique, *Rapport fait au nom de la commission d'enquête Grands Lacs par MM. Colla et Dallemagne*, session 2002-3, February 20, 2003, No. 2-942/1, p. 72.

55. UN Security Council, *Report of the Panel of Experts*, para. 130. See note 49.

56. This may seem a modest figure, but in light of the structure of the Rwandan economy, it is gigantic. Indeed in that same year, the production of export crops (mainly coffee and tea) accounted for only 0.4 percent of GDP (International Monetary Fund, *Rwanda: Selected Issues and Statistical Appendix*, IMF Country Report No. 04/383, 2004, p. 80).

57. S. Marysse, "Regress and War: The Case of the DR Congo," *European Journal of Development Research* 15, no. 1 (2003): 88.

58. Of course, it was not really invisible, but the international community preferred to turn a blind eye to these practices. US Ambassador Gribbin, for one, candidly acknowledged this reality: "Rwanda had discovered during the first war that war in Congo was relatively cheap—even profitable. . . . Well connected Rwandans . . . could seize opportunities . . . to accumulate wealth" (Gribbin, *In the Aftermath of Genocide*, pp. 282–283).

59. S. Jackson, "Making a Killing: Criminality & Coping in the Kivu War Economy," *Review of African Political Economy* 29, no. 93–94 (2002): 528.

60. Marysse ("Regress and war," p. 89) added that "as military spending . . . was limited as a condition for access to financial flows provided by the Bretton Woods institutions, . . . wartime plunder has helped finance the conflict." He denounced the "ostrich policy" of a number of bilateral donors and the international financial institutions that, by continuing to fund the invading countries (Rwanda and Uganda) in the knowledge that their aid is fungible, indirectly supported the continuation of the war.

61. The "Congo Desk" had an office called "Production," which oversaw the economic aspects of Rwandan operations in the DRC.

62. UN Security Council, *Report of the Panel of Experts*, para. 126. See note 49.

63. International Crisis Group, *The Kivus: The Forgotten Crucible of the Congo Conflict* (Nairobi and Brussels, January 24, 2003).

64. Many civil society sources in North and South Kivu reported Rwandan troop movements, and MONUC openly suspected the presence of the Rwandan army on Congolese soil (see, for instance, "DRC: MONUC Denounces Obstruction of Verification Missions in East," Nairobi, IRIN, October 29, 2003).

65. UN Security Council, *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, S/2003/1027, October 23, 2003.

66. Letter dated October 20, 2003, from Mahmoud Kassem, chair of the panel, to UN Secretary-General Kofi Annan.

67. Para. 2 of the unpublished Section V.

68. UN Security Council, *Report of the Group of Experts on the Democratic Republic of the Congo*, S/2005/30, January 25, 2005, para. 185.

69. *Ibid.*, paras. 199–200.

70. UN Security Council, *Report of the Panel of Experts*, paras. 135–142. See note 65.

71. Sénat de Belgique, *Rapport fait*, p. 119.

72. UN Security Council, *Report of the Group of Experts on the Democratic Republic of the Congo*, S/2005/30, January 25, 2005, paras. 140–146.

73. J. Cuvelier, "Réseaux de l'ombre et configurations régionales: le cas du commerce du coltan en République Démocratique du Congo," *Politique Africaine* 93 (2004): 82–92.

74. I. Taylor, "Conflict in Central Africa: Clandestine Networks & Regional/Global Configurations," *Review of African Political Economy* 30, no. 95 (2003): 48.

75. Ibid., p. 52.

76. The latter category of Rwandans was imported between 1937 and 1955 as workers as a result of deliberate policies by the Belgian colonial authorities, which even set up an agency (Mission d'immigration des Banyarwanda) to that effect.

77. The Tutsi arrived mainly in 1959–1964, 1973, and 1990–1994.

78. The Hutu arrived massively in mid-1994.

79. See J. Gérard-Libois, J. Van Lierde, *Congo 1965* (Brussels, Belgium: CRISP, 1965), pp. 79–80.

80. For details on earlier developments, see, e.g., J.-P. Pabanel, “La question de la nationalité au Kivu,” *Politique Africaine* 41 (March 1991): 32–40; A. Guichaoua, *Le problème des réfugiés rwandais et des populations banyarwanda dans la région des grands lacs africains* (Geneva, Switzerland: UNHCR, 1992); P. Kanyamachumbi, *Les populations du Kivu et la loi sur la nationalité. Vraie ou fausse problématique* (Kinshasa, Congo: Editions Select, 1993); “Dossier: la ‘guerre’ de Masisi,” *Dialogue* 192 (August–September 1996); F. Reyntjens and S. Marysse, *Conflicts au Kivu: antécédents et enjeux* (Antwerp, Belgium: Centre for the Study of the Great Lakes Region of Africa, 1996); J.-C. Willame, *Banyarwanda et Banyamulenge. Violences ethniques et gestion de l'identitaire au Kivu* (Brussels, Belgium, and Paris: Institut Africain-L'Harmattan, Cahiers Africains, No. 25, 1997); P. Mathieu, J.-C. Willame, eds., *Conflicts et guerres au Kivu et dans la région des grands lacs. Entre tensions locales et escalade régionale* (Brussels, Belgium, and Paris: Institut Africain-L'Harmattan, Cahiers Africains, No. 39–40, 1999).

81. An important precedent took place in June 1991, when armed Hutu groups attacked state agents in charge of a census of nationals in Masisi. Offices were ransacked and registers destroyed. Already at that stage, the insecurity was linked to the Rwandan conflict: in March 1991, a retired Rwandan army officer, Colonel Aloys Simba, was arrested in Goma while carrying weapons and funds.

82. For details, see Willame, *Banyarwanda et Banyamulenge*, pp. 66–68, 124–131.

83. As seen above, this proportion reached 70 percent in the zone of Masisi.

84. AZADO, *Nord-Kivu: Etat d'urgence*, Kinshasa, April 1996, p. 4; on August 3, 1996, the NGO SIMA-Kivu organized a conference in Brussels around the theme “Zaire-Rwanda-Burundi: Who would profit from the creation of a Hutu-land and a Tutsi-land?”

85. US Committee for Refugees, *Masisi, Down the Road from Goma: Ethnic Cleansing and Displacement in Eastern Zaire* (Washington, DC: US Committee for Refugees, 1996), p. 16.

86. *Africa News Bulletin–Bulletin Information Africaine*, April 1, 1996.

87. S. Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding* (New York: Cambridge University Press, 2010).

88. Already in 1998, a UN investigative team concluded that “the systematic massacre of those (Hutu refugees) remaining in Zaire was an abhorrent crime against humanity, but the underlying rationale for the decision is material to whether these killings constituted genocide, that is, a decision to eliminate, in part, the Hutu ethnic group” (UN Security Council, *Report of the Investigative Team Charged with Investigating Serious*

Violations of Human Rights and International Humanitarian Law in the Democratic Republic of Congo, S/1998/581, June 29, 1998, para. 96). A mapping exercise conducted on behalf of the UN High Commission for Human Rights, published in 2010, confirmed and detailed a long list of atrocities uncovered earlier by UN panels, national and international NGOs, and investigative journalists. It concluded that the vast majority of the 617 listed incidents were to be classified as war crimes and crimes against humanity. On the issue of genocide, it noted that “several incidents listed in this report, if investigated and judicially proven, point to circumstances and facts from which a court could infer the intention to destroy the Hutu ethnic group in the DRC in part, if these were established beyond all reasonable doubt”; UN Office of the High Commissioner for Human Rights, *Democratic Republic of the Congo, 1993–2003: 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* (Geneva, Switzerland: United Nations, 2010), para. 31.

89. See, e.g., V. Peskin, “Victor’s Justice Revisited: Rwandan Patriotic Front Crimes and the Prosecutorial Endgame at the ICTR,” in *Remaking Rwanda: State Building and Human Rights After Mass Violence*, ed. S. Straus and L. Waldorf (Madison: University of Wisconsin Press, 2011), pp. 173–183.

90. The final report of the UN group of experts on the DRC offers ominous reading: UN Security Council, *Letter Dated 29 November 2011 from the Chair 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*, S/2011/738, December 2, 2011.

91. *Ibid.*, paras. 136–158.

92. *Ibid.*, paras. 41–68.

93. F. Reyntjens, *A Volcano with a Lid: Governance in Post-Genocide Rwanda*, forthcoming.

94. UN Security Council, *Letter Dated 29 November 2011*, paras. 115–122, 284–288.

95. *Ibid.*, paras. 484–492. For instance, the panel found that the house in Goma of General Bosco Ntaganda is on a street that crosses the border into Gisenyi, Rwanda, and that the entire area between the official border crossings is controlled exclusively by soldiers loyal to Ntaganda. The minerals are usually brought in vehicles into the neutral zone, after which they are carried to the Rwandan side, where they are loaded onto other vehicles. During smuggling operations, Ntaganda’s troops cut off all access to the area. Rwandan soldiers had sentry posts all along the border, and nothing could cross without their knowledge. The panel estimated that Ntaganda made about \$15,000 per week by taxing at this crossing point (*ibid.*, paras. 485–487).

APPENDIX 12.1. TIMELINE

1993

October 21. Coup d'état in Burundi; beginning of civil war.

1994

April–July. Resumption of the civil war in Rwanda; genocide against the Tutsi; RPF seizes power; 2 million Hutu, including defeated army and militia, flee to neighboring countries, Zaire in particular.

1995

Fall. Large-scale violence in North Kivu; hit-and-run operations by Rwandan Hutu refugees, operating from Zaire, against targets in Rwanda.

1996

September. Start of the “Banyamulenge rebellion” supported by Rwanda.

October. Creation in Kigali of AFDL, with Laurent-Désiré Kabila as its spokesperson.

October–December. AFDL, supported by Rwanda and Uganda, occupies a buffer zone in eastern Zaire, stretching from Kalémie to Bunia.

1997

February. Angola joins the anti-Mobutu coalition.

May 17. Fall of Kinshasa.

May 29. Kabila sworn in as president of DRC, the new name of Zaire.

1998

August 2. Beginning of a new Congolese “rebellion” masterminded by Rwanda.

August 12. RCD rebel movement formally launched.

August 19. Deployment of Angolan, Zimbabwean, and Namibian troops in support of Kinshasa regime.

August 23. Fall of Kisangani.

November. Creation of another rebel movement, the MLC, with Ugandan support.

1999

May–June, August. Fighting between Rwandan and Ugandan armies in Kisangani.

July 10. Signing of the Lusaka Accord.

2000

June 5–10. Heavy fighting between Rwandan and Ugandan armies in Kisangani. Close to 1,000 civilians killed. Widespread destruction.

282 FILIP REYNTJENS

2001

January 16. Assassination of Laurent-Désiré Kabila.

January 26. Joseph Kabila assumes office.

2002

February 25. Launch of the Inter-Congolese Dialogue in Sun City (South Africa).

September. Rwanda officially pulls out troops from the DRC but retains a covert presence.

December 17. Global and Inclusive Accord signed in Pretoria, South Africa.

2003

June. European Interim Emergency Multinational Force deployed in Ituri; replaced by MONUC Ituri brigade in September.

June–July. 1+4 presidency, transitional government, and transitional parliament in place.

2005

December 18–19. Constitution adopted by referendum.

2006

July 30. First round of presidential elections: Kabila 44.81%, Bemba 20.03%, Gizenga 13.06%; parliamentary elections: PPRD 111 seats, MLC 64, PALU 34, RCD-Goma 15.

October 29. Second round of presidential elections: Kabila 58.05%, Bemba 41.95%.

December 6. Joseph Kabila sworn in as president.

APPENDIX 12.2. MAIN ACTORS

Alliance des Forces pour la Libération du Congo-Zaïre (AFDL): Rwanda- and Uganda-backed rebel group led by Laurent-Désiré Kabila that overthrew the Mobutu regime in May 1997.

Banyamulenge: Congolese Tutsi group living in South Kivu; started the war in September 1996 with the support of Rwanda.

Banyarwanda: Kinyarwanda speakers living in eastern DRC; both Hutu and Tutsi.

Jean-Pierre Bemba: Leader of the MLC rebel movement; unsuccessful presidential candidate in 2006; indicted by the International Criminal Court for war crimes committed in the Central African Republic.

Congrès National pour la Défense du Peuple (CNDP): Congolese Tutsi militia, formally integrated in FARDC, supported by Rwanda; its leader Laurent Nkunda arrested by Rwanda in early 2009, replaced by Bosco Ntaganda.

Forces Armées Rwandaises (FAR): Former Rwandan government army that retreated to Eastern Zaire after its defeat in the summer of 1994, and conducted raids against Rwanda from the refugee camps in 1995–1996.

Forces Armées Zaïroises (FAZ)/Forces Armées Congolaises (FAC)/Forces Armées de la République Démocratique du Congo (FARDC): Successive names of the Zairean/Congolese government army.

Forces Démocratiques pour la Libération du Rwanda (FDLR): Rwandan Hutu rebel movement operating in eastern DRC.

Joseph Kabila: Son of Laurent-Désiré Kabila, who succeeded his father as president in January 2001; elected president in 2006, reelected in 2011.

Laurent-Désiré Kabila: Leader of the AFDL; became president in May 1997; assassinated in January 2001.

Paul Kagame: Leader of the RPF/RPA; de facto ruler of Rwanda since 1994; became president in 2000; elected in 2003, reelected in 2010.

Mai-mai: Local militias operating in North and South Kivu; claim to protect local populations against “invaders.”

Mobutu Sese Seko: President of Zaire from 1965 to 1997; overthrown by Laurent-Désiré Kabila in May 1997; died a few months later in exile in Morocco.

Mouvement de Libération du Congo (MLC): Uganda-backed rebel movement created in November 1998; its leader, Jean-Pierre Bemba, unsuccessfully stood for president in 2006.

284 FILIP REYNTJENS

Yoweri Museveni: President of Uganda since 1986.

Bosco Ntaganda: Leader of the CNDP and general in the FARDC; indicted by ICC for war crimes committed in Ituri.

Rassemblement Congolais pour la Démocratie (RCD): Rwanda-backed rebel group that started a war against the Kabila regime in August 1998.

Rwanda Defence Forces: Rwandan national army.

Rwanda Patriotic Front/Army (RPF/A): Tutsi dominated movement that started a rebellion in October 1990 and took power in July 1994; de facto single party.

Uganda People's Defence Forces (UPDF): Ugandan national army.

União Nacional para a Independência Total de Angola (UNITA): Angolan rebel movement defeated in 2008.

Union des Patriotes Congolais (UPC): Main Ituri militia group; its leader, Thomas Lubanga, was the first to be convicted by the International Criminal Court in 2012.