

# Continuing Instability in the Kivus:

Testing the DRC transition to the limit

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## EXECUTIVE SUMMARY

This paper is based on fieldwork conducted during a recent trip to the towns of Goma and Bukavu in the eastern Democratic Republic of Congo (DRC). It aims to take a close look at the political and military situation in the provinces of North and South Kivu following the unrest in Bukavu in late May and early June this year. In this context it will discuss the links between the military campaign led by the former *Rassemblement Congolais pour la Démocratie* (RCD) general, Laurent Nkunda, and other civilian and military leaders in the region; the regional and national dynamics which fostered General Nkunda's campaign; and the situation that followed his brief occupation of the town of Bukavu.

This paper will also address the impact that these events have had on relationships between key ethnic groups in the region, and the extent to which these are being politically manipulated by various state and non-state actors.

## BACKGROUND

### *The nomination of military commanders*

Although the events of the past months are reasonably well-known, it is worth examining them in closer detail in order to understand the full extent of the manipulation of the political and military situation that has occurred in both the North and South Kivu provinces.

In January 2004, the Transition Government (TG) nominated military commanders for eleven newly-established military zones throughout the DRC. In line with the all-inclusive peace accord, the command structures of these zones were filled with representatives of the various former belligerent groups that had signed the peace accord. These are the *Mouvement pour la Libération du Congo* (MLC); the *Rassemblement Congolais pour la Démocratie* (RCD-Goma); the former government of President Joseph Kabila (to be identified by the name of the presidential camp's political party,

the *Parti pour la Reconstruction et le Développement*—PPRD); the *Rassemblement Congolais pour la Démocratie-Kisangani-Mouvement de Libération* (RCD-K/ML); the *Rassemblement Congolais pour la Démocratie-National* (RCD-N); and the Mai Mai militia.

Currently the senior ranks of each military zone are filled by an assortment of officers from the various groups, who were appointed following discussions and compromises between the parties. In the 8th Military Region, which comprises the whole of North Kivu province, the commander of the military region is

General Rwabisiri Obedi, a former RCD-G officer. His second- and third-in-command are senior officers from the PPRD and the Mai Mai components, who took up their posts at the same time as General Obedi. In the 10<sup>th</sup> Military Region, covering all of South Kivu, the regional military commander, initially General Prosper Nabyolwa, hails from the PPRD component. Nabyolwa took up his command in January. His deputy, Colonel Jules Mutebutsi, represented the RCD-G group.

Problems between the senior officers in the 10th Military Region first started in

February, when a series of arms caches were discovered in the private homes of former RCD-G officers and senior RCD officials who were still in military service. The first of these occurred in early February, when General Nabyolwa discovered an ammunition cache at the home of the RCD's provincial governor, Xavier Chiribanya Chirimwami. Several exchanges of fire between Nabyolwa's troops and Chiribanya's bodyguards (the latter estimated as numbering some 100 at the time) followed the discovery. Relations between the governor and the regional commander deteriorated. Subsequently, Chiribanya was suspended by the TG as a result of the discovery.

In mid-February, General Nabyolwa raided a house belonging to a former RCD officer, Major Kasongo, where a significant number of weapons were found. He then arrested Kasongo and sent him to Kinshasa.

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Kasongo had been sentenced to death in absentia (as had Governor Chiribanya) in the capital in mid-2003 for alleged involvement in the assassination in January 2001 of President Laurent Kabila. On the evening of Kasongo's arrest, Mutebutsi (Nabyolwa's second-in-command) attacked the latter's compound, killing two of his bodyguards and driving Nabyolwa into hiding. Meanwhile, the RCD-G vice-president, Azarias Ruberwa, strongly condemned the transfer of Kasongo to Kinshasa, and threatened to withdraw from the TC unless Kasongo was immediately returned to Bukavu.

Neither the United Nations Observer Mission to the Democratic Republic of Congo (MONUC) nor the CIAT (Comité International d'Accompagnement à la Transition) commented, either on the Kasongo matter or on Mutebutsi's attack on Nabyolwa's residence, and Kasongo was returned to Bukavu the following day. This failure to respond gave the general impression in Bukavu that such acts would be treated with impunity, and amounted to a *de facto* victory for Mutebutsi and his allies. Many see in this the origin of Mutebutsi's subsequent mutiny, and General Laurent Nkunda's attack on the city in May. Nabyolwa, meanwhile, remained in hiding. He was later evacuated to Kinshasa by MONUC.

### *General Nkunda marches on Bukavu*

Several weeks later, General Mbudja Mabe arrived in Bukavu to take up the post of commander of the 10<sup>th</sup> Military Region. Clearly this appointment was not welcomed by the military establishment in Bukavu, where Colonel Mutebutsi and several hundred troops loyal to him remained more or less in charge of the security situation. Mabe proceeded carefully in the first few weeks of his new posting, not daring to leave the city to address his regional commanders for fear of what might happen in his absence. Tensions erupted again in late May, when Mutebutsi's troops clashed with other forces of the 10<sup>th</sup> Military Region. At least one soldier was killed in these clashes.

A recent Human Rights Watch report has documented that soldiers from the 10<sup>th</sup> Military Region killed at least 15 civilians, the majority of whom were Banyamulenge, between 26–28 May.<sup>1</sup> According to the report, these civilians were rounded up in different parts of Bukavu, subjected to numerous beatings and then summarily executed, apparently as a reprisal for the killing of the soldier. Another group of some 50 Banyamulenge were herded together and kept prisoner in a church compound. They were later rescued and evacuated by MONUC.

In Goma, the headquarters of the 8<sup>th</sup> Military Region, Nkunda rallied several thousand men to support Mutebutsi and marched on Bukavu, announcing that he intended to prevent a genocidal attack on the Banyamulenge community. Although troops from the 10<sup>th</sup> Military Region had targeted Banyamulenge, there is no evidence that genocide was being planned, or that civilians had been implicated in the attacks.

Nevertheless, while Nkunda may have exaggerated his claims for political reasons, it is not clear whether soldiers of the 10<sup>th</sup> Military Region would have stopped killing Banyamulenge civilians. Human Rights Watch says that local sources reported that General Mabe may have tried to stop the killings but the organization was unable to confirm this information.<sup>2</sup> There are also no reports of any efforts being made to punish those involved in the murders.

Nkunda's advance on Bukavu and the events between 26–28 May caused thousands of Banyamulenge from Bukavu and the nearby town of Uvira to flee across the border into the neighbouring countries of Rwanda and Burundi for fear of reprisals by Mabe's troops. Many were rescued by MONUC or by fellow citizens who belonged to other ethnic groups. As Nkunda approached the city, MONUC tried repeatedly to broker a ceasefire agreement between his and Mabe's troops, but to no avail. Once in occupation, Nkunda's soldiers ravaged the town. According to witnesses in Bukavu and the Human Rights Watch report, Nkunda's men went from door to door, raping and looting when the occupants of houses could not find sufficient cash to pay them off.<sup>3</sup>

A withdrawal plan was finally negotiated by MONUC in mid-June, and Nkunda subsequently ordered his forces to withdraw from the town. Since then, there have been continuing skirmishes between troops from the 10<sup>th</sup> Military Region, led by Mabe, and the remnants of Nkunda's forces in the area of Kalehe and Minova. In mid-September Mabe's troops recaptured the town of Minova, officially part of the 10<sup>th</sup> Military Region, which had long been occupied by Nkunda's men.

Meanwhile, Mutebutsi retreated south to the town of Kamanyola, which is located on the border with Rwanda. After capturing the town, his troops shot at a MONUC patrol, which returned fire. Mutebutsi and his men then fled to Rwanda, where they regrouped in Bugarama.

### *Alleged links with the 8<sup>th</sup> Military Region*

Although it has not been officially confirmed, it seems clear that the troops Nkunda was able to rally to his cause and which helped him capture Bukavu came principally from the 8<sup>th</sup> Military Region. In the days before Bukavu's capture, scores of witnesses in Goma testify to seeing troops being loaded into trucks, which headed south on the road towards that town. Similarly, scores of people in Goma reported seeing hundreds of soldiers returning from Bukavu loaded with looted goods, including appliances, jewelry and cars. Many of these spoils have since been sold, and a number of senior officers are known to be constructing houses in Goma with the proceeds.

Back in Kinshasa, senior military officials attempted to play down the apparent links between the commander of the 8<sup>th</sup> Military Region and the events in Bukavu. Although everyone was more or less willing to

acknowledge that the troops Nkunda commanded were officially from the 8<sup>th</sup> Region, officials hesitated to implicate General Obedi, the region's military commander, in the events. Many believed that Obedi's failure to put a halt to Nkunda's military campaign was not an indication of his support, but rather of his inability to control his troops, the vast majority of whom hail from the same ethnic group as Nkunda. Although there is no evidence of Obedi's direct involvement as a commanding officer in Nkunda's offensive on Bukavu, it is generally agreed that the offensive could not have been carried out without his tacit consent. Civilian and military observers alike agree that Obedi could not have been ignorant of plans for the offensive. A senior Congolese military official in the 8<sup>th</sup> Military Region who does not hail from the RCD-G, stated

"I watched as offices at military headquarters were locked up and officers left to join Nkunda's offensive. Everyone here knew what was happening...Obedi is like a fish [out of] water here. All the troops in the 8<sup>th</sup> Military Region are ex-Armée Nationale Congolaise (ANC, the RCD's former army). Nkunda is here in Goma, he has a whole organisation with the troops from the 8<sup>th</sup> Military Region, with Rwandan help and with civilian recruits. The military who fought for Nkunda receive their pay here, they are in the units here. Nkunda himself only had five 'real' soldiers".<sup>4</sup>

Not surprisingly, General Obedi denies any direct links with Nkunda's offensive. However, he does not contest that troops under his command participated in the campaign. In an attempt to absolve himself of any association with Nkunda's initiative, Obedi now blames the events in Bukavu on the failure of the TG to resolve the problem of Nkunda's presence in the east.

Although he distances himself from Nkunda's military actions, he does uphold Nkunda's claims that the Tutsi and Banyamulenge communities in Bukavu were threatened.<sup>5</sup> Obedi says that his troops rallied to Nkunda's cause because they wanted to put an end to alleged massacres of Banyamulenge in Bukavu. In his words,

"This was an insurrection against the transition institutions and the massacres. It was a message about the massacres that were taking place...Also, 10 to 11 months went by without the transition government doing anything about Nkunda. He is a frustrated and embittered man. There was a wave of Tutsi and Banyamulenge troops which rallied to his cause to stop the massacres. There was a political and military void which led to the insurrection".<sup>6</sup>

### *The Provincial government of North Kivu*

Obedi's civilian counterpart is Eugene Serufuli, the governor of North Kivu province. Serufuli, who was

re-appointed as governor in June this year, is widely considered to be one of Nkunda's strongest backers, and is known to have actively supported his offensive on Bukavu. Witnesses in Goma describe seeing trucks belonging to the NGO *Tous pour la Paix et le Développement* (TPD), of which Serufuli is a long-standing board member, loading and transporting troops in the days leading up to the capture of Bukavu. TPD, which does humanitarian work in North Kivu province, is widely known as "Serufuli's political party", and is considered the governor's personal propaganda machine.<sup>7</sup> These allegations have been dismissed by TPD officials, who say that the population misunderstands the governor's association with the NGO because he has been involved with it for so many years. "The unfortunate thing is that people think this because Serufuli is a founding member of the TPD. He was the vice-president of the administrative council before he became governor".<sup>8</sup> Both Serufuli and TPD officials also dismiss as ludicrous, accusations that TPD trucks transported troops during Nkunda's offensive.<sup>9</sup>

"No one in the TPD supported Nkunda. When Nkunda started his campaign, Serufuli was in Kinshasa being sworn in as governor... Complicity is the problem. Commander Uzima Bora, [former South Kivu governor] Chirimwami<sup>10</sup> ...you need to get them to Kinshasa to diffuse the problem".<sup>11</sup>

## The troops Nkunda was able to rally to his cause came principally from the 8<sup>th</sup> Military Region.

Like Obedi, Serufuli denies any links with Nkunda. He, too, supports Nkunda's claims that his military campaign was motivated by the desire to halt massacres of the Tutsi and Banyamulenge communities in Bukavu. In an interview conducted during September 2004 for the purposes of this paper, Serufuli pointed out that,

"Nkunda went to defend the population against the incidents in Bukavu. However once there, his behaviour was not good as he committed exactions against the population of the town.... The government is also responsible because it should not have left officers without military ranks or jobs for so long, and because it mismanaged the Bukavu issue, the conflict between Nabyolwa and Mutebutsi, and the Chirimwami and Major Kasongo dossiers. Mutebutsi was angry; he was sanctioned and that was good, but Nabyolwa was not, this is a double standard. Also, nobody replaced Mutebutsi even though the RCD-G proposed Colonel [Bernard] Biamungu".<sup>12</sup>

Like many others, Serufuli also points to the more practical problem at the heart of Nkunda's success. The latter's status has remained vague since he refused in 2003 to travel to Kinshasa to take up his post as an officer in the new army, on the grounds that he was not satisfied with the military aspects of the all-inclusive

peace accord. Although he faced disciplinary measures, no concrete action was taken to arrest or disarm him prior to the military campaign he conducted.

Many observers feel that it was the TG's failure to address Nkunda's status, combined with the presence of other disgruntled military and civilian leaders in North Kivu, that created fertile ground for an insurrection. The final contributory factor was the thousands of troops who had not been given military ranks, and whose future in the integrated *Forces Armées de la République Démocratique du Congo* (FARDC) seemed uncertain. Widespread dissatisfaction with this uncertainty is felt within the poorly organised military, not only in North and South Kivu but throughout the country. The issue was finally addressed by a presidential decree, issued in early September, that confers ranks on all troops. Although by late September the lists had not yet been distributed to the commanders of the various military regions, the announcement has gone some way towards calming the dissatisfied elements.<sup>13</sup>

That Obedi and Serufuli should deny any collusion with Nkunda comes as no surprise. Clearly they cannot openly acknowledge their involvement with his military campaign, as it would damage their own positions and make them vulnerable to sanctions by the TG. In refusing to accept responsibility, however, both Serufuli and Obedi are tacitly acknowledging that they were unable to exert control over the forces nominally under their command. Such an admission should, under normal circumstances, and considering the grave consequences of Nkunda's actions, render them equally liable to disciplinary measures by the TG. However, fears of such repercussions have not, at least until recently, been reflected in either Obedi's or Serufuli's actions or attitudes. Their confidence can, to a certain extent, be explained. The TG is weak and divided, and does not, as yet, appear to have threatened to pursue either official for his role (whether active or passive) in the events of May and June.

This is only part of the explanation, however. Both men have distanced themselves from Nkunda, calling him a loudmouth who has made many contradictory statements and who has little political significance. "Nkunda doesn't represent anything, he has been given too much significance," says Serufuli, while Obedi refers to him as an "adventurer who does not have the right to remain on my territory". For Obedi and Serufuli, this is a necessary tactic if they want to keep their jobs.

### *Threats to the Tutsi and Banyamulenge communities*

However, some observers believe that Nkunda was used by the likes of Serufuli, and that now that his services are no longer needed and his actions in Bukavu and subsequent declarations have become an embarrassment, he is being abandoned.<sup>14</sup> Nevertheless,

as mentioned above, both men publicly subscribe to Nkunda's assertions that his military intervention was justified by threats to the Tutsi and Banyamulenge communities. While they may now wish to discredit Nkunda, they support his allegations that FARDC troops have committed atrocities against the Banyamulenge and Tutsi. Nkunda was the first to make allegations of ethnically motivated killings to justify the recent unrest in the east, but these have since been echoed at the highest level of the RCD-G, and remain a key factor in the political instability that is plaguing the eastern part of the country.

This ethnic insecurity was amplified by the massacre of Congolese Banyamulenge refugees at the Gatumba camp in Burundi in August. Since then, both the RCD and its Rwandan allies have found it advantageous to exaggerate the threat to the Tutsi and Banyamulenge communities, painting a dark picture of the imminent genocide of these groups. But while there have been targeted killings of members of this community, it is a dangerous exponential leap to speak of genocide. Such rhetoric, which serves political purposes rather than the interests of the communities concerned, is far more likely to awaken ethnic tension than it is to lead to a serious discussion of the real problems faced by these communities. The RCD leadership and its Rwandan allies must be aware that their strategy could easily backfire on the community they are ostensibly trying to protect. Nonetheless, it is the strategy that they continue to pursue. It also provides a reason why Obedi and Serufuli, who are part of this dynamic, are able to remain so confident.

In recent months Serufuli has made increasing overtures towards President Joseph Kabila and has visited the capital, Kinshasa, on several occasions. He is a key propagator of the idea that FARDC troops from the 10<sup>th</sup> Military Region, who are now under the control of General Mabe, are a threat to the Banyamulenge and Tutsi communities. Serufuli claims he discussed the matter with President Kabila after the Bukavu events, and asked permission to deploy troops from the 8<sup>th</sup> Military Region to be in those areas of the 10<sup>th</sup> in which many Banyamulenge and Tutsi are resident. This, he said, was necessary in order to protect these communities from the FARDC troops. "If you let Mbudja Mabe deploy to Kalehe, the 'Rwandophone' population will flee".<sup>15</sup> According to Serufuli, Kabila agreed to the proposal. However, these plans were overtaken by the massacre of 160 Congolese at the Gatumba refugee camp in Burundi in mid-August.

By late September, the advance of FARDC troops from the 10<sup>th</sup> Military Region in the area of Kalehe had caused an estimated 15,000 people to flee their homes.<sup>16</sup> They are now concentrated in Ngungu. Those of the displaced interviewed by Radio Okapi, stated that they had fled the region because they had heard rumours that these troops were massacring Rwandophones. There has been no independent confirmation of any such large-scale killings to date,

although some of those displaced claimed that bombs had been dropped on their villages.<sup>17</sup> Meanwhile Serufuli, who has warned that the Rwandophone community is afraid of Mabe's troops, announced that more than 150,000 people had been displaced by the fighting, a grossly exaggerated figure which has not been backed up by independent sources.

Although Nkunda's whereabouts are officially unknown, he is believed to visit Goma regularly. The circumstances surrounding the issuing of an arrest warrant for Nkunda, and the failure of the various military and civilian authorities to act on it are also a good indication of the dynamics between the various actors. Following the Gatumba massacre, Vice-President Azarias Ruberwa declared that the RCD-G was suspending its participation in the transition, and subsequently spent several weeks in Goma. During that time, he had numerous meetings with Nkunda, for whom an arrest warrant had already been issued. As Ruberwa and Nkunda are not believed to be close, the former's open association with the latter during his stay in Goma appears to have been an attempt on the part of the vice-president at a rapprochement with the more radical elements of his party. With the Gatumba massacre fresh in people's minds, Ruberwa may also have calculated that his association with Nkunda (who announced in its aftermath that, if necessary, he would again take up arms to defend the Banyamulenge) did not constitute much of a risk.

At the time, Nkunda was also seen to be moving openly around the town; he even agreed to speak to journalists. This was an irritation to Serufuli and Obedi, as his advertising of his presence in Goma clearly implied that they tolerated it.<sup>18</sup> In mid-September both Serufuli and Obedi reiterated their intention to arrest Nkunda. This is, however, very unlikely to happen, for a variety of reasons. If Nkunda were to be arrested and interrogated, it is probable that he would expose his links to other figures in North Kivu, which would be an embarrassment for both Serufuli and Obedi. In addition, Nkunda continues to maintain relations with other disgruntled figures such as Chiribanya, Bora, and Colonel Bernard Biamungu. The latter's situation remains unresolved, but his influence in the region remains considerable. Finally, as a Tutsi, Nkunda has an appeal for troops of the same ethnic origin, and his arrest could therefore spark angry reactions among sections of the military. Civil society leaders from the Banyamulenge and other ethnic communities in Goma and Bukavu agree that arresting Nkunda would cause various forms of trouble, and that he is therefore better left alone.<sup>19</sup>

Meanwhile, even those figures known to be close to Nkunda are unwilling to support him publicly. The

controversial former governor of South Kivu province, Xavier Chirimwami Chiribanya, is known to be one of Nkunda's close associates. During his time as governor, Chiribanya used his house as a meeting-place not only for officers such as Nkunda who had refused to join the FARDC but for others who had been condemned to death in absentia for their alleged involvement in the assassination of President Laurent Kabila.<sup>20</sup> Chiribanya, who was replaced early this year (following the discovery of an arms cache at his home, mentioned above), now resides in Goma. Although he too dismisses Nkunda as a "talker", Chiribanya, who is known to have strong connections with the Rwandan government, claims that Nkunda's actions were justified because he was protecting the Banyamulenge and Tutsi communities in Bukavu. However, he considers Nkunda's allegations of genocide exaggerated.<sup>21</sup> Chiribanya also blames Nkunda's intransigence on the TG and its inability to address Nkunda's equivocal status following his refusal to join the FARDC. "It was predictable that this would happen. What status did these officers have? Deserters? It was total disorder. He kept his rank and his weapons."<sup>22</sup>

Chiribanya also acknowledges that Nkunda holds tremendous appeal for the Rwandophone community:

"This community has been marginalised for a very long time, they are very sensitive to insult...Mutebutsi should have been sent to Kinshasa [after his attack on Nabyolwa]. When Mbudja Mabe attacked Mutebutsi, the Banyamulenge came to his aid....There is a lot of solidarity in the Rwandophone community. Nkunda has a lot of ability to rally people".<sup>23</sup>

## Rwanda's current role in the eastern DRC remains a much-discussed and very divisive topic.

### THE ROLE OF RWANDA IN THE DESTABILISATION OF NORTH AND SOUTH KIVU

Rwanda's current role in the eastern DRC is a much-discussed and very divisive topic. Yet, it remains crucial to understanding the dynamics in the eastern part of the country. This region has been under direct or indirect Rwandan influence since 1996, when the Rwandan-backed *Alliance des Forces de la Libération du Congo*, which brought Laurent Kabila to power, first emerged in South Kivu. Although the Rwandan army completed the withdrawal of its forces from the DRC in late September 2002, there have been continuous allegations that a Rwandan military presence remains on Congolese territory. Although MONUC would not verify these claims for a long time, there were consistent reports from aid agencies, NGOs and civilians that they had seen Rwandan troops in the DRC. In March this year a MONUC patrol encountered Rwandan soldiers in North Kivu, and made its first official report that there is a Rwandan presence in the eastern DRC.

It is somewhat odd that the attempt to implicate Rwanda in the political situation of the eastern DRC should place so much weight upon the physical presence of Rwandan armed forces there. Rwanda openly backs the RCD-G and has deployed troops to Congolese territory. There are close ethnic links between Rwandan and Congolese Tutsis, and senior Rwandan officials and civilians have developed important business interests in the eastern DRC. Given such close ties between Rwanda and the eastern DRC, it seems foolish to conclude that Rwanda is not interfering in Congolese matters simply because it cannot be proved that it still has troops on Congolese territory.

A UN panel of experts, mandated to investigate compliance with a regional arms embargo imposed by the Security Council in 2003, has exposed numerous cases of Rwandan interference in Congolese affairs. These indicate a pattern of deliberate destabilisation of the eastern DRC. In its 15 July 2004 report to the UN Security Council, the panel concluded that

“Rwanda was violating the sanctions through direct and indirect help both on Congolese and Rwandan territory, to Jules Mutebutsi and Laurent Nkunda’s dissident soldiers during their operations against the FARDC. Rwanda also exerted a certain degree of command and control over Mutebutsi’s forces”.<sup>24</sup>

The panel reported the following incidences of Rwandan involvement:

- Rwandan authorities allowed Mutebutsi and his troops to use Rwandan territory as both a rear base and a safe haven during repeated crises in the DRC;<sup>25</sup>
- In mid-June, Rwandan troops entered a United Nations High Commission for Refugees (UNHCR) transit camp in Cyangugu, collected 30 young men and forced them onto a truck, telling them they were to join Mutebutsi’s forces in the DRC. The young men believed that they would have been forced into submitting had the UNHCR not intervened to free them. There were other, similar, incidents reported;
- Prior to the outbreak of conflict in May, the Rwandan authorities allowed Nkunda and Obedi to recruit actively on Rwandan soil. There is also evidence that Rwandan government officials and high-ranking Congolese officers close to Nkunda repeatedly visited a refugee camp at Gihembe, where they attempted to recruit troops to fight with them in the DRC. The first such visit took place in late 2003, and the latest on 3 May 2004. Nkunda’s men threatened the refugees, telling them that if they did not join his forces they would be stripped of their Congolese nationality or denied access to medical care in Rwanda; and, finally,
- Various Rwandan security personnel are actively undermining the Disarmament, Demobilisation, Reinstallation, Repatriation and Reinsertion (DDRRR)

programme, forcibly recruiting returnees by threatening them with physical violence if they refuse.<sup>26</sup>

Other UN sources confirm that the last point in particular is true. According to these informants, the Rwandan government has repeatedly blocked efforts by various organisations to repatriate Rwandan Hutus living in the DRC. At the same time it claims that the uncontrolled presence of these refugees—some of whom were involved in the 1994 genocide in Rwanda—on Congolese territory is a major threat to its security.<sup>27</sup> Given that Rwandan troops were deployed in the eastern part of the DRC for five years, during which they were unable to neutralise these forces, the argument that Rwandan troops may have to return to the same territory to do so now seems somewhat hollow.

Further destabilising the region by arming and supporting new forces such as Nkunda’s and stoking ethnic tensions will serve only to antagonise groups such as the Mai Mai, and cement their bonds with Rwandan Hutu combatants, with whom they have common cause. It will also increase resentment of the Banyamulenge and Tutsi communities and make the possibility of an outbreak of ethnic war more likely. The problem could be addressed once and for all if clarity was reached on whether elements in the Congolese government are in fact still arming and supporting Hutu forces. In addition, both the Rwandan and Congolese governments need to work with MONUC to drive the DDRRR process forward.

## MILITARY INITIATIVES

### *Relations between North and South Kivu*

Relations between the 8<sup>th</sup> and 10<sup>th</sup> Military Regions have remained tense since June. The city of Goma lives in a constant state of alert, with tensions rising at every report of fighting between the troops belonging to the 10<sup>th</sup> Military Region and Nkunda’s men. Although Mabe’s troops have not crossed into South Kivu in their attempt to re-establish control over their terrain,<sup>28</sup> the attitude of both the civilian and some of the military authorities in North Kivu towards Mabe and his troops is one of suspicion. They clearly view him as an enemy. From a purely superficial perspective, this is an odd state of affairs, as Mabe is part of the government-appointed military command structure, and has the right to extend his authority over the entire 10<sup>th</sup> Military Region. Although this is a point the authorities are willing to concede, they warn that Mabe’s troops are dangerous, and pose a threat to all Rwandophone communities in North Kivu province. This threat is in part based on the reported presence of Interahamwe<sup>29</sup> within the ranks of the FARDC troops sent in June to reinforce the strength of the 10<sup>th</sup> Military Region.<sup>30</sup> This allegation has not yet been definitively disproved, but many observers doubt its truth.<sup>31</sup>

Amid renewed fighting in Minova and Walikale in mid-September, the FARDC chief of staff, General Kisempia, ordered the commanders of the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Military Regions to Kinshasa to attend a meeting to discuss the coordination of operations between the three military zones. In an interview prior to his departure, Obedi declared that he had no problem travelling to the capital, and that he had “aligned himself” with his government. The trip was his first to Kinshasa after Nkunda’s capture of Bukavu in late May. His failure to obey a previous summons to attend a meeting in the capital in mid-July (because a relative of his had died) had been met with much scepticism, but the reason given by him has since been confirmed as true.<sup>32</sup>

The public has learned next to nothing about the meeting between the three regional military leaders. However, shortly thereafter General Sylvain Buki, the former chief of staff of the ANC and now holding the same post in the FARDC’s land forces, travelled to Goma and Bukavu to assess the situation and attempt to mend the relationship between Mabe and Obedi. The visit was made at a time of renewed fighting in the North Kivu town of Walikale between troops from the 8<sup>th</sup> Military Region and armed elements who said they were from the 10<sup>th</sup>. (The latter were most probably Mai Mai militiamen.) There has also been continual skirmishing at Numbi, in South Kivu province, where troops from the 10<sup>th</sup> Military Region are said to be battling against elements from North Kivu, but whose affiliation has not yet been identified. Both Walikale and Numbi are mining areas, and there is speculation that the ongoing violence may be the result of competition for control of the cassiterite mines in the area.

Whatever the cause of the fighting, it is imperative for the stability of the region that some clarity is reached as to whose troops are battling against whose, so that action can be taken to prevent a decisive rupture between the two military zones. Unfortunately, this is an extremely difficult task. Much of the fighting has been attributed to Mai Mai attacks on the 8<sup>th</sup> Military Region. However, although the Mai Mai has been officially integrated into the FARDC, its command structures remain unclear. It cannot, therefore, be assumed that the Mai Mai are acting on orders from a centralised command. In fact, this could play into the hands of the FARDC, which could be using the Mai Mai’s ambiguous status to pursue its own ends.

Equally equivocal is the position of Nkunda’s troops. The town of Minova seems to have been recaptured by FARDC troops from the 10<sup>th</sup> Military Region without much of a fight. This suggests that, for the moment at least, the majority of Nkunda’s troops have reintegrated with the ranks in the 8<sup>th</sup> Military Region. Here too it is possible that the commanders of the 8<sup>th</sup> Military Region

will blame any fighting between their forces and those of the 10<sup>th</sup> on dissident elements loyal to Nkunda.

In both instances, the danger is that skirmishes between various groups which have loose alliances with one or the other region will be perceived as an outright attack by the forces of one military region on another. This is a possibility that could have devastating consequences. While the opportunities for misunderstandings are great, what is far more worrisome in the long run is the likelihood that the political forces controlling either military region will manipulate or misrepresent the situation for political purposes.

Given all this turmoil and the huge potential for disaster in the region, the question arises: Why has the TG so far been unable or unwilling to put an end to the problems in the east? Of course, the most obvious and lasting solution to the ongoing military problem is to proceed with the re-formation of the Congolese army, starting in the North and South Kivu provinces. That was where the marshalling of a mono-ethnic force enabled Nkunda to capture Bukavu in May, and where the possibility of a repeat of this event remains a threat.

... it is imperative for the stability of the region that action be taken to prevent a decisive rupture between the two military zones.

As the occurrences of the past year show, progress on the integration of all the former belligerents has been hampered by political calculations and a climate of distrust amongst the various opposed parties in the government. This level of political tension will not have been reduced by the events of the past several months.

A short-term solution would be to replace the various commanders who were appointed to the 8<sup>th</sup> and 10<sup>th</sup> Military Regions with new commanders from the same parties as before. This would sever existing links between the current commanders and dissident troops, and counter the allegations that commanders such as Mabe are targeting particular ethnic groups. Such a move could go a long way towards restoring some confidence and trust between the military regions, and demonstrate to both the forces on the ground and the general population that the TG is able to take strong action, and that it will not tolerate insubordination within the military.

That the TG has not taken this step is indicative either of the various parties’ willingness to let the situation deteriorate to serve their political purposes, and/or a level of dissent so high that it cannot be overcome, even in the most pressing circumstances. The TG’s inaction is also attributable to the presence of a deep rift along ethnic lines, which pits those close to the Banyamulenge and Tutsi communities against the rest. This dynamic again plays into the hands of those whose political strategy is best served by championing the cause of these communities, and bodes ill for a peaceful resolution of the violence in the North and South Kivu provinces.



A separate issue requiring clarification is the status of the area north of Kanyabayonga that stretches as far as the northern city of Beni. This territory, which is commonly referred to as the *Grand Nord* (but which is part of North Kivu province), was officially separated from the rest of the 8<sup>th</sup> Military Region six months ago. Security in the area has since been reinforced by FARDC troops who are under the direct command of military headquarters in Kinshasa. The separation of the *Grand Nord* area from the 8<sup>th</sup> Military Region is not only a military but also a political blow to the RCD-G. Prior to the inauguration of the TG in June 2003, this area had been under the control of the RCD-G's rival, the RCD/K-ML, led by Mbusa Nywamisi. However, the RCD-G believed that it would be able to reassert its authority over this region once the TG had been installed, following Serufuli's confirmation as the governor of North Kivu province in June 2003.

What is left of the 8<sup>th</sup> Military Region is hemmed in on the north and south by military elements it considers threatening. Serufuli complains that from a practical point of view, the presence in the *Grand Nord* of FARDC troops who are not under the command of the 8<sup>th</sup> Military Region also presents administrative problems. As emphasised by Serufuli,

"These troops depend on the military headquarters [in Kinshasa]. Sometimes they don't have food, and I get calls from their commanders asking me to intervene. So, there is no clear command structure between the troops in the Grand Nord and headquarters, nor between myself and the troops."<sup>33</sup>

A more significant problem is Serufuli's refusal to accept that these FARDC troops should integrate with those of the 8<sup>th</sup> Military Region. He rejects this proposal for the same reasons that he says he cannot accept that FARDC soldiers from anywhere in the country can replace existing troops in the 8<sup>th</sup> Military Region.<sup>34</sup>

In late September, Buki and Obedi visited the *Grand Nord* in an effort to extend the 8<sup>th</sup> Military Region's command to the FARDC troops there, and to accelerate the integration of the Mai Mai into the FARDC. These efforts are currently under way, but it is unclear how Serufuli will respond to this initiative.

### *The RCD-G and recent events in the east*

Azarias Ruberwa, one of the four transitional vice-presidents and the president of the RCD-G, has played an oddly reticent role in the military events of the past five months. When Nkunda's insurgency broke out, Ruberwa was in Goma, where he remained for much of the duration of the crisis, on a government mission. Unlike the other government ministers who had accompanied him, Ruberwa did not seek refuge at MONUC headquarters, on the grounds that he felt secure enough to stay in his private residence in the

town. His failure immediately to denounce the attack on Bukavu cost him much credibility with both the population and his colleagues in the government. And, although he eventually spoke out against the rebellion, he did so in vague terms; he did not censure Nkunda.

Once back in Kinshasa, Ruberwa was indirectly challenged by Bizima Karaha, an RCD-G parliamentarian, who had once been a senior and much-feared RCD-G official in charge of security. Karaha and seven other members of parliament accused members of the TG belonging to the president's camp of making ethnically divisive statements against the Banyamulenge community, and of supporting the Interahamwe militia.<sup>35</sup> Karaha subsequently withdrew to Goma, where he was met with a frosty reception. He attempted in vain to raise money for his dissident group.<sup>36</sup> He also apparently tried to align himself with Nkunda's group, but was rebuffed by the latter because he did not want to be co-opted by Karaha.<sup>37</sup>

Nonetheless, the emergence of two dissident forces from RCD-G ranks within the space of two months seemed to further marginalise Ruberwa, who had had few supporters in Kinshasa to begin with. While the perspective from the capital was that Ruberwa had remained too close to his movement and its Rwandan allies, the 'extremist' elements felt that he had integrated too much into the TG and, once in his comfortable, well-paid vice-presidential post, had abandoned the RCD-G politically and militarily.<sup>38</sup>

Ruberwa reasserted his position only in the aftermath of the Gatumba massacre, described below. After attending the funeral of the victims, Ruberwa returned to Goma, announced that he was suspending the RCD-G's participation in the TG, and issued a 30-page document entitled *Evaluation de la transition: Diagnostic et Mesures Urgentes* [Evaluation of the Transition: Diagnosis and Urgent Measures]. (It should be noted that the decision to suspend the RDC's participation in the government was not supported by all of its members. In Kinshasa many RCD parliamentarians who were not Banyamulenge indicated that they might not follow their vice-president's lead.)<sup>39</sup>

Clearly the most contentious accusation in Ruberwa's document is that FARDC forces participated in the killings in the Gatumba camp.

"Information received from numerous sources indicate[s] that this genocide which was planned and executed by certain authorities and FARDC military elements (ex-Mai Mai) in confirmed coalition with the negative forces (Interahamwe, ex-FAR and FNL) profoundly undermines the implementation of the major objectives of the transition."<sup>40</sup>

Ruberwa goes on to accuse General Mabe of planning the attack in a meeting in Bukavu which was also



attended by Colonels Dunia and Nakabaka and Lieutenant Colonel Kayamba, all of whom are Mai Mai commanders in the 10<sup>th</sup> Military Region.<sup>41</sup> According to the document, the plan was to attack the Gatumba camp and the Banyamulenge community in Bibokoboko. Four Mai Mai and Interahamwe commanders led companies of 120 troops in the attacks, which targeted only the Banyamulenge refugees in the camp, sparing others of different ethnic origins.<sup>42</sup> The document concludes:

“If the supreme commander of the Congolese armed forces, who is himself the president of the republic[,] had named the deputy commander of the tenth military region, a post which belongs to the RCD, as we have insistently asked him to do for six months, this genocide would have been avoided or would not have been allowed to be committed. This unjustified refusal or delay to name an officer to a post belonging to the RCD favoured the commission of this crime, the commander of the tenth military region and his acolytes having acted as they pleased due to this absence”.<sup>43</sup>

Ruberwa’s accusations came as no surprise. Shortly after the massacre, both Rwanda and Burundi blamed the Congolese government and armed forces for planning and executing the slaughter, and closed their borders with the DRC. It was only logical that the RCD-G, Rwanda’s ally, and Ruberwa, who is a Munyamulenge, would follow suit. However it is not clear whether Ruberwa has any firm evidence to support his accusations. In the first instance, it seems that the RCD chose to appropriate the massacre as a political tool to wield against the rest of the TG, the presidential camp in particular. In the context of the eastern part of the country, which has borne the brunt of two successive wars, this is a dangerous tactic. The Banyamulenge community has been in a difficult position for years, living among other Congolese ethnic groups which have never accepted either the Tutsi and Banyamulenge-dominated RCD or occupation by the Rwandan army. While there are leaders of these communities who were either themselves part of the RCD or were openly sympathetic to its cause, there are many others, such as Colonel Patrick Masunzu, who have rejected its leadership and openly fought against it, arguing that it is not representative of the Banyamulenge and Tutsi communities.

Meanwhile, although the various ethnic groups co-existed more or less peacefully, even during the war years, resentment of the RCD and its Rwandan backers has blended into a hostility against the greater ethnic community they purport to represent. There is a growing tendency to make sweeping generalisations about the Banyamulenge and Tutsi communities. In this volatile

political context, allegations such as those made by the RCD put these communities at risk of reprisals from other ethnic groupings, who resent the special treatment demanded by some Banyamulenge and Tutsi leaders.

Sadly, the politicisation of massacres and violence is a long-standing practice that the various Congolese belligerents have employed to discredit their enemies ever since the start of the war in August 1998. It is not surprising that this continues today, when the various parties continue to pursue their own rather than a national agenda. However, the manipulation of ethnic identities and relations has become more intense, and the danger of matters spinning out of control in the volatile east is now greater than ever before.

While Ruberwa remained in Goma, it appeared that the transition had finally come to a standstill. Without the RCD-G, both the transition and elections would have been meaningless, and the country would once again be divided between east and west. Various political camps in Kinshasa were probably satisfied with this state of affairs, particularly because they could not be blamed for scuppering the transition. It is also telling that, in the wake of Ruberwa’s announcement, no one made any public effort to negotiate the return of the RCD-G and Ruberwa to the fold. Although Kabila denounced Ruberwa’s actions, he did nothing to persuade him to reconsider. Nor did he address any of the concerns raised in Ruberwa’s document.

Ruberwa revised his position only after a meeting with the South African president, Thabo Mbeki, who travelled to Kinshasa in late August. According to sources close to the main participants in the meeting, Ruberwa set three conditions for his return to the TG. These were that ambassadorial and para-statal posts yet to be filled be renegotiated more equitably; that FARDC troops sent to the east in the wake of Nkunda’s capture of Bukavu be withdrawn; and that the re-allocation of military posts be reviewed. The demand for a military withdrawal is probably the key, as the ambassadorial posts have not been a point of contention to date, and there is no justifiable reason to review the distribution of the military posts. President Mbeki reportedly told Ruberwa that he would discuss the matter with Kabila. In any case, the discussion itself was sufficient to persuade Ruberwa to reassume his post as vice-president.

Although he is now back in government, Ruberwa does not seem to have received a warm welcome from either the other components of the TG or certain members of his own party. The presidential camp was reportedly hardest on Ruberwa, because his document accused Kabila and his camp of being *genocidaires*.<sup>44</sup> It also claimed that the president’s faction was, among its other misdeeds, maintaining parallel military structures,

## There is a growing tendency to make sweeping generalisations about the Banyamulenge and Tutsi communities.

monopolising control of the security services, and continuing to supply the Interahamwe. That Ruberwa should have earned the hostility of Kabila and his supporters is unfortunate, because many aspects of his observations about the transition (such as the need to make progress on reintegrating the army) are extremely valuable, and could have led to a fruitful discussion of the main obstacles to the transition process.

That the other camps in the government also refrained from commenting on Ruberwa's observations is also very telling. At least some of the allegations Ruberwa made against the presidential camp in the document, for example the maintenance of a parallel military structure, are known to be accurate. The silence of representatives of other components of the TG on these matters would seem to indicate either that their loyalty has been appropriated by the government (as is the case with many of the representatives of civil society and the political opposition), or that the RCD has become so reviled that supporting even its most viable proposals has become a politically risky exercise. Either way, this is a bad omen for reaching consensus in the TG. It is even worse for the Tutsi and Banyamulenge communities, whose cause is unlikely to be given a fair hearing and whose representatives in government are increasingly being treated like pariahs in consequence.

## THE CURRENT SITUATION IN BUKAVU

Three months after Bukavu was briefly captured by Nkunda's dissident troops, the city remains extremely tense. Like the residents of Goma, those of Bukavu are waiting for fighting to erupt again, although there is less fear of Nkunda and his troops than there is of an invasion from Rwanda. These fears have been heightened since the Gatumba massacre in mid-August, which prompted Rwanda to declare that it might return to the DRC if it felt that its security interests were being threatened.

Bukavu has always been one of the most politically organised cities in the country. Throughout the most recent war, Bukavu's civil society continued to voice its opposition to the RCD-G, which controlled the town, making it clear that its allegiance lay firmly with Kinshasa. At the same time, civil society in Bukavu has long been a fractious and divided group. Some of its factions have been widely criticised for their extremism, especially with regard to the Banyamulenge community. Be that as it may, the various ethnic communities have co-existed peacefully in Bukavu and the rest of the province for the past several years. For the most part, anti-Byamulenge sentiment was expressed only by the more radical elements of society. Nonetheless, the fact remains that, like its northern neighbour, the province has borne the brunt of two successive wars initiated by members of the Banyamulenge and Tutsi communities. These wars cost countless lives across ethnic lines.<sup>45</sup>

A senior military commander in the 8<sup>th</sup> Military Region acknowledges that although it is justifiable to feel some

resentment about events in the past, this is an obstacle to attempts to reconcile the communities now.

"There is a wholesale rejection of everything that was associated with the RCD-G. Our task is to get people to get along. Some extremist views are justified, but they are not useful. Just look at how Mabe is considered a hero here in town. He is presented as 'Moses' to hurt the old guard, but he has not done that much....There is another side to the story. Someone has been circulating fake letters from the Rwandan government to keep suspicions of Rwandan involvement going."<sup>46</sup>

These letters, which began circulating in Bukavu in September, are addressed to Obedi and Karaha. The letter to Obedi, which is written in Kinyarwanda on a letterhead from the office of the Rwandan ministry of defence, states: "We are sending you your troops which have finished their training with our troops, who are already used to such exercises. Take these guns which we have assembled, we will send you the rest once we have assembled and prepared them".<sup>47</sup> A second letter addressed to Karaha and written in Kinyarwanda on a letterhead from the office of the Rwandan president, Paul Kagame, states: "We inform you that we have received your letter asking us to assist you with troops, military equipment and money. Your letter was very well received. But pay attention not to fall into the trap of our enemies in Kinshasa".<sup>48</sup>

These letters have been widely distributed in Bukavu and are generally regarded as a hoax, not least because they are amateurish in style. It is also highly doubtful that the Rwandan government would ever put communications such as these in writing.<sup>49</sup> Even though they are widely discredited, these letters are evidence of the existence of certain elements in Bukavu who are manipulating existing suspicions that Rwanda is continuing to rule in the region.

Many residents of the city as well as members of mainstream civil society report that the relationship between the Banyamulenge and other Congolese ethnic groups has deteriorated in the aftermath of Nkunda's attack on the city. "Relations between the communities have been set back by a decade," comments one civil society representative.

"We have to redo the work we had already done. A lot of bad things have happened on the back of the Banyamulenge community. The 1996 war opened a wound which had not yet totally healed. But after five years of war, the two communities had become closer because of the RCD's failure to manage affairs. The May events have been blamed on the Rwandophones and there is a feeling that they were politically motivated. The damage of those events was such that there has been a total rupture in confidence between the Tutsi- and non-Tutsi communities".<sup>50</sup>

These sentiments are echoed by many other civil society activists in Bukavu. There is also a general desire to see those who fled in May return to the city. "The Banyamulenge have to return, it is their right".

## THE RETURN OF BANYAMULENGE REFUGEES

But clearly, matters are not as simple as that. Many people harbour resentment towards the Banyamulenge, not only for their self-appointed leaders' role in recent events, but also because they feel that their community has been ungrateful in not recognising the role that other ethnic communities played in helping them flee prior to Nkunda's arrival. According to the director of one international NGO, a spokesman for the Banyamulenge community who was escorted to safety across Bukavu by a group of non-Banyamulenge later declared in a radio interview that "one dead Banyamulenge erased the efforts of all those who had helped other Banyamulenge escape".<sup>51</sup>

A related issue is the list of demands which has been made by the refugees, which includes housing, food, healthcare and, crucially, reinstatement in their jobs upon their return to the areas from which they fled.<sup>52</sup> Many consider the demands for special access to food and healthcare outrageous, given the misery into which all of the residents of Bukavu were plunged during the brief war. Others wonder whether homeowners will ever again be willing to rent their houses to Banyamulenge.<sup>53</sup> Even more contentious are some of the refugees' requests to be reinstated in their posts, which many of them obtained in the first place when their predecessors were chased from their jobs by the AFDL and the RCD.<sup>54</sup> This could prove to be a very divisive issue.

The question of the refugees' return is currently the most urgent issue in South Kivu, not least because there are conflicting opinions about whether the refugees actually want to come home. South Kivu's vice-governor for finance, Thomas Nziratimana, himself a Banyamulenge who was previously the RCD-G's representative in South Africa and who took up his post only recently, is preparing the way for their return. Nziratimana has set up a number of committees, each of which has been charged with addressing different refugees' demands. Among others, there is a humanitarian, a crisis, a housing, a security and a health committee, and another to look into the jobs of those who fled. Nziratimana says that the ministry of social services has instructed him to proceed with the identification of the refugees, and to organise their return in co-operation with international NGOs in Bukavu. The provincial authorities and these NGOs will determine how many families can return each day.

With regard to security concerns, Nziratimana acknowledges that the refugees have expressed some

fears about returning to their homes in the DRC, but says that they prefer not to remain in the countries that have given them refuge. Following the massacre at the Gatumba transit camp in August, Rwanda and Burundi announced that the refugees would be moved from transit camps close to the border to more permanent refugee camps in the interior of their countries. According to Nziratimana, the refugees do not want to move camps, and prefer to return home.<sup>55</sup> "If the refugees return and there are no incidents, this will be an important step. They will have to work on their own security. We had started some work [on reconciliation between the communities] through the *Barza intercommunautaire*<sup>56</sup>, but Gatumba set us back".<sup>57</sup>

Although Nziratimana is working hard to create the conditions for a safe return for the Banyamulenge refugees, and insists that they are willing to come home, there is evidence to suggest that some Banyamulenge leaders are not enthusiastic about returning to the DRC soon. Leaders of civil society report that certain important members of the Banyamulenge community have declared their unwillingness to be repatriated, have adopted an extremist attitude and have taken hostage

the rank and file members of the Banyamulenge refugee community, who stand to gain nothing from remaining in exile.<sup>58</sup> "Some refugees want to return, but others in their community do not want them to return. They are benefiting from the situation in order to demonstrate that the Banyamulenge community is still in danger in the DRC and they prevent the others from returning," said one director of a local NGO.

This statement was made after these representatives of civil society had participated in a workshop funded by Christian Aid, which was held in Bujumbura in August for NGOs working on peace and reconciliation in South Kivu.<sup>59</sup> According to the same source, it became clear during the workshop that certain leading NGO figures of Banyamulenge origin had adopted hard-line attitudes which did not necessarily correspond with the views of their fellow community members. This division did not only apply to the issue of the refugees' return to the DRC, but also to the question of whether civilian Banyamulenge had participated in the events that took place in Bukavu in late May and early June. This question is intimately related to the refugees' sense of security.

"Some people believed that a few civilian Banyamulenge did take up arms [to fight with Nkunda] during the conflict. This makes them ask the question of how they will be received upon their return.... But many of the Banyamulenge leaders did not acknowledge that this happened, saying that any Banyamulenge who did participate were demobilised elements of the ANC who

## The question of the refugees' return is currently the most urgent issue in South Kivu.

reintegrated [with] the army. This was a very controversial issue".<sup>60</sup>

Numerous local and international sources interviewed in Bukavu voiced the opinion that the situation of the Banyamulenge community and the refugees in Rwanda and Burundi is being manipulated by various interested actors. These come both from within the community and from outside the region. Many believe that it is politically expedient for these parties to perpetuate the idea that the Banyamulenge community in the DRC is threatened. This provides the RCD-G with leverage in both the TG and the international community, which continues to base much of its policy for the region on the guilt it feels for its failure to halt the 1994 genocide in Rwanda. It also suits the Tutsi-led Rwandan government, providing it with solid reasons both to remain closely involved with politics in the eastern Congo and to redeploy troops on Congolese soil if it deems necessary. These suspicions are validated to a certain extent by Rwanda's reaction to the Gatumba massacre, even though the event did not take place on Rwandan soil or involve any of its citizens. Nonetheless, the Rwandan government, which blames the massacre on Mai Mai and Interahamwe elements in the FARDC, issued a statement that it would send troops to the DRC if its security was threatened. It also closed its border with the DRC for several weeks.

Other interesting information emerged from the same workshop. A leader of the Banyamulenge community explained his community's understanding of the events surrounding Nkunda's attack on Bukavu, and its fears for the return of those who fled:

"The events of May 26, 2004 were surprising. Against all expectations, the Banyamulenge community was forced to flee. The civilian population of Bukavu was not directly implicated in the event even if some people were carried away by the situation (street boys, unemployed people and the students). The problem at the start was of a political-military nature, so that civilians from other communities attempted without success to protect the Banyamulenge by offering them hiding places in their homes.... It is therefore clear that the Banyamulenge community is the victim of a campaign of demonisation and generalisation which must be denounced. The return of this community without security guarantees may contribute even more to the deterioration of inter-communal cohabitation and will thereby be even more harmful."<sup>61</sup>

As a result, the Banyamulenge leader demanded that certain minimum security conditions should be guaranteed, that the community's houses and those of their landlords should be reconstructed, that there should be an independent inquiry into the events, and that those found guilty should be brought to justice.

Other positive developments were noted at the workshop. For example, many Banyamulenge families

and material goods belonging to them were protected by neighbours and friends belonging to other communities. Also, MONUC frequently condemned the attacks on the Banyamulenge and attempted to negotiate an agreement between the parties. Again, several visits were made by members of the TG to the camps in Burundi.<sup>62</sup> It is encouraging that the various Banyamulenge representatives who participated in the workshop acknowledge that they had received assistance from members of the non-Byamulenge community in Bukavu. However, it is a source of concern that all say they feel that there are extremist elements within the population who are actively campaigning against them, and that this threat overshadows any comfort they may have gained from the support of their friends and neighbours.

The question of security for returning refugees is a very real concern. The UNHCR is currently unwilling to become involved in the repatriation of refugees from Burundi and Rwanda, in part because it is in no position to guarantee the returnees' safety. One reason is that the UN judges that the level of insecurity in the region is so high that its internal safety regulations will prevent UNHCR staff members from travelling to many of the country areas to which the refugees would return. This means that UNHCR staff will be unable to monitor either the conditions of their return or the situation of the refugees after they have been repatriated.<sup>63</sup> Another and simpler technical reason is that, in order for the UNHCR to repatriate refugees from either Burundi or Rwanda, it needs to have signed a tripartite agreement with each host country and the DRC government. This has not yet been arranged, although UNHCR officials have explained that it would not take very long to accomplish once the parties had agreed with one another.<sup>64</sup>

Moreover, by late September, the Congolese authorities had made a start on repatriating Banyamulenge refugees. Although the humanitarian agencies estimate that some 3,000 people fled the region in May and June, grossly inflated figures of the number of refugees who are returning have been circulating in the region. Rumours claiming that these are between 28,000 and 40,000 have made the rounds in Bukavu and Uvira. This has fostered a climate of deep distrust among the local population, which suspects that there are plans to infiltrate non-Congolese Tutsis into the DRC along with the Banyamulenge refugees. This interpretation of the figures is a worrying indication of the extent to which the myth of a greater Tutsi and Banyamulenge empire is again taking root in the Congolese imagination. This phenomenon puts at risk both the safety of the returning refugees and any efforts to reconcile the various ethnic communities. This is illustrated by recent events in Uvira, which indicate that the population is becoming increasingly intolerant of its Banyamulenge compatriots. In late September a group of several hundred Banyamulenge refugees which was due to return to Uvira from Burundi was

prevented from doing so by angry mobs who demonstrated against their repatriation.

## THE GATUMBA MASSACRE

To date the most authoritative investigation of the massacre at the Gatumba transit camp on 13 August has been conducted by Human Rights Watch, which issued a report on the subject in September. A summary discussion of its findings follows.

According to the report, there were approximately 825 Congolese refugees in the Gatumba transit camp on the night of the attack; the majority of these were Banyamulenge. There were also an estimated 500 displaced Burundians, who were housed in tents at the other end of the campsite. Located only a few miles away from the Congolese border and less than a mile from Burundian military and police camps, the Gatumba site was managed by UNHCR, which paid the government to provide protection for the refugees. Following the Congolese refugees' arrival, the UNHCR repeatedly tried to have them moved further away from the border to a site in Muringa province, where several hundred other Banyamulenge refugees were already accommodated. Although the Burundian government (which had chosen the Gatumba site) agreed to move them, it did not put any pressure on them to do so. The refugees refused to go of their own accord, preferring to remain close to the border so that they could return to their homes more easily. When the UNHCR announced that it would no longer provide food at the camp, the refugees found other sources of supply, and continued to insist that they did not wish to leave the Gatumba site.<sup>65</sup>

On the night of the attack, only six policemen (rather than the specified ten) were on duty at the camp. These policemen had no means of communicating with their base nearby. However, many of the refugees and local military and administrative officials had cellular phones and the contact numbers of the UNHCR personnel.

On the afternoon of 13 August, local residents noticed several unfamiliar uniformed men, some of whom spoke Swahili, in town. When asked by a UN staff member what they were doing, they replied that they were providing security for the transit camp. Later that night, witnesses reported seeing the attackers approach the camp from the direction of the border, singing religious songs in Kirundi. The majority of the assailants wore military uniforms and carried firearms; there were child soldiers and women among them. Upon hearing the singing and shouting, the policemen on duty initially fired at the group, but fled after they had exhausted their ammunition. The attackers first raked the tents in which the Banyamulenge were housed with small weapons fire, and then threw grenades into the tents,

setting them alight. The majority of the 152 refugees who died were killed by bullets or burned to death. All but 14 of the dead were Banyamulenge. A further 106 people were wounded.<sup>66</sup>

None of the Burundians in the camp or those Banyamulenge who had been sheltered on the Burundian side of the site (owing to space constraints) were attacked. According to witnesses, the assailants posted men at the entrance to these tents and warned their occupants not to come out. A number of those who survived the attacks said that they had been spared because they were able to identify themselves as non-Banyamulenge by speaking to the attackers in Kibembe. The assailants expressed surprise that there were non-Banyamulenge in the camp.

Local residents told Human Rights Watch that they knew immediately that the refugees were being attacked because of the sounds of gunfire and shouting coming from the direction of the camp. They also saw tracer bullets and the smoke and flames coming from the burning tents. The commander of the nearby police camp also said that he was aware that an attack was taking place, while local administrative officials were exchanging information with one another while the attack was in progress.<sup>67</sup>

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Major Budigoma, the commander of the nearby military camp, denies any knowledge of the attack until half an hour after it had begun. He claims to have been alerted to the situation by a call from one of the Banyamulenge leaders who was not himself in the camp, but had been informed of what was happening.<sup>68</sup> Given the proximity of the military camp to the site of the massacre, and the fact that others living in the same area could hear what was happening, it is

difficult to believe the commander's assertions. He later told Human Rights Watch researchers that his camp had been attacked by more than 200 combatants simultaneously with the massacre in the refugee camp. Although used ammunition at the gate of the military camp indicated that some fighting had taken place there, the camp buildings did not appear to have been damaged by gunfire. Meanwhile the commander of the police camp also asserted that his station had been attacked.

In the early hours of 14 August, Pasteur Habimana, a spokesman for the *Forces National de Libération* (FNL),<sup>69</sup> claimed responsibility for the attack, saying that the killings were reprisals for the countless unpunished murders of Burundian civilians that had occurred during the Burundian conflict. He later amplified his explanation, saying that the FNL had also attacked the police and military camps, and that it was during those operations that FNL troops had pursued members of the Burundian security forces into the refugee camp,

where the Banyamulenge refugees had attacked the FNL with firearms.<sup>70</sup>

Although Human Rights Watch was unable to find evidence corroborating this claim, and views Habimana's explanation with skepticism, it concluded that the FNL were largely responsible for the attack on the transit camp. This finding was based on witness testimony that the assailants were speaking Kirundi. In fact, Human Rights Watch estimates that the assailants numbered no more than 100, and that the majority were FNL troops. However it noted that some witnesses reported that they had also heard other languages such as Kiswahili, Lingala and Kibembe being spoken by the assailants. This could indicate that other groups might have been involved in the attack.

Although the FNL claimed responsibility for the attack only hours after it took place, a number of other versions of who was responsible began to circulate as early as 14 August. Both the Rwandan and Burundian governments accused FARDC troops of participating in the attack, while the RCD-G made detailed accusations that troops belonging to the tenth military region had planned and executed the attack with the help of a coalition of Mai Mai and Interhamwe forces. Rwanda and Burundi subsequently closed their borders with the DRC for several weeks, and the RCD-G briefly dropped out of the TG.

Meanwhile, back in Burundi, Banyamulenge leaders showed UN staff members pamphlets which warned all Congolese to distance themselves from Banyamulenge by the end of July, and urged them to unite to fight the "enemy". The pamphlet, which was written in French and Kiswahili, was signed by a previously unknown group, the *Force de la Coordination des Patriotes et Nationalists Révolutionnaires du Mouvement Congolais des Combatants Non-violents pour la Démocratie*. It also denounced a Rwandan-Ugandan-Burundian coalition to expand the Tutsi empire. Although the Banyamulenge leaders claimed that the pamphlet had been circulating in the central market in Bujumbura and the refugee camp, other camp residents, Burundian officials, residents of the town and UN staff denied ever having seen it before. A second pamphlet, which camp residents do remember, threatened Vice President Ruberwa and warned him not to come to Uvira.<sup>71</sup>

Human Rights Watch researchers also report that it became increasingly difficult to gain private access to eyewitnesses of the massacre in the days that followed the event, as numbers of Banyamulenge men persistently intruded on interviews with survivors. "These ever-present Banyamulenge seemed to want to make all information conform to a given version of facts rather than to permit a reconstruction of the most accurate possible account of the tragedy".<sup>72</sup> This suggests that some of the leaders of the Banyamulenge have a vested interest in perpetuating a version of events which implicates Congolese forces in the

massacre. Yet another explanation of the events, which asserted that the Banyamulenge refugees were preparing an attack on the DRC, was spread by several civil society groups from South Kivu. According to this version—which strongly resembles the FNL's official explanation—FNL troops who chased Burundian soldiers into the refugee camp were attacked by Banyamulenge there. The refugees were killed in the battle that ensued.<sup>73</sup>

## **DDRRR AND THE VARIOUS ARMED GROUPS IN SOUTH KIVU**

MONUC figures indicate that the DDRRR process received an enormous boost when Nabyolwa became head of the 10<sup>th</sup> Military Region. According to various accounts, he adopted a pro-active approach to DDRRR from the start, and strongly encouraged Rwandan combatants to return to their home country.<sup>74</sup> According to the same sources, Nabyolwa was considered a trustworthy partner with whom the various organisations involved in the DDRRR process were able to interact. He reportedly travelled often to the field, and ordered the Mai Mai to disassociate themselves from the Rwandan combatants within their ranks. More combatants were repatriated between November 2003 and January 2004 than had been sent home in the entire period between the start of the DDRRR process and the beginning of Nabyolwa's involvement.<sup>75</sup> Some observers in Bukavu speculate that Nabyolwa's active pursuit of Rwandan combatants may have displeased Rwanda and its allies in the DRC, and that this might have been one of the reasons for his running into trouble with Mutebutsi. According to the same sources, although Nabyolwa attempted to work with the authorities in Bukavu, he was consistently rebuffed by them.<sup>76</sup>

Following the clashes between Nabyolwa and Mutebutsi, the DDRRR process came to a halt, however. The eruption of violence between the two camps discouraged many Mai Mai, who had believed in a so-called Rwandan-Banyamulenge-backed "third rebellion", from ejecting Rwandan combatants from their ranks. The reason they gave was that they needed the Rwandans to help them resist the new dissident movement.<sup>77</sup>

Mabe also attempted to take action against Rwandan Hutu forces, most notably the FDLR, in South Kivu. He organised two operations on the Ruzizi plain, during which two FDLR battalions were dislodged and 39 FDLR combatants were killed. This was the first time that FARDC troops had taken direct action against FDLR soldiers since fighting had broken out between the FDLR and the old Congolese army at the camp in Kamina where FDLR combatants were cantoned.<sup>78</sup> Shortly thereafter, the clashes between Mabe and Mutebutsi, and Nkunda's capture of Bukavu brought a halt to FARDC operations against the FDLR and other Rwandan Hutu combatants in the region. As a consequence, the FDLR were able to recapture territory from which they

had been dislodged, and the alliance between the Mai Mai and the FDLR was strengthened.<sup>79</sup>

It is ironic that those who are most vocal about the need to disarm the Rwandan combatants are also those who have contributed to strengthening these forces and weakening those who are attempting to assist DRRR. This does not seem to be a coincidence, but rather to provide further evidence that the Rwandan government may not actually want these combatants to return to their own country. Their presence in the eastern DRC allows them to perpetuate the claim that Rwanda's security is threatened.

According to the UN panel of experts' report, the last known occasion on which the Congolese government delivered supplies to FDLR troops in North Kivu was in October 2003. As for South Kivu, the panel expresses concern about increased collaboration between the FDLR and the Mai Mai in the wake of Nkunda's campaign. There have been many rumours that the presidential camp is still actively arming the FDLR. This allegation is vehemently denied by FDLR commanders in South Kivu.<sup>80</sup>

The Congolese government officially distanced itself from the group in 2002, when Kabila and Kagame signed the Pretoria agreement. This called for the Rwandan government to withdraw its troops from DRC territory. Under the same agreement, the Congolese government committed itself to disarming the FDLR within three months of signing the accord. Under pressure, the DRC government arrested 21 FDLR leaders in Kinshasa and forcibly repatriated them to Kigali, with the help of the South African tri-partite verification mechanism (TPVM). At the same time the government attacked the Kamina camp at which FDLR troops were cantoned, killing their commander and causing thousands to flee east.

The situation of the FDLR now seems to be more precarious than ever. With the Kinshasa government needing to demonstrate that it no longer supports them, they find themselves on enemy territory in the eastern DRC. They are scattered throughout North and South Kivu; their current strength is estimated at between 6,000 and 10,000 men, organised into four battalions. They have two known headquarters in Masisi and Kilembwe, and are generally considered to be well organised and well-equipped with small arms, heavy weaponry and communications.<sup>81</sup>

Although some FDLR combatants have participated in the DRRR programme, their leaders are adamant that certain conditions must be met before their return to Rwanda. "There must be change in the internal politics in Rwanda. We want an inter-Rwandan dialogue. When Kagame started his war, did he want to negotiate

about Rwanda?"<sup>82</sup> Although the FDLR leaders on the ground are generally resistant to the idea of dialogue with the Rwandan government, they accept that it is possible. However, they insist that the dialogue must take place between the Rwandan government and the FDLR's political leadership in Europe.<sup>83</sup>

Although they denied that they are getting support from Kinshasa, the FDLR leaders shrugged off the suggestion that they might now be at risk from FARDC attacks. "If the FARDC attack us, let them. We will defend our cause". For the moment at least, it is not clear whether the FARDC will pursue its operations against the FDLR. Troops of the latter are currently stationed very close to the location in which we met FDLR representatives, and are well aware of where the FDLR are. If they do choose to pursue them, the fighting is likely to cause a tremendous backlash for the local population. On the other hand, prospects for the success of peaceful attempts to repatriate FDLR combatants are minimal because of the recent events in Bukavu (which were backed by Rwanda). These provide a strong motive to refuse to participate in the DRRR process.

## CONCLUSION

While a window of opportunity remains open for the various players to sit down and negotiate the issues, time is running out.

It is clear that the situation in the Kivus is far from being resolved. There is a growing risk of widespread armed conflict based on long-standing ethnic tensions and fears. These are being manipulated for political gain by various forces, such as the RCD-G and the Rwandan government.

While a window of opportunity remains open for the various players to sit down and negotiate the issues, time is running out. If extremist forces continue to manipulate ethnic fear and hostility between Banyamulenge, Tutsi and other

Congolese ethnic groups, these tensions are bound to take concrete form. Armed conflict between these groups could pervade the entire region.

The body that should be most concerned with, and involved in, the resolution of the turmoil in the east is the TG. Unfortunately, it has to date taken no action aside from verbally condemning the military campaigns undertaken by Nkunda and Mutebutsi. The lack of any real dialogue between the TG and the RCD-G is reminiscent of the early days of the war, when the presidential camp in Kinshasa and the RCD-G were engaged in a constant verbal and military battle, unwilling to negotiate. The two camps have clearly not overcome their suspicions of each other, and remain stuck in their pre-transition mindset. In the eyes of the presidential camp the RCD-G remains a Rwandan 'puppet' which is engaged in the defence of the Congolese Tutsi and Banyamulenge communities, and is willing to sacrifice the rest of the Congolese population to do so. The RCD-G, meanwhile, clings to



the fixed idea that the presidential camp is hostile to these communities and continues to support Rwandan Hutu combatants. While there is certainly some truth in both of these perspectives, the time has come for these issues to be discussed and resolved by the TG as a whole. Resolution should not be undertaken by armed individuals whose allegiances are to one or other camp.

Ideally the many other groups that form part of the government should intervene to mediate between the two camps. However this has not happened. This inaction is probably attributable to the tendency of the various parties to make calculations that serve their political advantage rather than to look to the future of the country. The RCD-G is intensely unpopular; therefore supporting any of its positions is a risky business for other parties in the run-up to the elections. From a political perspective, it is far easier for the various groups to remain silent and to isolate the RCD-G.

The distrust between Kinshasa and the RCD-G is also evident in the current stand-off between the 8<sup>th</sup> and 10<sup>th</sup> Military Regions, which view one another as enemies. This impasse will be resolved only when real progress has been made in re-forming the FARDC and deploying multi-ethnic units throughout the country. For the moment however, the refusal of the various parties to cede influence over the military in the areas they control, and the allegations that Rwandan Hutu combatants have already been absorbed into the FARDC remain difficult obstacles to overcome. The TG, and in particular the presidential camp, will have to make credible efforts to identify Rwandan combatants if it wants to proceed with the integration of the various belligerent forces into one military unit. Sincere commitment to this process would also deprive Rwanda of an excuse to interfere in the DRC's affairs. It would also deflate the RCD's argument that these forces represent a threat to the Tutsi and Banyamulenge communities.

Although it is obvious what steps must be taken, the influential presidential camp is likely to opt for the status quo, calculating that the dynamic in the east could lead to a delay in holding national elections.

Finally, Rwanda's continued interference in the eastern DRC remains an enormously destabilising force. Without Rwandan military and logistical support, it is highly unlikely that Nkunda or Mutebutsi would have been successful. While there is no doubt that Rwanda does have valid security concerns relating to the presence of Interahamwe elements in the DRC, evidence that it is undermining the process of disarming and repatriating them demonstrates that the Rwandan government is not really serious about eliminating this threat. Like the Congolese presidential camp, Rwanda appears to benefit from the status quo, which gives it a pretext to interfere in DRC matters, apparently with impunity. In recent months this interference has taken on a new and more sinister form, which is also reflected in the RCD-G's intransigent attitude. This threatens to embroil the eastern part of the country in wholesale ethnic war.

## ENDNOTES

- 1 DR Congo: War Crimes in Bukavu, Human Rights Watch Briefing Paper, June 2004.
- 2 Ibid, p 3.
- 3 Ibid, p 3, 4. Interviews in Bukavu, September 2004.
- 4 Interview with a senior Congolese military official, Goma, September 2004.
- 5 The Banyamulenge are a sub-group of the Tutsi. They speak a variant of Kinyarwanda, the dominant language in Rwanda, and live largely in the high plateaus of South Kivu. They are distinct from the Congolese Tutsis who are concentrated in North Kivu and who are known as Banyarwanda. The Banyamulenge association with Rwanda has attracted a great deal of hostile negative attention to this ethnic group. Nkunda is a Tutsi from North Kivu, while Mutebutsi is a Banyamulenge from South Kivu..
- 6 Interview with General Obedi, Goma, September 2004.
- 7 Statements made by a wide range of civilians in Goma, September 2004.
- 8 Interview with TPD officials, September 2004.
- 9 Interview with Eugene Serufuli, governor of North Kivu province, Goma, September 2004, Ibid.
- 10 Bora, Chirimwami as well as several other civilian and military officials were sentenced to death in absentia in mid-2003 for their alleged involvement in the assassination of President Laurent Kabila. The new amnesty law does not extend to crimes committed against the Congolese head of state state, and so does not abrogate the sentences handed down in the Kabila assassination trial.
- 11 Interview with TPD officials.
- 12 Interview with Serufuli, Goma, September 2004.
- 13 Interview with journalists, Goma., Interview with a senior Congolese military commander, Bukavu, September 2004.
- 14 Interview with a humanitarian official, Goma, September 2004.
- 15 Ibid.
- 16 Figure obtained from Ocha, MONUC, UN agency mission to Ngungu, quoted in Radio Okapi report from Goma, 17 September 17, 2004
- 17 Ibid.
- 18 Interview with journalists, Goma, September 2004.
- 19 Interviews in Goma, Bukavu, September 2004.
- 20 Interview with a UN official, Bukavu, September 2004.
- 21 Interview with Chiribanya, Goma, September 2004.
- 22 Ibid.
- 23 Ibid.
- 24 *Lettre date du 9 juillet 2004, adresse au President du Comité du Conseil de sécurité crée par la résolution 1533 (2004) par le coordonnateur du Groupe d'experts sur la République Démocratique du Congo*, p 23. (Translated from French by the author.).
- 25 Mutebutsi is currently still in Rwanda, where he has complete freedom of movement.
- 26 Ibid, p 23–27.
- 27 Interview with a UN official, Bukavu, 2004.
- 28 See below for further details on recent reports that troops from the tenth military region were involved in the fighting in Walikale.
- 29 The Interahamwe militia, which is composed of Rwandan Hutus, was responsible for the 1994 genocide in Rwanda. Many of them fled to the neighbouring DRC, where they fought alongside the Congolese government's army, and where they currently remain. However, not all Rwandan Hutus, armed or unarmed, are Interahamwe.
- 30 Interview with a senior civilian official, Goma, September 2004

- 31 Interviews with civilians, military officials and analysts, Bukavu, September 2004.
- 32 Interview with journalists, Goma, September 2004.
- 33 Interview with Serufuli, Goma, September 2004.
- 34 Interview with Serufuli.
- 35 *Lettre au camerade Azarias Ruberwa Manawa, président du RCD*, Goma, 9 July 9, 2004.
- 36 Interview with a Tutsi civil society leader, Goma, September 2004.
- 37 Interview with journalists, Goma, September 2004.
- 38 Various interviews with journalists and civilians, Goma, September 2004.
- 39 Radio Okapi report, August 27, 2004.
- 40 *Evaluation de la transition: Diagnostic et Mesures Urgentes, Rassemblement Congolais pour la Démocratie*, Goma 29 August 29, 2004, p 6–7.
- 41 Ibid, p 7.
- 42 Ibid.
- 43 Ibid, p 8. A detailed discussion of what is known of the events at the Gatumba camp and of the accuracy of Ruberwa's assertions follows later in the paper.
- 44 Kinshasa newspaper reports, September 2004.
- 45 The first war in 1996–1997, to oust President Mobutu Sese Seko, was fought by the Rwandan-backed *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL).
- 46 Interview with a senior military commander, Bukavu, September 2004.
- 47 Letter to General Obedi Rwibasira from the Rwandan General Marcel Gatsinzi, dated 12 August 12, 2004. The letter is copied to the Rwandan president and the Rwandan minister of foreign affairs, and stamped with seals from the Rwandan ministry of defence.
- 48 Letter to Bizima Karaha from Solina Nyirahabimana, minister to the presidency, dated 9 August 9, 2004, and stamped with the seal of the Rwandan President's office.
- 49 Interviews with various people in Bukavu, September 2004.
- 50 Interview with a member of civil society, Bukavu, September 2004.
- 51 Interview with the Congolese director of an international NGO, Bukavu, September 2004.
- 52 Interview with UNHCR, Bukavu, September 2004. Interview with the vice-governor in charge of finance for South Kivu province, Thomas Nziratimana, Bukavu, September 2004.
- 53 Interview with a civil society leader, Bukavu, September 2004.
- 54 Ibid.
- 55 Interview with Thomas Nziratimana, Bukavu, September 2004.
- 56 This is a local conflict resolution mechanism which has had some success in both North and South Kivu provinces over the past few years, and which represents hope for future reconciliation.
- 57 Interview with Nziratimana, Bukavu, September 2004.
- 58 Interview with civil society leaders, Bukavu, September 2004.
- 59 Ibid.
- 60 Ibid.
- 61 *Rencontre des partenaires de Christian Aid Ouvrant dans le domaine de promotion de la paix et réconciliation au Sud Kivu/RDC tenue au Burundi du 04 au 07/08/04*, p 8.
- 62 Ibid.
- 63 Interview with UNHCR Bukavu's acting director, Thomas Tsungui, Bukavu, September 2004.
- 64 Ibid.
- 65 Burundi: the Gatumba Massacre, war Crimes and Political Agendas, Human Rights Watch Briefing paper, September 2004, p 9–11.
- 66 Ibid, p 13–15.
- 67 Ibid, p 17.
- 68 Ibid.
- 69 FNL, a rebel Burundian group that has remained outside the Arusha peace process.
- 70 Ibid, p 20–21.
- 71 Ibid, p 24.
- 72 Ibid, p 25.
- 73 Ibid, p 26.
- 74 Interviews with various people in Bukavu, September 2004.
- 75 Interview with a UN official, Bukavu, September 2004
- 76 Interviews in Bukavu, September 2004.
- 77 Interview with a UN official, Bukavu, September 2004.
- 78 Ibid.
- 79 Ibid.
- 80 Interview with FDLR leaders, South Kivu, September 2004.
- 81 Interview with a UN official, Bukavu, September 2004.
- 82 Interview with FDLR leaders, South Kivu, September 2004.
- 83 Ibid.

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## About this paper

This paper is based on field work conducted during a recent trip to the eastern DRC towns of Goma and Bukavu, and aims to take a close look at the political and military situation in the provinces of North and South Kivu following the unrest in Bukavu in late-May and early June this year. In this context it examines links between the military campaign led by former RCD General Laurent Nkunda and other civilian and military leaders in the region, and at the regional and national dynamics which fostered General Nkunda's campaign. It also discusses the growing manipulation of regional ethnic tensions for political gain.

The paper also looks at the disappointing response of the transition government to the crisis. Its failure to respond is indicative both of the various parties' unwillingness to champion the national agenda over their own, and of a growing rift between the RCD and the various other components in the government. This does not bode well for the resolution of the crisis in the Kivus or for the Banyamulenge community whose cause the RCD champions.

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