

**DISARMAMENT IN THE CONGO:  
JUMP-STARTING DDRRR  
TO PREVENT FURTHER WAR**

14 December 2001



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## DISARMAMENT IN THE CONGO: JUMP-STARTING DDRRR TO PREVENT FURTHER WAR

### EXECUTIVE SUMMARY

The Democratic Republic of Congo remains a failed state, occupied by six foreign armies, tormented by militias and unable to meet the most basic needs of its people. The war, which began in August 1998, has not yet ended. The cease fire agreement signed at Lusaka in July 1999 is respected on the conventional front lines, but the underlying causes of conflict remain to be resolved, and people are still dying every day from fighting, hunger and disease. This report addresses in detail one of the factors critically necessary for peace – the process of disarmament, demobilisation, repatriation, reintegration, and resettlement (DDRRR) of the armed rebel groups.

There are in fact three interlocking processes that must succeed if peace is ever to be achieved. First, is the disarmament of the non-Congolese armed groups based in the DRC, addressed in this report. The most significant of these predominantly Hutu rebel forces, the *Armée de Libération du Rwanda* (ALiR), is led by the masterminds of the Rwandan genocide who fled to the Congo in 1994. They are still supported by the government in Kinshasa because the DRC lacks an effective military force against the occupying forces of Rwanda and Uganda. The Hutu groups, fed and armed by Kinshasa, have become proxy fighters for the DRC.

DDRRR is not well advanced. There is very little contact by MONUC or other international officials with the ALiR leaders, many of whom fear arrest because of their alleged role in the Rwandan genocide. Resolving the ALiR leadership's demands for amnesty and political dialogue with

the Rwandan government is further complicated because the government understandably refuses to negotiate with *génocidaires*. But the ALiR members, most of whom were recruited after 1994, have legitimate security and political demands, and the Rwandan government is also keen for these men to disarm and return to society, or be reintegrated as soldiers in the Rwandan Patriotic Army (RPA), so long as their leaders face justice.

The second process that must be successfully completed if the country has any chance of survival is the withdrawal of foreign forces from the DRC. Tutsi-dominated regime in Rwanda, afraid of renewed Hutu attacks, maintains its own occupying forces in eastern Congo, refusing to withdraw until the Hutu groups are disarmed. And for reasons of their own Angola, Zimbabwe, Namibia, Uganda and Burundi all have forces in the Congo as well.

The third factor that will be vital to peace in the Congo is the Inter-Congolese Dialogue - the only forum through which DRC can rebuild its political institutions. But this too is stuck in a deadlock<sup>1</sup>. President Joseph Kabila and his backers, Angola and Zimbabwe, refuse to consider power-sharing through the Dialogue with anti-government rebels without guarantees of Rwanda and Uganda's full withdrawal. The rebels and their sponsors, on the other hand, refuse to consider withdrawal until a transition government is established through the

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<sup>1</sup> See ICG Report N°37, 16 November 2001, "The Inter-Congolese Dialogue, a Political Negotiation or a Game of Bluff?"

Dialogue and Rwanda's border security is guaranteed. These external demands have to be addressed as part of Congo's political transition.

In total these challenges appear to present a near-impossible *Catch-22*. But they can be resolved if the international community, and especially the UN, is prepared to make a greater commitment to completing all three parts of the peace process.

There is room for cautious optimism at the moment - especially on the issue of disarmament. The United Nations Observer Mission to the Congo (MONUC) has recently taken the lead in a limited, voluntary disarmament program of AliR. In November the DRC authorised MONUC to conduct a census of about 1800 unarmed AliR combatants in the Kamina military camp in the DRC and further screening is taking place in hospitals in Lubumbashi and Kinshasa.

These small steps forward also stem from the capture of around 2000 AliR fighters by the Rwandan Patriotic Army (RPA) in May/June this year. The RPA placed the captured fighters in re-education camps and appealed to the international community for assistance in their rehabilitation and reintegration. If the AliR groups in Rwanda and in DRC are properly rehabilitated, their 20,000 (or more) fellow fighters may also be persuaded to return to Rwanda.

The opportunity offered by these events must be seized quickly. Despite the limited progress described above, the war is continuing in eastern Congo between Rwandan armed forces and several DRC-backed Hutu factions. Tensions have also risen between Rwanda and its former ally Uganda, with confirmation of a build-up of armed forces of both countries in the Kivus in eastern Congo. In this context, the DDRRR program may simply recycle demobilised Hutu rebels into a new war with new military alliances.

Bilateral talks between President Kabila and President Kagame have failed to produce results, mainly because of intransigence and a lack of trust on both sides, but also because of the lack of mediation and international involvement in the Congo peace process. In order to avoid another war, it is vital that the international community persuades the DRC and its ally Zimbabwe to stop supporting the armed groups. MONUC and the international community must assist the government in Kinshasa to build up its own army,

while pressing neighbouring countries to withdraw their troops.

The peace process would also be greatly assisted if President Kagame would restate his commitment to the withdrawal of his soldiers from the Kivus. This would limit the justification for DRC and Zimbabwe to rearm the rebel groups and help President Kabila maintain his disarmament policy in the face of hard-line opposition inside his own government.

Without considerable improvement in international support, the Democratic Republic of Congo may not survive. The resumption of war would probably mean the partition of the country, hundreds of thousands more dead and millions more refugees. The war and the subsequent humanitarian catastrophe have already claimed 2 million lives. Now is the time for the Lusaka signatories and the international community to start the DDRRR process to build momentum, and to take and the rest of the peace process forward.

## RECOMMENDATIONS

### TO THE UN SECURITY COUNCIL

1. Urge a personal, ongoing mediation role for the UN Secretary General between Rwanda and the DRC with the ultimate objective of concluding a non-aggression pact between the two countries and complete withdrawal of foreign forces.
2. Urge the Secretary General to emphasise the importance of the DDRRR process by appointing a new Special Envoy for DDRRR, or by formally including DDRRR in the mandate of the SRSG for MONUC. In either case the envoy's task would be to negotiate a political agreement on DDRRR, local cease-fires in the Kivus and then oversee DDRRR implementation.
3. Assist and co-ordinate political processes in the region, in particular by
  - supporting shuttle diplomacy efforts ahead of the next meeting of the Inter-Congolese Dialogue in South Africa;

- supporting a parallel dialogue and inter-community reconciliation effort in the Kivus between the Mai Mai, traditional leaders, civil society leaders and the church; and
  - supporting the implementation of the Arusha agreement in Burundi and the efforts of the President of Gabon and the Vice-President of South Africa to reach a cease-fire with the FDD and FNL.
4. Establish a sanctions committee mandated to report support to the armed groups, based on UNSC Resolutions 918, 997, 1011, and 1341, and on the recommendations of the UN Commission of Inquiry on Rwanda. All UN members should be required to provide information they have about the resupply of these groups. Consider trips to the field by sanctions committee members, and provide staff experts to evaluate information provided.
  5. Support the efforts of MONUC to deploy in eastern Congo and encourage the opening of a DDRRR camp in the Bukavu area in South Kivu where AliR combatants captured and disarmed by the Mai Mai can be cantoned.
  6. Desirably, while recognising the significant human, logistical and communications resources needed to carry this out, task MONUC, once deployed in eastern Congo, to monitor and report on the resupply of armed groups.
  7. Consider action on the exploitation of DRC resources. Strong consideration should be given to implementing the primary recommendation of the UN Panel of Experts on the Illegal Exploitation of Natural Resources in the DRC: a moratorium on the purchase and importation of minerals originating in areas where foreign troops are present in the DRC.
  8. In this context, initiate action to review and revise all contracts signed since 1997 in the DRC to address and correct any

irregularities.<sup>2</sup> This should be used as leverage to accelerate DDRRR and the withdrawal of foreign forces.

#### **TO DONOR GOVERNMENTS AND INTERNATIONAL FINANCIAL INSTITUTIONS AHEAD OF THE 19 DECEMBER WORLD BANK MEETING IN BRUSSELS**

9. Provide urgent financial support to the DDRRR process, especially for the AliR forces that are already being screened in DRC and Rwanda.
10. Provide international observers in Rwanda to monitor the reintegration and rehabilitation of AliR ex-fighters.
11. Help Rwanda's local authorities and Community Development Committees to absorb and manage international funds for DDRRR, recognising that local control and management of DDRRR is vital to the successful reintegration of former fighters.
12. Provide funds for information campaigns on DDRRR aimed at AliR forces in the Congo, in particular the 1200 men based in the Nyungwe forest in Rwanda.
13. Support a Reconciliation Economic Recovery plan in eastern Congo as an incentive for a peace agreement in the Kivus.
14. Establish an international trust fund to support the DDRRR process. The fund's managers would work to mobilise resources and work with the Rwandan government to ensure transparency in the reintegration process.

#### **TO THE WORLD BANK**

15. Clearly distinguish between the existing RPA demobilisation program and the proposed DDRRR programs for AliR, and give priority to DDRRR.

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<sup>2</sup> United Nations, « Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources in the DRC », 10 November 2001, p. 27.

## **TO THE RWANDAN GOVERNMENT**

16. Create conditions that will encourage the return of ex-combatants, providing amnesties where appropriate, ensuring strict adherence to the rule of law, and total transparency of the reintegration process<sup>17</sup>. Further and more fundamentally, show commitment to reconciliation and political liberalisation by accepting opposition voices in internal debate, and freeing political activity from interference, recognising that persuading Hutus to return will be difficult if political freedoms continue to be restricted<sup>3</sup>.

18. Accept the demilitarisation of Kisangani and MONUC's deployment in eastern Congo, as required by UNSC Resolution 1376.

19. Reiterate commitment to a full withdrawal of RPA forces from eastern Congo.

## **TO THE DRC GOVERNMENT AND ITS ALLIES**

20. End support for the armed groups immediately, more specifically AliR, now considered by the US government as a terrorist organisation.

21. Arrest and transfer to Arusha all genocide suspects indicted by the International Criminal Tribunal for Rwanda.

**Nairobi/Brussels, 14 December 2001**

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<sup>3</sup> See ICG's report n°34 "Consensual Democracy in Post Genocide Rwanda: Evaluating the March 2001 District Elections", 9 October 2001.



## DISARMAMENT IN THE CONGO:

### JUMP-STARTING DDRRR TO PREVENT FURTHER WAR

#### I. INTRODUCTION

A major cause of violent conflict in the Democratic Republic in the Congo (DRC) over the past seven years has been the presence of armed insurgencies from Rwanda, Uganda and Burundi fighting their own battles on Congolese soil. The Inter-Congolese Dialogue over time may be able to create institutions designed to counter the vacuum into which these foreign armed groups and government armies have moved but it is only one of the three pillars on which the Lusaka Cease-Fire Agreement stands<sup>4</sup>. The second pillar – the Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR) of the non-Congolese armed groups – requires equally serious attention.<sup>5</sup> It is the primary prerequisite for the third pillar, the withdrawal of foreign troops, which should seal sustainable peace between the DRC and its neighbours, and within the DRC itself.

A central obstacle to ending the active military conflict and foreign occupation in the Congo has been the Congolese and Zimbabwean governments' continued support of the ex-FAR and Interahamwe, the Rwandan ex-army and militia that perpetrated the genocide, and that have transformed in a movement called AliR. In May, the two governments launched a long-planned and

slowly unfolding offensive into eastern Congo, toward the borders of Rwanda and Burundi, using as their pawns the forces of AliR, the FDD from Burundi, and Congolese Mai Mai units. Rwanda and its allies have launched a counter-offensive, leading to further population displacement and human suffering in eastern Congo. Meanwhile, tensions have escalated between Rwanda and Uganda, further inflaming the volatile situation in eastern Congo.

Despite this military activity, a small but significant opportunity exists now to focus on this second pillar of the Lusaka Cease-Fire Agreement, DDRRR. Participants in the 19 December Brussels donors' conference on DDRRR must take advantage of the new opportunity. Otherwise, conflict will continue in the region, the country will remain under divided authority, and the toll on human life will worsen immeasurably—all of this on top of the extraordinary levels of violence and destitution the Congolese civilian population has already endured.

The new opportunity results from two factors. First, a certain level of consensus exists between the belligerents to end the regional aspect of the war, i.e., direct confrontation between and engagement by foreign troops. This common accommodative stance has allowed the conventional cease-fire to be respected, the UN Observer Mission to the Congo, MONUC, to be deployed, and the Inter-Congolese Dialogue to be convened.<sup>6</sup> Second, 2,000 Hutu fighters have surrendered or were captured by the RPA in June 2001 following their incursion into Rwanda as part

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<sup>4</sup> See ICG, "The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff?", Africa report n°37, 16 November 2001

<sup>5</sup> This report follows ICG's earlier briefing "Disarmament in the Congo: Investing in Conflict Prevention.", 12 June 2001. Significant changes have occurred since that Briefing, and new opportunities have emerged that require renewed attention.

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<sup>6</sup> See ICG, "The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff?", op. cit.

of the proxy offensive into eastern Congo. The RPA placed the captured Hutu AliR fighters in re-education camps and appealed to the international community for assistance in the reintegration process.<sup>7</sup> Lastly, 1800 ex-AliR unarmed fighters have been presented to MONUC in Kamina. If these groups of AliR are properly reintegrated, the bulk of the approximately 20,000 post-genocide recruits of AliR could be encouraged to go back to Rwanda.

Swift international action is needed to address these opportunities. Challenges to DDRRR are multiple and will continue to mount as inaction persists. The major obstacle to progress is the continuation of the war in the east. Not being waged on the front lines in proximity to MONUC monitors, it continues hidden from the scrutiny of the international community.

Thus, while the *de jure* front line remains quiet, the *de facto* front line has spiralled into an inferno of insurgent and counter-insurgent activity. This creates a scenario of plausible deniability for the Zimbabwean and Congolese governments, as their forces are not engaged directly in any of the active fighting. But evidence points to a high level of direct involvement from Joseph Kabila's Office of the Presidency. Kabila, key Congolese ministers, and Congolese generals are the point men on reorganising and retraining these forces: they have helped to plan the offensive, provided logistical support, and then re-supplied those forces as they continue to wage war in the east.

As the incessant military activity in eastern Congo indicates, there remains an absence of political will to end the war and there still exists a high level of mistrust between the two camps on security issues. The DRC government is convinced that Rwandan doesn't want to withdraw from the DRC and, as a result, has not provided adequate information about the armed groups and the Rwandan government reinforces its military presence on the Congolese territory. For the DRC government, supporting the armed groups is aimed at keeping Rwandan and Rassemblement Congolais pour la Démocratie (RCD) troops from moving eastwards towards Katanga; promoting the destabilisation of

Rwanda and Burundi; exacerbating serious divisions between the Rwandan and Ugandan governments; providing an escape from power-sharing through the Inter-Congolese Dialogue; and preventing these potentially threatening forces from turning against the Congolese government.

Low intensity conflict, far from the lines where their soldiers are present, can serve as a strategic smokescreen and creates a justification for Zimbabwe's continued military presence, allowing companies controlled by key Harare officials to continue to maximise economic gains that its occupation allows. For example, the Zimbabwean military-affiliated company, Osleg, is deeply involved in exploiting economic opportunities. Though Zimbabwe's national treasury is being bankrupted by imprudent domestic policies<sup>8</sup> and an expensive deployment in the Congo, key high-level officials accumulate wealth through joint investments in the Congo at the expense of the Congolese people. Furthermore, Mugabe's party needs the continuing cash infusion that the Congolese investments provide in order to finance its campaign for Zimbabwe's forthcoming presidential election. Speaker of the Assembly Emmerson Mnangagwa described to ICG four major areas of economic cooperation between the Zimbabwe and Congolese governments<sup>9</sup>:

- Diamonds: The army's economic wing, Osleg, formed a joint venture with its counterpart in the Congo to mine diamonds, principally in the Mbuji-Mayi area of south-central Congo.
- Timber: The NGO Global Witness first broke the story of a major deal between the Congolese and Zimbabwean governments to exploit vast tracts of forest; Mnangagwa confirmed the deal, saying that the documentation is finished and the work is about to begin. The agreements may cover up to 33 million hectares of Congolese forest (one and a half times the size of the UK); Banking: Zimbabwe helped the Congolese form a bank, the First Bank of the Congo, that Zimbabwe is now running in

<sup>7</sup> About 1,200 fighters are now reported to be in the Nyungwe forest and could be caught any time by the RPA. Some have started to surrender because of the hard climate and lack of food. Thus, the actual figure of those that need to be re-integrated will likely increase.

<sup>8</sup> See ICG, "Zimbabwe in Crisis: Finding a Way Forward", Africa report n°32, 13 July 2001 and ICG, "Zimbabwe: Time for International Action", Africa Briefing, 12 October 2001.

<sup>9</sup> ICG interview in Harare, 20 September 2001.



which each Zimbabwean employee has two counterparts from the Congo;

- Aviation: Air Zimbabwe has a joint venture with the Congolese national airline, which has no capacity now so Air Zimbabwe is flying its routes.<sup>10</sup>

Angola, however, appears to have distanced itself from active involvement in this strategy. Luanda recognises the hypocrisy of benefiting from a belated effort by the international community to isolate UNITA, one of the “armed groups” identified in the Lusaka Agreement, on the one hand, while on the other backing other armed groups within DRC. Consequently, Angola’s interests have diverged from those of Congo and Zimbabwe, opening up possibilities for positive dialogue between Luanda, Kampala and Kigali on shared security interests. Angola appears to be frustrated with Kabila’s government for a number of reasons, including its closeness to Zimbabwe<sup>11</sup>, its sidelining of officials considered close to Angola<sup>12</sup>, and the ill treatment of the Katangese Tigers.

The continuation of the war in the East has also led Rwanda and its allied Congolese rebel group, Rally for Congolese Democracy (RCD), to reinforce their presence and to launch their own counter-offensive, with some support from the Burundian government.<sup>13</sup> One key Rwandan official claimed: “If Kabila doesn’t cooperate on DDRRR and this offensive in eastern Congo continues, then the conflict in the Congo will never end.”<sup>14</sup> A high-ranking Rwandan military officer reinforced this message, “We have the Lusaka Agreement. That document gives us the mandate to stay in the

Congo and solve the problems that the UN can’t solve.”<sup>15</sup>

Indeed, Rwanda has pulled out troops according to the Harare sub-plan of disengagement, but has strengthened its presence in the Kivus. As the parties that originally invaded Congo, the armies of Rwanda and Uganda continue to be directly or indirectly responsible for human rights violations, and they continue to be implicated as serious exploiters of Congolese resources. Uganda’s role in Ituri in northeast Congo provides another example of the consequences of an extended vacuum of state administration that is exploited by foreign and Congolese elements that promote instability as a cover for their continued resource extraction.<sup>16</sup> To make matters worse, with bilateral tensions now on the rise, the two erstwhile allies in Kigali and Kampala are supporting each other’s opposition groups and may be girding for another military confrontation.

This is creating an atmosphere of “re-mobilisation” rather than “demobilisation”, confirmed by recent RPA and UPDF recruitment drives. In such a context, it is important that donors ensure that financing DDRRR does not translate into financing the recycling of RPA troops. DDRRR must be supported to reintegrate these Hutu ex-combatants into civilian life, not as a means of reinforcing the Rwandan army.

It is ICG’s view that if this element of the DDRRR equation is addressed in a meaningful way, it will remove the rationale for the involvement of foreign forces in the Congo, thus laying the groundwork for future peace and security. It also grants the international community a second chance to rectify its own legacy of inaction during the genocide in Rwanda in 1994. There is an opportunity now to kick-start the DDRRR process by creating a reintegration program in Rwanda that is capable of repatriating those forces remaining in eastern Congo. Combined with efforts to counter Congolese and Zimbabwean financing of the armed groups, this affords the best chance for forestalling a resumption of full-scale war in the Congo. There exists no panacea for ending the war in the DRC. The Lusaka signatories and the

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<sup>10</sup> Further information is provided in the UN report, « Addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC », 10 November 2001, New York.

<sup>11</sup> There remains an element of regional competition between Angola and Zimbabwe.

<sup>12</sup> Foremost among these is Eddy Kapend, arrested by Kabila in connection to the murder of the latter’s father.

<sup>13</sup> The RCD told ICG that Rwandan training was beginning to pay off, that they had built-up the RCD military wing to 40,000 forces, and that they carried out most of the fighting in recapturing Fizi in South Kivu from AliR forces. ICG interviews in Goma, 11 October 2001.

<sup>14</sup> ICG interview in Kigali, 10 October 2001.

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<sup>15</sup> ICG interview in Kigali, 10 October 2001.

<sup>16</sup> The perpetrators of the murder of six ICRC officials in April 2001 in Ituri are still moving freely around the area, exemplifying the environment of impunity that exists in this area of DRC for the violent profiteers.

international community must take full advantage of small but significant opportunities when they present themselves to build momentum in the peace process. DDRRR presents one of those opportunities that the international community cannot afford to ignore.

This report provides a history of the armed groups and their devastating impact on the security of eastern Congo, focuses on the opportunities and challenges inherent in undertaking DDRRR of AliR, and maps out a strategy for accomplishing this objective. The DDRRR of AliR is an integral element of long-term peace in Central Africa; the opportunity exists now to move the agenda forward on this priority.

## **II. CHALLENGE I: VOLUNTARY DDRRR IN A WAR SITUATION**

The effective implementation of any DDRRR plan depends to a great extent on the information available on the size, identity, structure, and objectives of the armed groups. The question of the size of AliR has been raised often and remains unanswered. According to interviews with Rwandan officials, its size varies between 15,000 and 30,000 men. The Rwandan government relies on information provided by ex-FAR officers who have defected to the RPA, such as the former minister for Defence, Emmanuel Habyarimana, the former chief of the National Security Service, Marcel Gatsinzi, or the Special Envoy to the JMC, Colonel Munyeshyaka, who is a key organiser of the database of AliR fighters. The recent capture of Hutu AliR officers allowed the RPA to update its intelligence information. Among the most informative has been Colonel Pierre Claver Habimana, alias Bemera, who was the chief of staff of the AliR I, as well as Major Neva, his Chief of Military Intelligence. The information contained in this report that comes from Rwandan government officials has been repeatedly cross-checked with other armed groups in the DRC, regional and Western intelligence services, and local and international NGO sources. But it should be noted that no independent and impartial assessment exists, due to the lack of international access to the AliR leadership. The data presented herewith should therefore be treated with the necessary caution.

### **A. POST-GENOCIDE RE-ORGANISATION OF THE EX-FAR AND INTERAHAMWE**

*The Rassemblement Démocratique pour le Rwanda (RDR) insurgency (1995-1996)*

In the aftermath of the 1994 genocide in Rwanda, the remnants of the former Rwandan army (ex-FAR) and their allied Interahamwe militias—masterminds and executioners of the genocide—began to reorganise in eastern Congo. They gained control of the Rwandan refugee camps set up in the Kivus for the million or so civilians who had fled ahead of the Rwandan Patriotic Army's (RPA)

offensive, which ended the genocide and established a new government in Kigali.<sup>17</sup>

The RDR insurgency began with uncoordinated acts of banditry, as the rebels tried to find some means for survival. Rapidly, it developed into a systematic series of assassinations, targeting Tutsi survivors who had witnessed the genocide and Hutu leaders sympathetic with the new regime in Rwanda. In order to institutionalise their control in eastern Congo, the RDR leaders recreated the Rwandan administrative structure and regrouped the populations under the leadership of the previous regime authorities (*bourgmestres*, sector chiefs, youth leaders) in the refugee camps near the Congolese towns of Bukavu, Goma and Uvira. With the support of the then Zairian army (FAZ) and of the Burundian Hutu rebel leader Léonard Nyangoma's *Conseil National pour la Défense de la Démocratie* (CNDD),<sup>18</sup> the rebels amassed weapons and ammunitions and took advantage of UNHCR's and other humanitarian organisations' reliance on community leaders for distribution of food and supplies. Fund-raising and strategising activities took place in Nairobi and among the western based Hutu Diaspora, while training also began in the refugee camps of Tanzania, in anticipation of opening of a western front against the Rwandan government.<sup>19</sup>

By March 1995, with the support of the local population, the RDR extended its terror campaign and acts of sabotage to the Rwandan provinces of Cyangugu, Ruhengeri and Gisenyi, provoking blind and disproportionate reprisals from the

Rwandan Patriotic Army and feeding a cycle of violence. The rebels were simultaneously organising manhunts in eastern Congo against the south-Kivu Banyamulenge and the Congolese Tutsi from Masisi, and forcefully recruited refugees and Congolese Hutu from Rutshuru. Intensive military training took place in the neighbouring forests with FAZ assistance, as well as indoctrination of the refugee and local Kinyarwanda-speaking Congolese population in schools built with UNICEF resources and materials. By early 1996, the RDR troops numbered 50,000-70,000 and were led by experienced ex-FAR generals, such as Augustin Bizimungu and Gratién Kabiligi. They were organised into two divisions with headquarters in the camps of Mugunga (North-Kivu) and Bukavu (South-Kivu).

The RPA saw two options for dealing with the escalating threat at Rwanda's borders: it could either wait for a rebel attack—which opened the dangerous possibility of rebel infiltrations up to 30 km inside Rwanda; or preventively attack the Congolese refugee camps and forcefully repatriate the refugees.<sup>20</sup>

The UNHCR had been reluctant to unilaterally promote any relocation of the camps further inside Kivu or Maniema because of resistance and hostility from Mobutu and the Kivu and Maniema populations. Mobutu wanted the security threat on Rwanda to remain at its borders; Kivutians feared that it would postpone repatriation of the refugees; and the Maniema populations were opposed to the presence of refugees.<sup>21</sup>

An attack on Banyamulenge villages in October 1996 was the trigger for a massive RPA offensive in the Kivus. The attack had three objectives: dismantle the camps and destroy the RDR logistical base, neutralise the RDR command, and put an end to Mobutu's nuisance, who was responsible for the spread of insecurity and ethnic discrimination in the Kivus and the principal financier of the RDR since its inception. The offensive received support from the Banyamulenge and Masisi Congolese Tutsi fighters whose

<sup>17</sup> See for more details, OAU, "Rwanda: the preventable genocide", The report of International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events, mimeo, 7 July 2000, [www.oau-oua.org/document/ipep/](http://www.oau-oua.org/document/ipep/)

<sup>18</sup> See Human Rights Watch, "Stoking fires: Military assistance and arms trafficking in Burundi", New York, 1997, and Final and Interim Reports of the International Commission of Inquiry into arms trafficking to the former Rwandan Government and armed militias (UNICOLI) 1997-1998,

[www.un.org/docs/sc/letters/1998/s19981096.htm](http://www.un.org/docs/sc/letters/1998/s19981096.htm);

[www.un.org/docs/sc/letters/1998/s1998777.htm](http://www.un.org/docs/sc/letters/1998/s1998777.htm);

[www.un.org/docs/sc/letters/1998/s1998836.htm](http://www.un.org/docs/sc/letters/1998/s1998836.htm);

[www.un.org/docs/sc/letters/1998/s19971010.htm](http://www.un.org/docs/sc/letters/1998/s19971010.htm)

<sup>19</sup> See also Reed (Wm Cyrus), "Guerrillas in the mist: the Former Government of Rwanda and the Alliance of Democratic Forces for the Liberation of Congo-Zaire in Eastern Congo", in Clapham (C.), ed., *African Guerrillas*, Oxford, James Currey, 1998, pp. 144-154.

<sup>20</sup> See for more details OCHA, "Report on armed non-State actors", September 2000, and UNDP/Donor Mission to DRC/GLR, "Defining UNDP's role in Disarmament, Demobilisation, and Durable solutions (D3)", October 2001.

<sup>21</sup> ICG interviews with people from the Kivu, 1999-2001.

communities had been under attack from ex-FAR and anti-Tutsi Kivutian extremists.<sup>22</sup> Kigali regrouped four eastern Congolese leaders – Kisase Ngandu, Masasu Nindaga, Laurent-Désiré Kabila and Déogratias Bugera – and launched the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL), with Laurent Kabila as its spokesman.<sup>23</sup>

The attack on the camps was a partial success. It led to the immediate dismantling of the RDR insurgent forces, the forced repatriation of more than 600,000 Rwandan refugees from Congo and an additional 400,000 from Tanzania in December 1996, and in May of 1997 the overthrow of Mobutu Sese Seko, who was replaced by Kigali's Congolese front man, Laurent-Désiré Kabila. Far from completely eradicating the rebel problem, however, the attack on the camps dispersed RDR forces to Congo's immediate neighbours: Zambia, Angola, Congo-Brazzaville, the Central African Republic, Chad, Sudan, Burundi and Tanzania. After a few months and a brief period of calm at the Rwandan borders, a new insurgency based in the Kivus was created in early 1997 – *Peuple en Armes pour la Libération du Rwanda* (PALiR) with its armed branch, *Armée de Libération du Rwanda* (AliR).

#### *1997: Birth of the AliR and insurgency in the North West*

The NGO African Rights estimated that 30,000-40,000 insurgents managed to return to Rwanda with refugees from the DRC, while 5,000 troops

remained in bases around Masisi in North Kivu<sup>24</sup>. Led by ex-FAR officers, AliR established communication with its members that infiltrated in the northwestern Rwandan provinces of Ruhengeri and Gisenyi. By May 1997, a new insurgency materialised,<sup>25</sup> which was led by ex-FAR officers Col. Habimana (alias Bemera), Col. Hakizimana, Col. Mugemanyi and Col. Nkundiye, as well as *gendarmérie* Lt-Col Rwarakabije, all members of the Habyarimana old guard<sup>26</sup>.

In the Gisenyi, Ruhengeri, Byumba and Kibuye prefectures, the insurgents destroyed all official buildings and communal infrastructures and systematically killed the administrative officers, Hutus and Tutsis alike, appointed by the new regime. Teachers, nurses, even school children were savagely massacred for being on duty or attending class. Day and night, roads were blocked, vehicles stopped, houses searched and all Tutsis selectively exterminated. In addition, foreign aid and expatriate NGO workers were targeted to disrupt international support to the RPF regime. WFP convoys to feeding centres were strategically destroyed. In the midst of fighting this new insurgency in the beginning of 1998, the RPA were shocked to discover the members had been well trained in insurgency tactics, had received new Belgian machine guns and RPG rocket launchers, and were wearing pieces of Forces Armées Congolaises (FAC) uniforms.

As of October 1997, James Kabarebe, a Rwandan officer, had replaced Masasu Nindaga as Chief of Staff of the Congolese Armed Forces and initiated reforms of the Congolese army. But from December 1997 to July 1998, the relations between Kabila and Rwanda and other regional backers deteriorated dramatically. Fearing his political demise and eventual overthrow, Kabila terminated military co-operation between the two countries in July 1998 and dismissed Kabarebe. The sacking of James Kabarebe and his men sparked the second Congo war. Kabila immediately mobilised the existing Rwandan Hutu movements, as well as the Burundian Forces pour la Défense de la Démocratie (FDD)<sup>27</sup>, which became key defenders

<sup>22</sup> See Médecins Sans Frontières, « Ethnic cleansing rears its head in Zaïre. Population in Masisi suffers untold hardships », 1 November 1996.

<sup>23</sup> AFDL record in the Kivus left mixed feelings among the Congolese. The Alliance became very popular with the youth and recruited thousands of Kivutian "Kadogos" ("young ones" in swahili), but became quickly perceived as responsible for mass killings of Hutu refugees and the death of thousands of Congolese. Banyamulenge and other rwandophone fighters of the AFDL were the primary executants of these massacres. This man-hunt created quickly a rift between them and the other members of the rebellion. For more on AFDL, see de Villers (G.), Willame (J.-C.), *RDC: Chronique politique d'un entre-deux guerres, oct. 1996-juillet 1998*, Cahiers Africains n°35-36, Institut Africain/CEDAF, L'Harmattan, 1998 ; et Willame (J.-C.), *L'odyssée Kabila. Trajectoire pour un Congo nouveau ?*, Paris, Karthala, 1999.

<sup>24</sup> See for more details African Rights, "Rwanda: the insurgency in the Northwest", London, September 1998.

<sup>25</sup> Ibid.

<sup>26</sup> See African Rights, "Rwanda: the insurgency in the Northwest", op. cit.

<sup>27</sup> The FDD lived through the same difficulties of dispersion after 1996 and of reorganisation as the RDR.

of his regime. The AliR re-organised itself in two branches, AliR I and AliR II. The latter faction became part of the FAC and fought in Katanga, Kasai and Equateur, while AliR I remained independent and established its headquarters in Masisi and in the Shabunda region.<sup>28</sup>

## **B. ALIR OPERATION « ORACLE DU SEIGNEUR »**

In late 1999, shortly after the signing of the Lusaka Cease-Fire Agreement, the late President Laurent Kabila and his advisors devised a military strategy that envisioned transforming the conventional war—stalemated in the centre of the country—into an irregular/asymmetrical war in the east.<sup>29</sup> The objective of such a strategy was to reduce the pressure on the front-line forces of the FAC and its foreign backers, and increase the pressure on Rwanda, Burundi and Uganda by shifting the war to their own doorsteps, using the armed insurgent groups as proxies.<sup>30</sup>

At the Maputo summit in August 2000 an agreement was reached that stated the disengagement process of foreign forces would resume according to Lusaka. However, when the RPA started its withdrawal from Pepa in October, all of its positions were quickly occupied by AliR II, backed by the FAC and Zimbabwean heavy weapons. The RPA counterattacked, retook Pepa and Pweto, where a large cache of heavy weapons had been accumulated by the Zimbabwean armed forces, provoking the flight of more than 2000 men from AliR II into Zambia. After the defeat, AliR II

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The bad management of the resources by Nyangoma's team and Tanzania's intervention led to a change of leadership within the FDD and the appointment of Jean-Bosco Ndayikengurukiye as its leader in May 1998. When 2<sup>nd</sup> Congo war broke out, the FDD immediately sent 2500 men to Kabila. They saw it as an opportunity to reinvigorate the movement and benefit from Congo's resources. Indeed the movement has had a renewed military life thanks to Kabila's support. ICG Interviews FDD leaders Kigoma, August 1998.

<sup>28</sup> See ICG, "Africa's seven Nation war", DRC report n°7, 21 May 1999.

<sup>29</sup> This plan was sometimes called the "Zimbabwe Special plan", because it was decided in Harare in September 1999. ICG interview, Burundian army officers, Burundi September 1999, and ICG interviews, Harare, November 2000.

<sup>30</sup> See ICG, "Scramble for the Congo: Anatomy of an Ugly War", Africa report n° 26, 20 December 2001.

fighters started moving back towards the East in very small and dispersed groups.<sup>31</sup>

After the death of Laurent Kabila and the first contact between Joseph Kabila and Paul Kagame in Washington, no massive weapons movements were observed. The RPA reported that it ceased distribution of ammunition and weaponry to North Kivu, and supplied armaments to South Kivu, but in minimal quantities.<sup>32</sup> Also the Congolese government claimed to have cantoned Hutu fighters in Kamina. By mid-march (the disengagement deadline according to UN Security Council resolution 1341), however, a general movement of FAC redeployment towards the east was engaged. In March, April and May violent fighting erupted in Burundi (south and centre), and forced the Burundian army to reposition troops to defend its homebase.<sup>33</sup> The RPA withdrew 200 km from the front-line, positioning itself on the eastern bank of the Congo River for the western front and to the north of the Kabalo-Nyunzu-Kalemie axis on the southern front. As the RPA moved behind the Congo River, Brigade "Horizon" from AliR II based in Katanga started to infiltrate into south Kivu. By the end of May, AliR I, positioned in North Kivu, launched an offensive on the Gisenyi and Ruhengeri provinces of Rwanda.<sup>34</sup>

The May and June incursions by ALIR I into northwestern Rwanda was baptised "Oracle du Seigneur". The plan aimed to establish bases, set up supply corridors from Kinshasa through Mai Mai territory into Rwanda, and destabilise Rwanda through multiple fronts. The first troop division was to attack Gisenyi and Ruhengeri from North and South Kivu. The second troop division was to split up and attack Cyangugu and Kibuye, as well as Burundi – and from there Gikongoro, Butare, Kigali-Ngali, and Kibungo. A third division was to attack Kibungo from Tanzania.<sup>35</sup>

On 19 May the Northern AliR I division (Masisi) penetrated the provinces of Ruhengeri and Gisenyi. But popular resistance combined with RPA

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<sup>31</sup> Ibid.

<sup>32</sup> See ICG, "From Kabila to Kabila: Prospects for Peace in the Congo", Africa report n°27, 16 March 2001.

<sup>33</sup> See ICG, "Burundi : Breaking the Deadlock.", Africa Report n°29, 14 May 2001.

<sup>34</sup> See Observatoire de l'Afrique centrale, "RDC: offensive des 'forces négatives' à l'Est du Congo", Vol.4, n°23, 4-10 juin 2001, www.obsac.org.

<sup>35</sup> ICG Interview, RPA officers, Kigali, September 2001.

military might effectively countered the offensive and severely incapacitated AliR I. Over 2,000 insurgents were killed and 1,800 captured<sup>36</sup>. AliR I was exposed as a weak, ill-equipped force.<sup>37</sup> Many of its members were very young men, 12 to 16 years old, with little, if any, combat experience. The rebels had been given instructions to treat the population respectfully on their way into Rwanda.<sup>38</sup> The DRC government's likely objective was to demonstrate that these forces were too young to have participated in the genocide, but represented a legitimate rebel movement.

Also, lack of co-ordination between AliR I and AliR II doomed the offensive to failure.<sup>39</sup> Disagreements over tactics prevented the implementation of a well co-ordinated, two front offensive, with AliR I responsible for northern and southern Rwanda and AliR II in South Kivu, southern and northern Burundi.<sup>40</sup> The AliR I northern division launched its attack on Ruhengeri and Gisenyi, before the other AliR I divisions had reached North Kivu. AliR II, which was supposed to bring heavy equipment and supplies, did not respond to the SOS calls of AliR I, possibly because they disagreed with the tactics employed. By late November, some remnants of AliR I based in Shabunda were reported to move northwards towards Lubero and Kanyabayonga. They fought Simba Mai Mai in order to steal their weapons, and established themselves once again in the 30km North Kivu no-mans-land between the RCD/RPA and the UPDF territories.<sup>41</sup>

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<sup>36</sup> ICG Interview RPA officers, Kigali, November 2001; IRIN, "Rwanda: officials say northwest calm after interahamwe incursions", 19 June 2001.

<sup>37</sup> They had one gun for five fighters, ICG interview RPA officers, June 2000 and Observatoire de l'Afrique centrale, "Rwanda: nouvelles incursions génocidaires", Vol. 24, n°23, 4-10 Juin 2001, www.obsac.org.

<sup>38</sup> ICG interviews in eastern Congo with humanitarian sources and Observatoire de l'Afrique centrale, "Situation actuelle au Nord-Kivu (Juin 2001)", Vol. 4 ; n°27, 2-8 Juillet 2001, www.obsac.org.

<sup>39</sup> Interview Burundi Minister of Defence, Burundi military officers, April-June 2001.

<sup>40</sup> ICG interview, western regional military experts, July-September 2001.

<sup>41</sup> ICG interviews, RPA/RCD/UPDF officers, Kigali-Kampala, November 2001.

## C. CURRENT OBJECTIVES OF THE ALIR

Despite the defeat of AliR I, Rwanda continued its military build-up in south Kivu. By early September 2001, the remaining southern division of AliR I and AliR II troops were reported to have combined forces in South Kivu. Moreover, two battalions infiltrated the Cibitoke province of northern Burundi, and established themselves in the contiguous Kibira and Nyungwe forests of northern Burundi and southern Rwanda<sup>42</sup>. Some AliR II elements, with a majority of Burundian rebel FDD units and some Babembe Mai Mai, occupied the town of Fizi from September 7<sup>th</sup> to October 8<sup>th</sup>, after two battalions from the Burundian army quit Fizi to return to their national theatre of operations<sup>43</sup>. Under pressure from the RCD-Goma forces, the AliR, Mai Mai and FDD alliance managed to gain the support of Mai Mai leader General Padiri, who occupied briefly the Maniema capital of Kindu to ease the military pressure on Fizi. Yet, with the support of the Burundian army and their Mi-24 helicopter gunship, RCD-Goma finally managed to retake Fizi, one month after its occupation and chased the rebels towards the ports of Kalemie until it was retaken on 17 October. But the conflict in South Kivu is far from over. By early October the RPA was reported to have moved six battalions and heavy artillery towards Kalemie<sup>44</sup>. Moreover, the AliR/FDD/Mai Mai had only broken ranks after the counter-attack on Fizi. They were not defeated and their organisation was not dismantled. Instead, most of them retreated into the forest, crossed over to the refugee camps in Tanzania, and reassembled some time later. By the end of November, the RPA and RCD troops concentrated in Moba were still planning a long-expected attack on the FDD stronghold of Moliro.<sup>45</sup> At the beginning of December, supply air drops for AliR I were reported to have started again.<sup>46</sup>

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<sup>42</sup> ICG interviews, RPA and FAB officers, Western diplomats, Bujumbura-Kigali, November 2001.

<sup>43</sup> AP, "La rébellion congolaise lance une offensive contre les rebelles rwandais et burundais", 29 September 2001, Observatoire de l'Afrique centrale, "Survol: Combats à Kindu et Fizi" et "Fizi repasse aux mains du RCD-Goma and Co", Vol. 4, n°40, 1-7 October 2001, www.obsac.org, ICG interviews, RPA officers, Kigali, September 2001.

<sup>44</sup> ICG phone interview, western diplomat, October 2001.

<sup>45</sup> ICG interview, MONUC official, Goma, November 2001.

<sup>46</sup> ICG phone interviews, Kinshasa, 12 december 2001.

The AliR forces are reported to have infiltrated South Kivu together with their wives, children and carriers, forming a 15,000-20,000 strong group with no intention of returning to Katanga. The massive return of civilian population into their villages by September in the Kabalo-Nyunzu area and the continuing circulation of people on northern Katanga access roads witnessed by humanitarian officers seemed to indicate that most AliR II fighters posted in Northern Katanga had indeed crossed towards southern Kivu.<sup>47</sup>

The increasing tension between Rwanda and Uganda complicates the security picture. Troop movements have been reported in North Kivu, which is likely to be a theatre for confrontation. Clashes between Uganda and Rwanda, a by product of the war in the DRC, could spark the formation of new alliances and counter-alliances, thus contributing to further fragmentation of the situation in eastern Congo.

#### **D. ALIR AND COMPANY**

The association of AliR II and Congolese forces in South Kivu goes beyond the usual short-term and opportunistic alliances with Mai Mai armed groups. The Babembe fighters of General Dunia are reported to be under the same command as the AliR. Dunia himself admitted that this command was in the hands of FAC General Lokole, alias Madoadoa<sup>48</sup>. FAC General Sikatende is also reported to have been involved in the co-ordination and supervision of AliR/FDD/Mai Mai operations, such as the occupation of Fizi. Both FAC generals are from the Babembe community, which itself has had a long feud with the Banyamulenge. The Babembe were heavily involved in the 1964 Mulelist rebellion and confronted the Banyamulenge when they wanted to steal their cattle to survive. The Banyamulenge then turned towards the central government for weapons and ammunitions and contributed to the defeat of the Mulelist rebellion in South Kivu. Lokole was in the Hewa Bora movement with Laurent-Desiré Kabila, and was a close friend of his. He was appointed brigade commander within the FAC in 1997 and started integrating former Babembe

mulelists within the ranks, provoking strong protest from his Banyamulenge deputies. On the eve of the second war in 1998, he personally gave the order to execute 75 Banyamulenge soldiers in Kalemie and is believed to share the same anti-Tutsi feelings as the AliR leaders.

The operational association that AliR II troops have had with the Burundian FDD is currently uncertain. It dates back to 1995, when Leonard Nyangoma's CNDD forces were associated to the RDR and based within one of the refugee camps in the Uvira area of South Kivu. It was reinforced when Laurent-Désiré Kabila had decided to mix FDD and ex-FAR units within the FAC, in preparation for the Pweto offensive. But since the April-May FDD congress in Lubumbashi, the operational military association of FDD and AliR has been reviewed<sup>49</sup>. FDD and AliR troops are reported to operate now under a totally different command in South Kivu and differ on their political objectives. Some recent positive moves in the Burundi peace process, such as the establishment of a transition government on 1 November, and the commitment of the new leadership of the FDD and FNL to join the negotiation table, or the intention of this new leadership to transform into a political party created hope that the FDD would detach itself from AliR. But the current fighting in Northern Burundi conducted both by FDD and AliR fighters and the authorisation from Kabila's government for the FDD to stay in Congo<sup>50</sup> still creates doubts over the intentions of the FDD.

<sup>47</sup> ICG interview, humanitarian official, Nairobi, October 2001.

<sup>48</sup> See Observatoire de l'Afrique centrale, "RDC: offensive des 'forces négatives' à l'Est du Congo", Vol.4, n°23, 4-10 juin 2001, www.obsac.org.

<sup>49</sup> ICG interviews with FDD and RPA officers, Bujumbura and Kigali, November 2001.

<sup>50</sup> Interviews with Burundian rebels, Bujumbura, November 2001.

### Summary of estimated AliR forces

Name	Location	Lower est.	Upper est.
<b>AliR I-North Brigade</b>	Masisi/Shabunda-Walikale (troops remaining after the May/June defeat in Rwanda). Three brigades originally, 2000 killed, 2000 captured.	3,000	4,000
<b>AliR I-South Brigade</b>	South Kivu (Shabunda-Walikale-Mwenga) moved to the southern parts of the province (Kalemie) to join AliR II forces and infiltrated into Cibitoke / Kibira / Nyungwe	3,000	4,000
<b>AliR II in South Kivu</b>	South Kivu (Kalemie). Brigade Horizon infiltrated since late March from Katanga with families and hangers on.	3,000	4,000
<b>AliR II in which has remained in Katanga, Kasai and Equateur</b>	Two brigades in Pweto, one brigade in Kasai, one brigade in Equateur	10,000	12,000
<b>Unspec.</b>	Congo-Brazzaville	1,500	3,000
<b>Unspec.</b>	RCA, Zambia, Angola	1,500	2,000
<b>Unspec.</b>	Kamina	1,500	2,000
<b>New Congolese</b>	Hard core génocidaires who can face only death penalty and took Congolese nationality and pretend to be Kivutian	500	1,000
<b>Total</b>		24,000	32,000

Nota Bene: One division is usually made of three brigades, which comprises three battalions. The size of battalions varies between 400-600 men.

In this context of persistent warfare and an influx of supplies and weapons, it remains unclear whether the Rwandan armed groups are prepared to demobilise and be repatriated back to Rwanda. Several factors continue to influence the rebels to maintain a belligerent stance. First, the heterogeneity of the groups prevents them from taking a coherent position. The rebel groups have great disparities in age, involvement in the 1994 genocide, and geographic origin. Spoilers continue to resist return in their desire to continue to provoke the Rwandan government. Second, most of the leaders of AliR were involved in the genocide and prevent the post-genocide recruits from obtaining accurate information about the DDRRR process and the benefits of returning to Rwanda.

Some members of AliR are Bakiga Hutu from the northwest who were dominant in the ex-FAR; others are officers originating from the central provinces who feel nostalgia for the post-independence First Republic, when they had some

prominence; and still others are southerners who have felt marginalised by all Hutu post-independence regimes, and are eager to claim positions of power. In May, the leadership of AliR I was reported to be in touch with Rwandan exile opposition groups in Europe in an attempt to distance themselves from the *génocidaires*. They intended to link up with multi-ethnic armed or unarmed opposition political groups, like those who have found refuge in Uganda, in Europe and North America<sup>51</sup>. Lt-Col. Rwakarabije, for instance, didn't play a role in the genocide and has an uneasy relationship with Col. Tharcisse Renzaho and his group.

The Kinshasa-based leadership of AliR II, clearly identified as *génocidaires*, has publicly stated their conditions for return to Rwanda. The major preconditions of the FDLR are the opening of an inter-Rwandan dialogue and the granting of a

<sup>51</sup> Ibid.



general amnesty to all Hutu fighters.<sup>52</sup> The FDLR wants to be recognised as a legitimate political actor, with whom the Kigali leadership should negotiate an end to the war. Perhaps learning from the negotiations in neighbouring Burundi, the FDLR recognizes that the more open the political process the better the chance of gaining concessions in a final power sharing agreement.

### **III. CHALLENGE II: NO PEACE DEAL IN THE DRC YET**

One of the reasons for the continuation of a low intensity conflict on the Rwandan and Burundi borders and on the shores of Lake Tanganyika is the current lack of progress in the peace process. As one observer noted, “The situation changed in Kinshasa politically after Laurent’s death, but not militarily”.<sup>53</sup>

After Joseph Kabila took over the presidency, hopes emerged that he could reach an agreement on the issue of disarmament of the armed groups with Rwandan President Paul Kagame. Disarmament of the armed groups has been the primary stated objective of the RPA since it launched its invasion of the DRC. The late Laurent Kabila had always categorically denied that the Congolese government provided any support to Rwandan insurgents. Despite four meetings between Kagame and Joseph Kabila, however, discussions have achieved little and have had no institutional follow-up. There have been four different hosts or mediators, whose post-meeting press conferences have represented the sum total of international support to any verbal agreements at these meetings. The bilateral talks failed mainly for two reasons: lack of trust between and intransigence of the belligerents<sup>54</sup>, and lack of a sustained, single-mediator process between the two leaders.

Presidents Kagame and Kabila met first in Washington, DC in January 2001, a short time after the elder Kabila’s death. Extensive contacts followed between the two leaders’ teams. Mwenze Kongolo, DRC Minister for Security, and James Kabarebe, then the RPA deputy chief of staff, met in Blantyre, Malawi and then again in Johannesburg, South Africa, where they both signed a memorandum of understanding on the issue of DDRRR. The agreement included several points.<sup>55</sup> First, the DRC government acknowledged

<sup>53</sup> ICG interview, regional political analyst, Nairobi, September 2001.

<sup>54</sup> After the last meeting in September 2001, President Kagame announced that he would withdraw his troops only when the Interahamwe militia were disarmed and demobilised. BBC News Online, “Fresh Fighting in Congo,” 28 September 2001.

<sup>55</sup> ICG Interview, Rwandan Government official, April 2001.

<sup>52</sup> Manifesto of the FDLR.

the presence of 5000 ex-FAR and Interahamwe on their territory and agreed to transfer, canton and disarm them at the military base in Kamina, where they would be placed under the guard of a neutral force, possibly South African, Nigerian, or Algerian. Second, the Rwandan government would provide all information necessary to screen and register the fighters and even take the families of the fighters to Kamina to visit them. Those fighters guilty of genocide would be transferred to Arusha, while the remainder would be repatriated or resettled. Finally, the DRC government committed to stop supporting the armed groups, in exchange for RPA withdrawal from the Congo and the disarmament of the RCD-Goma. The timeframe for the whole operation was envisioned to be three months.

The acknowledgement of the presence of Hutu fighters on DRC territory was a political victory for the RPA. Immediately, RPA official discourse about the Hutu fighters softened. It recognised that AliR integrated 10-15,000 troops into the FAC<sup>56</sup>, and that roughly 80% of these were non-*genocidaires* who could benefit from a de facto amnesty or reintegration in the RPA. The Rwandan regime backed down from its stance that all of the forces would be forcibly disarmed and instead affirmed the principle of voluntary repatriation.<sup>57</sup> Suddenly, the Rwandan problem was redefined with less reference to the genocide and more narrowly as a classic national security problem. At the same time, in the Kivus, the RPA undertook a major effort at ideological schooling, taking in February some Kivu traditional leaders and RCD administrators to Camp Kami in Kigali for ideological training, trying to identify potential allies, making contacts with some Mai Mai groups, distributing leaflets and sending rehabilitated Hutu fighters to talk to their former comrades. President Kagame even supported a separate representation of the Mai Mai to the Inter-Congolese Dialogue in an interview broadcast on the Swahili service of the BBC.<sup>58</sup>

Joseph Kabila offered numerous diplomatic gestures to reassure the world that he wanted peace, and to secure financial assistance from

donors, taking economic measures approved by the IMF.<sup>59</sup> He quartered some of the armed groups in Kamina. He even reportedly called some Mai Mai leaders to ask them to respect a truce with the RPA.<sup>60</sup>

The international and regional environment too was favourable for a deal on DDRRR. After the death of the elder Kabila, the international community immediately reached a consensus in support of his son in order to avoid a power vacuum in Kinshasa. They hoped that by giving quick and strong legitimacy to Joseph Kabila, they would regain some influence and leverage over DRC. Moreover, Zimbabwe and the FAC had just suffered a defeat in Pweto, and the Angolans had made very clear that they didn't want to provide troops and equipment to the FAC for a new offensive. Some western countries hoped that Angola would assume the job of protecting the new regime and helping to rebuild the army, thereby diminishing Zimbabwean influence. In addition, the increasing tensions between Rwandan and Uganda were making rebel military victory very unlikely. Museveni was focused on the presidential campaign and thus was more sensitive to pressure, while Rwanda was becoming more isolated and pressured by governments and NGOs for its abuses of human rights in the Congo. All belligerents had expressed signs of fatigue, and were concerned over the unpopularity of the war at home.<sup>61</sup>

To capitalise on this window of opportunity, the UN Security Council passed Resolution 1341 in favour of DDRRR, which promoted a bilateral approach and "contacts"<sup>62</sup> to solve the problem. Between the lines, the message was clear: let's support Joseph Kabila so that he can negotiate security issues with his neighbours as well as their withdrawal by pushing him to recruit a competent and broad government and to take economic measures so that aid can resume. Congo could then regain centre stage and neighbouring countries could return to occupying a place that is more proportionate to their size; and the democratisation process, begun under Mobutu, would resume, as well as legal international business.

<sup>56</sup> Kagame's speech at the UN Security Council at the end of January 2001, and interviews with different government officials and RPA military officers.

<sup>57</sup> See ICG "From Kabila to Kabila", Africa report n°27, 16 March 2001.

<sup>58</sup> BBC Swahili service, news Bulletin, February 2001.

<sup>59</sup> See ICG, "From Kabila to Kabila", op. cit.

<sup>60</sup> ICG interview, Mai Mai intermediaries, February 2001.

<sup>61</sup> See ICG, "From Kabila to Kabila", op. cit.

<sup>62</sup> UNSC Resolution 1341, 21 February 2001.

In theory, the plan held some promise. In practice however, too little external involvement and direct mediation left the door open for the remaining seeds of mistrust between the parties to take root. No international or regional actor took the lead in attempting to transform a regional cease-fire agreement into a viable peace plan. The first point of disagreement between Rwanda and the DRC came up when the DRC government, in exchange for disarming the Hutus, asked the Rwandan government not only to commit to withdraw, but also to disarm the RCD.<sup>63</sup> The RPA refused, arguing that the RCD was Congolese and that it had no right to ask them to disarm. Mwenze Kongolo went to Kigali and reiterated that demand, which was again rejected. The Rwandan government insisted on seeing the Johannesburg agreement on transfer and disarmament implemented before making any other concessions, while the Congolese interpreted Rwanda's refusal to disarm the RCD as a hidden Rwandan agenda to keep a military presence in the Kivus and to encourage some form of secession.<sup>64</sup>

On 15 March, the official disengagement date from the conventional front line, infiltrations of Hutu fighters to the Kivus and Burundi began. Another meeting on DDRRR took place between Bizima Karaha and Mwenze Kongolo in Johannesburg in April, but ended with no result.<sup>65</sup> Kongolo reported to Kinshasa that the RPA wouldn't give any guarantees of withdrawal for "internal reasons" and convinced President Kabila to remobilise his forces. Hutu leaders based in Nairobi, Tanzania, and DRC were contacted and Zimbabwe was asked to help reorganise and re-equip the AliR forces and launch a new offensive in the East.<sup>66</sup>

Seeing this influx of Hutu fighters to the East, the RPA immediately suspected that the DRC government never had any intentions to implement the agreement on DDRRR. These suspicions were reinforced by the reluctance of the DRC government to provide information on the armed groups to the Joint Military Commission or to MONUC, and its opposition to granting MONUC access to the Kamina camps, where it claimed to

have gathered Hutu fighters since April. The obvious dishonesty of the DRC government on this issue provided the RPA with a sufficient pretext to launch a major military campaign against the Hutu armed groups coming back to eastern Congo in the spring. As an RPA officer explained: "We have the Lusaka Agreement. That document gives us the mandate to stay in the Congo and solve the problems that the UN can't solve."<sup>67</sup>

Solving the "problems" that the Rwandans claim to have means building a strong local partnership with the authorities in the Kivus, which would guarantee their security and commercial interests. That explains the RCD position on federalism at the last inter-Kivu dialogue organised in October by the RCD itself. Kigali sees now the RCD mainly as a military instrument, hence explaining its reluctance to disarm the group.

The Congolese of course have a different perception of the problem, which explains to a certain extent their continuing support to the armed groups. They have always seen the war as one of aggression, which will only end when the foreign forces leave. "Our strength is truth and justice", says President Kabila, implying that time is on his side<sup>68</sup>. Beyond this rhetorical position, the continuing Rwandan military presence and the organised exploitation of natural resources in eastern Congo (coltan, gold, diamonds, and land) is interpreted as a sign that the RPA doesn't want to leave the DRC. The DRC government is increasingly convinced that keeping an active South Kivu front, as well as supporting the Mai Mai and the well-trained fighters of AliR and FDD, is the only way to prevent the Rwandans from launching an offensive on Katanga and Kasai, which are protected by Zimbabwean troops. Threatened by the RPA, President Kabila is caught between a rock and a hard place. He is under great pressure from the Kivus' lobby in Kinshasa as well as from the Kivu elements in the FAC and Mai Mai, who are begging him for more military support.

It should be underlined that the lack of progress on the withdrawal of the Rwandan troops strengthens the hard-line positions not only of the Kivutians, but also of the old AFDL companions of Kabila,

<sup>63</sup> ICG interview, Rwandan government official, April 2001.

<sup>64</sup> ICG interviews, Kinshasa, Kigali, April-November 2001.

<sup>65</sup> ICG interviews, Congolese, Rwandan and RCD officials, June 2001.

<sup>66</sup> ICG interviews, Kinshasa, 16- 23 June 2001.

<sup>67</sup> ICG interview, Kigali, 10 October, 2001.

<sup>68</sup> ICG interview, President Joseph Kabila, 23 June 2001, Kinshasa.

and of the North Katangans surrounding Joseph Kabila. These groups claim to be the true liberators of the Congolese people and accuse the “Gaborone” group of “selling out the country”<sup>69</sup>. Their argument, according to which Kabila’s flexibility towards negotiations has seen no reward, has now been adopted by Kabila himself and officially expressed to the Belgian government<sup>70</sup>. The Gaborone group represents the young reformists who have been pushing for negotiations with Rwanda.

Zimbabwe supports the hard-line AFDL and North Katangan positions and is actively involved in logistical support to AliR and the FDD<sup>71</sup>. Zimbabwe is not ready to withdraw from Congo for political and economic reasons, and wants to maintain the pretext of the Rwandan presence in the Kivus to continue its own exploitation of the natural resources of the DRC. The UN Panel of Experts on Illegal Exploitation of Natural Resources in the DRC concluded in its November report that:

The arming of these irregular groups is contributing to sustaining what could be viewed as a war by proxy groups in the east. It allows the cease-fire to remain intact, while creating a “controllable” conflict in the occupied zone that satisfies the interests of many parties. With this sporadic, low-intensity conflict dragging on, a certain status quo is being maintained in this region where many precious resources are extracted, traded and routed for export. Zimbabwe and Rwanda have the most important commercial presence in the Democratic Republic of the Congo as a result of their involvement in the war. The role that Zimbabwe plays in regard to continuing the conflict may well be shared with the Government of the Democratic of the Republic of the Congo, or at least some elements in it, as well as others. This armed activity can continue to feed Rwandan and Burundian security concerns, becoming an added justification for those two countries to maintain their military

positions. In the case of Rwanda, control can then be legitimately deepened over a considerable expanse of territory, as well as its population and resources. As Zimbabwe’s joint ventures in mining and timber begin to mature and become profitable, it may be tempted to retain a sizeable military presence in the Democratic Republic of the Congo. The profiteering of private businesses of all kinds in illicit and criminal activities gives them vested interests in seeing the conflict continuing, in particular businesses in South Africa, Kenya and the United Republic of Tanzania”<sup>72</sup>.

For the hard-liners, a continuing conflict in the Kivus also keeps the anti-Rwandan nationalistic rhetoric alive and conveniently postpones any prospect of power sharing through the Inter-Congolese Dialogue. The official DRC government position is to refuse to consider power sharing through the Dialogue with anti-government rebels without guarantees of Rwanda and Uganda’s full withdrawal. Furthermore, the government treats the RCD as a creation of Rwanda and the MLC as a creation of Uganda, and not as political interlocutors. Mwenze Kongolo in particular has privately claimed that he is the main protector of Kabila’s power and has systematically stopped any power sharing deals.<sup>73</sup> At the same time the rebels and their sponsors, including Rwanda and Uganda, refuse to consider withdrawing until a transition government is established through the Dialogue and their security is guaranteed.<sup>74</sup>

The collapse of the Addis talks perpetuates the perception of a deadlock. The population of the Kivus in particular has high hopes in the Dialogue. Signatories could use what would be perceived as a failure of the political talks (i.e., no immediate agreement on the structure of a future transitional government and process) as a pretext for stonewalling other aspects of Lusaka implementation, particularly on DDRRR and withdrawal of foreign forces.

<sup>69</sup> ICG interviews, Congolese officials, June and October 2001.

<sup>70</sup> ICG interview, Belgian and Congolese officials, November 2001.

<sup>71</sup> United Nations, “Addendum to the Panel of Experts On the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC”, S/2001/10072, 13 November 2001, p13.

<sup>72</sup> See United Nations, “Additif au rapport du Groupe d’experts sur l’exploitation illégale des ressources naturelles et autres richesses de la République démocratique du Congo”, S/2001/10072, 13 November 2001.

<sup>73</sup> ICG interview, Congolese officials and members of the Diaspora, Brussels, November 2001.

<sup>74</sup> ICG interviews, Intercongolense Dialogue meeting, Addis Ababa, October 2001.

The official sponsoring of the FDLR claims<sup>75</sup> by the Kinshasa government can also be interpreted as a response to Rwanda's demand that Kabila share power with the RCD through the Inter-Congolese Dialogue. Through the FDLR, Kinshasa is demanding an amnesty and the organisation of an inter-Rwandan dialogue as preconditions for the ex-FAR and Interahamwe to be repatriated back to Rwanda.<sup>76</sup>

But this operation, conducted by Mwenze Kongolo himself, was severely discredited by several factors. First, after denying the presence of Hutu fighters in the FAC for three years, the DRC government suddenly acknowledged their presence and indirectly revealed its ideological solidarity with the armed groups by calling the FDLR a "legitimate opposition to the sanguinary government in Kigali."<sup>77</sup> The FDLR, as mentioned earlier, is clearly linked to the perpetrators of the genocide. Furthermore their official line is very similar to the Hutu power revisionist discourse.<sup>78</sup> Second, the DRC government very reluctantly granted MONUC access to the camps, which has fuelled suspicions that the population of the Kamina camp was not Rwandan, but Congolese.<sup>79</sup> Last but not least, there is a major contradiction in

the DRC government's demands of Rwanda. On the one hand they ask that the Rwandan regime forgive all the Hutu insurgents for their participation in the genocide, while on the other they relay the Kivutian demand that the AFDL and now the RCD be punished for the crimes they have been committing in Eastern Congo.

Whatever the reason might be, President Kabila appears unable to solve the problem of the armed groups and has thus encouraged them to fight closer to home. His relationship to them has been quite troubled: he fought against them with ADFL, but then had to manage them as Chief of Staff of his father's army. The continuing support to the armed groups could be explained by the fear that these groups might turn against his regime and the necessity to keep some control over them through a dependency mechanism while looking for a durable political solution. Also, his sponsoring of the FDLR and of its claims for amnesty could be interpreted as a way of raising the stakes and making sure that the Hutu armed groups get protection if disarmed. So far, the Rwandans have rejected the demand for formal amnesty and claim the right to screen the returnees through the gacaca process.

As a result of this deadlock, low-intensity conflict remains the most attractive option to most of the external actors, and war grinds on in the Kivus thanks to continued support from Kinshasa and Harare to the Rwandan and Burundian Hutu militias. It is clear that if the DDRRR process is not seriously negotiated and the pro-negotiation group not strengthened, Kabila will have a hard time breaking this logic.

<sup>75</sup> Mwenze Kongolo presented the FDLR himself at the disarmament ceremony in Kamina and even tried to get an appointment for them with the UN Secretary general on his visit to Kinshasa; A counselor from the DRC embassy in Brussels also introduced the FDLR press conference in Brussels in September 2001.

<sup>76</sup> See Observatoire de l'Afrique centrale, "Rwanda-RDC: Les rebelles rwandais veulent un dialogue avec Kigali", Vol. 4, n°35, 27 August-2 September 2001, www.obsac.org and Alexis Nshimiyimana, porte parole des FDLR, "Communiqué de Presse 008/01 : Reconnaissance des FDLR par la Communauté Internationale", 4 September 2001.

<sup>77</sup> See "Allocution de son excellence Monsieur le Ministre de la Sécurité nationale et de l'ordre public à l'occasion de la présentation à la MONUC et aux corps diplomatiques accrédités à Kinshasa des Forces démocratiques de libération (FDLR)", Kamina, 12 Septembre 2001.

<sup>78</sup> They use for example the theory of the double genocide. See, "Discours prononcé par le Président des FDLR, Dr Ignace Murwanashyaka à la base militaire de Kamina", mimeo, 11 September 2001"; "Mot de circonstance présenté à la Communauté internationale par le Comd des troupes FDLR à Kamina", mimeo, 12 September 2001; "Entretien avec Alexis Nshimiyimana, porte-parole des FDLR", *Jeune Afrique*, 16-22 Octobre 2001.

<sup>79</sup> See Observatoire de l'Afrique centrale, "RDC: Kinshasa joue sur plusieurs fronts", Vol. 4, n°38, 17-23 September 2001, www.obsac.org.

#### **IV. THE D'S AND THE R'S OF DDRRR: THE LIMITATIONS OF VOLUNTARY COMPLIANCE**

##### **A. DISARMAMENT AND DEMOBILISATION: POLITICAL SHORTCOMINGS**

###### **1. MONUC: Timid Assistance To Voluntary Disarmament**

Chapter 9 of the Lusaka Agreement deals specifically with the issue of the disarmament of the armed groups. Lusaka stipulates two important principles: that the disarmament should be voluntary; and that it would be undertaken at the initiative of the signatories themselves. It provides that the Joint Military Commission together with the United Nations would set up the mechanism for the tracking, cantoning and identification of all foreign armed groups fighting in the DRC. It also provides that suspects of crimes of genocide, war crimes and crimes against humanity should be handed over to the International Criminal Tribunal for Rwanda (ICTR). The Lusaka signatories were hopeful that the UN would actually take the responsibility of tracking, neutralising, identifying, screening and demobilising the negative forces. Yet, such optimism was far fetched. MONUC was provided Chapter 6 authority, with no peace enforcement mandate whatsoever. Its main duty is to observe the implementation of the Lusaka Cease-Fire Agreement, report to the UN Security Council and monitor the progress made by the belligerents in implementing the agreement they signed.

Phase III of MONUC's deployment, which deals with its DDRRR component, is symptomatic of these limitations. It provides that MONUC will contribute to the "welcoming" of armed groups, organise their identification, screening, demobilisation and repatriation but not their actual disarmament. MONUC's work relies on the voluntary compliance of the negative forces' rank and file. By mid-May 2001, the JMC, following the progress made in the implementation of the Harare and Kampala disengagement plans, and the request expressed by UN Security Council Resolution 1341, had produced a draft DDRRR plan to support MONUC's expected transition to phase III, in close consultation with MONUC

itself.<sup>80</sup> This draft plan considered two options for DDRRR: Option A, voluntary compliance of armed groups; and Option B, enforced compliance of armed groups, which would be developed based on the results of Option A. Voluntary compliance is therefore chosen as the primary target for DDRRR, which follows a precise plan of action.

In this plan, the signatories of the Lusaka Agreement commit themselves to locating, identifying, and assembling all members of the armed groups and taking all the necessary measures to facilitate their repatriation. They also assume full responsibility for ensuring that armed groups operating alongside their troops or on the territory under their control comply with the disarmament process.<sup>81</sup> The respective steps proposed to implement such a commitment are: cessation of support of the armed groups; provision of amnesty to all armed groups who are not *génocidaires*; human rights monitoring; possible resettlement; and re-establishment of a UN coordinating unit.<sup>82</sup>

<sup>80</sup> See UN Security Council, "Eighth report of the Secretary-general on the United Nations Mission in the Democratic Republic of the Congo", S/2001/572, 8 June 2001.

<sup>81</sup> JMC, "Draft plan for DDRRR of all armed groups in the RDC, handing over mass killers, perpetrators of crimes against humanity and over war criminals and disarmament of all Congolese civilians who are illegally armed", mimeo, 19 May 2001, articles 5 and 6.

<sup>82</sup> The plan comprises:

1. Cessation of support: a monitoring mechanism ought to be put in place to ensure that all forms of support to the armed groups are withdrawn. A timeframe is also requested for taking the steps towards cessation of all support while information is provided to the JMC/MONUC on the location of the armed groups.
2. Amnesty: The granting of Amnesty is recommended to all armed groups who are not *génocidaires*, as a "much needed" incentive to surrender. Monitoring teams are also provided to refrain possibilities of abuse.
3. Safe guards: in addition to Amnesty, other safe guards are and assurances are requested to guarantee that those who are reintegrated will not suffer from human right violations. National monitoring teams are also requested to check on possible abuse.
4. Settlement in a third country: In the likely scenario of unwillingness to get repatriated, non-*génocidaires* should be given the opportunity to resettle in a third country.
5. Role of the UN: the JMC also proposes that the UN help manage DDRRR through an updated mandate, which would include the creation of a co-ordinating unit and the provision of security for the assembly

Finally, the JMC plan provides that on arrival in the designated assembly areas, armed groups will have to surrender their weapons and be registered with their families. Following cantonment and disarmament, individuals will be screened for genocide, crimes against humanity and war crimes. The *genocidaires* will be transferred to the International Criminal Tribunal for Rwanda, while the others will follow a procedure establishing their future intentions, skills and expectations; their aptitude towards life after combat; their choice of country for resettlement/reintegration; and their preferred training for new skills. In the countries of origin the monitoring teams set-up by the DDRRR coordination unit should simultaneously assess reconciliation efforts and safeguards, recommend to the coordinating staff confidence building measures, and monitor resettlement and reintegration programs of the governments.

Answering the JMC draft DDRRR plan, a Security Council delegation touring the DRC and neighbouring countries emphasised in May 2001 that “the plan should be carried out against the background of close cooperation between President Kabila and President Kagame. Its terms should be strictly adhered to and United Nations assistance would be provided taking into consideration the level of commitment shown by the parties in compliance with the plan. The first essential was for the parties to provide the information required, including the numbers, locations and armaments of the various armed groups and the proposed sites of their demobilisation areas”.<sup>83</sup> Once again, the international community was taking a back seat instead of leading the effort, adopting a position of wait and see in front of the Lusaka signatories.

Subsequently, the lack of provision of necessary information by the parties on the locations and status of the negative forces was used as an excuse

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areas. The role of the Co-ordinating unit would be to a. co-ordinate all aspects of DDRRR; b. set-up a massive radio, print and civil society information campaign on the political and material benefits of voluntary compliance to DDRRR; c. identify all administrative requirements including resources and infrastructure; d determine the package to be offered for the all process; e. mobilise international funding; f. facilitate the deployment of monitoring teams in the receiving countries, and g. encourage the organisation of a Great Lakes conference on reconciliation.

<sup>83</sup> Report of the Security Council mission to the Great Lakes region, 15-26 May 2001, para. 61.

by the UN Secretary General to slow down any major DDRRR move forward<sup>84</sup>. Resolution 1355 of 15 June 2001 timidly revised MONUC’s concept of operation, endorsing the Secretary General’s recommendations, which envisaged “an initial stage during which MONUC would prepare for the transition to phase III.”<sup>85</sup> For this purpose, the Security Council authorised the creation of an “integrated civilian/military planning section to co-ordinate support” for DDRRR. But by early October 2001, three and half months after Security Council Resolution 1355 was passed, this section only had one permanent civilian staff<sup>86</sup>.

Yet in his 16 October report to the Security Council, after a personal visit to the DRC and meetings with Presidents Kabila and Kagame, the UN Secretary General took specific steps forward. He first asked that Rwanda and the DRC establish a joint coordination mechanism on the disarmament/reintegration process as a useful partner to the international community.<sup>87</sup> Such a mechanism would of course be ideal, but in the current political context, and without active and high-level mediation, it is unlikely to materialise. Second, he announced the establishment of a consultative mechanism in Kinshasa within MONUC, involving all UN agencies and programmes, the World Bank and relevant non-governmental organisations, to establish temporary reception centres where combatants would surrender their weapons to be destroyed by MONUC *in situ*, and where the immediate needs of the women and children accompanying them would be met. A similar mechanism would also be established at the UN headquarters to reinforce the existing Planning and Management Task Force, chaired by the Under-Secretary-General for Peacekeeping Operations.<sup>88</sup>

The initial MONUC reception centre would be established at Kindu, the capital of Maniema

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<sup>84</sup> See UN Security Council, “Eighth report of the Secretary-general on the United Nations Mission in the Democratic Republic of the Congo”, S/2001/572, 8 June 2001.

<sup>85</sup> Ibid. para. 86

<sup>86</sup> At the time of the writing, a 32 people DDRRR division was being set up.

<sup>87</sup> See UN Security Council, “Ninth report of the Secretary-General on the United Nations Organisation Mission in the Democratic Republic of Congo”, S/2001/970, 16 October 2001.

<sup>88</sup> Ibid., para 70.

province on the western fringes of the Kivu Mountains. Kindu is indeed a strategic position which benefits from both a rail/river link to Kisangani and a national airport. An initial force headquarters together with engineer and infantry unit, with an initial strength of up to 400 of all ranks will be deployed by the beginning of 2002 to establish the necessary infrastructure of the reception centre by the Kindu airport, provided that MONUC received the full co-operation of all parties in this respect.<sup>89</sup> The initial 400 military personnel would then be expanded to 1,200 troops and 800 support unit: a total of 2,000 additional personnel for the initial stage of DDRRR under phase III, thus taking MONUC's overall deployment by June 2002 to the full contingent of 5,537 men, the maximum so far authorised by the Security Council in its Resolution 1291 of February 2000.

The MONUC plan of action, although a good step forward, falls short of actual DDRRR requirements. First, it does not fully follow the recommendations of the JMC draft plan. MONUC's DDRRR integrated unit especially does not fit the very precise political mandate described by the JMC, in its monitoring component of the reintegration process inside recipient countries, in the first instance Rwanda. As a mission of observation to the DRC, MONUC cannot operate inside Rwanda. Yet, some political guarantees have to be clearly specified if MONUC is genuinely willing to encourage fighters to go back to Rwanda. An active effort has to be established in this respect.

## **2. The Kamina Story: Desperately Seeking AliR**

The "disarmament ceremonies" in Kamina in August and November 2001 provide a good opportunity to assess MONUC's preparation. MONUC had been asking for access to the Kamina base since April, after receiving confirmation from the Kinshasa government that it had cantoned AliR fighters there. After the defeat of AliR I, and British head of DFID Claire Short's trip to Kinshasa, and her announcement that the UK would make funds available for DDRRR, the government in Kinshasa decided to mount the Kamina operation. Mwenze Kongolo found some AliR fighters and brought a few more Congolese

together and explained to them that a big international operation would be launched and that they would be fed and paid by the international community<sup>90</sup>. Kinshasa sponsored the FDLR, helped market its message and image, and allowed it to shoot films on FDLR training exercises and leadership<sup>91</sup>. A few AliR fighters attended the first Kamina ceremony in August, thinking that money would flow to them. But money didn't come through and MONUC kept asking for access to the fighters and for official approval to start the screening process.

Finally, on 10 November MONUC started verifying the status and number of the FDLR assembled at the Kamina military base in south eastern Katanga. 1780 unarmed young men, some handicapped, some injured, were presented to them in the presence of Mwenze Kongolo and MONUC commander Mountaga Diallo. All ex-combatants were submitted to interview and military practice exercises.<sup>92</sup> First analyses of the tests seem to show that they are indeed Rwandan and militarily trained. However, the fighters have not proven to be very talkative and have given minimum information on their background. Some observers of the process felt that the fighters had received instructions and were definitely behaving like a disciplined military unit. Answers were uniform: They all claimed to have been recruited in Kinshasa in October 1998 and trained there; they refused to give their addresses in Rwanda or to be photographed for repatriation purposes; they refused to give information on the military organisation of AliR; they all repeated that they wouldn't go back to Rwanda without the opening of a political dialogue.<sup>93</sup>

Three major challenges have now arisen for MONUC. First, it is clear that the AliR fighters have obviously not been disarmed – their arms are nowhere to be seen – nor demobilised. On the contrary, they condition their disarmament and demobilisation to a political dialogue. Neither MONUC nor the rest of the international community has ever considered how to deal with this political demand. The international players

<sup>89</sup> *Ibid.*, para 78.

<sup>90</sup> ICG interviews, Kinshasa, October 2001.

<sup>91</sup> This film was shown at the FDLR press conference in Brussels in September.

<sup>92</sup> "DRC Rwanda: UN screens Rwandan FDLR troops in Kamina", IRIN, 15 November 2001.

<sup>93</sup> ICG interviews with several witnesses of the Kamina 2 ceremony, 28 November 2001.



involved in the DDRRR have always assumed that disarmament would be voluntary, which does not seem to be the case. MONUC is now confronted with an obvious lack of preparation of the process and little understanding of the intentions of AliR. Second, the government of the DRC has asked that the UN take charge of them. The international community is now debating whether it should feed an AliR battalion, and for how long. But feeding Hutu fighters suspected of genocide brings back memories of post-genocide humanitarian intervention in eastern Congo. Third, MONUC is now developing alternative scenarios: repatriation, which doesn't look likely at this stage; temporary resettlement in the DRC under UN monitoring; or maintaining a presence in Kamina. MONUC left Kamina after the screening process without leaving a presence behind. Kamina is a military base and not an agreed MONUC position, and the DRC government will certainly oppose the permanent presence of MONUC observers<sup>94</sup>.

Several sources confirm that the presence in Kamina of some of the 1780 fighters seen by MONUC has been negotiated by Kabila with the leadership of AliR II, provided that they would not have to go back to Rwanda, that they would be fed by the international community and that they would come to Kamina unarmed. Interestingly, the FDLR only agreed to be seen by MONUC after the government officials in charge of the operation came back from Kinshasa with 5 million Congolese francs<sup>95</sup>. This negotiation has made Kabila's position tenuous within his own government, and he has received criticism for capitulating in the face of international pressure.

This exercise, however, shows that international pressure has had an effect. When Mwenze Kongolo recently came to Brussels, Louis Michel had asked him if the Solana/Patten/Michel/Ajello mission could go to Kamina and see the Hutu fighters themselves. Kongolo reportedly replied that it would be possible to see the leaders, but Michel insisted on "seeing the fighters himself to ensure that the work has been done well".<sup>96</sup> The high level EU delegation on a five-day mission to Central Africa travelled to Kamina. After the visit

Louis Michel explained that the Kamina disarmament was a positive signal but that there were still thousands of Hutu fighters in the FAC, and was heavily criticised as being pro-Rwandan as a result. When Michel saw Kagame, the latter made clear that he will not take MONUC's word on the process and that he would want both the JMC and the Rwandan government to re-screen the Hutus. In the end, the absence of a deal between Kinshasa and Kigali makes it almost impossible to proceed with voluntary DDRRR. Kinshasa continues to attempt to present the Kamina group as a legitimate rebel force searching for a political dialogue before returning home, while trapping MONUC and the international community in the process, challenging them to take over the upkeep of the disarmed group and claiming that it is doing its part to uphold the Lusaka agreement on DDRRR. On the other hand, Kigali sees the Kamina operation as a diversion, and demands that it be involved in the screening through the JMC, denying Kinshasa any goodwill. Simultaneously, the war goes on in the Kivus.

### 3. Parallel Attempts to Disarm the Armed Groups by Force

Kigali continues to call for a UN Chapter Seven force to intervene under MONUC's phase III. It would be composed of a joint military expeditionary corps composed of all of the Congolese elements supporting DDRRR (RCD, Mai Mai, MLC, FAC, etc.). Kigali does not necessarily demand that all AliR fighters come back to Rwanda but requires that no *genocidaires* should escape or be resettled in a neighbouring country, such as the Congo. Rwanda has ruled out an amnesty, as they favor their own judicial processes. Two initiatives have already been taken by the RPA/RCD-Goma to improve their DDRRR capacity, in the absence of a UN Chapter Seven force. At the beginning of August 2001, the RPA struck a deal with a Mai Mai group from Walungu, called Mudundu 40, to get their support in neutralising the AliR elements present in their area. Mudundu 40 also attended the interkivutian dialogue organised by the RCD-Goma in September in Bukavu. Despite the alleged neutralisation of at least 50 AliR soldiers, at the end of August the RPA reportedly did not seize the neutralised group. Two RPA soldiers were reported killed by Mudundu 40 at the beginning of August, putting an end to the collaboration.

<sup>94</sup> It accused MONUC of spying when some observers arrived in Kamina before the FDLR screening process started.

<sup>95</sup> The government officials were forced to declare that money because they traveled on a MONUC flight.

<sup>96</sup> BBC monitoring, 22 November 2001.

By the end of September the group of AliR fighters was executed by the Mai Mai, who could not guard and feed them any longer.<sup>97</sup> The Mai Mai wanted to receive cash, supplies of weapons and ammunition for the price of their collaboration. Their ambition is also to take part in the future security services of the decentralised Kivu institutions. This was evaluated to be too dangerous by the RPA, as the Mai Mai could have turned their newly acquired guns against them or against the RCD-Goma. Moreover, RCD officers are extremely wary of such a trend. They would only agree to absorb Mai Mai units and dissolve them within their own forces. They are moreover unwilling to facilitate the birth of a potential alternative organised politico-military force in the Kivus. They have no intention of sharing security services with former Mai Mai in the post-war decentralised Kivu institutions. Similar deals brokered between the RPA and Mai Mai leader Padiri in August 2000 and in February 2001 had already collapsed in the same fashion. It ended up in accusations and counter-accusations between the RPA and Padiri, the latter accusing the Rwandans of seizing this opportunity to try to kill him and his men. It appears that no result between the RPA and the Mai Mai can be lasting without a neutral international mediation, guaranteeing that both parties are actually going to fulfil their parts of the agreement and involving the RCD military.

Lastly, after the failure of the Inter-Congolese Dialogue meeting in Addis Ababa, another initiative has been launched in favour of DDRRR, in line with Kigali's position. RCD-GOMA and the MLC have announced that they would form the nucleus of the future national Congolese army, whose primary task will be to neutralise the Rwandan and Burundian negative forces.<sup>98</sup> They envision the force to be composed of 4,102 troops, based at Kindu, and it would start going after the negative forces on the entire territory that they control by 25 December. After neutralising the negative forces, the force would deliver them to MONUC. The question is, what would such a force do that the RPA has not managed to do in its three-year occupation of the Kivus? The announcement is certainly in line with the commitments of the Lusaka signatories, who are supposed to do

everything they can to disarm the negative forces. But its location at Kindu, where MONUC has decided to establish its own base, would kill all MONUC efforts at voluntary compliance. MONUC has therefore put on hold all its operations to prepare deployment at Kindu, until the RCD/MLC revise their position on that matter.<sup>99</sup>

But the RCD/MLC special force also has several justifications. First, the MLC/RCD find the UN plan for DDRRR very unrealistic because it assumes that the Hutu rebels can be convinced to stop fighting and to disarm voluntarily. Second, they realise that as long as the armed groups will be in the DRC, the foreign troops will remain there as well. The rebels need to show their resolve to free themselves from their foreign allies to the other Congolese parties. They know that their political fate in the Inter-Congolese Dialogue depends on whether or not they will be able to help push the foreign troops out of the DRC. Further, by creating a Congolese force to disarm the Hutus, they demonstrate that disarmament of the armed groups is also a concern of the Congolese and that the Rwandans can find responsible Congolese interlocutors on this issue, which would delegitimise their presence in the DRC. "The withdrawal of foreign troops is linked to credible Congolese interlocutors. We will create mixed patrols as it is the case in other countries."<sup>100</sup>

Third, they invited Kinshasa to participate in the force, thinking that it could be a pilot project for the future Congolese Army. This force could be envisioned as a truly Congolese force to protect the new institutions in case of a compromise on the transition. Fourth, they are hoping to convince the Congolese Mai Mai to help them disarm the Hutus. Fifth, the fragile position of the MLC has led the movement to get closer to the RCD and its concerns. In the end, this initiative was also established to counter the planned demilitarisation of Kindu that the MONUC phase III deployment entails and which was initially part of the draft of UN Security Council Resolution 1376. For strategic reasons, the RCD/RPA forces say they can't give away Kindu. Therefore, either MONUC

<sup>97</sup> ICG interviews, Mai Mai representatives, Nairobi, November 2001.

<sup>98</sup> AP, "Les rebelles congolais mettent sur pied une force conjointe sur pied pour désarmer les rebelles rwandais et burundais", 6 November 2001.

<sup>99</sup> ICG interview, MONUC official, Goma, November 2001.

<sup>100</sup> Presentation of the MLC/RCD at CEDAF in Brussels, 27 November 2001.

or the RCD/MLC will have to find another location to base DDRRR operations.

## **B. RWANDAN POLICIES ON REINTEGRATION OR RESETTLEMENT: LOOKING FOR DURABLE SOLUTIONS**

Successfully reintegrating former fighters is one of the most challenging tasks that the governments of the Great Lakes currently face. For Rwanda, seven years after the genocide, the return of AliR fighters from the Congo and the demobilisation of the RPA troops are very likely to bring back fear in the hills. Rwanda has already launched one of the most ambitious judicial processes ever established, in their effort to try more than 100,000 genocide suspects in front of local popular courts, called *gacaca*<sup>101</sup>. The forward movement of the *gacaca* process (drawing on traditional Rwandan dispute resolution mechanisms) for dealing with genocide cases in Rwanda<sup>102</sup> gives confidence that justice and reconciliation policy objectives will go hand-in-hand and those accused of participating in the 1994 genocide will not fester in prison indefinitely. However, can the already traumatised communities absorb additional returnees who were still fighting in favour of Tutsi extermination a few months before? There is no easy answer to that question.

Since 1999, the Rwandan National Unity and Reconciliation Commission (NURC) has been running the so-called “solidarity camps”, or *Ingando*, which are devoted to the political education or re-education of all Rwandans. After the May/June failed incursion into Rwanda by AliR I, 2,100 AliR fighters either were captured or surrendered, and they are currently stationed at the Mudende and Nkumba reeducation camps in Gisenyi and Ruhengeri provinces. All ex-combatants were allowed to visit their families in their districts of origin after their capture/surrender, the authorisation having been given by the RPA in the districts to actually welcome them, and they all returned to the camps

after one week.<sup>103</sup> Only few individuals took this opportunity to flee.<sup>104</sup>

This programme was used as an incentive to attract more AliR fighters. Ex-combatants were not screened for judicial purposes and only suspected organisers of the genocide were arrested and detained separately. Officially, all the other ex-combatants will face the same judicial process (*gacaca*) as any other Rwandan, once they return home. Yet, only 300 of them are ex-FAR/Interahamwe, who may choose to reintegrate the RPA instead of going back to rural life. The other combatants were recruited after the genocide.<sup>105</sup> Ex-AliR returnees to their home communities have to attend group discussions, enhancing their political re-education for reconciliation purposes. The NURC has also organised information campaigns aimed at the remaining fighters in the Congo, involving ex-combatants writing to their former comrades about their new life in Rwanda. Information circulation within AliR ranks is strictly controlled by officers, who are the only ones having access to radios. The rank-and-file is under permanent indoctrination from Hutu Power elements, keeping alive the anti-Tutsi propaganda of the previous Rwandan genocidal administration.<sup>106</sup>

Of serious concern is the genuine alternative livelihood that DDRRR programmes offer to the ex-combatants, whether ex-AliR or ex-RPA. Lack of funds was identified as one of the main drawbacks of the UNDP initiative that demobilised 18,000 RPA soldiers between 1999 and 2001. The World Bank has therefore taken the lead to support the Rwandan government DDRRR and demobilisation operations by proposing a credit of 25 million dollars to that effect. The credit has to be met by 27.8 million dollars from other donors and 2.2 million dollars from the Rwandan government for a total three-year budget of 55 million dollars. This programme is devoted to the demobilisation and reintegration of both ex-AliR and ex-RPA combatants. The mixture of both programmes is in itself problematic and the delays incurred by its administration risks weakening tremendously the reintegration of the Nkumba and

<sup>101</sup> See Human Rights Watch, “Rwanda: Elections May Speed Genocide Trials. But new system lacks guarantees of rights”, New York, 4 October 2001.

<sup>102</sup> Suspected leaders of the genocide will be tried in Rwandan courts or the International Criminal Tribunal for Rwanda.

<sup>103</sup> See UNDP/Donor mission to the DRC/GLR, “Defining UNDP’s role in D3”, op. cit. p. 23.

<sup>104</sup> ICG interview, Mudende Camp, November 2001.

<sup>105</sup> ICG interview, RPA acting COS, Kigali, 19 September 2001.

<sup>106</sup> Ibid. p. 22.

Mudende ex-AliR combatants. By the end of November, the 1800 ex-fighters had finished their political re-education programme. They were ready to be handed over by the NURC to the National Demobilisation Commission, which, thanks to British and German funding, had the capacity to provide them with a basic reintegration package (transport money, food, seeds, cultivating tools, blanket, etc.).<sup>107</sup> But afterwards, the success of their reintegration relies on the release of the World Bank credit, which is supposed to finance the provision of education, professional training and small loans administered by the Community Development Committees (CDCs) at sector level. The CDCs are one of the key elements in the Government's district decentralisation policy.<sup>108</sup> The ex-AliR fighters will also attend group discussions organised by the NURC at sector level, especially in Ruhengeri and Gisenyi, and will be supervised by the newly created local authorities.<sup>109</sup> But so far, the World Bank grand scheme is only on paper. Collateral funding is not guaranteed and the modalities of the Rwanda programme insertion in a regional basket fund, which is supposed to cater for demobilisation programmes in the entire Great Lakes, remains mysterious.<sup>110</sup> Such bureaucratic uncertainties could mean month of delays in the implementation of the World Bank programme, which the successful reintegration of the ex-AliR fighters of Mudende and Nkumba can not afford.

Moreover, the reintegration of ex-combatants is a delicate political process for which a purely technocratic approach only concerned with budget spending reduction is totally inappropriate. To sustain an army of up to 80,000 men is an extremely costly affair for the Government of Rwanda. RPA activities have been funded by the exploitation of resources in the Congo. Ultimately, a DDRRR program would logically put an end to the RPA presence in the Congo, bringing back to the country not only 20,000 to 30,000 former AliR fighters, but an oversized army, with half of its

members to be demobilised. This means that Rwanda will have to absorb up to 70,000 former fighters in civilian life in the next three years, provided that the war ends and that the DDRRR program is successful. This is still a very long way off.

The RPA has been in the past a major tool for reintegrating ex-FAR. The army is believed to be one of the best institutions to recreate a feeling of fraternity, unity and reconciliation, and served internal stability purposes as well as an external security one. Officially, 15,000 ex-FAR had already been reintegrated in the RPA by October 2000, cancelling the net effect of the RPA's first demobilisation programme. For its second programme, Kigali will have to commit itself to not simultaneously recruiting soldiers. Yet, in the current context of tension between Rwanda and Uganda, and on-going war in the Congo, recruitment is taking place on a daily basis, throughout the country.<sup>111</sup> Officially, each province is supposed to have 3000 active Local Defence Forces, but many are secretly transferred to the Congo to become RPA soldiers, and recruitment to meet official targets can continue.

As a result, donor-funded demobilisation programmes have already funded the recycling of RPA troops from 1999 to 2001. In the current war context, demobilisation of the RPA may be unrealistic. But no recycling programmes should be funded by the international community. The primary targets of the international community should be to support as a priority the different dimensions of DDRRR in Rwanda and to put in place the structures that would guarantee both a successful reintegration of ex-AliR and ex-RPA combatants in the future. It has no business funding Rwanda's war in the Congo but it has the responsibility to make sure that this war is not fuelled by inadequate reintegration programmes or economic desperation in the Rwandan countryside. The local institutions necessary to successfully absorb and welcome ex-AliR and ex-RPA combatants take time to build. Rural economic growth is also key to the equation. This is where the effort should be concentrated.

<sup>107</sup> ICG interview western diplomat, Chairman of the demobilisation commission, NURC official, Kigali, November 2001.

<sup>108</sup> See ICG, "Consensual Democracy in Post-Genocide Rwanda: Evaluating the March 2001 District Elections", Africa report n°34, 9 October 2001.

<sup>109</sup> ICG interview, NURC official, Kigali, 3 December 2001.

<sup>110</sup> ICG interview, UNDP demobilisation expert, Kigali, 22 November 2001.

<sup>111</sup> ICG interview, government official, Kigali, November 2001.

## V. STRENGTHENING EXISTING OPPORTUNITIES

Despite the continuation of low intensity conflict in eastern Congo, there are a number of opportunities that, if recognised and acted upon, could help jump-start the DDRRR process and lay a firmer foundation for the full implementation of the Lusaka Agreement.

### A. 2,000 ALIR I DEMOBILISED EX-COMBATANTS IN RWANDA

The Mudende and Nkumba ex-combatants offer a unique opportunity, right now, to develop and support a serious reintegration program, which can be used as a model to draw further AliR elements back to Rwanda from eastern Congo. Two other battalions of AliR fighters have been cornered in the Nyungwe forest. An outreach program targeted at this population is urgently needed to convince them to return as well.

Part of the reason why some AliR fighters are likely to come back is their war-weariness and repeated defeats. As the humanitarian and economic status of the eastern Congolese population continues to deteriorate, the ability of local populations and the local economy to sustain large numbers of foreign armed groups is degraded. Communities simply cannot accommodate visitors. There is a greater competition for scarce resources, and resentments build against the foreign elements, particularly because they are responsible for much of the violence and instability creating continuous displacement. This makes it more and more difficult for the foreign armed groups to remain in eastern Congo. These AliR forces have failed continuously in every major military objective they have set, including the rout experienced during the latest invasion in May-June 2001. Desertions have reportedly soared and morale continues to deteriorate. Since the vast majority of AliR forces did not participate in the genocide and thus do not view their efforts as a "win-or-die" situation, they are less likely to fight to the death. If a reasonable and safe alternative was provided, most would likely take it.

The ongoing military activity and occupation by the Rwandan government, along with associated

actions by its ally the RCD, continues to be a major issue of contention with Kivutian populations. In a series of meetings with ICG, civil society representatives from eastern Congo berated Rwandan behaviour and human rights violations. One human rights advocate said, "We believe that the genocide was terrible, and we accept their need for security on the border, but we are suffering. The behaviour of the Rwandans and the RCD is very bad."<sup>112</sup> Amnesty International and other human rights organisations have echoed these local sentiments in damning reports.<sup>113</sup> Nevertheless, the attitudes of some civil society activists have shifted to trying to promote incremental improvements in the behaviour of authorities, rather than total rejectionism. This factor, combined with more active advocacy by the UN and other organisations on human rights, has had a marginally positive effect on the behaviour of Rwandan and RCD forces, according to observers in the region.<sup>114</sup>

### B. NEW RWANDAN PRAGMATISM

The Government of Rwanda is demonstrating a renewed sense of pragmatism with regard to the armed groups. The government is making real distinctions between those that organised the genocide (a very small group), those that may have participated in the genocide but were not organisers, and the vast majority of those that were recruited after the genocide. Since Kigali is accepting a much higher percentage for those forces that did not participate in the genocide and who were recruited since 1994, this implicitly reduces the core percentage of combatants who might be subject to judicial processes in Arusha or Rwanda. The government is placing emphasis on the importance of Congolese and Zimbabwean government actions in support of DDRRR as the benchmarks for sufficient and acceptable progress on the issue. Kigali is also much more welcoming of ex-combatants, with the establishment of safe conditions at the two demobilisation camps in northwest Rwanda, Mudende and Nkumba. Furthermore, the Rwandan government has instituted what is in effect a *de facto* amnesty for returning AliR forces not implicated in the genocide, whom they just send to re-education

<sup>112</sup> ICG interview in eastern Congo, 11 October, 2001.

<sup>113</sup> See, for example, Amnesty International, *Rwandan-Controlled Eastern DRC: Devastating Human Toll.*"

<sup>114</sup> ICG interviews in eastern Congo, October 2001.

camps, managed by the National Unity and Reconciliation Commission and then to their communities. The 15%-35% considered executioners of the genocide will have to go through the *gacaca* judicial process. The last 5% are believed to be planners of the genocide and should be transferred to Arusha or face the death penalty in Rwanda. The government, however, will not countenance a formal declaration of amnesty, for political<sup>115</sup> and policy<sup>116</sup> reasons.

### C. KAMINA: AN OPPORTUNITY TO CREATE LEVERAGE

The official position of the Congolese government is much more accommodating than it was before Laurent Kabila's death. There are signs that international pressure on the issue of disarmament of the armed groups has had an effect. The most promising opportunity for early UN action on DDRRR involves the ex-combatant population at Kamina. Credible information shows that the FDLR leaders presented to the international community in August 2001 had no links with the population in the camps.

### D. MONUC'S DEPLOYMENT IN THE EAST

MONUC is organising a unit to deal with DDRRR, initially called the D3 Unit (Disarmament, Demobilisation, and Durable Solutions). MONUC considers itself in transition to Phase III of its mandate. Within existing number caps, it will begin to undertake activities in support of DDRRR. MONUC plans to deal urgently with the Kamina population, as well as to begin expanding its presence and lines of communication in the Kindu-Kalemie-Bunia triangle, which will be its eventual area of operation for assembling and demobilising AliR forces.

### E. OTHER OPPORTUNITIES:

There are a number of other hopeful signs that could contribute to positive action in the near future:

- The fall in coltan prices will reduce the incentive for its continued exploitation by all of the belligerents in eastern Congo who are involved in its mining and trade;
- New money available for DDRRR will allow activities not previously possible to be planned and implemented;
- The Burundi process, though not moving forward quickly, still provides a potential window through which the FDD forces can be dealt with;
- Congolese populations are increasingly distancing themselves from association with AliR forces in certain locations, manifested by localised Mai Mai elements making clear their desire to work to expel these forces from eastern Congo;<sup>117</sup> and
- Key multilateral institutions such as the World Bank and UNDP are deepening their collaboration and planning on DDRRR, thus reducing potential bottlenecks due to agency competition.

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<sup>115</sup> Genocide survivors organisations are strongly opposed to such a measure.

<sup>116</sup> The government does not want to undercut the embryonic *gacaca* process that will aim to address at the local community level accusations of participation in the genocide.

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<sup>117</sup> Discussions between Mai Mai elements and Rwandan government/RCD officers focus on localized cease-fires and/or force withdrawals. Mai Mai forces have agreed in locations north of Bukavu, for example, to contain ALIR movements in exchange for Rwandan and RCD withdrawal. (ICG interviews with UN and humanitarian sources, October 2001, and UNDP reports.) This element is negated to some degree by the continuing resupply of the armed groups by Zimbabwe and Congo.

## **VI. CONCLUSIONS AND RECOMMENDATIONS**

Two conclusions can be drawn from the above developments. First, DDRRR is dependent on further political agreements that go beyond the Lusaka Cease-Fire Agreement. The international community should do more to transform Lusaka into a peace agreement by pressuring the DRC and the Zimbabwe governments to cease their support of the armed groups. But it is also vital to simultaneously convince President Kagame to continuously announce Rwanda's commitment to withdraw from the DRC, which would help President Kabila "package" his disarmament policy against those in his government opposed to such measures. The status quo would probably mean partition of the country and intensification of the war in the Kivus, as the popular resentment surrounding RPA occupation after the failure of the Addis talks risks growing. It would certainly mean the continuing occupation of the Kivus by the RPA.

Secondly, DDRRR is a process, not a product, which will require efforts from the host country, the country of origin and the international community. Despite the significant challenges, and building on the small opportunities, there are actions the Lusaka signatories and the international community can take to start the DDRRR process and build momentum – and thus the overall peace process – forward.

### **A. THE UN AND THE SECURITY COUNCIL SHOULD TAKE A MORE ACTIVE ROLE IN SUPPORTING A BROAD POLITICAL PROCESS**

#### **1. Urge a Mediation Role for the UN Secretary General Between Rwanda and the DRC**

The Security Council should encourage the Secretary General to engage personally and directly with Presidents Kabila and Kagame in a sustained manner. He should demonstrate his commitment to DDRRR by appointing a Special Envoy on DDRRR or by formally including DDRRR in the mandate of the SRSG for MONUC. in support of the mechanism described in Security Council Resolution 1376 of 9 November 2001. The

negotiation should first lead to a public commitment by President Kabila to stop supporting AliR and by the RPA to withdraw from the Kivus. The next objective should be the hand over of more AliR fighters to MONUC by the DRC government and of those indicted by the Arusha Tribunal and to a partial withdrawal from the Kivus by the RPA. The ultimate objective of these negotiations is the signing of a non-aggression pact between the two countries and complete withdrawal from all foreign forces. It is important to show appreciation of Kabila's internal situation and efforts, otherwise his position risks radicalising and more hard-line elements will win out in policy debates. Pressure needs to be applied on the RPA to move proportionately when Kinshasa takes positive steps.

The Special Envoy should also mediate between the Mai Mai and the RCD/RPA in order to reach a cessation of hostilities in the Kivus and a total disassociation of the Mai Mai from the AliR and the FDD.

#### **2. Assist and Coordinate Political Processes in the Region**

DDRRR is a technical program, which typically follows a peace settlement. The complexity and interlinkages of the different conflicts in the DRC require that key political processes at the national level and at local level be strongly supported and harmonised in the region: 1) The Inter-Congolese Dialogue, by supporting shuttle diplomacy efforts ahead of the meeting in South Africa and demand from the foreign belligerents an unconditional support to all resolutions reached through the dialogue. 2) A parallel dialogue and intercommunity reconciliation effort in the Kivus, associating the Mai Mai, the traditional leaders, civil society leaders, and the church. 3) The implementation of the Arusha agreement in Burundi and the efforts of the Gabonese president's and the South African Vice-president's efforts to reach a cease-fire with the FDD and FNL.

#### **3. Set up a Sanctions Committee on the Support to AliR**

The continuing resupply of AliR and what is happening on the new front line created in eastern Congo by the unfolding offensive supported by Congo and Zimbabwe and the counter-offensive by

Rwanda and the RCD risks setting up MONUC for a spectacular failure. The ongoing conflict must be addressed directly, and those responsible must be named and pressured to comply with existing agreements and resolutions.

The UN Commission that investigated continuing international support to the ex-FAR/Interahamwe/Alir forces in 1997 produced a series of recommendations after finding that such support continues to be provided. The recommendations were ignored. A new UN sanctions committee could be set up and mandated to report support to the armed groups, based on UNSC Resolutions 918, 997, 1011, and 1341, and on the recommendations of the UN Commission of Inquiry on Rwanda. All UN members should be requested to provide information they have about the resupply of these groups. The Committee should be provided staff experts to evaluate the information provided and the Committee members should consider taking trips to the field.

#### **4. Support MONUC's deployment to the East**

MONUC is in the process of deploying in Eastern DRC by establishing a base in Kindu with a substantive force, and opening the lines of communication in the East. Pressure should be put on Rwanda and Uganda and the rebel group to accept this deployment, as it is a precondition for conducting an affective DDRRR in the East. MONUC will establish a DDRRR camp in Kindu and should open another one in the Bukavu area in South Kivu to assist the Alir combatants captured and disarmed by the Mai Mai. MONUC's presence in the East should allow the mission to make contact with the armed groups and provide them with information on the domestic situation in Rwanda and the possibilities of reintegration.

MONUC remains woefully understaffed to respond to the multiple challenges presented by DDRRR. A Special Unit has been created but not fully staffed. This should be rectified immediately, and the UN Department of Peacekeeping Operations should make staffing the Unit a priority.

#### **5. Task MONUC to Monitor Resupply of Armed Groups:**

Once a substantive MONUC presence is established in the Eastern DRC, it would be highly desirable that MONUC monitor the resupply of the armed groups. Without access to or presence in airports and other key locations, it is difficult to verify voluminous reports and allegations of continuing Congolese and Zimbabwean resupply of the armed groups. The Belgian, French, American, and British governments all have intelligence confirming such resupply<sup>118</sup>. The monitoring mechanism should report violations directly to the UN Security Council.

The monitoring presence could begin with a smaller presence and build upward. First, a Military Liaison Observer (MLO) team of perhaps 20 should be based in Kigoma, Tanzania, a principal resupply channel, to monitor the camp and the militia therein. Three MONUC boats with 20 MLOs on Lake Tanganika – if sufficiently armed – could monitor resupply via that route. Further, a mobile unit – with helicopters – based in Bukavu could monitor additional supply efforts in South Kivu. An alternative approach to ground-based monitoring is aerial surveillance, in which a plane with forward-looking infrared radar would fly over regions where resupply activities are most prominent. The JMC could also be involved in verification of allegations of resupply.

This will require a change in the mandate of MONUC, which would take UN Security Council leadership and action. This new activity will undoubtedly be logistically difficult, due to the large dimension of the territory to monitor, will need more resources, and will entail some risk, as the armed groups will probably be hostile to monitoring activities by MONUC. But the advantages of such a monitoring effort are multiple: it would create a potential for deterrence of continued resupply; it would increase pressure on Congo and Zimbabwe, possibly making them more amenable to seek compromise on issues related to implementation of Lusaka; it would make MONUC monitoring efforts more relevant to where fighting is really occurring, rather than sitting on positions that will likely not experience

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<sup>118</sup> Countries that have this intelligence are usually loathe to share it because of the possibility of compromising sources and methods.



any violations of the cease-fire; and it would encourage Congolese populations to come forward to provide information on what is happening on this front. Humanitarian sources said that such an effort could have secondary benefits for aid access. They said that the civil population in eastern Congo is increasingly frustrated with MONUC's lack of action on issues of relevance to the continuing conflict in the Kivus.<sup>119</sup> "MONUC needs to get verifiable information on this resupply," said one European diplomat. "We need that information on the table."<sup>120</sup>

## **6. Consider Action on the Exploitation of DRC Resources**

As a means of pressuring the parties to move to implementation of Lusaka at a faster pace, strong consideration should be given to implementing the primary recommendation of the addendum to the April report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources in the DRC: a moratorium on the purchase and importation of minerals originating in areas where foreign troops are present in the DRC. This could be undertaken in conjunction with another key recommendation made by the Panel: review and revise all contracts signed since 1997 in the DRC to address and correct any irregularities.<sup>121</sup> This should be used as leverage to accelerate efforts to support the second and third pillars of Lusaka: DDRRR and withdrawal of foreign forces.

### **B. BILATERAL AND MULTILATERAL DONOR GOVERNMENTS AND ORGANISATIONS SHOULD UNIFY AROUND A COMMON STRATEGY AT THE 19 DECEMBER 2001 WORLD BANK MEETING IN BRUSSELS**

#### **1. Support Reintegration of AliR Forces in Rwanda and of the Kamina Group as a Matter of Urgency**

The World Bank should clearly distinguish between the existing programs for RPA demobilisation and the proposed DDRRR programs for AliR and give priority to DDRRR .

<sup>119</sup> ICG interviews in eastern Congo, 11 October, 2001.

<sup>120</sup> ICG interview, October 2001.

<sup>121</sup> United Nations, « Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources in the DRC », 10 November 2001, p. 27.

The 19 December donors' conference in Brussels should come to agreement on conditions for assisting the process of resettling and/or repatriating ex-combatants in Kamina. An international organisation might best take lead responsibility for supporting and organising the transportation of this population to forward destinations, either to Rwanda or to a third country. To prepare this population for their eventual return, some of the demobilised ex-combatants in the Mudende or Nkumba Demobilisation Camps in Rwanda should be brought to Kamina to talk with residents there to reassure them that they are not facing firing squads upon their return.

A prerequisite of success for a voluntary DDRRR initiative in the Congo is the creation of real alternative livelihood opportunities in Rwanda. Donors should also immediately move to support the full reintegration into Rwandan civilian life of the ex-combatant population currently housed in the two main camps in Northwest Rwanda, Nkumba and Mudende. This requires immediate technical assistance to the process and the provision of significant resources to provide serious economic opportunities to this population and the communities that will absorb these people. Rwanda's already fractured post-genocide economy faces further challenges due to the global recession, and thus serious assistance will be required to develop a credible reintegration program that will act as a draw to other ex-combatants still in the Congo. Civil society representatives in eastern Congo urge immediate action in this regard, as one human rights advocate suggested, "Measures must be taken in Rwanda to attract the armed groups to go back to Rwanda."<sup>122</sup>

In that respect, it is necessary to build the capacities of local authorities, and more specifically of the Community Development Committees, created in the framework of the decentralisation policy in 1999, to absorb and manage the international funds for DDRRR.

#### **2. Provide International Monitoring of the Reintegration Process:**

The return of ex-FAR/Interahamwe/AliR forces from the Congo to Rwanda remains a source of controversy for the Congolese government and its

<sup>122</sup> ICG interview in eastern Congo, 11 October, 2001.

allies, as they continue to accuse, or at least suspect, the Rwandan government of using the DDRRR process to militarily defeat and eliminate as many Hutu forces as possible. Thus, international monitoring of the reintegration process in Rwanda would serve the political purpose of ensuring that this process would neither serve the war aims of Rwanda or the political aims of the Congo and its allies. Key Rwandan officials told ICG they have no objections to an international monitoring component.<sup>123</sup> The Joint Military Commission (JMC) could play a key role in this effort, providing political legitimisation of the reintegration effort if it is implemented fairly and transparently. The Organisation of African Unity (OAU) might play a role as well.

### **3. Support an Information Campaign Aimed at AliR Forces in the Congo:**

Unless there is a vigorous effort to disseminate news of opportunities back in Rwanda, successful reintegration will have little effect on drawing further AliR forces back from the Congo. Radio programs, leafleting, and visits by ex-combatants and family members all can contribute to increasing the incentives for AliR forces to return home. "There is a need to demonstrate to the guys back in the Congo that there is a way ahead for them," said one Rwandan official.<sup>124</sup> A number of the ex-combatants interviewed by ICG in Nkumba Demobilisation Camp provide further reason for such a campaign. One ex-Lieutenant claimed, "We were recruited in the refugee camps in Zaire because we were told we had no chances in Rwanda."<sup>125</sup> An ex-intelligence officer said, "People are not coming back not so much because they were part of the genocide, because many weren't, but it's more that they have a false image of Rwanda today."<sup>126</sup> Working in eastern Congo with church structures, local Mai Mai networks, and civil society organisations will be key in disseminating messages and information.<sup>127</sup>

<sup>123</sup> ICG interviews in Kigali, 8-10 October, 2001.

<sup>124</sup> ICG interview in Kigali, 8 October, 2001.

<sup>125</sup> ICG interview, 9 October, 2001.

<sup>126</sup> ICG interview, 9 October, 2001.

<sup>127</sup> There are already hopeful messages to send back. Earlier efforts to reintegrate AliR forces focused on training or retraining them as teachers in their northwestern areas of origin has led to the region of Gisenyi moving from last to second in national test scores for students. ICG interviewees in the northwest attributed

### **4. Establish a Multilateral DDRRR Trust Fund:**

The World Bank, UNDP, MONUC and key donors should establish a Trust Fund to marshal and coordinate the overall DDRRR process and ensure its forward movement. The Trust Fund would work to mobilise resources and work with the Rwandan government to establish the monitoring mechanism to ensure transparency and due process in the reintegration process.

### **5. Support Reconciliation Economic Recovery in Eastern Congo:**

UNDP and MONUC are planning to open offices throughout the country to start rehabilitation plans. Such an initiative will reinforce DDRRR efforts principally because Congolese communities will perceive that AliR is a principal obstacle to their development, and international efforts to support their development, and may increase their efforts to detach themselves from association with or support for these foreign forces.

### **C. THE RWANDAN GOVERNMENT SHOULD SHOW MORE CONCRETE SIGNS OF COMMITMENT TO WITHDRAW FROM THE DRC, SHOW PROSPECTS FOR DOMESTIC POLITICAL CHANGE, AND PROVIDE MORE SUPPORT TO REINTEGRATION EFFORTS**

The clearest signs of commitment to the peace process would be to accept the demilitarisation of Kisangani and MONUC's deployment in Kindu in Eastern Congo. If the DDRRR talks move forward, pressure will need to be increased on the Rwandan government, now suspected to block these two processes to continue the exploitation of the minerals in the DRC.

The Rwandan government should redouble efforts to create the necessary conditions domestically for the return of ex-combatants, including the provision of amnesties where appropriate, strict adherence to the rule of law, and total transparency in the handling of these ex-combatants, by allowing full monitoring of the reintegration process. Further and more fundamentally, it should

the jump in test scores to be almost solely as a result of these ex-combatants coming back as teachers.

make clear its commitment to reconciliation and to political liberalisation by accepting opposition voices in internal debate, and freeing political activity from interference by the military and the security services. The RPF regime should recognise that persuading Hutus to return will be difficult if political freedoms continue to be restricted<sup>128</sup>.

In the 1997-2001 demobilisation, among other limitations, the government provided no comprehensive reintegration support to ex-combatants. The World Bank concluded that demobilisation without structured reintegration support would “have a negative impact on the economy and delay economic recovery, thereby undermining stability.”

#### **D. THE CONGOLESE GOVERNMENT AND ITS ALLIES SHOULD END SUPPORT TO THE ARMED GROUPS AND HAND OVER GENOCIDE SUSPECTS AS A SIGN OF GOOD FAITH**

The *sine qua non* for forward movement of the peace process is cutting off Congolese and Zimbabwean support to the armed groups, which allow the war to continue away from the established front lines. Nothing either of these governments does with respect to the peace process should be considered positively until such support is ended.

Tanzania should cooperate to the maximum extent in attempting to shut down resupply of AliR and other armed groups through the refugee camp in Kigoma, Tanzania, and via Lake Tanganyika. Otherwise, Dar Es Salaam must be held partially responsible for what these groups do once they are resupplied through Tanzanian territory.

Angola should engage in DDRRR efforts, both by pressuring Kinshasa and by co-operating with Rwanda over shared threats emanating from the Congo.

The most obvious sign of good faith in the peace process would be for the DRC government to hand over the criminals indicted by the International Tribunal for Rwanda for crimes of genocide. The

fact that AliR is now part of the US list of Terrorist Groups should be another incentive for the DRC government to act responsibly and co-operate with other governments on neutralising this group.

**Nairobi/Brussels, 14 December 2001**

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<sup>128</sup> See ICG's report n°34 "Consensual Democracy in Post Genocide Rwanda: Evaluating the March 2001 District Elections", 9 October 2001.

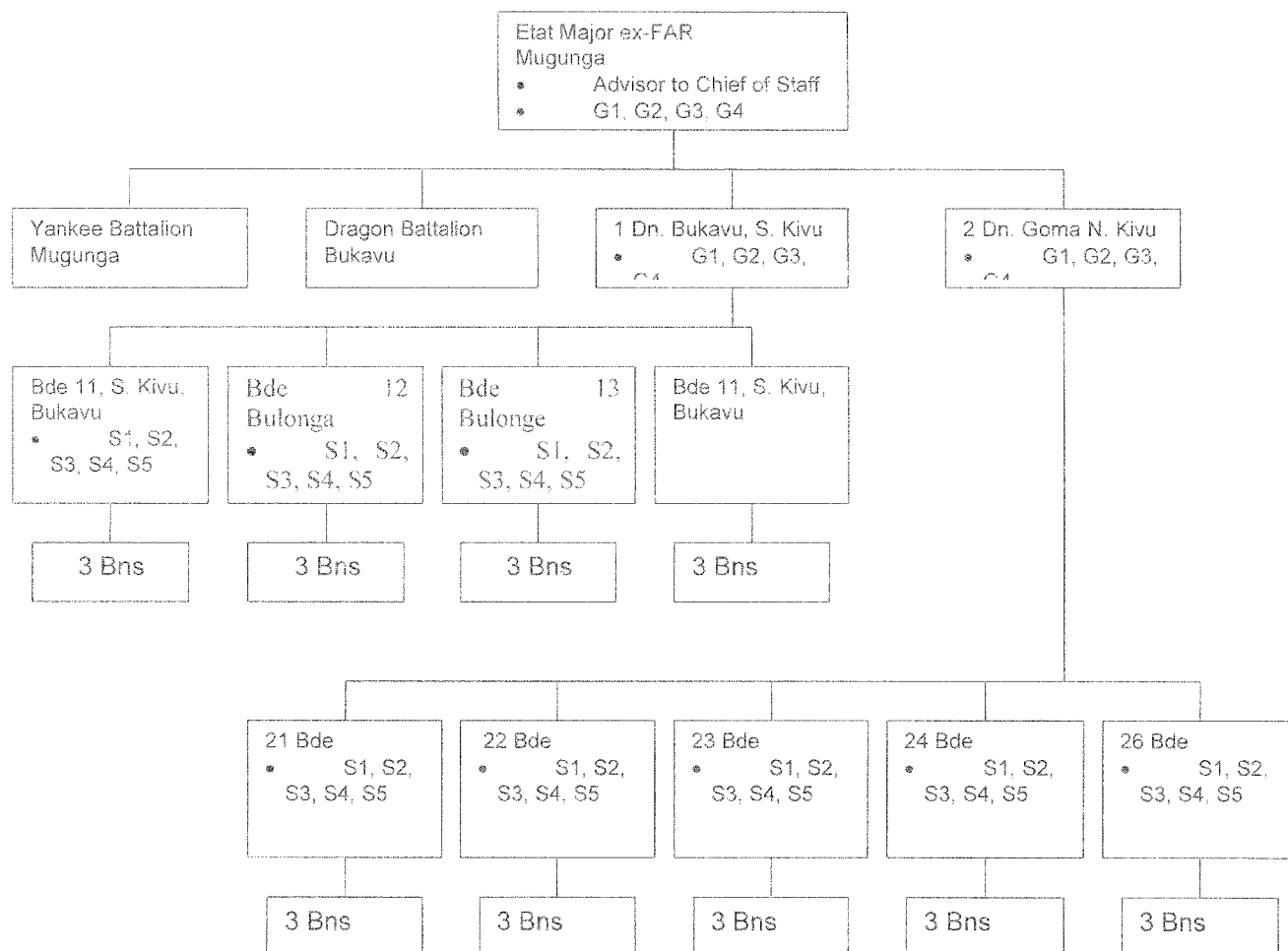
APPENDIX A

MAP OF THE DEMOCRATIC REPUBLIC OF CONGO



## APPENDIX B

### STRUCTURE OF THE EX-FAR/INTERHAMWE FORCES IN THE DRC 1995-1996\*



\* UNDP/Donor Mission to DRC/GLR Defining UNDP's Role in Disarmament, Demobilization and Durable Solutions (D3) 6 August – 13 September 2001

## APPENDIX C

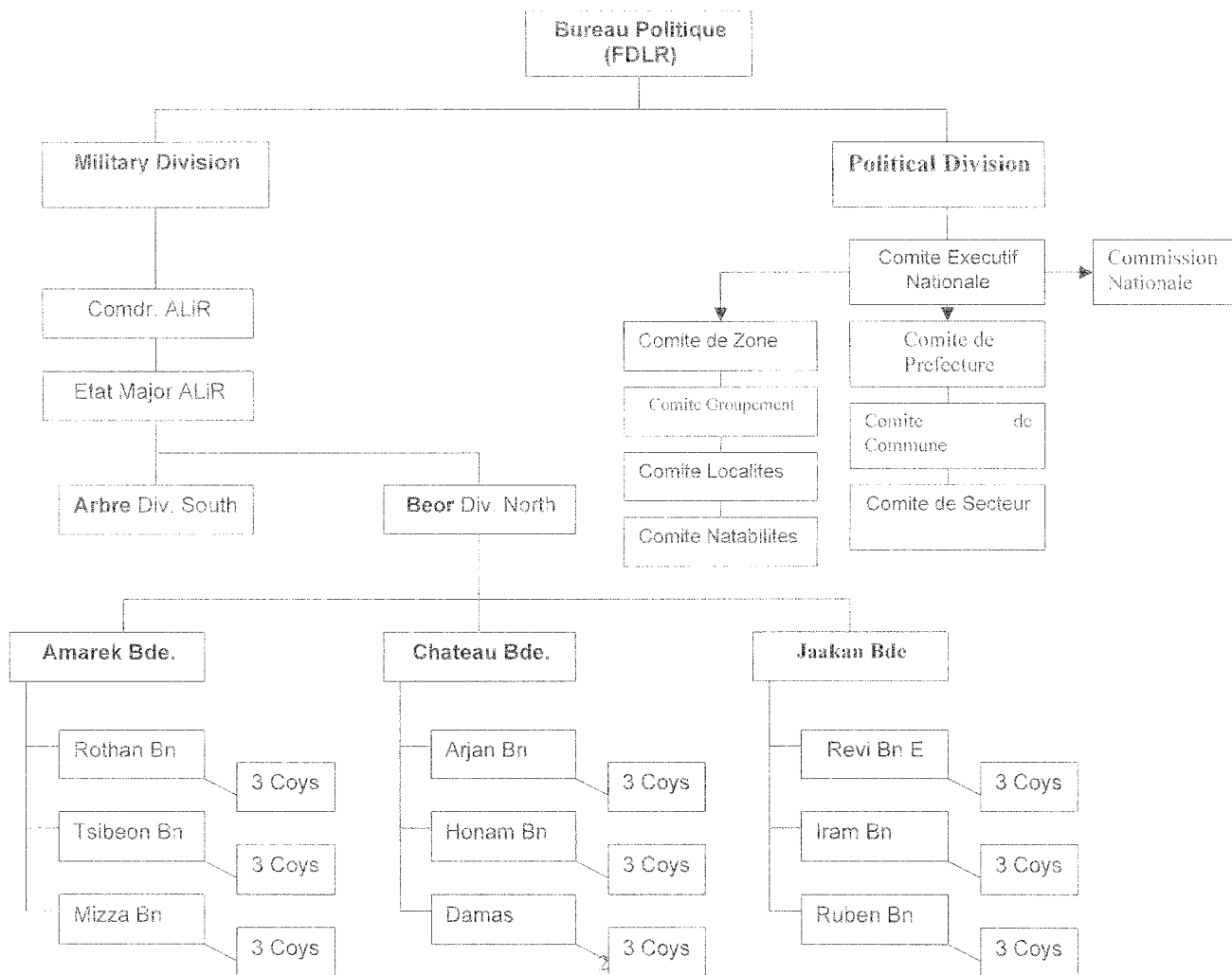
### LIST OF EX-FAR/INTERAHAMWE OFFICERS - CHIEF OF STAFF TO BRIGADE 1995-1996\*

NAME	POST
Major General Bizimungu	Chief of Staff
Colonel Murasantongo	G-1 Division Bukavu
Colonel Ntiwiragaba	Commander Division Bukavu
Gen De Brig Kabirigi	Deputy Chief of Staff Ex FAR
Lt Col Rwamanywa	G4 Chief of Staff Ex Far
Maj Gakara	G1 Division North Kivu
Maj Kinyoni	G2 Division South Kivu
Lt Col Rwarakabije	Brigade Commanding Officer 24
Maj Nsanzimfura	G4 Division South Kivu
Lt Col Bahufite	G2 Chief of Staff Ex Far
Lt Col Bivugabagabo	G1 Chief of Staff Ex-Far
Lt Col Sebahire	Brigade Tanzania
Lt Col Nsengiyumva	G2 Ex Far
Maj Ntabakaze	G3 Division North Kivu
Col Muberuka	Commander Division North Kivu
Col Nkuriyekubona	Commander Division South Kivu
Lt Col Nkundiye	2 I/C Commander and G4 Division North Kivu
Col Muniyarugarama	Division South
Lt Col Gasarabwe	Brigade Commander Division South Kivu
Col Musonera	2 I/C Commander South Kivu
Col Renzaho	Commander Division North Kivu
Maj Nzuwonemeye	Commander Brigade Bulonge Division
Maj Mpiranya	Division North
Maj Nyamuhimba	Battalion Uvira Division South
Maj Hakizimana	G2 Division North
Maj Bizabarimana	Commander 22 <sup>nd</sup> Brigade
Maj Uwimana	2 I/C Commander 22 <sup>nd</sup> Brigade
Maj Bararwerekana	Commander 23 <sup>rd</sup> Brigade
Maj Ruhumuriza	2 I/C 23 <sup>rd</sup> Brigade
Maj Iyamuremye	Commander 21 <sup>st</sup> Brigade
Lt Col Kanyandekwe	Commander 26 <sup>th</sup> Brigade North Kivu Division
Lt Col Baransaritse	Chief of Staff Ex Far Mugunga
Col Kanyamanza	Advisor to the Chief of Staff FAR
Maj Turikunkiko	2 I/C Commander 24 <sup>th</sup> Brigade N. Kivu Div.
Maj Ruhorahoza	G3 Division South
Maj Mugaragu	Chief of Staff Ex Far Headquarters
Capt Burikunzira	Commander Battalion Bulunge

\* UNDP/Donor Mission to DRC/GLR Defining UNDP's Role in Disarmament, Demobilization and Durable Solutions (D3) 6 August – 13 September 2001

## APPENDIX D

### STRUCTURE OF THE EX-FAR/INTERHAMWE FORCES IN THE DRC 1995-1996\*



\* UNDP/Donor Mission to DRC/GLR Defining UNDP's Role in Disarmament, Demobilization and Durable Solutions (D3) 6 August – 13 September 2001

## APPENDIX E

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in nineteen crisis-affected countries and regions across four continents:

Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office planned for Amman) and Pakistan/Afghanistan (with a field office planned for Islamabad).

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

December 2001



## APPENDIX F

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## APPENDIX G

### ICG BOARD MEMBERS

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