IN SEARCH OF PEACE: AN AUTOPSY OF THE POLITICAL DIMENSIONS OF VIOLENCE IN THE DEMOCRATIC REPUBLIC OF CONGO

By

AARON ZACHARIAH HALE

A DISSERTATION PRESENTED TO THE GRADUATE SCHOOL OF THE UNIVERSITY OF FLORIDA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

UNIVERSITY OF FLORIDA

2009
To all the Congolese who helped me understand life’s difficult challenges, and to Fredline M’Cormack-Hale for your support and patience during this endeavor
ACKNOWLEDGMENTS

I was initially skeptical about attending The University of Florida (UF) in 2002 for a number of reasons, but attending UF has been one of the most memorable times of my life. I have been so fortunate to be given the opportunity to study African Politics in the Department of Political Science in a cozy little town like Gainesville. For students interested in Africa, UF’s Center for African Studies (CAS) has been such a fantastic resource and meeting place for all things African. Dr. Leonardo Villalón took over the management of CAS the same year and has led and expanded the CAS to reach beyond its traditional suit of Eastern and Southern African studies to now encompass much of the sub-region of West Africa. The CAS has grown leaps and bounds in recent years with recent faculty hires from many African and European countries to right here in the United States. In addition to a strong and committed body of faculty, I have seen in my stay of seven years the population of graduate and undergraduate students with an interest in Africa only swell, which bodes well for the upcoming generation of new Africanists.

I first want to thank my immediate family that has been such a bedrock of support in my life. My Uncle Keven and Aunt Marilyn allowed me to stay with them for a period of nine months in 2001/2002 - rent free! – shortly after the passing of my mother. In effect they became my surrogate parents who I am so eternally grateful for. Whenever we speak by phone I am always asked, “so when are you going to finish?” I usually give long-winded responses, but I know that they will be so thrilled to know that the time has finally come.

I also want to thank my grandmother Joan “Nanny” Wesson, and my great aunt, Aunt Sydney, who both continue to be major pillars of strength and support in my life. We typically speak at least once a week by phone, but there have been times when I have slipped and a few weeks will have gone by without speaking to either of them. For those missed moments and
conversations I am sorry. They both continue to be wonderful family members who are never at a loss for words and advice as I continue this journey.

I would like to thank my committee members for their shrewd advice and insights into academic life over the years, as well as their willingness to serve on this committee. Dr. Leonardo Villalón agreed to serve as chair of my committee in spite of never having taken a course from him. Dr. Goran Hyden, who recently retired in Spring 2008 after an illustrious career spanning forty plus years, is the biggest source of inspiration during my stay at UF. I have been fortunate to take three of his courses and witness his tireless work-ethic and commitment to Africa and Africanists. I am amazed and still wonder where he gets his energy. Dr. Staffan Lindberg has been a great recent addition to The Political Science Department and CAS in recent years. He is also a good friend who has offered sound advice on a number of occasions that I have tried to incorporate here. I will most remember Staffan’s generosity with his time, as well as his willingness to open up his home every six weeks or so for his “Fire-Site” sessions. Africanists would get together to eat, drink, and be merry- but it was also a forum for Africanist graduate students to think through a number of issues and concerns. I will surely miss the stimulating conversations and wonderful food. Dr. Aida Hozic has also been a wonderful source of wisdom in getting me to think through many of the issues that I have struggled with. My only regret with Aida is that I never took one of her courses. I also would like to thank Dr. Milagros Peña from The Women’s Studies Center who was willing to serve as my outside committee member on such short notice. Her insights on women’s issues have made this dissertation stronger.

I also want to thank The Department of Political Science faculty for a warm and collegial environment that made this challenge all the more enjoyable. In addition, my graduate cohort
was a diverse mixture of international and American students who made my doctoral experience a lot less painful, and a little more fun. Finally, I just want to thank the administrative staff, Debbie Wallen, Sue Lawless-Yanchisin, and Andrew Blair, for all their assistance and help over the years. If it wasn’t for these three, nothing in the department would ever get done. Thank you for everything!

A special thanks also goes out to the Africanist librarians, Dr. Dan Reboussin and Peter Malanchuk, who just happen to have a passion for African studies, and are the world’s greatest librarians. I was fortunate to work for Dan and Peter from 2003-2005 as their library assistant, ordering new materials and helping maintain UF’s Africana collection. I thoroughly enjoyed picking and choosing which items would be ordered, and I personally benefited on a number of occasions. Thanks Peter and Dan for all your help over the years.

I also would like to thank Dr. JoAnn DiGeorgio-Lutz, professor and chair of The Department of Political Science, Texas A&M University-Commerce, for her friendship and advice over the years. She continues to be a great friend that I have worked and traveled with on several occasions. No one will be more excited than JoAnn to know that I have finally defended and am done! In addition, I would like to extend kind regards to The American Council of Learned Societies for a 2008-2009 Dissertation Completion Fellowship. Words cannot express my thanks and gratitude for their support this academic year.

Finally I would like to say thank you to the two most cherished individuals in my life: my wife, Fredline Amaybel Olayinka M’Cormack-Hale, and our recently born daughter, Anaya Susan Folasade M’Cormack-Hale (2 November 2008). Fredline, I have the sincerest love and appreciation for all the support you have shown me during this endeavor. Your willingness to pick up the slack when I was feeling overwhelmed has not gone unnoticed, and I thank you my
dear for all of your help and sacrifice. Lastly, Anaya, you are the most precious “little mama” I have ever laid eyes on. You are my life’s greatest joy. I just thank God for your birth, because your presence has only made my life richer by the day.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ACKNOWLEDGMENTS</th>
<th>.................................................................</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF TABLES</td>
<td>......................................................................</td>
<td>11</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>......................................................................</td>
<td>12</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>......................................................................</td>
<td>17</td>
</tr>
<tr>
<td>Chapter 1</td>
<td>INTRODUCTION .................................................................</td>
<td>18</td>
</tr>
<tr>
<td>1 INTRODUCTION</td>
<td>......................................................................</td>
<td></td>
</tr>
<tr>
<td>Third Republic</td>
<td>......................................................................</td>
<td>29</td>
</tr>
<tr>
<td>National Elections, 2006</td>
<td>......................................................................</td>
<td>30</td>
</tr>
<tr>
<td>Focus on North Kivu</td>
<td>......................................................................</td>
<td>33</td>
</tr>
<tr>
<td>Dissertation Outline</td>
<td>......................................................................</td>
<td>39</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>CONFLICT AND FAILED STATES .................................................................</td>
<td>44</td>
</tr>
<tr>
<td>2 CONFLICT AND FAILED STATES</td>
<td>......................................................................</td>
<td></td>
</tr>
<tr>
<td>North Kivu’s Crisis and Looming Challenges</td>
<td>..................................................</td>
<td>50</td>
</tr>
<tr>
<td>Politico-Administrative Context of North Kivu</td>
<td>..................................................</td>
<td>51</td>
</tr>
<tr>
<td>Impact and Influence of the RCD</td>
<td>......................................................................</td>
<td>56</td>
</tr>
<tr>
<td>Negative Non-State Actor Phenomenon</td>
<td>......................................................................</td>
<td>63</td>
</tr>
<tr>
<td>Brassage</td>
<td>......................................................................</td>
<td>68</td>
</tr>
<tr>
<td>War After the War</td>
<td>......................................................................</td>
<td>72</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>METHODOLOGICAL OVERVIEW AND DATA COLLECTION .................................................................</td>
<td>75</td>
</tr>
<tr>
<td>3 METHODOLOGICAL OVERVIEW AND DATA COLLECTION</td>
<td>......................................................................</td>
<td></td>
</tr>
<tr>
<td>Research Phases</td>
<td>......................................................................</td>
<td>76</td>
</tr>
<tr>
<td>Archival Research</td>
<td>......................................................................</td>
<td>77</td>
</tr>
<tr>
<td>Elite Interviews: Governmental and Non-Governmental</td>
<td>......................................................................</td>
<td>79</td>
</tr>
<tr>
<td>Non-Governmental Organization Work</td>
<td>......................................................................</td>
<td>81</td>
</tr>
<tr>
<td>Weekly Briefings</td>
<td>......................................................................</td>
<td>83</td>
</tr>
<tr>
<td>Election Observation</td>
<td>......................................................................</td>
<td>84</td>
</tr>
<tr>
<td>Secondary Reports</td>
<td>......................................................................</td>
<td>85</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>CAUGHT BETWEEN A ROCK AND A HARD PLACE: STATE OF THE STATE AND NORTH KIVU’S CONDITION</td>
<td>87</td>
</tr>
<tr>
<td>4 CAUGHT BETWEEN A ROCK AND A HARD PLACE: STATE OF THE STATE AND NORTH KIVU’S CONDITION</td>
<td>......................................................................</td>
<td></td>
</tr>
<tr>
<td>Role of History in Constructing Violence in Kivu</td>
<td>..................................................</td>
<td>89</td>
</tr>
<tr>
<td>Colonial Construction in Kivu</td>
<td>..................................................</td>
<td>89</td>
</tr>
<tr>
<td>Post-Colonial Violence in Kivu</td>
<td>..................................................</td>
<td>94</td>
</tr>
<tr>
<td>Ethnic and Civic Citizenship</td>
<td>......................................................................</td>
<td>98</td>
</tr>
</tbody>
</table>
## LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-1</td>
<td>Number of territories and density in North Kivu</td>
<td>54</td>
</tr>
<tr>
<td>2-2</td>
<td>The city of Goma</td>
<td>54</td>
</tr>
<tr>
<td>2-3</td>
<td>The city of Butembo</td>
<td>55</td>
</tr>
<tr>
<td>2-4</td>
<td>Territories, cities and collectivities:</td>
<td>55</td>
</tr>
<tr>
<td>2-5</td>
<td>Territories, collectivities, groupings, and numbers of localities (villages): Beni</td>
<td>56</td>
</tr>
<tr>
<td>2-6</td>
<td>Territories, collectivities, groupings, and numbers of localities (villages): Lubero</td>
<td>57</td>
</tr>
<tr>
<td>2-7</td>
<td>Territories, collectivities, groupings, and numbers of localities (villages): Rutshuru/Masisi</td>
<td>58</td>
</tr>
<tr>
<td>2-8</td>
<td>Territories, collectivities, groupings, and numbers of localities (villages): Walikale/Nyiragongo</td>
<td>59</td>
</tr>
<tr>
<td>4-1</td>
<td>Principal ethnic groups and languages</td>
<td>100</td>
</tr>
<tr>
<td>5-1</td>
<td>Estimates of internally displaced in North Kivu (2004-2006)</td>
<td>151</td>
</tr>
<tr>
<td>6-1</td>
<td>Percentage of vulnerable populations, 2004</td>
<td>186</td>
</tr>
<tr>
<td>8-1</td>
<td>Plan for military integration</td>
<td>225</td>
</tr>
</tbody>
</table>
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1</td>
<td>Political map of the Democratic Republic of Congo</td>
<td>19</td>
</tr>
<tr>
<td>1-2</td>
<td>Transitional National Assembly</td>
<td>25</td>
</tr>
<tr>
<td>1-3</td>
<td>Trends in excess deaths from violence in DR Congo, 1998-2007</td>
<td>28</td>
</tr>
<tr>
<td>4-1</td>
<td>Map of North Kivu Province</td>
<td>88</td>
</tr>
<tr>
<td>5-1</td>
<td>Sphere of FDLR influence in North Kivu</td>
<td>128</td>
</tr>
<tr>
<td>5-2</td>
<td>FDLR organization</td>
<td>129</td>
</tr>
<tr>
<td>5-3</td>
<td>FDLR organization</td>
<td>130</td>
</tr>
<tr>
<td>5-4</td>
<td>What should be the top priorities of the Congolese government?</td>
<td>149</td>
</tr>
<tr>
<td>5-5</td>
<td>Population sense of safety</td>
<td>150</td>
</tr>
<tr>
<td>5-6</td>
<td>Views on protection</td>
<td>151</td>
</tr>
<tr>
<td>5-7</td>
<td>Causes of displacement</td>
<td>152</td>
</tr>
<tr>
<td>5-8</td>
<td>Physical violence and forced conscription</td>
<td>153</td>
</tr>
<tr>
<td>8-1</td>
<td>Projected <em>mixage</em> deployment</td>
<td>242</td>
</tr>
<tr>
<td>9-1</td>
<td>New provinces of the DRC</td>
<td>262</td>
</tr>
</tbody>
</table>
**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>German Agro Action</td>
</tr>
<tr>
<td>ADF/NALU</td>
<td>Allied Democratic Forces/National Army for the Liberation of Uganda, Ugandan rebel group present in Ituri district and North Kivu province</td>
</tr>
<tr>
<td>AFDL</td>
<td>Alliance of Democratic Forces for the Liberation of Congo-Zaire, rebel movement, which toppled President Mobutu Sese Seko and brought Laurent Kabila to power in the First Congo War (1996-1997)</td>
</tr>
<tr>
<td>ALiR</td>
<td>Army for the Liberation of Rwanda, a Hutu rebel group made up of ex-FAR and Interahamwe, which later integrated into the FDLR</td>
</tr>
<tr>
<td>AMP</td>
<td>Alliance of the Presidential Majority, Joseph Kabila’s electoral grouping with which he secured the presidency in the 2006 elections</td>
</tr>
<tr>
<td>ANC</td>
<td>National Congolese Army, former army of the Rwandan-backed Congolese Rally for Democracy (RCD)</td>
</tr>
<tr>
<td>APC</td>
<td>Popular Congolese Army, the armed wing of the RCD-K/ML, a pro-Kinshasa group led by Mbusa Nyamwisi</td>
</tr>
<tr>
<td>Banyamulenge</td>
<td>Congolese Tutsi pastoralists of Rwandan origins living in the highlands of South Kivu</td>
</tr>
<tr>
<td>Banyakwanda</td>
<td>Congolese Hutu and Tutsi of Rwandan origins living in North Kivu</td>
</tr>
<tr>
<td>Brassage</td>
<td>The process of integrating former belligerent troops into a new national army (FARDC) by breaking up and dispersing throughout the country groups previously formed along ethnic, political and regional lines</td>
</tr>
<tr>
<td>CEI</td>
<td>Independent Electoral Commission</td>
</tr>
<tr>
<td>CIAT</td>
<td>The International Committee in support of the Transition, known by its French acronym, consisting of the most important Kinshasa ambassadors and tasked to coordinate the diplomatic efforts during the transition</td>
</tr>
<tr>
<td>CNDP</td>
<td>National Congress for the Defense of the People, Nkunda’s political movement, unveiled in July 2006</td>
</tr>
<tr>
<td>CNK</td>
<td>National Committee of the Kivu</td>
</tr>
<tr>
<td>CNS</td>
<td>Sovereign National Conference</td>
</tr>
<tr>
<td>CONADER</td>
<td>National Commission for Disarmament Demobilization and Re-integration of ex-combatants of the DR CONGO</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>DCF/N</td>
<td>Federalist Christian Democracy/Nyamwisi branch, former political party led by Mbusa Nyamwisi after the death of his brother, Enoch Nyamwisi Muvingi, in January 1993</td>
</tr>
<tr>
<td>DPKO</td>
<td>Department of Peacekeeping Operations, UN Secretariat department for managing peacekeeping operations</td>
</tr>
<tr>
<td>FAC</td>
<td>Congolese Armed Forces, the name of the national army under Laurent and Joseph Kabila until the beginning of the transition</td>
</tr>
<tr>
<td>FAPL</td>
<td>Patriotic Armed Forces for the Liberation, a Mai-Mai/FDLR group active along the Ugandan border in North Kivu, led by Colonel Kasereka</td>
</tr>
<tr>
<td>FARDC</td>
<td>Armed Forces of the Democratic Republic of Congo, the name used for the Congolese national army since the beginning of the transition</td>
</tr>
<tr>
<td>Ex-FAR</td>
<td>Former Rwandan Armed Forces, which fled to Congo after the 1994 genocide and later regrouped as ALiR and FDLR forces</td>
</tr>
<tr>
<td>FDLR</td>
<td>Democratic Forces for the Liberation of Rwanda, Rwandan Hutu rebel group formed in 2000 and comprised mostly of former ALiR and other Rwandan Hutu armed groups</td>
</tr>
<tr>
<td>FEC</td>
<td>Congolese Federation of Enterprises</td>
</tr>
<tr>
<td>FNL</td>
<td>National Liberation Front, armed wing of the last Burundian rebel group, Party for the Liberation of the Hutu People (PALIPEHUTU)</td>
</tr>
<tr>
<td>FOCA</td>
<td>Abacunguzi Combatant Forces (<em>military wing of the FDLR</em>)</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court in The Hague</td>
</tr>
<tr>
<td>IDPs</td>
<td>Internally displaced persons</td>
</tr>
<tr>
<td>Interahamwe</td>
<td>An extremist Rwandan Hutu militia group that committed the bulk of the 1994 genocide</td>
</tr>
<tr>
<td>LDF</td>
<td>The Local Defense Forces, established in North Kivu by the RCD and consisting mostly of Congolese Tutsi and Hutu civilians armed by the local authorities</td>
</tr>
<tr>
<td>LRA</td>
<td>Lord’s Resistance Army, Ugandan rebel movement formed in 1987 and led by Joseph Kony</td>
</tr>
<tr>
<td>MAGRIVI</td>
<td>Association of Agriculturalists of the Virungas, association of Hutu farmers in North Kivu</td>
</tr>
<tr>
<td>Mai-Mai</td>
<td>Local militia recruited along tribal lines, mostly in eastern Congo</td>
</tr>
</tbody>
</table>
**Mixage**  Process initiated in January 2007 to mix Nkunda’s platoons with those of FARDC to form six new brigades

**MIB**  *Mission d’immigration des Banyarwanda*

**MLC**  Movement for Liberation of the Congo, the former rebel movement led by Jean-Pierre Bemba, now the second largest political party in parliament

**MONUC**  Mission of the United Nations in the Democratic Republic of Congo

**MPR**  Popular Movement of the Revolution, the former political party of Mobutu Sese Seko

**MSR**  Social Movement for Renewal, a political party and member of the AMP coalition established in 2006 by Pierre Lumbi and Kabila’s late security adviser, Samba Kapulo

**NRC**  Norwegian Refugee Council

**OHCHR**  Office of the UN High Commissioner for Human Rights

**P3+2**  The group of ambassadors representing three of the five permanent members of the Security Council (U.S., UK, France) plus Belgium and South Africa

**PALU**  Unified Lumumbist Party, the political party led by Prime Minister Antoine Gizenga

**PANADI**  The Party of Nationalists for Integral Development, a pro-Kabila Hutu-led party in North Kivu

**PARECO**  Coalition of Resistant Congolese Patriots, an anti-Tutsi militia formed in March 2007 and led by Major Mugabo, mostly in reaction to the mixage process

**PNDDR**  National Program for Disarmament, Demobilization and Reintegration

**PPRD**  People’s Party for Reconstruction and Development, Joseph Kabila’s political party

**PRDI**  People’s Union for the Republic and Integral Development, formed in 2005 and led by Sylvain Mushi Bonane

**RCD**  Congolese Rally for Democracy, former Rwandan-backed rebel movement formed in 1998 by Uganda and Rwanda and led by former Vice-President Azarias Ruberwa

**RCD-Goma**  Congolese Rally for Democracy-Goma
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCD-ML</td>
<td>Congolese Rally for Democracy – Movement of Liberation, a faction of the RCD that split from the Goma-based movement in March 1999 and was led by Mbusa Nyamwisi</td>
</tr>
<tr>
<td>RCD-N</td>
<td>Congolese Rally for Democracy-National</td>
</tr>
<tr>
<td>RDF</td>
<td>Rwandan Defense Forces</td>
</tr>
<tr>
<td>RPF</td>
<td>Rwandan Patriotic Front, the former rebel group that after 1994 became the ruling political party in the country, led by President Paul Kagame</td>
</tr>
<tr>
<td>SMI</td>
<td>Military Integration Structure</td>
</tr>
<tr>
<td>SRSG</td>
<td>Special Representative of the UN Secretary-General</td>
</tr>
<tr>
<td>TPD</td>
<td>All for Peace and Development, North Kivu development NGO linked to Governor Eugène Serufuli</td>
</tr>
<tr>
<td>UDPS</td>
<td>Union for Democracy and Social Progress</td>
</tr>
<tr>
<td>UMOJA</td>
<td>Local organization, also known as UBUMWE, of Hutu and Tutsi protecting Banyarwanda interests</td>
</tr>
<tr>
<td>UNHCR</td>
<td>UN High Commissioner for Refugees</td>
</tr>
<tr>
<td>UPC</td>
<td>Union of Congolese Patriots, an Ituri-based armed group, which during the war fought on behalf of the Hema ethnic group</td>
</tr>
<tr>
<td>UpN</td>
<td>Union for the Nation</td>
</tr>
</tbody>
</table>
This dissertation examines the political dimensions of violence in the war-torn Democratic Republic of Congo (DRC), with a particular focus on the North Kivu province from 2003-2007. Labeled a “failed” state by political analysts, I argue that contemporary one-dimensional views of the factors that may lead to a “failed” state do little to help scholars and politicians understand why political violence occurs. My dissertation demonstrates that political violence in the DRC is the result of a complex set of multilayered political dynamics that are structurally embedded political challenges at the local level, which are in turn complicated by regional political dynamics and reinforced by an extremely fragile, and what Nest has called, a “fragmented” state.
CHAPTER 1
INTRODUCTION

In recent years the world has become captivated with bringing attention to conflict zones and ending large-scale suffering in areas where massive human rights abuses or widespread atrocities are being committed. Reeling from the tragedy and international guilt over the abandonment of Rwanda during the 1994 genocide, the international community along with a broad global coalition of interests has now turned their attention to places like Darfur, Sudan, and The Democratic Republic of Congo (DRC).

The DRC has been engulfed in an ongoing set of crises in recent years, which has led to the death of more than five million individuals, in addition to the millions of displaced individuals and communities, and the countless incidents of rape and victimization of women and young girls. The media have labeled the Congolese crisis from 1998-2003 the world’s worst conflict since World War II. Unlike the case of Darfur, Sudan, the DRC does not have an international lobby focusing on the humanitarian dimensions of the crises. Perhaps even more importantly the Congolese state is extremely weak, and according to Foreign Policy’s Failed State Index, the DRC is considered the archetypal “failed state” in recent years.1

The question in all of this misery and suffering is, why? This dissertation seeks to specifically examine the following question: why is violence perpetuated in the DRC? This dissertation focuses on the problematic northeastern province of North Kivu, and examines what specifically are the reasons for ongoing violence. In addition, who are the actors involved in committing these acts of violence, and what are their motivations and interests for committing acts of violence that continue to cripple the DRC state and society? It appears that the Congolese state has been given a nail and hammer by the international community to re-build a house that

---

1 Foreign Policy, The Fund for Peace. 2009. Failed States Index. Foreign Policy.
clearly cannot stand on its own, when the state clearly needs an entire construction firm of engineers, manual laborers, mortar and brick, and heavy equipment to lay a solid foundation.

![Political map of the Democratic Republic of Congo](http://www.lib.utexas.edu/maps/africa/congo_demrep_pol98.jpg)

Academics and long-time observers of the political situation of the troubled country formerly known as Zaire, now DRC, have in recent years pointed out and chronicled in various articles, books, and documentaries, what appears to be a series of never-ending challenges that continue to hinder development and the establishment of peaceful order in this central African
country. Building on this literature, and drawing on eleven months of extensive fieldwork throughout the DRC, this dissertation attempts to make sense of the messy violent political realities as they exist in the central African country.

As the third largest country on the African continent, and situated in its heart, the DRC has experienced a series of domestic and international political crises and armed conflicts since the early 1990s that have contributed to widespread decay and the near complete collapse of the state apparatus and bureaucratic sector. The DRC is merely a shadow of what it once was. What has been left in the wake of these ongoing crises is what has been called a “fragmented” state, an extremely fragile entity that has been completely gutted from top to bottom. The situation is in large part due to a deeply embedded political culture that was established through a set of formalized practices of political patronage and clientelism under the regime of Mobutu Sese Seko (1965-1997). These patronage practices acted as the glue for the Mobutu regime, by providing the financial means and political leverage to hold the state together, while a select class of political elites and public officials were able to systematically appropriate large sums of money and live off the state, ultimately at the expense of society. Mobutu and his political cronies were able to manipulate state laws and the formal institutions for their own political agendas, which ultimately led to the massive informalization of the formal and public sectors.

---


while marginalizing the peripheral territories and provinces like North Kivu at the expense of the center.\(^5\) While denying the public’s clamoring for democratic reforms,\(^6\) the Mobutu regime was initially able to weather the political changes taking place throughout Africa in the early 1990s.\(^7\) By the end of 1996 Zaire had become so bankrupt and stale on the global stage that Mobutu rarely appeared publicly, let alone addressed the nation, a situation complicated by his secret battle with prostate cancer.

Simultaneous with the process of erosion of the Zairian formal public sector, regional events further aggravated the situation. The spillover from the 1993 assassination of the Burundian Hutu President Melchior Ndadaye led to the displacement of thousands of Burundian refugees into South Kivu province around places like Uvira and the Fizi-Baraka region, and specifically the Mulenge plateau.\(^8\) The assassination further amplified regional ethnic tensions between local Hutu and Banyamulenge Tutsi, further crystallizing the ethnic hatred and distrust between the Hutu and Tutsi in neighboring Rwanda, which was under threat of a military invasion by the Rwandan Patriotic Front (RPF) operating out of neighboring Uganda.\(^9\)

---


8 The assassination of Ndadaye is probably one of the most overlooked and under-analyzed issues that led to the militarization of the Great Lakes region. Too much emphasis has been placed on Rwanda and not enough attention has been given to the socio-political dynamics within Burundi and how the political situation influences the entire eastern DRC.

9 The Banyamulenge are considered to be indigenous Congolese that live in and around the Mulenge plateau region. In recent years they have been the targets of discrimination and hate by other local Congolese ethnic groups. Most estimates place the Banyamulenge at 300,000. Willame, Jean-Claude. 1997. Banyarwanda et Banyamulenge : Violences ethniques et gestion de l’identitaire au Kivu. Collection “Zaire, Annees 90”- Volume 6. Brussels: Institut Africain/Afrika Instituut-CEDAF/ASDOC; L’Harmatan: Paris.
Taking into account the regional dimensions and complexities of the early 1990s, the consequences and spillover from the 1994 Rwandan genocide quickly led to the further militarization of the eastern regions of the country and eventually to two regional conflicts, one in 1996 and the second in 1998. In 1996 local Banyamulenge rose up against perceived discrimination and social injustices directed at them by local and national authorities, which quickly led to the formation of the dissident movement known as the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL). The movement quickly gained popularity and the support of local Banyamulenge in South Kivu province and Tutsi in North Kivu. Along with international diplomatic support, large sums of cash, and military aid from the neighboring countries of Angola, the RPF-led Rwandan regime, and Yoweri Museveni’s Uganda, the AFDL rebels were able to quickly take control of the Zairian territory and overthrow the Mobutu regime in seven short months.10 In May 1997 Laurent-Désiré Kabila marched into Kinshasa and declared himself President on 29 May of the awkwardly renamed, The Democratic Republic of Congo.

In the attempt of their take-over, high levels of violence and instability have reached nightmarish proportions and the most unthinkable acts have taken place in the fog of what has been called “Africa’s First World War.”11 The situation today might be best described as a ‘theater of violence,’ involving a wide variety of armed belligerents. The 1998-2003 conflict consisted of as many as seven African countries and at least several hundred, (if perhaps even a

---

10 Wayne Madsen painstakingly retells the collection of political and economic interests at the beginning of the AFDL rebellion. Madsen details “covert” American diplomatic support for Kabila at the Zaire-Rwanda border before ever crossing into Zaire. In addition, Madsen points out the vast economic interests at play during the rebellion. For example, Kabila awarded American Mineral Fields Inc (AMF) a $1 billion deal for “exclusive rights to mine various mineral resources, including copper, cobalt and zinc” in the Katangan province before Kabila’s ascension to the throne. See Madsen, Wayne. 1999. Genocide and Covert Operations in Africa 1993-1999. Lewiston, New York : The Edwin Mellen Press.

few thousand), armed militias and “negative forces.”\textsuperscript{12} Conflict in this period has led to the
death and displacement of an estimated five million people, or as many as 38,000 deaths were
occurring per month as late as 2006.\textsuperscript{13} Beyond the large number of lives and families destroyed,
“Africa’s First World War” led to the complete destruction and collapse of most public
institutions. The state and its administrative and security apparatus have to be completely
remade. This is the task that the Congo now faces at present. How does one remake something
that has been completely destroyed where political transparency and goodwill are scarce? The
challenges are vast and the potential solutions are terribly complicated.

Trying to make sense of this situation presents perhaps overwhelming challenges to
causal models of political violence and to social science explanations more broadly. As the
reader will become aware, this dissertation will not claim to explain the terrible realities of
Congo to any simple causal model, but rather I seek to examine them in terms of their complex
inter-related dynamics. Congo’s political landscape is a complicated web spun by a terrible
colonial political history that was then eventually mired in 32 years of despotic post-colonial rule
as the state fed off and destroyed itself from within. In addition, a series of regional civil
conflicts and a genocide in neighboring Rwandan have turned portions of the country upside

\textsuperscript{12} International Crisis Group. 1999. Africa’s Seven-Nation War. Brussels/Nairobi:
\url{http://www.crisisgroup.org/home/index.cfm?id=1643&CFID=17945023&CFTOKEN=80075051}. The term
“negative forces” is the operational term used by the MONUC (United Nations Mission Organization in The
Democratic Republic of Congo) peacekeepers to identify all armed belligerents that are not under the control of the
central government in Kinshasa.

\textsuperscript{13} International Rescue Committee. January 2006 through April 2007 “Mortality in The Democratic Republic of
\url{http://www.theirc.org/resources/library.html?location=african_great_lakes_dem_republic_of_congo}. Also see
the 2005 report by Doctors Without Borders (MSF), which independently supports the IRC findings. Médecins
Results of five epidemiological surveys: Kilwa, Inongo, Basankusu, Lubutu, Bunkeya March to May 2005.”
down, ultimately fashioning a pathetic national psychosis where the post-conflict challenges
could not be greater. To begin to understand these general statements about the Congolese
predicament it is important to highlight some of the more notable and important contemporary
political developments taking place in Kinshasa.


On 16 December 2002 a “Global and All-Inclusive Agreement” was signed in Pretoria,
South Africa.\textsuperscript{14} This agreement established a transitional government between Joseph Kabila’s
government and the two larger more significant armed groups, the Rwandan-backed RCD-Goma
(Congolese Rally for Democracy-Goma) and the Ugandan-backed MLC (Movement for the
Liberation of Congo), along with the splinter factions the RCD-ML (Congolese Rally for
Democracy-Liberation Movement), and the RCD-N (Congolese Rally for Democracy-National).

The All-Inclusive Agreement had five basic objectives:

1. the reunification and reconstruction of the country, the re-establishment of peace and the
   restoration of territorial integrity and State authority in the whole of the national territory;
2. national reconciliation;
3. the creation of a restructured, integrated national army;
4. the organization of free and transparent elections at all levels allowing a constitutional and
democratic government to be put in place;
5. the setting up of structures that would lead to a new political order.

In order to achieve these objectives the Kinshasa government agreed to the establishment
of a government comprised of four vice presidents. Azarias Ruberwa represented the Rwandan-
backed RCD, while Jean-Pierre Bemba represented the Ugandan-backed MLC, Arthur Z’ahidi
Ngoma represented the RCD-ML, and Abdoulaye Yerodia Mdombasi represented the

\textsuperscript{14} Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo: Inter-Congolese
Dialogue - Political negotiations on the peace process and on transition in the DRC,
government and Kabila’s PPRD (People’s Party for Reconstruction and Democracy).\textsuperscript{15} Joining Kabila, this transitional government became known as the “4 + 1” agreement. In addition, a

<table>
<thead>
<tr>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congolese Rally for Democracy</td>
</tr>
<tr>
<td>Movement for the Liberation of Congo</td>
</tr>
<tr>
<td>Government</td>
</tr>
<tr>
<td>Political opposition</td>
</tr>
<tr>
<td>Civil Society</td>
</tr>
<tr>
<td>Congolese Rally for Democracy/Kisangani Liberation Movement</td>
</tr>
<tr>
<td>Rally of Congolese for Democracy-National</td>
</tr>
<tr>
<td>Maï-Maï</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Figure 1-2. Transitional National Assembly. Source: (http://en.wikipedia.org/wiki/Transitional_National_Assembly_of_the_Democratic_Republic_of_the_Congo)

transitional National Assembly composed of a mixtures of parties and groups was agreed upon by all signatories, which was an attempt to give voice to those groups that felt marginalized by the Kinshasa authorities as well as to provide a balance and harmony during the transitional period. Figure 1-2 provides a breakdown of the composition of the national assembly.\textsuperscript{16}

In addition to the structure of the transitional government, the All Inclusive Agreement enshrined eight guiding principles that all participants agreed in theory to uphold and observe during the transition.\textsuperscript{17}

1. To guarantee a peaceful transition, the Parties shall participate in the political administration of the country during the period of transition. The institutions that will be set up during the transition shall ensure appropriate representation of the eleven provinces of the country and of the different tendencies within the political and social forces. In

\textsuperscript{15} Z’ahidi Ngoma was the Vice President for the Social and Cultural Committee. Ruberwa was the Vice President for Policy and Defense. Bemba was the Vice President for the Economy and Financial Committee, while Yerodia represented the Kabila government as the Vice President for Reconstruction and Development.

\textsuperscript{16} Taken from: <http://en.wikipedia.org/wiki/Transitional_National_Assembly_of_the_Democratic_Republic_of_the_Congo>.

particular, provision shall be made for appropriate representation of women at all levels of responsibility.

2. To ensure the stability of the transitional institutions, the President, the Vice-Presidents and the Presidents of the National Assembly and the Senate shall remain in office during the whole transitional period, unless they resign, die, are impeached, or convicted for high treason, misappropriation of public funds, extortion or corruption.

3. The Parties shall reaffirm their support for the Universal Declaration of Human Rights, the International Pact on Civil and Political Rights of 1966, the International Pact on Economic and Socio-Cultural Rights of 1966, the African Charter on Human Rights and the Rights of Peoples of 1981, and duly ratified international conventions. From that standpoint, they shall undertake to strive during the transitional period for a system that will respect democratic values, human rights and fundamental liberties.

4. The transitional institutions shall be based on the principle of the separation of the executive, legislative and judicial powers.

5. The transitional institutions shall be run on the basis of consensus, inclusiveness and the avoidance of conflict.

6. The division of responsibilities within transitional institutions and at different State levels shall be done on the basis of the principle of inclusiveness and equitable sharing between the various elements and entities involved in the Inter-Congolese Dialogue, in accordance with criteria such as ability, credibility and integrity and in a spirit of national reconciliation. Provision is made in the Annex to this Agreement for the modalities of the implementation of the principle of inclusiveness.

7. The allocation among the different Parties of posts within the transitional government and, in particular, within the government committees shall be as equitable as possible in terms of the number and the importance of the ministries and government posts. A balance should be sought between the committees themselves. The allocation of posts within each committee shall be done by the signatory Parties according to an order of priority guaranteeing a general balance between the Parties.

8. To achieve national reconciliation, amnesty shall be granted for acts of war, political and opinion breaches of the law, with the exception of war crimes, genocide and crimes against humanity. To this effect, the transitional national assembly shall adopt an amnesty law in accordance with universal principles and international law. On a temporary basis, and until the amnesty law is adopted and promulgated, amnesty shall be promulgated by presidential decree-law. The principle of amnesty shall be established in the transitional constitution.

Despite the agreement and the constant pressure placed on the new transitional government by the international community, all the signatories to the agreement violated it at will. Political assassinations, graft, embezzlement of “missing” public funds, extortion and
character assassination continued to mar the political transition in Kinshasa. Of the five basic objectives guiding the political transition, it can only be said that two of the five objectives were achieved. The 2006 elections were admirably well organized, and to the surprise of the majority of political observers and organizations were successfully held, (although a year late, and was a breach of The All Inclusive Agreement). In addition, there has been a new legislature elected and a new government formed. The democratic nature of the Kabila regime however is highly questionable, and the capability of the government led by Antoine Gizenga, long time follower of Patrice Lumumba, is also highly questionable.

In 2006 it was commonplace in Kinshasa to see spray painted graffiti on buildings and walls, which read, “$4 + 1 = 0$” and to hear or read local newspapers where Congolese would voice great frustration and displeasure with the transitional authorities. Many in Kinshasa were astounded that Kabila would allow the Rwandan-backed Azarias Ruberwa, a Banyamulenge, to sit as a Vice President in Kinshasa. It was also common to hear the citizenry ask, “what other country in the world has four vice presidents?” In addition, many kinois (the Kinshasa citizenry) still viewed President Kabila as illegitimate due to his young age, 32, and the fact that he was suddenly placed in the Presidency after the assassination of his late father, Lauren Désiré Kabila. Finally, Étienne Tshisekedi wa Mulumba, the one politician who was perhaps perceived as the most legitimate choice in the eyes of some of the citizenry, because of his public disdain of Mobutu during the early 1990s, was a constant problematic obstacle by his objection to everything the transitional government proposed. Kinshasa was thus in a constant turmoil, and each signatory to the All Inclusive Agreement violated the accord at will.
Third Republic

Despite the state’s fragility and instability throughout Congo and the capital of Kinshasa, the recent transitional Congolese government formally promulgated and ratified The Constitution of the Third Republic on February 18, 2006. The new constitution establishes the Congo as a “federal and unitary state”\(^\text{18}\) with a broad separation of powers between the federal and provincial governments, and abolishes the former executive leadership positions.\(^\text{19}\) In terms of national institutional powers, the biggest structural changes from the transitional constitution to the new constitution is the abolishment of the four former Vice Presidential positions along with the Supreme Court, which has now become the *Cour Constitutionelle* (Constitutional Court).\(^\text{20}\) Federally speaking, the constitution recognizes the subdivision of the national territory and expanding the former eleven provinces to twenty-five, including Kinshasa as the capital city. Each province will have its own governor and provincial legislature. The new provincial institutions have not yet been put in place, but are theoretically expected to be up and running in late 2009.

---

\(^{18}\) The new Constitution of the Third Republic is ambiguous in its presentation and appears to be self-contradictory on many levels. It does not appear that the constitution reconciles the issue on whether the state is “unitary” or “federal.” Rather, the new constitution establishes the state as a central unitary state that is united and indivisible, but places a great deal of authority on the newly decentralized provinces and territories. In addition, the constitution recognizes that there will be one national gendarmerie, one hierarchically organized judicial system, and the president will install the elected governors and lieutenant governors of the provinces. The state is also considered federal because the constitution recognizes a separation of powers between the central and provincial governments. In addition, the provincial governments are expected to create an independent budget, maintain an independent provincial bureaucracy staffed by local citizens of the province, as well as rely upon local resources that are deemed necessary in carrying out the provincial government’s business. The constitution can be accessed at: <http://www.presidentrdc.cd/constitution.html>.

\(^{19}\) The four former vice presidential seats were held by: Azarias Ruberwa (RCD): Policy, Defense and Security Commission, representing the Rwandan-backed rebel group; Arthur Z’ahidi Ngoma (formerly RCD and then UPC) Social and Cultural Commission representing the Congolese Union for Peace political opposition movement; Abdoulaye Yerodia Ndombasi (PPRD): Reconstruction and Development Commission, representing the Kabila government; and Jean-Pierre Bemba (MLC): Economic and Financial Commission representing the Ugandan-backed rebels.

\(^{20}\) The political party or alliance directly chooses the new Vice President with the clear majority in the National Assembly. The Vice President is to be directly appointed by the President and will share the position of executive of government with the President.
National Elections, 2006

Despite the tragedy of the last 15 years of Congolese history, the transitional government, along with the Independent Electoral Commission (CEI), has recently, and successfully, organized the first democratic national elections in over 40 years. Originally scheduled to take place in 2005, national presidential and legislative elections were billed as not only the most expensive election in history (approximately three quarters of $1 billion) but also the most difficult to organize due to the geographic and logistical obstacles within Congo. With the aid and full backing of the international community, along with the military support of the 17,500 strong MONUC (The Mission of the United Nations in the Democratic Republic of Congo) peacekeeping force, the CEI under the leadership of Abbé Apollinaire Malu Malu Muholongu accomplished what most political analysts and observers believed was impossible. Thirty-three candidates were contesting the election at the presidential level, which represented a broad array of candidates from various parties, but in practice there was little to no variation in rhetoric and actual political substance. After two rounds of presidential contestation, widespread violence and killing throughout Kinshasa and the burning down of the Supreme

---

21 Journalist and author Michela Wrong, who has covered Zairian politics for many years recently wrote an article on the DRC elections. She states, “Congo's been bleeding to death for five centuries,” John le Carré has a character declare in his new Africa novel, The Mission Song. "Fucked by the Arab slavers, fucked by their fellow Africans, fucked by the United Nations, the CIA, the Christians, the Belgians, the French, the Brits, the Rwandans, the diamond companies, the gold companies, the mineral companies, half the world's carpetbaggers, their own government in Kinshasa, and any minute now they're going to be fucked by the oil companies. Time they had a break . . .” Time they had a break, indeed. But as the second round of presidential elections approaches in the Democratic Republic of Congo, it strikes me that le Carré could have added yet one more candidate to his magnificent roll-call of those who have royally screwed the former Zaire: the naive souls who believe in democracy's capacity to heal all wounds.” Wrong, Michela. 9 October 2006. “Why Hoping for the Best Brings the Worst” <http://www.africagreatlakes.org/>.

22 I was an international election observer for both rounds of the national elections and was in Goma (far east of Congo), Kinshasa (capital city, far west of Congo), and Kananga (center of Congo). Despite intense campaigning and large numbers of political parties contesting the elections there was no recognizable difference in the vast majority of parties contesting the elections. Another real issue and concern is that the political parties that won seats in the election had no articulate political platform or idea of what they were going to do upon winning the election.
Court building, Joseph Kabila Kabange was eventually declared President and Head of State on 27 November 2006.\textsuperscript{23} The number of candidates contesting national parliamentary elections for the National Assembly and Senate was a staggering 9,584 candidate. The National Assembly houses 500 seats, while the Senate is composed of 120 Senators. Despite the large numbers of contestants and the complexities and concerns of national and international election observers, considering recent Congolese history it is truly a political miracle that these elections were organized and conducted as well as they were.\textsuperscript{24} One of the larger legislative concerns within the National Assembly now concerns strategic party alliances between Joseph Kabila’s PPRD (The People’s Party for Reconstruction and Democracy) majority and Jean-Pierre Bemba’s MLC (Movement for the Liberation of Congo).\textsuperscript{25} Kabila presently controls the legislature through the alliance between the PPRD party and AMP majority (Alliance of the Presidential Majority),\textsuperscript{26} while the

\textsuperscript{23} President Joseph Kabila was finally declared President after his opponent in the second round, Jean-Pierre Bemba, finally gave in to the political pressure that was put on him by the international community. Some of the African sources of pressure came from former African Heads of State: Jerry (J.J.) Rawlings of Ghana, former-President Pierre Buyoya from Burundi, Sam Nujoma from Namibia, and Abdulalami Abubakar from Nigeria. Interestingly, it is my opinion that it was J.J. Rawlings made the greatest impact, speaking pointedly and bluntly with Jean-Pierre Bemba in a televised meeting about playing politics with the Congolese elections. Bemba was visibly nervous and shaking as J.J. Rawlings spoke as a “Big Man” or as a father disciplines his son. Shortly after this televised meeting Bemba relented and accepted the official results.

\textsuperscript{24} See the concerns voiced by the Carter Center at: <http://www.cartercenter.org/news/27%20Nov%20declaration.pdf>.

\textsuperscript{25} The following list of political parties comprise President Kabila’s legislative AMP majority with 332 out of 500 seats in the National Assembly: People’s Party for Reconstruction and Democracy (PPRD)- led by Joseph Kabila (111 seats), Unified Lumumbist Party (PALU)- led by Antoine Gizenga (34 seats), Social Movement for Renewal (MSR)- (27 seats), Coalition of Congolese Democrats (CODECO)- led by Jean-Claude Muyambo (10 seats), Union of Mobutist Democrats (UDEMO)- led by Nzanga Mobutu (9 seats), Federalist Christian Democracy-Convention of Federalists for Christian Democracy (DCF-COFEDEC)- led by Pierre Pay-Pay wa Syakasighe (8 seats), Christian Democrat Party (PDC)- led by José Endundo (8 seats), Union for Federalist Nationalists of Congo (UNAFEC)- (7 seats), United Congolese Convention (CCU)- (4 seats), National Alliance Party for Unity (PANU)- led by André-Philippe Futa (3 seats), Alliance for the Renewal of Congo (ARC) led by Olivier Kamitatu (2 seats), and other political parties- (109 seats).

\textsuperscript{26} The PPRD won 111 seats, but the Alliance for the Presidential Majority provides President Kabila with 332 out of 500 seats in the National Assembly.
minority consists of Bemba’s MLC and UpN alliance (Union For the Nation). Many questions revolve around Kabila’s ability to maintain control of the legislature, despite his unpopularity in the western provinces of the DRC, and the shifting allegiances between the various parties in the National Assembly. At present it is too soon to state whether or not Kabila’s majority will remain intact in the National Assembly, because his support is predicated on the perception that he has the ability to steer the DRC in a new direction. However, recent events in the Senate directly challenge Kabila’s ability to move the country in his vision, and more importantly highlights the multi-layered challenges that face the Congolese state and society.

The Senate was quite surprisingly placed under the leadership of the longtime Mobutist and former Prime Minister Kengo wa Dondo on 11 May 2007. Despite Kengo’s public support for Jean-Pierre Bemba during the 2006 presidential election and Kabila’s AMP majority controlling the Senate, Kengo’s recent ascension to the Senate Presidency demonstrates the fragility of the political alliances and tensions that exist within the larger national legislature. Secondly, and perhaps more importantly Kengo’s election is representative of the larger class of Mobutist elites that have continuously felt for the past decade marginalized by the political process and rise of the new “Kabiliste” class. It remains to be seen whether or not the old Mobutist class will be able to make inroads in the new democratic era. Thirdly, Kengo’s ascension highlights the institutional fragility and lack of leadership that continues to be pervasive of Congo’s political institutions. Kengo’s election is telling, which reveals the fact

---

27 The UpN is the alliance (Union pour la Nation) is the minority alliance supporting the Jean-Pierre Bemba view of the current political situation. It is unclear which parties are members of the UpN alliance.


that no new real political leader with the political weight and experience has been able to step forward to chart a path towards political stability and reconstruction. It may be reasonable to accept that despite the era of the new Kabilistes in Kinshasa, the Kabilistes may have to accept the fact that very few people in the current government have any experience in politically managing an enormously complex country like the Congo. If the political situation stagnates or perhaps even deteriorates, the Kabilistes may have to create some political space and make room for the older Mobutist clique whose institutionalized grip on power ran the country for more than three decades.

**Focus on North Kivu**

Building on the analyses of the domestic and international dimensions of the 1998-2003 civil conflict, this dissertation specifically examines the “post-conflict” or formal cease-fire period and the political dimensions of violence from 2003 to the present with a focus on the very troubled eastern province of North Kivu.30 This study begins with the month of July 2003 when a formal ceasefire was signed by neighboring states, which was signed and adopted by the Congolese transitional government to bring about peace and a semblance of political normalcy. Despite the formal ceasefire political violence remains a reality and daily ritual for North Kivutians.

I choose to focus on North Kivu for a number of reasons. The larger Kivu provinces (North and South) present the greatest challenge, as well as threat, to Congolese stability and reconstruction because of North Kivu’s unique history within the region, and due to the fact that North Kivu continues to be the staging ground for the highest levels of uninterrupted state and

---

non-state sponsored violence in Congo.\textsuperscript{31} State-sponsored and non-state sponsored violence has become institutionalized and is deeply intertwined with state fragility in North Kivu, where it is routine for political elites to use state assets and institutions in violent ways to achieve their desired political objectives and ends. Moving beyond the role of elites, rebuilding state institutions like the national army poses an enormous challenge to state security. Perhaps the largest challenge facing the Congolese state is the process known as \textit{brassage}, which is an internationally-led effort to integrate armed militias with the existing FARDC (Armed Forces of the Democratic Republic of Congo) structure. Ethnic tensions and animosities run hot in North Kivu, and a major source of uncertainty is how much can one expect the new national army to form a cohesive, and able functioning, army while taking into account these ethnic divisions and larger societal concerns. The \textit{brassage} challenge in North Kivu is daunting and poses a serious challenge for the DRC. Non-state sponsored violence on the other hand continues to be perpetuated by negative forces like the FDLR (Democratic Forces for the Liberation of Rwanda), Maï-Maï (local Congolese auto-defense groups), the renegade Tutsi General Laurent Nkundabatware, and the large number of militias that run rampant throughout the province that pose security threats to the local Congolese population.\textsuperscript{32} These armed militias, non-state actors, remain a constant security concern for MONUC and the Congolese state. In addition, North Kivu province has become a remote province that is totally cut-off from the rest of Congo, which

\textsuperscript{31} République Démocratique du Congo Ministère du Plan. 2005. \textit{Monographie de la province du Nord-Kivu (Draft 4)}. Immeuble SOFIDE, 1\textsuperscript{er} Niveau, Commune Gombe. (\textit{Unpublished Manuscript}).

\textsuperscript{32} The Democratic Forces for the Liberation of Rwanda are presented by the media as the bloodthirsty perpetrators of the 1994 Rwandan genocide. However, the majority of individuals in the FDLR are young Rwandese around the age of twenty to twenty-five, which at the time of the genocide would have made many of these young men approximately seven to twelve years old. It is highly unlikely that the majority of FDLR operating in North Kivu are the former Rwandan \textit{genocidaires} but rather Rwandaphone that have been displaced by fighting and are FDLR members for kinship reasons and purposes of survival. It should be noted that MONUC is trying to persuade the FDLR to lay down their weapons, and it is believed that many would like to do so, but it is difficult because key local commanders have a tight grip on their rank and file.
feeds directly into the massive lack of information and politicized rumors that dominate the region.

I have four specific motivations for writing this study: 1) to highlight the need for a multi-factor and multi-causal approach to understand the ongoing violence, and illuminate the complexities of the crisis, 2) this dissertation has grown out of my long-standing interest with Congolese political history, 3) the ability to oversimplify the reasons for violent political conflict, which is directly reflected in the policy prescriptions that are pushed to “fix” a particular situation, 4) to shed light empirically on a little known case; the DRC remains an under-analyzed country that can provide new insights into conflict processes and political violence.

The first reason for this study is to illustrate that uni-dimensional views of political violence are limited in helping political analysts understand why protracted conflict occurs. These works are important in a global sense, but at the state level, and even micro-level, their currency begins to diminish. The DRC has been typologized and classified in a myriad of ways by a number of political scientists and field analysts, and yet I argue that it has not helped develop any new strategies or techniques for addressing these crises. A number of scholars have focused on specific dimensions of conflict to help explain why conflict occurs, which are helpful to explain and understand conflict. However, these various approaches do not fully capture the complexity of violent conflict in all of its dimensions as it largely manifests itself in local contexts. Some of these approaches focus on specific dimensions of political violence, which include Kennes concentration on creed. His work is similar to that of Paul Collier, and essentially argues that conflict develops into greed as a conflict becomes institutionalized over time.33 Individuals are believed to collectively rebel against a perceived injustice that they seek

to rectify through armed intervention. Additional works have proposed the following explanations for political violence in the DRC: Reno focuses on the role of “warlordism;”  
Leonard and Strauss focus on economic structures and the role that enclave economies play in structuring violence; Herbst narrows his analysis to the role of political geography and a state’s inability to broadcast state authority over national territories; Ross points to the roll of natural resources and the “resource curse;” and finally the recent work by Bates pinpoints the failure of many African states and attributes it to the rational choices made by political elites.

As a medical doctor diagnoses a patient for an acute illness and offers his or her prognosis of what is afflicting the individual the doctor must be quick and precise or the individual may suffer debilitating consequences or even die. If the individual dies then an autopsy is normally required to uncover the cause of death. The task at hand here is of the same nature. The difference is that the present task is of a political nature and dissecting the problem, or series of problems, is wherein the challenge lies. Properly diagnosing a patient like the DRC where there is a multiplicity of variables is an immense undertaking not only due to the sheer size of the country, but more importantly because of the enormity of the political and economic stakes and actors invested in the current situation. In addition, it can be argued that this

---


dissertation is not a political prognosis of the Congo’s plight, but rather the autopsy of a 
deceased or failed state with no realistic chance of resuscitation. Therefore it is only becoming 
clearer about Congo’s present state, as well as what are the real future prospects for political 
order and normalcy in the DRC, as well as potential for future development, as time passes and 
new independent assessments and analyses become available. Judgment will be reserved for 
later.

Secondly, this dissertation grows out of my long-standing interest with Congolese 
political history. More recently, however, this interest has turned to frustration as Western 
politicians and media outlets grossly oversimplify the Congolese situation. Unlike Darfur or the 
Rwandan genocide, the Congolese tragedy appears to have fallen off the radar of the 
international community when compared to other contemporary humanitarian catastrophes. The 
Congolese predicament is a multi-level and multi-faceted series of crises that continue to feed off 
and reinforce each other creating the most violent and intractable situation on the continent. No 
other country or region faces similar challenges of the same scope or magnitude as the ones 
confronting the Congolese state and society. The complex inner workings of an extremely weak 
Congolese state with poor political leadership and the scale of violence inflicted on society make 
for a very fragile situation where no easy answers or obvious solutions exist. The scale and 
complexity is truly bewildering, but one that needs and deserves serious attention. Furthermore, 
as the case of Afghanistan has shown, failed states left to fester breed political problems, which 
often taken on criminal dimensions that reach well beyond their borders. In light of U.S.
involvement and political and military involvement in the Iraq quagmire, it appears that a failed state is no longer an accepted political reality; the state must be “made to work.”

The third reason for writing this dissertation is in part linked to my first concern, which is that policy prescriptions are many times the outgrowth of misguided academic analyses on political violence. In contrast my approach here argues that the local context is very important to consider when looking at violent environments like North Kivu province. My concern here is with the international community’s reactions and narrow policy prescriptions for countries that have experienced high levels of political violence, and/or state failure, which is a direct outgrowth of ‘Wilsonianism.’ In the current era the standard prescription appears that countries that have experienced high levels of violence are made to liberalize the political sphere via democratic elections, open up an economy to market-driven forces, and decentralize power to lower levels. This dissertation indirectly seeks to re-question the logic behind these standard prescriptions.

The fourth and final reason for this dissertation is that despite the international press coverage on the DRC, the DRC as a case study remains under-examined. At present there remains very little published scholarship on the DRC crises in English. The scholarship that is available coming out is generally on the role of Mobutism and state decline, which has focused

---


40 Wilson believed that liberalism was the key to peace and security in both national and international politics For an excellent review of the tenants of Wilsonianism and the liberal peace thesis see: Paris, Roland. 2004. At War’s End: Building Peace After Civil Conflict. Cambridge: Cambridge University Press.

41 Ibid.
more on the western portion of Congo.\textsuperscript{42} Research being published which focuses on the
violence in the east tends to emphasizes the impact and consequences of the Rwandan genocide
on the eastern DRC, or it has focused on the international dynamics of the 1996 and 1998 DRC
conflicts.\textsuperscript{43} Only limited work has been published on local level politics, and most of this is in
French. Considering this lack of attention paid to the local dynamics in eastern DRC, this study
aims to make an empirical contribution to the literature on this study.

\textbf{Dissertation Outline}

This dissertation will critically examine four key political issues that demonstrate the
multi-faceted dimensions of political violence and reasons for ongoing violence in North Kivu
province. The issues are: 1) \textit{brassage}, or security sector reform, and the impact of a highly
dysfunctional FARDC and its ongoing instability and violence that the institution generates
throughout North Kivu province, 2) the state plays a instrumental role in the ongoing violence
throughout North Kivu, 3) non-state actors in the form of militias are a fundamental source of
instability and violence, and 4) the intense competition for land access continues to breed
instability and violence, largely on ethnic lines, throughout North Kivu. This dissertation will
demonstrate that the Congolese situation is not only one that is immensely complex, but one also
that cannot be easily categorized or placed in a political typology. In addition, much of the
literature on African conflicts tend to posit uni-dimensional explanations, such as greed and
grievance, as well as “failed state” debates, which are powerful explanatory arguments, but
\textsuperscript{42} Works by Michael Schatzberg and Kevin Dunn focus on the role of former President Mobutu Sese Seko and the
structuring of his policies and personality on the ex-Zairian state. The works by Pierre Englebert and Jeffrey Herbst
tend to focus more on the issues of state failure and state rehabilitation.

\textsuperscript{43} The work of René Lemarchand has masterfully catalogued the impacts of the 1994 Rwandan genocide on the
eastern DRC, while Dennis Tull’s work has focused more the influences of the RCD (Rally for Congolese
Democracy) rebel movement in North Kivu. Both authors tend to speak about eastern DRC from a provincial
perspective.
ultimately narrow and limited in their applicability. This dissertation seeks to build upon these arguments by providing a more comprehensive and empirical grounding to these ongoing discussions.

These local issues were chosen because they represent the most serious challenges for provincial and national authorities, and because each of these issues mutually reinforce and complicate the other in a variety of ways. These four issues are structurally embedded at the local level and are generating sources of tension, which continue to fuel violence to this day and pose serious threats to the security and political stability of the Congolese state.

Chapter 2 will survey the literature on failed states and conflict. In recent years the issue of state failure and violence has become a budding subfield of scholarship. I will address in detail the literature that has influenced the shaping of my thought process in conceiving this dissertation project. This chapter will also lay out in more detail recent political events and trends that will be addressed throughout this dissertation.

Chapter 3 will address the methodological tools employed to collect the data presented here. The chapter will briefly outline the structure of data collection and the methods that were used, the questions that were asked, and the informants and institutions that were sought out to inform my understanding on North Kivu politics. Local institutions such as universities were visited and archival research was also conducted. In addition, informative respondents varied from local political elites, university professors, graduate and undergraduate students, local clergy, as well as international non-governmental organization (NGO) directors and staff.

Chapter 4 will address “the state of the State” and North Kivu’s condition. The chapter will address the role of history and the construction of violence in North Kivu, the political dimensions of violence and social fragmentation, and the socio-political consequences of
protracted violence. It will also touch on the 2006 democratic elections and what the elections mean for state and society.

Chapter 5 examines the role of non-state actors like the Democratic Forces for the Liberation of Rwanda (FDLR) and local Mai-Mai militias and their ability to generate violence throughout North Kivu. The Rwandan government views the FDLR as the sole perpetrators of the 1994 genocide. This view has been called into question, but the FDLR is nevertheless a heavily armed militia with an estimated 2,000 plus soldiers in Masisi territory. Although MONUC continues to encourage the FDLR to lay down their weapons, recent fighting in Rutshuru and Masisi illustrates their reluctance to do so. In addition, local defense groups known as Mai-Mai maintain a strong presence throughout Masisi and Rutshuru territories despite repeated calls for *brassage*. These non-state actors continue to complicate the Congolese state’s ability to fully regain control of the national territory. Specifically this chapter addresses the emergence of militias and the struggle for legitimacy, the FDLR as *genocidaires*, the Mai-Mai and shifting patterns of violence, as well as Laurent Nkunda’s Tutsi-dominated National Congress for the Defense of the People (CNDP), and will end with a look at embedded fears and local realities.

Chapter 6 examines the land concerns of North Kivu. Land has historically been a source of tension and conflict between the Rwandaphone and Congolese *autochtone* communities since the colonial and post-independence eras, and the problem has now intensified as land has become a resource to be gained through conflict. Land is a prized political possession fought over by local actors and elites where contested ownership, dispossession, and land theft have become intertwined with the fragility of the Congolese state and established political norms of the region. This has set in motion a set of violent processes and practices where land ownership
claims, as well as its access and availability, are directly tied to concerns over the security and stability of the province and Congolese state. Specifically chapter seven examines the following issues: recasting the importance of land, addressing the land deficit and historic issues of local access and ownership, local conflict and new forms of ownership, the influence of the displaced and ongoing land concerns, and finally speak to current land management trends and prospective land dynamics in the near future.

Chapter 7 focuses on the DRC state as an agent of violence by examining the role of the recently deposed Governor Eugène Serufuli. Since 2003 the state as an agent of violence has been widely documented by the United Nations, and numerous human rights observers view it as playing the main role in institutionalizing violence in North Kivu. Specifically examining the role of Governor Eugène Serufuli, this chapter considers his rise to the governorship in 2000 and analyzes the various methods he employed to generate political violence through state institutions and non-state actors that have contributed to the institutionalization of a culture of violence that continues to permeate North Kivu to this day. This chapter also addresses the following: the role of the non-governmental organization Tous pour la Paix et le Développement (TPD) and the Local Defense Forces (LDF) in engendering violence, the role of ethnicity and the instrumentalization of power, provincial dynamics and local realities, and finally the prospect of dismantling politicized violence.

Chapter 8 examines the critical issue of security sector reform and the process of brassage.

Brassage continues to be a major security challenge due to the ongoing violence committed by Laurent Nkunda’s CNDP, the persistence of poor pay and conditions for soldiers

---

44 I was able to get access to two years of data (2004-2006) in the form of weekly and monthly reports that were collected by MONUC on key individuals and military leaders. The author will be conducting a content analysis of the data in relation to the changing security dynamics in the region while paying close attention to other concerns like the ethnic dimension of brassage.
and family members, as well as human rights abuses committed against local populations by recently integrated soldiers. In addition, local citizenry have little to no confidence in the national army and military leadership that are meant to safeguard their lives and personal property. Chapter eight specifically addresses the following issues: brassage and the grand experiment with “negative forces,” leadership and trust in the FARDC army, the ethnic dimension of brassage, ongoing human rights abuses and political instability, and other concerns and security threats.

Chapter 9 concludes the work by addressing the enduring political dimensions of violence and the difficulties of finding long-term solutions for the highly fragmented Congolese state and society. These complex dimensions of political violence will demonstrate that the Congolese situation defies standard categories used to explain African cases. It is also my goal to present the plight of the Congo, in its politically and economic bankrupt nature, as clearly and directly as possible. Until the situation in the DRC is adequately addressed there will likely be no political stability and order throughout Africa’s Great Lakes region.

45 Laurent Nkunda is the renegade Tutsi rebel leader who retains a lot of support from the minority Tutsi population in North Kivu. The 83rd and 116th Brigades continue to experience desertion and public discontent, while there continues to be widespread support for Nkunda in Masisi and Rutshuru territories.
CHAPTER 2
CONFLICT AND FAILED STATES

Recent literature on political violence in Africa focuses on the failure of nation-states. Works by Robert Rotberg and I. William Zartman pinpoint the characteristics of what constitutes a failed state.¹ Relying upon history, Robert Bates, in what has been described by Paul Collier as his magnum opus, argues that African states have failed because of the rational choices made by political elites over time.²

Robert I. Rotberg’s has masterfully identified a number political variables that contribute to weak and failing states, or outright failed states. According to Rotberg, the major defining characteristic that typifies a failing or failed state is deeply embedded politicized violence that is generally aimed at the political center or some form of governmental authority. For Rotberg, protracted political violence occurs over a period of time where the state is unable to fully secure the national territory and violence becomes the only form of acceptable interaction between armed belligerents. Rotberg defines a failed state as:

- tense, deeply conflicted, dangerous, and contested bitterly by warring factions. In most failed states, government troops battle armed revolts led by one or more rivals. Occasionally, the official authorities in a failed state face two or more insurgencies, varieties of civil unrest, different degrees of communal discontent, and a plethora of dissent directed at the state and at groups within the state.³

North Kivu province has been largely an uninterrupted theater of politically orchestrated tensions and violence since Congolese independence on 30 June 1960. The various forms of

---


political violence that afflict North Kivu province are not merely a unique challenge to the province, but are a reflection of the larger dimensions of political violence and enormous challenges of rehabilitating and reconstructing a violently battered and fragile Congolese state that has consistently failed its society.

The problem with the failed state literature is that it generally paints a picture of a state that has failed in uniform fashion. However, it is reasonable to assume that failure will be highly uneven in a country the size of the DRC. Despite the fragility of the state, political violence in Kinshasa means something entirely different than it does in North Kivu. The levels and degree of violence are radically different. Secondly, the actors that are responsible for, as well as the reasons for, generating violence are also very different.

A criticism of the failed state literature is that not all failed states lead to political violence. There are a number of states that can be labeled “failed states,” and yet there has been little to no political violence in recent years. A few examples of very weak, “failed states” include: North Korea, Bolivia, Malawi, Congo-Brazzaville, Guinea Bissau, Laos, Nepal, Cameroon, Tajikistan, and Yemen. Some of these states are little more than empty shells that appear to constitute a nation-state, in the Western sense of the concept, but in reality they have little to no state capacity and/or are too weak to carry out basic state-like functions. Crawford Young argues that all states carry out six basic functions: 1) hegemony, 2) autonomy, 3) security, 4) legitimacy, 5) revenue, and 6) accumulation. These states personify the state’s inability to perform some of the basic functions that are typically required of nation-states.

---


In addition to the literature on failed states, literature on civil conflict has received a lot of attention in recent years. Fearon and Laitin estimate that civil wars have resulted in three times as many deaths as have inter-state wars since World War II.6 The literature on civil conflict generally relies upon the number of deaths as a threshold of measurement to be considered a civil conflict. The magic number, and arbitrary in my view, has been set at 1,000 deaths. In other words, if 1,000 deaths occur in an entire war, Fearon and Laitin classify this conflict as a civil conflict. Collier and Hoeffler argue that a conflict should be considered a civil conflict if there is an annual death threshold of 1,000 deaths.7 This confusion and lack of precision on civil conflict indicators raises many questions. What if a protracted conflict only registers 650 deaths in one year, and 2,000 deaths in another year? Does this constitute a civil conflict? If a conflict, or series of conflicts, continues for a decade-and-a-half, like in the DRC, is it correct to label it a civil conflict? Does civil conflict need to be confined to a distinct territory? In other words, the conflict in North Kivu is distinct from the conflict in Ituri. The two of these, are they considered two civil conflicts, or are they one? In addition to these questions, largely because of a lack of reliable data and indicators, it is very difficult to be as precise in the African context with social science measurements as it is in other regional contexts.

Kalyvas argues that civil conflict only occurs within the borders of a national territory between the national and local levels.8 Historically speaking, Kalyvas may be correct, but within the African context regional dynamics are playing as much of a role, if not more, than either the

---


national or local dimensions. The conflict in Darfur, the Sierra Leone and Liberian conflicts, as well as the DRC highlight this overlooked and important dimension of civil conflict. The Rwandan, Ugandan, and Angolan actions draw attention to the important regional dynamics of the DRC conflict, because they share a border with the DRC. The Zimbabwean and Namibian actions, because they do not share a common border with the DRC, may be seen more as an international component of civil conflict. Furthermore, Kalyvas ignores the larger transnational component of civil conflict - if it does not trigger civil conflict, it surely helps perpetuate it – and the roles that international criminal networks such as gunrunners, smugglers, mercenaries, and private security organizations play in civil conflict. All of these elements are present in the DRC.

The literature on African conflicts generally highlights the political and economic dimensions of civil conflict. Paul Collier and Anke Hoeffler in 2001 conducted a World Bank-funded study on 78 civil conflicts between the years of 1960-1999, which looks at a multitude of variables that either incites or influences conflict. In particular, they distinguish between greed and grievance motivated conflicts. Their findings posit that conflicts involving greed-motivated rationales or opportunity structures occur because armed belligerents desire to control a particular resource or because they can substantially gain economic benefit from doing so.9 These conflicts are most likely perceived to occur in resource rich countries like the DRC, Angola, Liberia, and Sierra Leone where there is very little state control over resources. For Collier, “if economic agendas are driving conflict, then it is likely that some groups are benefiting from conflict and that these groups therefore have some interest in initiating and

---

sustaining it.”

Greed-motivated conflicts are therefore seen as the result or desire to control particular resources for economic gain. Other authors like Nest, Grignon, and Kisangani, Ballentine and Sherman, Carter, Renton, Seddon, and Seilig, and Leonard and Straus also highlight various economic dimensions of conflict.

On the other hand, grievance motivated conflicts are believed to occur because of socio-political and economic inequalities in society. Grievances are generally perceived to occur along the lines of rapid economic decline or inequality, political repression, political transition, and ethnic and religious factionalism. Therefore, grievance-related conflicts largely transpire for political reasons, but can be directly influenced by economic or structural reasons. Recent research builds upon the grievance theme related to the 1998-2003 DRC conflict and posits that creed is fueling the conflict between the larger international belligerents, which eventually develops into greed as conflict becomes institutionalized over time. For each of these motives,

---


people are believed to collectively rebel against a perceived injustice that they seek to rectify through armed intervention. In addition, authors such as Reno,\textsuperscript{18} Lemarchand,\textsuperscript{19} Herbst,\textsuperscript{20} Ross,\textsuperscript{21} and Rotberg also build upon similar notions that political variables are more likely to explain why conflict occurs in the African context.\textsuperscript{22} Economic variables play more of a secondary role than a primary one.

Although each of these authors provide powerful explanatory reasons for conflict across the African continent, the problem in the case of the DRC is that it is too complex to be reduced to one, or two at best, explanatory factors that explain the underlying reasons for conflict. The ongoing political violence in Congo cuts across a wide variety of explanatory approaches, such as: psychological motivations, geographical determinants, ethnic rationales, warlordism, greed and grievance explanations, enclave economics, the “resource curse” as well as state decay and institutional weakness.\textsuperscript{23} Therefore, what needs to be examined is the complexity of the conflict.


\textsuperscript{23} Nest, Grignon, and Kisangani (2006), Ballentine and Sherman (2003), Carter (2003), Renton, Seddon, and Seilig (2007), Ross (2003 2001) argue that the DRC’s natural resource wealth is the main trigger for conflict in the DRC. Leonard and Straus on the other hand argue that the enclave economy explains the conflict. Herbst argues that it is the state’s inability to broadcast its authority across the national territory. Reno focuses on the role of the international community and propping up warlords. Young and Turner highlight the Zairian state’s institutional decline. Lemarchand argues that if one can pinpoint one specific reason for conflict in the DRC it is political
North Kivu’s Crisis and Looming Challenges

In addition to defining a failed state, Rotberg highlights some fourteen key characteristics that generally epitomize failing or failed states. Although there is no need to dwell on every feature that contributes to, or personifies, state failure, it is essential that a few key characteristics are fleshed out in relation to recent political trends and events in North Kivu. As long-time observer of Congolese politics René Lemarchand notes, “failure is a relative concept, and so, also, are the challenges posed to a failed state.”

Despite the relative nature of the concept, the Congolese state, completely failed or not, has exhibited and continues to exhibit many of the characteristics that exemplify a failing or failed state.

First, a failed state is likely to prey on the citizenry that the institutions are intended to protect. Secondly, failed states are unable to guarantee and provide basic security for the state and citizenry, and states generally do not have the capacity to control peripheral regions. Thirdly, the state exhibits flawed institutions, and finally, the state is largely viewed as illegitimate by the majority of the citizenry.

From 1998-2003 the Democratic Republic of Congo was carved into a series of fiefdoms or zones of military and political influence. Two of these large sections of the national territory were under the authority and control of ‘para-state’ authorities: the Rwandan-backed Rally for Congolese Democracy-Goma (RCD-G) and the Ugandan-backed Movement for the Liberation of Congo (MLC). The RCD-G pattern of rule exclusion, much like Ted Gurr’s focus on Why Men Rebel, but Lemarchand acknowledges that the conflict is too complex to reduce it to one or two factors.


26 The RCD-G was in control of the eastern portion of the national territory, while the MLC controlled the northern provinces stretching from Kisangani to Equateur province. Tull, Dennis M. 2004. The Reconfiguration of Political
was characterized by high levels of political violence at the local level that was committed against local Congolese citizenry and the systematic plunder of North Kivu’s natural resources. 

Politico-Administrative Context of North Kivu

Known to the outside world as the Congo Free State under the personal ownership of King Leopold of Belgium from 1886-1908, Congo was officially divided into eleven districts by decree on 1 August 1888. After considerable international condemnation of King Leopold II’s systematic plunder and rape of the Congo Free State’s resources and people, King Leopold relinquished his ownership of Congo by transferring administrative rule over to the Belgian parliament on 15 November 1908, which then renamed the colony The Belgian Congo.

The Belgian parliament quickly realized that they had inherited several enormous problems, one of which was the issue of sovereignty, and another was the basic administration of day-to-day affairs. The Belgian parliament quickly began to work on the demarcation of the national territory and administratively carving up the Congo into districts that were initially run by military officers, which would in time be managed by vice-governor-generals. The initial colonial expansion was quite difficult due to the heavy influence of British and South African
immigrants in Katanga, as well as politicians in Germany, and the initial lack of interest by the Belgian government. By 1911 the Belgian government had established a colonial school whose sole mission was training colonial administrators and magistrates.

By 1912 the national territoire became the essential unit of colonial administration and was carved into fifteen districts, one of which was Kivu (North and South). By 1918 the fifteen districts were regrouped into four provinces: Katanga (southeastern province), Orientale (northeastern province), Leopoldville (southwestern province which would become the capital), and Equateur (northwestern province).

Kivu would benefit from the decision in 1939 that it would become a province, although it actually did not occur until 1951. Despite this decision, the Belgian state recognized that Kivu was geographically too large to administer as one sole unit, and that different local political realities necessitated more localized forms of political rule. Therefore in 1956 the Kivu province was once again sub-divided, but the provincial status reverted back to the district level, in effect dividing the region into two districts, North and South Kivu. North Kivu district was then administratively sub-divided into six territories: Beni, Lubero, Rutshuru, Masisi, Walikale, and Goma, which was also designated the provincial capital (see Map 4-1).

According to the law of 14 August 1962 all the districts of Congo were restored to provincial status up until 1965 when Lieutenant-General Mobutu, who eventually renamed himself Mobutu Sese Seko Kuku Ngbendu Wa Za Banga, took over the presidency. North Kivu would remain a district up until 1988 when the Popular Movement of the Revolution (MPR) dominated legislature once again bestowed provincial status on North and South Kivu.

---


30 In Lingala, Mobutu’s official name means "The all-powerful warrior who, because of his endurance and inflexible will to win, goes from conquest to conquest, leaving fire in his wake."
The boundary demarcation was set back to the limits established in 1956, and to the present day North Kivu has been recognized as a province.

At present, Congolese provinces are administratively partitioned into five categories: territories (often referred to as zones), communes (communes), collectivités (can be referred to as chefferies or sectors), groupements (groupings), and finally villages (often referred to as locality). Presently North Kivu is divided into six territories. The most recent and reliable demographic study of North Kivu\textsuperscript{31} is one that is currently used by UNICEF and other UN organizations. It notes that there are presently six territories, three major cities, ten communes, seventeen collectivities (of which ten are chefferies and seven are sectors), ninety-seven groupings, and 5,178 villages scattered throughout the province. Table 1 highlights the six current territories in North Kivu along with the estimated surface area of each territory down to the village level. Masisi and Rutshuru territories are the most densely populated in the southern end of the province, while the central territories of Lubero and Walikale are the least densely populated as indicated in Table 2-1 below. Population density over time has proven to be a significant variable in fueling North Kivu’s violent political history.

Tables 2-2 and 2-3 below provide a contrast between the administrative composition of the cities of Goma and Butembo, Goma being the provincial capital in the far south of the province, and Butembo the main commercial zone in the far north.\textsuperscript{32} Butembo and the northern

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{32} A series of tables presented over the next few pages detail the administrative composition of the territories, collectivities, groupings and villages. All the information presented here is taken from the Monographie de la province du North-Kivu (Draft 4). There are many numbers presented and many of them cannot be independently verified due to the nature of data collection throughout Congo. It is highly unlikely that all of the numbers presented here are correct, but these are the official numbers that are presently being used by the United Nations and other official organizations working in Congo.
\end{itemize}
\end{footnotesize}
Table 2-I. Number of territories and density in North Kivu

<table>
<thead>
<tr>
<th>N°</th>
<th>Territory</th>
<th>Total Surface Area/km²</th>
<th>Surface Area of Rural Lands/km²</th>
<th>Locality/Village Area per Village/km²</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>BENI</td>
<td>7484</td>
<td>4362</td>
<td>145</td>
</tr>
<tr>
<td>2.</td>
<td>LUBERO</td>
<td>18096</td>
<td>18047</td>
<td>174</td>
</tr>
<tr>
<td>3.</td>
<td>RUTSHURU</td>
<td>5289</td>
<td>5259</td>
<td>111</td>
</tr>
<tr>
<td>4.</td>
<td>MASISI</td>
<td>4734</td>
<td>4704</td>
<td>96</td>
</tr>
<tr>
<td>5.</td>
<td>WALIKALE</td>
<td>23475</td>
<td>23475</td>
<td>90</td>
</tr>
<tr>
<td>6.</td>
<td>NYIRAGONGO</td>
<td>163</td>
<td>163</td>
<td>54</td>
</tr>
</tbody>
</table>

territories are essentially dominated by the Nande ethnic group. It has been argued that it may be the wealthiest part of the Congo that has developed without any reliance on patronage-based politics.33

Table 2-4 provides an administrative outline of the territories and collectivities, along with a few cities, within each territory. Once again, Lubero and Walikale are the least densely populated territories in North Kivu. Tables 2-5 – 2-8 provide the most comprehensive view of the politico-administrative division of North Kivu to date from the territory down to the village level. There are no complete or exact figures for each local unit, but the tables do provide a snapshot of not only the complex administrative divisions within North Kivu, but also highlight the demographic challenges that exist. This overview of the official administrative apparatus will allow us to situate the context within which the political crises in North Kivu and challenges take place.

Table 2-2. The city of Goma

<table>
<thead>
<tr>
<th>Communes</th>
<th>Area/km²</th>
<th>Density</th>
<th>District</th>
</tr>
</thead>
</table>

### Table 2-3. The city of Butembo

<table>
<thead>
<tr>
<th>Communes</th>
<th>Area/km²</th>
<th>Districts</th>
</tr>
</thead>
</table>

### Table 2-4. Territories, cities and collectivities:

<table>
<thead>
<tr>
<th>Territory</th>
<th>Area/km²</th>
<th>City/Collectivity</th>
<th>Area/km²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beni</td>
<td>7,484</td>
<td>1. City of Oïcha, 2. Col. of Bashu, 3. Col. of Beni, 4. Col. of Ruwenzori, 5. Col. of Watalinga</td>
<td>93, 1,754, 2,589, 2,496, 610</td>
</tr>
<tr>
<td>Lubero</td>
<td>18,096</td>
<td>1. City of Kirumba, 2. City of Kayna, 3. City of Kanyabayonga</td>
<td>5, 8, 9</td>
</tr>
<tr>
<td>Walikale</td>
<td>23,475</td>
<td>1. Col. of Bakano, 2. Col. of Wanianga</td>
<td>4,238, 19,237</td>
</tr>
<tr>
<td>Nyiragongo</td>
<td>163</td>
<td>1. Col. of Bakumu</td>
<td>163</td>
</tr>
</tbody>
</table>
Impact and Influence of the RCD

In full swing from 1998-2003, the Rwandan-backed RCD (*Rassemblement Congolais pour la Démocratie*) dominated the Kivu region with full military and political support, as it was able to crush any alternative form of opposition to its influence in the Kivu provinces. With its headquarters eventually based out of Goma, the RCD was able to crush any dissent through its military might and able to project its power across the interior of North Kivu with a military

Table 2-5. Territories, collectivities, groupings, and numbers of localities (villages): Beni

<table>
<thead>
<tr>
<th>Territory</th>
<th>Collectivity</th>
<th>Groupings</th>
<th>Area/km2</th>
<th># of Localities/2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beni</td>
<td>4</td>
<td>Batangi-Mbau</td>
<td>993</td>
<td>277</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Baswagha-Madiwe</td>
<td>991</td>
<td>147</td>
</tr>
<tr>
<td>BASHU</td>
<td>7</td>
<td>1. Banande-Kainama</td>
<td>114</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Bambuba-Kisuli</td>
<td>559</td>
<td>84</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Malio</td>
<td>557</td>
<td>124</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Malio</td>
<td>557</td>
<td>124</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>Masiki-Kalonge</td>
<td>120</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Masiki-Vayana</td>
<td>125</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>Isale-Kasongwere</td>
<td>572</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Isale-Vuhovi</td>
<td>224</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Isale-Bulambo</td>
<td>163</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bunyuka</td>
<td>55</td>
<td>30</td>
</tr>
<tr>
<td>RUWENZORI</td>
<td>5</td>
<td>1. Watalintga</td>
<td>195</td>
<td>107</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Malambo</td>
<td>443</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Buliki</td>
<td>372</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Basongora</td>
<td>952</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Watalintga</td>
<td>195</td>
<td>107</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Bawisa</td>
<td>156</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Bawisa</td>
<td>156</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Bahumu</td>
<td>173</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Bahumu</td>
<td>173</td>
<td>37</td>
</tr>
<tr>
<td>WATALINGA</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4 Collectivities</td>
<td>19 Groupings</td>
<td>7484 Area/km2</td>
<td>145</td>
</tr>
</tbody>
</table>

headquarters eventually based out of Goma, the RCD was able to crush any dissent through its military might and able to project its power across the interior of North Kivu with a military

---

34 The RCD eventually split into different armed factions: Mbusa Nyamwisi’s *RCD-Mouvement de Libération* (RCD-Movement for Liberation, RCD-ML), Roger Lumbala’s *RCD-National* (RCD-N), *RCD-Authentique* (RCD-A), Kin-Kiey Mulumba’s *RCD-Congo*, and *RCD-Originel* (RCD-O).
policy based on intimidation, fear, massive human rights abuses without any real concern for the
larger population, and clearly a serious lack of concern for democratic principles or thought. In

Table 2-6. Territories, collectivities, groupings, and numbers of localities (villages): Lubero

<table>
<thead>
<tr>
<th>Territory</th>
<th>Collectivity</th>
<th>Groupings</th>
<th>Area/km²</th>
<th># of Localities/2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Luenge</td>
<td>602</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>2. Tama</td>
<td>373</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>3. Hutwe</td>
<td>833</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>4. Buhimba</td>
<td>-</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>BAMATE</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Bukenie</td>
<td>353</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>2. Buyora</td>
<td>308</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>3. Luongo</td>
<td>613,70</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>4. Bulengya</td>
<td>403,10</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>5. Manzi</td>
<td>116,73</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>6. Muhola</td>
<td>187,60</td>
<td>22</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>7. Mwenie</td>
<td>321,80</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>8. Ngulo</td>
<td>188,27</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>BASWAGHA</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Manzi</td>
<td>116,73</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>6. Muhola</td>
<td>187,60</td>
<td>22</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>7. Mwenie</td>
<td>321,80</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>8. Ngulo</td>
<td>188,27</td>
<td>23</td>
<td>15</td>
</tr>
</tbody>
</table>

| Lubero    | 1. Itala     | -         | 06       | 6                    |
| BATANGI   | 3            |           | 06       | 6                    |
|           | 2. Mbulie    | -         | 06       | 6                    |
|           | 3. Musindi   | -         | 18       | 18                   |
|           | 1. Babika    | -         | -        | 2                    |
|           | 2. Batumba   | -         | -        | 2                    |
| BAPERE    | 6            |           |          |                      |
|           | 3. Bapakombe | -         | -        | 3                    |
|           | 4. Bapukara  | -         | (16)     | 2                    |
|           | 5. Naredje   | -         | -        | 3                    |
|           | 6. Batike    | -         | -        | 2                    |

| Total     | 4 Collectivities | 21 Groupings | 18096 Area/km² | 174 |

addition, the RCD’s economic policies from 2000-2003, which were based on plundering North
Kivu’s minerals like coltan, titanium, gold, or cassiterite, is representative of a second key
characteristic of state failure identified by Rotberg, which is the growth of criminal violence.

---

35 The RCD is viewed by the local population as a Tutsi-based armed group with its genesis in protecting the rights of the Banyamulenge Tutsi in South Kivu, which eventually became associated with the Banyarwandan Tutsi in North Kivu. However, due to the lack of support for the RCD and distrust of Tutsi interests throughout Eastern Congo, the RCD would inevitably have to resort to brute force and the plundering of Congolese assets and minerals to sustain their political movement.
Table 2-7. Territories, collectivities, groupings, and numbers of localities (villages): Rutshuru/Masisi

<table>
<thead>
<tr>
<th>Territory</th>
<th>Collectivity</th>
<th>Groupings</th>
<th>Area/km²</th>
<th># of Localities /2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rutshuru</td>
<td>BWISHA</td>
<td>1. Bugari</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Kisigari</td>
<td>-</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Bweza</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Jomba</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Busanza</td>
<td>-</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. Binza</td>
<td>-</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Bukoma</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>BWITO</td>
<td>3. Bishusha</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Bambo</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Kanyabayonga</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. Kihondo</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Mutanda</td>
<td>-</td>
<td>8</td>
</tr>
</tbody>
</table>

**Total** 2 Collectivities 14 14 Groupings 5289 Area/km² 111

<table>
<thead>
<tr>
<th>Collectivity</th>
<th>Groupings</th>
<th>Area/km²</th>
<th># of Localities /2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAHUNDE</td>
<td>1. Kamuronza</td>
<td>500</td>
<td>7 7</td>
</tr>
<tr>
<td></td>
<td>2. Muvunyi/Matanda</td>
<td>189</td>
<td>5 6</td>
</tr>
<tr>
<td></td>
<td>3. Muvunyi/Karuba</td>
<td>100</td>
<td>4 3</td>
</tr>
<tr>
<td>OSSO-BANYANGU</td>
<td>4. Muvunyi/Kibabi</td>
<td>235,9</td>
<td>8 5</td>
</tr>
<tr>
<td></td>
<td>5. Muvunyi/Shanga</td>
<td>174</td>
<td>7 6</td>
</tr>
<tr>
<td></td>
<td>6. Ufamando I</td>
<td>478</td>
<td>8 8</td>
</tr>
<tr>
<td>BASHALI</td>
<td>1. Bashali/Kaembe</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2. Bashali/Mokoto</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Masisi</td>
<td>1. Buabo</td>
<td>130</td>
<td>5 5</td>
</tr>
<tr>
<td>OSSO-BANYANGU</td>
<td>2. Banyungu</td>
<td>85</td>
<td>2 2</td>
</tr>
<tr>
<td></td>
<td>3. Biiri</td>
<td>96</td>
<td>5 5</td>
</tr>
<tr>
<td></td>
<td>4. Bapfuma</td>
<td>256</td>
<td>6 6</td>
</tr>
<tr>
<td></td>
<td>5. Nyamaboko I</td>
<td>-</td>
<td>4 4</td>
</tr>
<tr>
<td></td>
<td>1. Luindi</td>
<td>-</td>
<td>- 2</td>
</tr>
<tr>
<td></td>
<td>2. Kambule</td>
<td>-</td>
<td>- 2</td>
</tr>
<tr>
<td>KATOYI</td>
<td>3. Ufamando II</td>
<td>-</td>
<td>- 5</td>
</tr>
<tr>
<td></td>
<td>4. Kibabi II</td>
<td>-</td>
<td>- 2</td>
</tr>
<tr>
<td></td>
<td>5. Nyamaboo II</td>
<td>-</td>
<td>- 6</td>
</tr>
<tr>
<td></td>
<td>6. Nyalipe</td>
<td>-</td>
<td>- 1</td>
</tr>
</tbody>
</table>

**Total** 4 Collectivities 19 19 Groupings 4734 Area/km² 96

---

<table>
<thead>
<tr>
<th>Territory</th>
<th>Collectivity</th>
<th>Groupings</th>
<th>Area/km²</th>
<th># of localities/2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walikale</td>
<td>WANIANGA</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Wassa</td>
<td>-</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Utunda</td>
<td>-</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Banabangi</td>
<td>-</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Bakusu</td>
<td>-</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Bafuma</td>
<td>-</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Waloa/Loanda</td>
<td>-</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. Waloa/Uroba</td>
<td>-</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Waloa/Yungu</td>
<td>-</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Luberike</td>
<td>-</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. Ihama</td>
<td>-</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. Kisimba</td>
<td>-</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Usala</td>
<td>-</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13. Ikobo</td>
<td>-</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Bakano</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Bakondjo</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>BAKANO</td>
<td></td>
<td>2</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15</td>
<td>Groupings</td>
<td>23475 Area/km²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>90</td>
</tr>
<tr>
<td>Nyiragongo</td>
<td>BAKUMU</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Monigi</td>
<td>31</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>2. Buvira</td>
<td>17</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>3. Kibati</td>
<td>23</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>4. Buhumba</td>
<td>36</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>5. Kibumba</td>
<td>18.35</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>6. Mudja</td>
<td>14.64</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>7. Rusayu</td>
<td>23.00</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7</td>
<td>Groupings</td>
<td>163 Area/km²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>54</td>
</tr>
<tr>
<td>TOTAL GEN.</td>
<td></td>
<td>17</td>
<td>95</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>95</td>
<td>Groupings</td>
<td>59241 Area/km²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>670</td>
</tr>
</tbody>
</table>

The systematic looting that was taking place was so grave and flagrant that its stench reached the floor of the United Nations Security Council, where strong evidence was presented that the RCD was one of the main armed movements involved in the systematic looting of Congolese assets and minerals. These publicized reports of highly illicit and organized criminal activities
validated the near impossibility of gaining any legitimacy at any political level. In an attempt to further consolidate its political influence and counter the anti-Tutsi sentiment dominating the region, the RCD on 31 July 2000 hand-picked a Hutu from Rutshuru territory, Eugène Serufuli Ngayabaseka, and installed him as the Governor of North Kivu province. Serufuli replaced the former-Tutsi Governor Léonard Kanyamuhanga Gafundi (October 1998-July 2000) who died from cancer in neighboring Bujumbura. Serufuli had previously worked as an anesthesiologist in the local hospital in Goma and was seen by the RCD as an intermediary who could potentially bridge local Rwandophone (Hutu and Tutsi) interests, while at the same time maintain a high degree of support from the neighboring Kigali regime. Despite Serufuli’s local connections and knowledge of North Kivu’s political landscape, his authority and legitimacy was constantly contested not only by local civil society leaders, but also by the regime in Kinshasa. Kinshasa initially refused to recognize Serufuli’s governorship but eventually gave way and recognized him as the provincial executive. In short, Serufuli’s appointment by the RCD, with Kigali’s blessing, was an effort to replace the public face of overt Tutsi influence in the North Kivu government by replacing it with Hutu.

Serufuli’s lack of legitimacy at the local level illustrates two essential characteristic of state failure: the growth of criminal violence, and flawed institutions. What is interesting about the case of Serufuli in North Kivu, and the larger case of Congo, is that the literature on state failure largely treats the state as the recipient of violence in that the state is likely attempting to protect itself against external belligerents, and ultimately society suffers the consequences.

---


However the literature on state failure does not adequately address those states and institutions that are exceptionally weak, and perhaps so weak as to be considered a failed state that in turn use political violence as a way to maintain their own political survival. In most cases, and due to a lack of centralized authority, the state becomes the central actor in constructing a theater of violence as a way to either legitimize, or as an excuse, to reinforce criminal behavior and theft of state properties and resources. This politicized theater of violence typically leaves in its wake widespread human rights abuses and a deeply scarred society, where in some extreme cases like the Kivu region and Ituri province, crimes committed may in fact rise to the level of extra-judicial killings, mass murder, ethnic cleansing, and crimes against humanity and beyond.

Serufuli’s power rested on two key institutions: his private militia known as the local defense forces (LDF), which provided the military muscle and force to maintain his authority, and his local NGO known as the TPD (*Tous pour la Paix et le Développement*), which was theoretically established to repatriate refugees back to the region and help reconstruct decaying infrastructure. In practice these two political organs were Serufuli’s two pillars of power and utilized for his personal bidding by creating a state-sponsored theater of violence that is responsible for the source of countless numbers of documented and un-documented human rights abuses, the rape of women and young girls, and mass killings of civilians. Respected organizations like Amnesty International and Human Rights Watch have detailed reports on the numerous abuses committed since Serufuli’s ascent to the governorship.

---


41 Two such stinging indictments against Serufuli by Human Rights Watch and Amnesty International, among many others, detail at great length Serufuli’s abuse of power and desire to instrumentalize ethnic tensions, but to also distribute weaponry to the civilian populations in Masisi and Rutshuru. *Civilians Attacked in North Kivu*. July 2005 Vol. 17, No. 9(A). New York; Washington; London; Brussels: Human Rights Watch; *North-Kivu: Civilians*
address in further detail the state as an agent of violence by focusing on Serufuli’s rule as
governor of North Kivu.

Despite the RCD’s overall shortcomings and lack of popular support the movement did attempt to project its authority across the landscape through local intermediaries (civil society leaders) and chiefs, the same successful strategy employed by the Mobutist regime. However, as Dennis Tull points out, the authority of the local chiefs was largely ineffectual due to the established former patronage networks between them and state agents, which had enabled local chiefs and state authorities to enrich themselves at the expense of their local ethnic constituency. This personal enrichment steadily led to the erosion of their legitimacy from within. The RCD found it quite difficult to reasonably project its vision and power across the province, and eventually had to turn towards very repressive techniques that would force the local population to concede to its own vision for the Congo. Finally with the signing of the Global and All-Inclusive Agreement on 17 December 2002 the Second Congo war was formally ended and the RCD along with the MLC (Movement for Liberation of the Congo), the RCD-ML (Congolese Rally for Democracy- Movement of Liberation) and RCD-N (Congolese Rally for Democracy-National) officially joined the Kabila government in Kinshasa. Despite the signing of the

---


43 The RCD proposed a federalist state for Congo, which ultimately ended in complete failure. Tull believes that it was a complete failure because of the lack of a transformative political agenda, the lack of resources made available to their political cause, as well as the lack of basic democratic procedures. Ibid., p. 135. I would add that due to high levels of political violence and lack of concern for basic democratic guarantees in the RCD controlled areas, there was no real transformative agenda that the RCD could have pursued that would have provided the legitimacy that they would have needed. The RCD is viewed as a Rwandan political movement that is completely propped up by Tutsi interests, and herein lies the crux of the issue. As long as Tutsi interests are publicly regarded as a significant motivating factor behind a particular cause or issue it will be very difficult, if not impossible for that particular cause to succeed in the current socio-political climate in Eastern Congo. Amnesty International. Democratic Republic of Congo: Disarmament, Demobilization and Reintegration (DDR) and Reform of the Army. AFR 62/001/2007, 25 January 2007.
agreement, the RCD influence continued to dominate the eastern regions and particularly North Kivu province.

**Negative Non-State Actor Phenomenon**

Since the early 1990s North Kivu has been littered with hundreds of armed non-state actors operating in the form of armed units that have been labeled militias. These militias have proven to be major sources of political instability and violence directed specifically at the state and other armed militias operating in the region, as well as the larger civilian population. The three main groups of actors are the FDLR (Democratic Forces for the Liberation of Rwanda),\(^{44}\) the Tutsi-militia leader General Laurent Nkunda, and the loosely assembled Mai-Mai.\(^{45}\) Despite the 2003 All Inclusive Agreement these armed negative factions have continued to be major sources of instability and political violence, calling into direct question the ability of the recently

\(^{44}\) The Democratic Front for the Liberation of Rwanda is considered by most political analysts to be the remnants of the former ex-FAR (former Rwandan Armed Forces) and the Interahamwe. They are viewed as the individuals and groups that are responsible for committing the 1994 Rwandan genocide. The International Crisis Group over the years has been providing the most consistent reporting on FDLR actions in the Kivu region. See for example: *The Congo’s Transition is Failing: Crisis in the Kivus*, 2005. Brussels/Nairobi; *Les rebelles Hutu Rwandais au Congo: pour une nouvelle approche au désarmement et de la réintégration*, 2003. Brussels/Nairobi; *The Kivus: The Forgotten Crucible of the Congo Conflict*, 2003. Brussels/Nairobi; *Rwanda at the End of the Transition: A Necessary Political Liberalisation*, 2002. Brussels/Nairobi; *North Kivu: Into the Quagmire?* 1998. Brussels/Nairobi.

\(^{45}\) Laurent Nkunda was appointed General of the newly named FARDC (Armed Forces of the Democratic Republic of Congo) after the signing of the All-Inclusive Agreement but Nkunda refused to travel to Kinshasa. Since 2002 Nkunda has been operating in the Kivu region, with his headquarters based in Masisi Territory. In addition, on 21 October 2004, the Security Council in resolution 1565 directed MONUC to cooperate with Congolese authorities "to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice." In September 2005, the Congolese government issued an international arrest warrant against Nkunda, who has been implicated in numerous serious human rights abuses during the preceding three years. General Nkunda is indicted for war crimes, crimes against humanity and insurrection. See for more information, “Laurent Nkunda,” at Trial Watch: <http://www.trial-ch.org/en/trial-watch/profile/db/facts/laurent_nkunda_485.html>. According to Jean-Marie Kati Kati Muhongya, the Mai-Mai go back to the 1960s following the recent independence of Congo. After Pierre Mulele’s falling out with the Mobutu government in an attempt to overthrow the Mobutu regime, Muhongya states “Mulele drew support from the traditional chiefs, who were often medicine men, to encourage youths to join the armed struggle. The youths believed that the medicine men had made them invincible to bullets, inspiring the slogan, "Mulele Maji", meaning if you are for Mulele, all bullets directed at you would turn to water. This slogan later evolved into "Mai-Mai" or "Mayi Mayi" (Congolese Swahili for "Water Water"). Hence the naming of Mai-Mai militia groups in various parts in today's Democratic Republic of Congo (DRC).” See: IRIN Report, 16 March 2006. “DRC: From protection to insurgency - history of the Mayi-Mayi.”
elected government to reconstruct and rehabilitate state and society in light of these armed actors.

Across this broad spectrum of negative forces lies an assortment of actors with a wide range of individual and communal political interests at stake. From a functional standpoint there is a major difference in the scale and size of these armed militias who have an unequal access to material resources and goods like high-tech weaponry and communication technology from external sponsors. These external contacts have directly influenced the capacity and ability of some of these groups to recruit new combatants at the local level throughout North Kivu. Despite the differences in terms of access to material goods and resources, at the local level all of these armed belligerents have watched their base of public support steadily erode due to the citizenry’s conflict fatigue.

What appears to be one of the crosscutting themes for all of these non-state actors is that they all share high levels of interlocking grievances that are born out of the shared experience of exclusion of the political process. Despite the signing of the 2002 agreement neither MONUC nor the transitional government (now the newly-elected government) have been able to convince many of the militias and key leaders to voluntarily disarm or lay down their weapons.\textsuperscript{46} The irony concerning these negative forces is that they have created a social and political environment that has become the perfect breeding ground for future combatants, while the ongoing demonization of each group has led to the mutual reinforcement and need of the other.

In 2003 some political actors believed that the signing of the All-Inclusive Agreement would lead to the end of fighting when the new transitional government was formed, but in the

\textsuperscript{46} Many militias in places like Bunia, Katanga, and in Equateur province have begun to voluntarily lay down weapons in light of the “buy-out” package offered by MONUC. Militia men have the choice of either going through brassage and joining the ranks of the FARDC, or accepting a reintegration package that will allow them to re-enter civilian life. It remains to be seen what the majority of former negative forces will accept in light of the social and economic conditions throughout North Kivu
case of the ‘autochthonous’ Mai-Mai they have proven their battle-hardened resilience and willingness to continue fighting throughout the territories of Masisi, Rutshuru, Walikale and areas of South Kivu. To many foreign political analysts and even some domestic observers in Congo, the Mai-Mai were romantically viewed as traditional self-defense groups that would automatically rise up in the face of external aggression to defend the interests of their ethnic communities and surrounding region. Although this may be in part true, the Mai-Mai, despite the formal ending of the conflict in 2003, have become more of a local security nuisance and taken on an offensive tone by engaging in various forms of political violence by committing various human rights abuses, rape, as well contributing to the forced displacement of local populations, and participating in the plunder of Congolese minerals and resources. In short, the Mai-Mai presence throughout North Kivu has not been strictly one of salvation or the self-defense of local populations against foreign aggressors (this is not to say that all Mai-Mai have engaged in these actions), but many have acted out in their own selfish political and economic interests instilling fear and fueling violence and ethnic tensions along the way. Furthermore, as armed militias they continue to pose a serious threat to the political stability and potential reconstruction of the Congolese state.

The renegade Tutsi General, Laurent Nkunda, also continues to pose a major political concern and security threat to the Kivu region as a whole. After refusing to join the FARDC in 2003, which he stated was to provide for the security of his fellow Tutsi in the Kivu provinces, Nkunda has continued to wage armed resistance against the Congolese state, new FARDC

47 Recently on 24 June the President of the national Mai-Mai political party, Kambale Malonga, was arrested by the 8th Military region and his whereabouts are currently unknown. The fear is that his arrest, and perhaps assassination (which looks likely considering a spate of recent assassinations of prominent political personalities), will likely lead to more instability and possibly political violence if the Mai-Mai political party are not made aware of his presence in the near future. “Nord-Kivu : insécurité croissante, notables et hautes personnalités ciblées.” Radio Okapi, <http://www.radiookapi.net/index.php?id=53&a=13837>.
troops, as well as battle FDLR militants and other armed militias in North Kivu province.

Nkunda is now wanted for alleged war crimes, looting and pillaging, raping women, and the murder of innocent civilians.

In one well-documented attack, Laurent Nkunda reportedly attempted to protect local Banyamulenge citizens from being massacred by the 10th Military Region in South Kivu from 26-28 May 2004. Laurent Nkunda had the support of the 8th Military Region of the FARDC in North Kivu with the alleged assistance of Governor’s Serufuli’s TPD and LDF militia in the form of transportation, logistical assistance and military aid. The killing of Banyamulenge is a direct indication of the weakness of the state and “national” army, which continues to be a larger reflection of the ongoing struggle between center/periphery politics.

Nkunda’s attempt to stop the ongoing killing of Banyamulenge civilians led to the razing of the provincial capital where his marauding band of thugs “went from door to door, raping and looting when the occupants of houses could not find sufficient cash to pay them off.” Since this episode Nkunda has continued to be a major source of instability for the Congolese state with countless numbers of armed attacks that has led to the displacement of tens of thousand

---


49 Center/periphery politics between Kinshasa and the Kivu region cannot be overstated, let alone Kinshasa and other provinces throughout Congo (Equateur, Katanga, Kasai). The widespread violence of the “democratization-era” of the 1990s in North Kivu was the direct outgrowth of the Mobutist regime’s systematic manipulation of ethnic identities and instrumentalization of “otherness” between the minority Rwandaphone population and the larger Congolese ‘autochthone’ population. It was at this time that the phenomenon of géopolitique came to the forefront and dominated local and provincial politics, which ultimately led to the 1993 Masisi wars. Despite the center/periphery explosion in 1993 occurred does not mean that the issue is dead, but rather it has now taken on a new form in the current “democratic landscape.” A common xenophobic term now used is Congolité, which symbolizes the idea of a true or pure Congolese. This was widely employed by Jean-Pierre Bemba in the run up to the recent national elections, and is still being used by his hard-line supporters, despite his loss to Kabila. In a brief comparison, Congolité is the Congolese version of a much larger phenomenon taking place in other violence-racked countries like Côte d'Ivoire. Former President Henri Bédié conceived of this notion of Ivorien-ness in 1995, and now President Laurent Gbagbo’s supporters make use of it when it suits their political purposes.

IDPs (internally displaced persons) and refugees fleeing Masisi, Rutshuru, and Lubero territories fleeing for Goma and neighboring countries.

The other major non-state actor, the FDLR, has become economically and socially interwoven into the social matrix throughout North Kivu over time, which can be seen in many of the markets trading goods and engaging with other Congolese civilians in the rural territories. Identified as the perpetrators of the 1994 Rwandan genocide by the Kigali government, who presently does not consider them a security threat, the FDLR is a well-armed force of very young men and boys that are strong-armed by a few hardline elites who are intent on carrying out their political and military cause. It has been pointed out numerous times that it is highly unlikely that the majority of the combatants that now comprise the FDLR are the killers responsible for committing the 1994 Rwandan genocide. The majority of FDLR would have been mere babies or very young children at the time. Despite their physical presence and adaptation to local politics and social norms, since 2003 the FDLR influence continues to be one based on fear, the politics of survival and adaptation in North Kivu. Believed to have 10,000-15,000 members in 2001, FDLR numbers are now estimated at 6,000 in North Kivu, of which 4,500 are able-bodied men who are willing to fight. The others have either defected from the FDLR cause or simply been killed during skirmishes with other armed belligerents.51

The FDLR does continue to pose a serious threat to the stability of the Congolese state, and their presence only legitimizes the claims of Laurent Nkunda, which also in turn justifies the Mai-Mai presence. In addition to their presence as a well-armed negative force, the FDLR has split in recent years under competing political visions. The FDLR commander Colonel Musare has been linked to softer elements within neighboring Rwanda, while the hardliner General

Mudacamura appears to believe in a military solution to the FDLR cause. In short, as long as the FDLR continues to commit violent acts like attacking villages and displacing thousands, raping women and young girls, as well as recently killing individuals in their sleep, there will be an ongoing justification for the likes of Laurent Nkunda and the Mai-Mai militias throughout North Kivu province, and ultimately complicate the Congolese state’s ability to pursue true national reunification and rehabilitation of state and society. Despite the ongoing violence coming from these armed non-state actors, the necessary process of brassage (security sector reform) appears to be the single most significant source of insecurity and violence throughout eastern Congo.

**Brassage**

Security sector reform has long been identified as essential and necessary if the Congolese state wants to achieve durable security and stability, as well as the longer-term goals of political and economic development. Brassage is the process of integrating all the armed groups with the Armed Forces of the Democratic Republic of Congo (FARDC). What is of fundamental interest with the brassage process is that it is a combination of state and non-state actors. Politically speaking, everything rests on the success or failure of the national brassage process, which relies upon the good faith and actions of the state and its ability to provide the

---


53 Security sector reform is necessary for all security elements within Congo, but this dissertation will only examine the process and its relationship to the creation of a new national army, the FARDC. It is obvious that the reform of the national police is a priority and concern for the Congolese state, but this analysis will only pertain to the FARDC.


55 Now that brassage is occurring throughout the country and a larger national army is being constructed, the Congolese government is talking about mixage being the next step. The government apparently does not want ethnically homogenous groups patrolling or being confined to certain provinces or territories, but rather a unified national army that identifies to the larger national distinction as Congolese, not ethnically as Rega, Luba, Balubakat or Ngbandi. Despite the conceptual and practical distinction being made here, I refer to the larger process as brassage for the purposes of simplification. <http://www.digitalcongo.net/article/40717>.
necessary resources to see the process through to completion. Not only is the security of the state at risk, but also the process is unlikely to succeed without the non-state actors’ willingness to engage the national political process. There are three possibilities: success, failure, and political stagnation. Failure seems unlikely when recent political events are assessed in light of the international pressure placed on the Congolese state. However, outright success appears to be overly optimistic due to the institutional fragility of the Congolese state and army. As an institution the FARDC is poorly managed and soldiers are paid very low salaries, while the command structure is an amalgamation of patronage networks that run deep within the military.

If brassage succeeds, the Congolese state and society have a much greater chance of achieving political stability and normalcy, and once more the longer-term goal of political and economic development. However, if it limps along, which is what has been taking place since 2003, there is the potential for greater “moonlighting” and the threat of sporadic low-intensity conflict that would most likely drag local territories and provinces, and perhaps the larger state, into political stagnation and possibly future violent conflict. On the other hand, if the brassage process were to fail, which is high unlikely due to the intense international pressure on the Congolese state to deliver, the socio-political consequences could be disastrous and conflict could erupt on a provincial or regional scale. However, it is unlikely that national conflict will engulf the Congolese state due to added resources and political support that are being placed at the state’s doorstep by the international community. In addition, neighboring countries like

---

56 Moonlighting is the term used to describe the process of when a militia member has entered the brassage process and either chooses to be reintegrated back into civilian life, or to be integrated into the military, but on the side is also returning to the bush to continue to pillage and loot, because the financial incentive is worth the risk. It is not completely obvious how widespread this phenomenon in North Kivu is, but it has been reported in North Kivu and various other places like Bunia. The militia leader Peter Karim, who was in charge of National Integrationist Front (FNI) was recently made a Colonel in the FARDC, and has been using his new-found authority in the FARDC as well as standing with local compatriots to continue to illegally tax locals as well as other crude forms of banditry in ways to continue to pay his armed-supporters.
Angola will most likely not tolerate another national/international disruption to occur. With that said, it does appear that the second option of political stagnation and continued moonlighting are likely to continue with low-intensity conflict because the Congolese state does not have the necessary capacity, and its political will is highly questionable, to patch the large holes that are present.

The role of the military in DRC is, and has been, directly linked to very oppressive military tactics and widespread human rights abuses. It should not be forgotten that it was the violent mutiny of the *Force Publique* shortly after independence that led to the Congo Crisis of the early 1960s, and ultimately to the death of then Prime Minister Patrice Lumumba. In addition, there is the long murderous history of the ex-FAZ (Zairian Armed Forces) and Mobutu’s elite DSP (Special Presidential Division) who regularly utilized brute force to either co-opt or terrorize those individuals and groups that sought to challenge the regime’s vision for state and society. Furthermore, the behavior of the former FAC (Congolese Armed Forces) under Laurent-Désiré Kabila, and now Joseph Kabila’s FARDC and elite Presidential Guard (GP), have changed in name, but the practices and tactics of brute force have largely remained intact.

---

57 The DSP was dominated by Mobutu’s Ngbandi ethnic group from the Equateur province in northwestern DRC.


59 The Presidential Guard, much like Mobutu’s Ngbandi-dominated DSP (Special Presidential Division), is dominated by Kabila’s own ethnic group, the Balubakat. The Balubakat come from Katanga province in southeastern Congo. The belief is that the Ngbandi, Lingala speakers, under Mobutu had their chance at power, and now it is the Swahili-speaking Balubakat’s turn. The overall size of the PG is one of the main concerns of MONUC and political analysts, because it is estimated that the force is around 15,000-20,000 at present, which needs to be scaled down to 7,000-10,000. Despite the democratic veneer, Kabila is employing the same tactics that Mobutu used during his rule. See, *Security Sector Reform in the Congo*. 2006.
What is obvious to many political analysts and observers is that in spite of the negative forces operating throughout North Kivu, since the signing of the All-Inclusive Agreement in Sun City in 2002, the FARDC is credited with being the largest human rights abuser and source of instability in Congo.60 The FARDC is well known to indiscriminately kill civilians, rape women and young girls, as well as loot villages and territories while instrumentally stirring up local ethnic conflicts. In short, the FARDC continues to be an embarrassment and major source of political instability for the Congolese state and society.

The Sun City agreement recognized the need for the restructuring of the state’s security apparatus. Despite the recognition, little was spelled out in terms of how to carry out security sector reform. One of the initial concerns is whether or not the process will integrate all the various negative forces operating in the country, or will it exclude some of them from serving in the national army after having gone to war against the very state and communities that they are in theory supposed to defend. Another major concern the Congolese state must address is, how large the army needs to be. Currently the FARDC is estimated at 170,000 soldiers, and The International Crisis Group believes that the forces can be scaled down to 90,000, which should be more than appropriate to secure the national territory. The FARDC is an overly bloated institution whose ranks are permeated with patronage networks and parallel chains of command.61 In addition, the FARDC is an inefficient institution that is commanded by individuals who are responsible for committing serious human rights abuses and acts that arguably can, and should be, considered crimes against humanity. There are a number of

60 Recently in the southwestern province of Bas-Congo the FARDC were called in by the provincial governor to control a public demonstration in January 2007. International Crisis Group states that the FARDC “brutally repressed demonstrations throughout the province, opening fire on unarmed crowds and indiscriminately killing civilians, including women and children. MONUC reported 134 dead, and Human Rights Watch 116, including 104 civilians, and more than 100 injured.” See, Congo: Consolidating the Peace. 2007.

61 Ibid.
military elites that continue to thrive and enrich themselves off of the state’s weakness and inability to monitor its own evolution. These issues will be further addressed and in more detail in chapter seven.

War After the War

One of the enduring tragic consequences of the political violence has been the large number of victims of sexual violence in North Kivu province.62 Probably no other issue, next to the looting of Congolese minerals, has received so much sympathetic attention, and yet so little is truly known about the systematic sexual violation and rape of women and young girls. What is obvious, much like in the case of Bosnia in the mid-1990s and Darfur now, is that rape is and has been used as a systematic weapon/instrument of war.63 Who, what for, how, and why are extremely sensitive questions, but important ones that deserves serious attention and need to be answered. Despite these necessary questions, the fact remains that there are way too many women and young girls, as well as some young boys,64 who have been traumatized and victimized, not only in times of war, but also in times of “peace.”

62 The entire Kivu region, along with Maniema and parts of Katanga, has experienced the systematic violation of women and young girls. Despite the overall systematic targeting of the female population it appears that North Kivu has been the hardest hit in terms of the overall scale and size of the victimized population. This scourge continues to have widespread consequences and it appears that the violation of women and young girls is not slowing down despite the end of the 1998-2003 war. Victimized women in North Kivu go to DOCS (Doctors on Call for Service) Hospital in Goma, while in South Kivu the rape and trauma hospital is Panzi Hospital in Bukavu.


64 In Goma it has been reported that young boys are being sodomized by various armed-belligerents. Sodomy, especially of the same sex, is a taboo subject in Congo and it is very difficult to independently verify these claims, but young boys who were former child soldiers in Masisi and Rutshuru were very afraid and ashamed to talk about these issues. However this point was confirmed in direct discussions with DOCS medical staff in Goma, which has treated cases of sodomized boys who have been abused by “foreigners,” or Rwandaphone Tutsi soldiers while in the bush. It is extremely difficult to get young boys to “come out” and talk about these issues because of the deep shame and humiliation that they feel because of the patriarchal society in which they come from, and these are not typical issues that men, or even young boys, talk about, even in post-conflict environments.
What is apparent is that the issue of rape and sexual violence was extremely high during the 1998-2003 conflict in the eastern provinces, but unlike other conflict-prone areas like Bosnia and Darfur, my fieldworks shows that since the official “end” of the war, these repulsive attacks have either continued at the same rate as during the 1998-2003 conflict, or their incidences have actually gone up, which clearly has nothing to do with war.

Beginning in 2003, with the signing of the peace accord, and a brief lull in the fighting, non-governmental organizations have been able to reach some of the remote areas and villages where it was believed that the systematic rape and sexual humiliation of young girls and women had been occurring, and much of this has been confirmed by independent evaluation. However, as briefly stated above, despite these independent confirmations these repulsive practices continue to widely occur throughout the Kivu region despite the well-publicized media reports about these occurrences, as well as the damming reports by human rights groups like Human Rights Watch, Amnesty International, as well as International Crisis Group.

In spite of the attention of the media and human rights organizations it is of the utmost importance to examine not only the context of when and why the sexual violence took place, which can allow us to shed some light on patterns and trends of victimization, as well as where these incidents have occurred and continue to take place. It is particularly important to remember that despite the fact that this issue touches on a wide-variety of political issues and concerns (governance, disarming armed groups, informal political norms, seeking justice in the courts etc.) this is ultimately an issue about human beings, women and young girls. In addition, acknowledging local context is extremely important, because women in Congo are not accorded the same political and legal rights as are men. There exists a formal and informal political inequality between the sexes, and this imbalance carries over into daily life and daily politics.
Therefore, political developments since 2003 at the provincial and national levels highlight the political difficulties and challenges that continue to occur across space and time, but within each of these political developments and issues it is apparent that women and young girls bear the brunt of political violence and socio-economic inequalities throughout Congo. These politically constructed inequalities are not simply born out of recent conflict, but are rather a direct result of the much longer colonial history, and the extension of the Mobutist regime’s patriarchal nature and marginalization of women’s political rights. Despite this long history of violence against women, the violence that is now specifically directed at women is born out of these historical experiences and inequalities over time, while the systematic targeting and scale of these new forms of violence is of a different nature altogether. As a weak and highly fragmented state, not only does the state not have the capacity to control its national territory, but also large portions of the national territory remain under the complete control of a variety of state and non-state actors, which perpetuates a culture of violence. Women and young girls are the most likely to be victimized by marauding young men where extreme forms of violence and abuse have become a part of daily life and rituals. In short, there is a vicious cycle of violence that haunts women and young girls and is not easily disentangled. What appears to be without question is that women and young girls are the most likely to be victimized and the ones who will suffer the longer-term consequences of eastern Congo’s socio-economic and political breakdown.

65 One often-cited example of the lack of women’s rights is the 1987 Family Code, which states that a man has the legal right to engage in polygamy. It also establishes the legal age of sexual consent at 13 years of age. The Code also stipulates that women do not have the legal or customary right to own land or property. In short, women have no real political or legal rights in the DRC, and the lack of any real formal rights continue to the present. See, “Why women welcome Mobutu’s demise.” Chris McGreal, Guardian News, 2 June 1997. <http://www.hartford-hwp.com/archives/35/026.html>. Also see: Amnesty International USA, September 15, 1993. “ Violence Against Democracy.” <http://www.amnestyusa.org/document.php?lang=e&id=349FB0A74BED92E1802569A6006038A0>.
CHAPTER 3
METHODOLOGICAL OVERVIEW AND DATA COLLECTION

The data for this dissertation was collected over the course of an eleven-month time period in various sites throughout Congo using a variety of qualitative and quantitative methods and techniques. I first traveled to Kinshasa in 2005 for a three-month period, June-August, where I divided my time between Kinshasa and the northern Beni/Butembo region of North Kivu province. I received a Foreign Language Area Studies fellowship (FLAS) to study Lingala language via private instruction in Kinshasa for six weeks, and then flew to the Beni/Butembo region to begin field research in North Kivu. I returned to the DRC in January 2006 through August 2006 and briefly stayed in Kinshasa and then flew off to the provincial capital of Goma, North Kivu. In addition, I returned in November 2006 at the request of The Carter Center to participate as an international election observer for the second round of national elections. For The Carter Center I was briefly posted in Kinshasa and then asked to move to Lulu province, formerly Eastern Kasai (Kasai occidentale) province, which allowed me to view the challenges the DRC faced from another province and perspective. The methods of data collection that were employed throughout my separate trips consist of a variety of archival research, short open-ended questions, in-depth interviews with political elites and local citizens, focus groups with provincial clergy and women’s organizations, participant observation in various parts of North Kivu, the collection of local and international newspapers on topical issues of concern, as well as the use of a structured questionnaire. I also was able to have discussions with other researchers and interview individuals working at organizations like the very impressive Pole Institute, who are mostly Congolese. These discussions and interviews proved very useful and informative. In addition, I was fortunate enough to work with two international organizations in North Kivu
province, World Vision International (WVI), and DOCS (Doctors on Call for Services) medical hospital. Both organizations are based in the provincial capital of Goma.

Research Phases

Research was broken up into two phases or levels: elites and the general population. The first level of data collection consisted of interviewing political and economic elites, NGO directors and professionals, clergymen and pastors, medical doctors, as well as other professionals who have ongoing projects and work in the region. My three stays in Kinshasa, which was over a course of two months in total, also allowed me to interview the organizational directors of specific NGOs, as well as national politicians and former North Kivutian politicians. I would begin the interview with by a personal introduction and the purpose for research in Congo and then follow with a general question and let the interview build, which would steer the direction of the interview in one direction or another. Following questions would then become more substantial and in-depth based upon the topic of discussion and the direction in which the discussion was heading. In many cases it was quite obvious before even going into the interview what the particular respondent’s view would be on a particular issue. However, in the cases where focus groups were conducted the findings were rather random and wide ranging, which highlighted the diversity of opinions and perceptions of the respondents. The data that was collected from the official interviews frames and contextualizes this dissertation regarding the micro-political issues surrounding the state’s extreme fragility and the issues contributing to violent political conflict in North Kivu.

The second level of data collection also consisted of a lot of similar interviews and techniques that were employed for the elite level. The substantive difference between the two levels is that the individuals and organizations that were interviewed were those that could not provide an official point of view or opinion on a particular issue. Rather these individuals, and
in some cases groups of people, are local individuals who generally have a deeper understanding and are a bit more reflective on local political developments. Therefore, the collected data at this level is being employed to explore the various rationales and motivations behind the political violence occurring at the local and provincial levels.

**Archival Research**

I was able to conduct archival research at two different institutions in North Kivu. The first took place at the Catholic University of Graben (UCG) in 2005 in Butembo, which is located in the *grande nord* of the province. The second occurred in 2006 at *Le Tribunal de Grande Instance* (The High Court) in the southern provincial capital city, Goma. In 2005 I spoke with the President of the National Electoral Commission, a political science professor at UCG, Abbé Apollinaire Malu Malu Muholongu, who provided me with contact information at UCG and placed me in touch with political science faculty, who warmly agreed and allowed me to visit their impressive institution. I spent approximately six to seven weeks at UCG where I was able to comb through the impressive library collection of documents and books at UCG. In addition, I was in daily contact with the Director of the Department of Political Science who graciously shared a vast array of completed theses by undergraduate students on local and provincial political dynamics. In particular, I focused specifically on the politics of land during my time at UCG by looking specifically at what were the political issues surrounding land and the control of land in North Kivu province. I quickly discovered that the northern half of the province is radically different in many ways (demography, land holding size, access to markets etc.) from the southern half of North Kivu province. In addition, I was able to discuss my research in informal settings with the faculty as well as some of the staff, and many students, who seemed to take an interest in my topic of research. In short, my visit to Beni and Butembo in 2005 gave me the opportunity to understand northern political dynamics, as well as provide a
very significant impression regarding Nande economic and political influence throughout North Kivu. This visit proved very fruitful as it allowed me the opportunity to gain a great deal of knowledge and understanding about the political developments and history of the province.

Archival research at the provincial High Court in Goma was a seven-month process that was fraught with a number of challenges. Over the course of eight months in Goma I lived directly adjacent to Governor Serufuli, and was within walking distance of The High Court. I was allowed access to the courts’ legal documents on land cases from 1993 to July 2006. I chose to focus on this time period, because it was the last time period of examination of local land dynamics, which had been conducted by Mafikiri in 1994. In total I was able to discover that approximately seven hundred cases have been brought before the court during this time frame. However, I also discovered that several of these cases are twenty to twenty five years old, while many of them remain open for a variety of reasons: court cases over land are very costly in Congo and most peasantry do not have the financial resources to see their case through to the end; many individuals have been displaced or killed due to the violence over the past decade; many people have decided to leave Congo and abandoned their land(s) altogether; and the judicial process in Congo is very inefficient and the court in Goma is staffed with inept officials and individuals who are constantly looking for bribes. In addition, what has become apparent is the structurally embedded nature of the land deficit in Northern Kivu, and eastern Congo on the

---

1 Based solely on estimation, I would have to say that approximately 85% of the court cases that are still open are due to much longer long-standing disputes that are not directly caused by recent political developments in North Kivu province. Rather they are the result of the massive land-grabbing schemes of the 1980s throughout the early 1990s. It is difficult to say whether or not many of these individuals are alive or dead, or have fled the DRC entirely, which makes it impossible to know whether or not many of these court cases will ever be finalized. New court cases have begun in recent years but because of the state of the provincial judiciary and state of chronic instability, as well as the availability of light weapons in the province, it has proven difficult for local peasantry to find any real sense of hope in the judicial system.
whole. Most of these land cases span a very long time due to the high costs surrounding legal challenges in North Kivu and the inefficiency of the judicial system, and also reflects the sheer poverty of the peasantry in the region.

**Elite Interviews: Governmental and Non-Governmental**

In addition, I resided in Kinshasa for approximately two months which allowed me the opportunity to talk with many non-governmental organizations and officials who were either concerned about, or who had ongoing projects in the east, and were willing to share their knowledge and information with me. Much of the data collection that took place in Kinshasa was more contextual through the collection of national newspapers and the sharing of personal experiences in the east. I had a questionnaire of ten questions that I used to guide the interview process, and I tried to cover most of my research concerns during each interview, although this proved challenging due to time schedules of interviewees, work-related concerns, as well as day-to-day scheduling conflicts and concerns. The following list of questions (also Appendix A) helped to structure my interviews and keep them generally focused, but interviews did naturally veer from time to time depending on some of the issues previously mentioned.

- What are your perceptions of the land conflicts in North Kivu province?
- Historically speaking, what has been the government’s role in managing land affairs in North Kivu province?
- What is the government’s present role in land affairs?
- Does the government have an up-to-date registry of titled lands?
- Is the state taking an active role in trying to prevent and mitigate future land conflicts?
- What are some of the reasons for land scarcity in North Kivu province?

---

• What is the relationship between the Congolese state and local customary chiefs?
• Is the state expropriating land from various communities in the region?
• What is the impact of Rwandan refugees in the region, and are they complicating and contributing to the land crisis in the province?
• Is the conflict over land simply between the Congolese and Banyarwanda/Rwandaphone communities, or is the state playing an active role in these conflicts?

I did have the fortunate opportunity to formally interview the ex-Governor of North Kivu province in the 1980s, Mr. Mwando N’Simba at the USAID headquarters in Kinshasa, who holds a very distinct point of view regarding land and politics in North Kivu. The interview was very informative and helped me to better understand the historical depth of land issues in the province. I also was able to sit down and discuss my research at length with U.S. diplomats and other officials affiliated through USAID and other organs of the development industry: UNDP, UNICEF, and FAO. Each of these interviews helped point me to someone else working for a particular organization in North Kivu to speak with upon arrival.

In North Kivu province I conducted several semi-structured and in-depth interviews with governmental and non-governmental officials who were knowledgeable on the research being conducted. I was able to interview local territorial administrators, administrative officials, and Catholic clergymen that were able to provide insights into local political dynamics. I also interviewed several personnel working for the United Nations’ peacekeeping force, MONUC, as well as directors and staff from international NGOs like World Vision, German Agro Action, Norwegian Refugee Council, and Save the Children. In addition, I tried to speak with as many local NGOs as possible, because I recognize that it is local NGOs that are the most knowledgeable on local politics and situations. The challenge that I found in the DRC is that most of the local NGOs were completely marginalized by the much larger and much better financed international NGOs that dominate the humanitarian relief and development arena in
North Kivu. These international NGOs by their very nature either pushed local NGOs further into the periphery, or forced local NGOs to adopt new programs and strategies that local NGOs felt were largely unnecessary nor properly targeted the root causes for ongoing instability and violence. Therefore, I was only able to speak with a small number of local NGOs like *Aide et Action Pour La Paix* (Aid and Action for Peace), Doctors on Call for Services (DOCS), and the Pole Institute. Although I thoroughly recognize the in-depth knowledge and work of local NGOs, because of the influx of the United Nations and plethora of international NGOs descending upon the DRC, as an outsider, the data collection process would not have been completely feasible without the assistance of the United Nations and international NGOs in North Kivu.

**Non-Governmental Organization Work**

Upon return to the DRC in January 2006 I flew to Goma and resided there for the next eight months and was very fortunate to reside with two Congolese missionaries, Camille and Esther Ntoto, who worked for the international NGO, The Light of Africa. Through my stay with these two missionaries I was able to meet a wide variety of individuals from various backgrounds working on a number of projects. I had daily conversations with Camille and Esther about North Kivu province and the larger DRC, and our conversations were informative and useful. In addition, I met several local political officials and NGO workers in the region through Camille and Esther that helped me think through this dissertation and ideas that I have been milling over.

In addition, I worked with World Vision International (WVI) and DOCS hospital during my eight months in North Kivu. I made several visits into Masisi territory with WVI, and my work at DOCS hospital provided me the opportunity to speak with local territorial administrators, citizens, local land chiefs, as well as church leaders. These visits helped inform
my understanding of rural dynamics and how political trends were shaping the developments of the province and region.

At DOCS I worked primarily as a researcher helping local staff transform qualitative data into quantitative form on sexual violence victims. The daily visits to DOCS provided numerous opportunities to talk with not only local medical staff and administrators, but also medical patients and victims on issues ranging from their place of origin, to what they have experienced, as well as what they plan to do once they are released from the hospital. In addition, I traveled with DOCS staff to Sake, the entry point of Masisi territory, on occasion to talk with local territorial administrators and traditional nobility to survey the landscape for newly displaced individuals and communities. These trips proved extremely fruitful. Over half of the local population is displaced from the interior of the province and proved to be very informative on local political dynamics in particular territories and villages. Furthermore, I conducted approximately half-a-dozen focus groups with women and young girls at DOCS hospital, as well as with displaced women in Ndosho to get a better understanding what they would like the state to do, what are the local political concerns from a woman’s point of view, as well as what solutions are possible in the short term and near future. These discussions with women and young girls are the most difficult and personally challenging due to the frail nature of their situation and lack of attention regarding the plight of women in eastern Congo.

---

3 I was able to help conduct roughly 5 focus groups with approximately 23 women at Ndoso. The women at Ndoso are former patients at DOCS hospital who were being treated for fistula, but because of the severity of their injuries are unable to be medically healed. Many of the women’s bodies cannot physically handle the necessary surgery. The women at Ndoso range in age and during our focus groups they were searching for economic opportunities. In the long run they are unsure where they will wind up, or what they will do. All the women unanimously believe that they are unable to return home because their houses have been destroyed, and/or their husbands have been killed. In addition, because they have been raped they perceive themselves as social outcasts, and will need to be near a hospital because of their sustained injuries.
I was able to make trips into Masisi Center and go as far north as Nyabiondo (the FDLR headquarters in 2006-2007 was located in Nyabiondo) while working with WVI. Hired as a consultant I helped local WVI staff on particular projects and proposals, which allowed me the opportunity to travel to Masisi Center and stay in the rented WVI house. I conducted a focus group with approximately twenty three pastors in Nyabiondo one afternoon, spoke at length with the territorial administrator during two separate visits, interviewed MONUC peacekeepers and civilian staff, as well as met with a women’s group regarding victims of sexual violence and rape. Traveling in and out of Masisi territory was not an easy task due to the high levels of insecurity and number of attacks taking place along the route. In addition, once the convoy reached Bihambwe in Osso territory and passed through certain “check points,” travel became more difficult due to the fact that the state had no control in these areas. Rwandaphone (FDLR) and Congolese Mai-Mai militias are visually in control of the territory through the taxation and administration of local areas. Therefore, it is quite difficult to access many areas due to pervasive insecurity, not knowing when something or someone is going to cause problems, nor knowing when particular routes could be closed. Traveling to Masisi and other neighboring territories without the protection and stature of an international organization would be extremely difficult, if not impossible, due to the constant “check points” along the Masisi-Goma route, which is the main artery to all other territories in the province.

Weekly Briefings

I attended weekly scheduled briefings hosted by United Nations Office for the Coordination of Humanitarian Affairs (OCHA), every Friday at 1600h, where most international

---

4 One instance in particular with WVI shutdown the entire region due to a Rwandaphone militia attack against another WVI convoy that was in route to meet up with our team in Nyabiondo. A Canadian diplomat on her first visit to Congo was rattled and had all her personal belongings stolen, minus a laptop. The vehicle was ransacked and a satellite radio was taken at gunpoint. MONUC then sent out armed reinforcements, including a helicopter gunship, to pursue the armed belligerents and escorted the WVI convoy out of Masisi territory the next day.
and local NGOs gather to discuss weekly humanitarian and security updates throughout the province. These formal meetings provided me the opportunity to gather detailed information, factual and concrete data on provincial political dynamics. The OCHA building has since become the hub for all international organizations working throughout the province and region. In addition, it is the perfect environment to network and meet working professionals and organizations. I was able to exploit these weekly meetings to arrange meeting times and interviews to discuss ongoing issues and concerns with numerous organizations like MONUC, German Agro Action (AAA), Save the Children, Merlin, Norwegian Refugee Council (NRC), as well as local Congolese organizations such as Aid and Action for Peace, the National Commission for Disarmament Demobilization and Re-integration of ex-combatants of the DR CONGO (CONADER) and others working in the region. What became apparent early on is that international organizations are speaking and promoting a political discourse that is completely out of step with local organizations. In the case of humanitarian relief and emergency aid programs the DRC case is not new to this challenge.\footnote{Maren, Michael. 2002. The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity. New York: The Free Press; Easterly, William. 2006. The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good. New York: Penguin Press; Fiona, Terry. 2002. Condemned to Repeat?: The Paradox of Humanitarian Action. Ithaca, New York: Cornell University Press; de Waal, Alex. 1998. Famine Crimes: Politics & the Disaster Relief Industry in Africa. London: James Currey Press; Hancock, Graham. 1994. The Lords of Poverty: The Power, Prestige, and Corruption of the International Aid Business. New York, NY: Atlantic Monthly Press.} At present the UN mission in Congo is the largest in the world, and the potential for abuse and scandal proves challenging as the political dynamics of Congo get more have become more complicated over time.

**Election Observation**

I was also an international election observer during both rounds of the 2006 national elections. In November 2006, as previously mentioned, I was extended an invitation by The
Carter Center to return to the DRC and monitor the second round of the national elections. I was scheduled to monitor the elections from Kinshasa, but due to the sickness of a colleague I had the opportunity to travel to Kananga in Lulua province, which according to the constitution was expected to gain provincial status within thirty-six months of constitutional promulgation, February 2009. This visit allowed me to discuss my research with officials and other academics that were also monitoring the elections, as well as experience a part of the Congo that I had not visited before. I was able to discuss with political officials, mostly electoral officials, who were interested in my research and my preliminary findings or tentative conclusions I have reached. Politically, the Kasai region is very different from the Kivus, but very interesting due to the fact that it was/is the heart of resistance to Kabila’s rule and many of the political actions of the transitional government. The Kasai provided an interesting contrast to the Kivu region from the perspective that it has not experienced long bouts of continued instability like the Kivus in the east, but does face enormous political and economic challenges like the rest of Congo. Therefore this brief, but very informative, visit allows me to better contextualize the state of the Congolese state and to see the state of affairs from a slightly different perspective.

Secondary Reports

I also employ regularly published reports by reputable international organizations like The United Nations (U.N.), Human Rights Watch, Amnesty International, The International Crisis Group (ICG), Global Witness, and The Pole Institute. I have conducted content analysis

---

6 Despite the plan to formally subdivide the national territory into 26 new provinces by February 2009, the 11 provinces remain in effect the legal-administrative provinces of the country. At present it is unclear when the change will take effect, and what this change will mean for the new legal-administrative entities.

7 The Kasai provinces are home to Etienne Tshisekedi, long-time critic of Mobutu Sese Seko and now President Joseph Kabila, is the enclave for Tshisekedi’s UDP party (Union for Democracy and Social Progress). The UDPS refused to participate in the 2006 elections and called for a general strike against voting. It was expected that anyone caught voting in the Kasai provinces would be beaten by UDPS loyalists. Despite these concerns individual citizens turned out to vote, and in spite of a very low turnout overall, there were no reports of individuals being beat during or after the election.
on several reports, and use this information to inform this dissertation. Of these institutions, The Pole Institute is the only local organization that has been publishing regularly on the challenges in eastern DRC since the mid-1990s. In recent years, only with the escalation of violence have organizations like the U.N. and ICG published regular, timely, reports on current political events and trends of North Kivu province and the larger DRC. For example, the UN first published in 1999 its “Report of the Secretary-General on the United Nations preliminary deployment in the Democratic Republic of Congo,” which has since become more frequent as the UN has become more active in the affairs of the DRC. As time has progressed the reports and coverage for all these international organizations become more comprehensive and I have found them to be a very useful secondary source of coverage.

In addition, I find the human rights reporting by organizations like Human Rights Watch and Amnesty International, and to some degree The International Crisis Group, to be very useful in helping me to contextualize the enormity and scale of the violence being committed in North Kivu province. Although this is not a dissertation about human rights abuses, these extreme abuses are a component of this dissertation that I have sought to highlight in greater detail. I also find these reports helpful to situate remote parts of the province that I have not been able to visit due to chronic insecurity. Therefore, I do draw upon various human rights reports to inform this dissertation.

Documents and reports published by the Pole Institute offer excellent analyses that have helped me to contextualize my own thoughts on various issues and topics of Congolese analysts. The Pole Institute is truly a gem, and continues to publish a variety of insightful publications in light of a deteriorating political and social environment.
CHAPTER 4
CAUGHT BETWEEN A ROCK AND A HARD PLACE: STATE OF THE STATE AND NORTH KIVU’S CONDITION

The province of North Kivu has a history that can be described as nothing less than tragic. This chapter lays out that history. Bordering Rwanda and Uganda to the East, North Kivu’s history has been shaped by a combination of pre-colonial and post-colonial forces that can be viewed in three distinct eras. The pre-colonial era was shaped by regional famine and conflict, which heavily influenced the migration of individuals and local communities into the territory now known as North Kivu.\(^1\) During the colonial era, Belgian colonial officials established new administrative and political zones and used policies of ethnic favoritism that led to the rapid development of a local political environment of mounting political tensions and frustrations within and across communities. North Kivu in the post-colonial era was marred by the systematic manipulation of ethnic identities and national citizenship at the local and national levels by the Mobutist regime. These actions thrust the North Kivu province to center-stage for politically-orchestrated and managed violence. The violence that is now occurring is the outgrowth of local and regional political hostilities that are conditioned by an extremely fragile state that is itself the product of a complicated history. In addition, the political violence in North Kivu is also the product of public and private actors who have been, and are, motivated by specific political, economic and ethnic logics. These shape the various forms of violence and who is most likely to be targeted. Furthermore, the political violence in North Kivu is the direct result of a much longer period of historical manipulation by former Zairian and Congolese state agents that laid the socio-political foundations for routinized political

---

violence in the daily life of North Kivutians. In short, political violence is not only an act or series of repeated actions, but also the product of multilayered histories that are the products of an intense political process made up of political actors, institutions and rationales that shape the very process or actions over time.
Role of History in Constructing Violence in Kivu

Since the recent intensification of political violence throughout the mid-1990s, North Kivu’s political evolution at the periphery has been in part the result of the constructions of the colonial state where the lack of comprehension or understanding of the local territories by Belgian colonial elites led to heightened social tensions and frustrations within and across ethnic communities. Violence in the post-colonial era was the bi-product of the post-colonial machinations of the Mobutist MPR-dominated state that frequently manipulated local concerns like land access, citizenship rights and ethnic identities. It is the post-colonial era that directly led to the intertwining of the local political environment with national political concerns of the time. The construction of violence in North Kivu should be seen as the direct result of a much longer intense process of social and political engineering where the historical structuration of formal institutions and rule making have frequently clashed with their informal counterparts at the local level, which has consistently led to instability and high-levels of political violence throughout the province and region.

Colonial Construction in Kivu

Local frustrations in North Kivu began to surface shortly after the Kivu territory was signed over to the Belgian state when it became apparent that the poorly carved out territory and weak border demarcation would become a source of tension and frustration for local ethnic communities, and ultimately the colonial state. The territory known as Bwisha, which is now a part of Rutshuru (see Map 4-1), straddled the pre-colonial kingdom of Rwanda and present-day Congo where local ethnic Banyarwanda (Hutu and Tutsi) lived. Migrants and displaced peoples moved in and out of the territory in times of political strife and famine. Even more importantly

---

2 Pottier, Johan. 2002. Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century. Cambridge; Cambridge University Press.
the local chief or mwami\textsuperscript{3} had been a Tutsi and paid tribute and respect to the Rwandan Central Kingdom before the arrival of the Belgian colonials.\textsuperscript{4} Despite the established local political norms and institutions, in 1918 the Belgian colonial administration removed and replaced the mwami with a local Hutu, Daniel Ndeze. This was in part due to the large Hutu population residing in Bwisha and throughout Rutshuru territory, but also due to the colonial state’s desire to demarcate its borders and have them internationally recognized. This removal also led to the first wave, albeit small, of Hutu immigrants who would lay the ethnic foundation for Rutshuru territory, which eventually became Hutu-dominant by the 1980s and the only territory throughout Congo where the demographic majority are considered foreigners.

The removal of a Tutsi and replaced by a Hutu is a symptom of the larger African colonial experience. Generally co-optation to support colonial policies, or coercion to “get in line” were techniques used by colonial powers, and Belgian colonial officials removed and replaced chiefs and political subordinates in vertically organized societies in Congo not only, but also the colonies of Rwanda and Burundi. The replacement of a Tutsi with a Hutu led to local political tensions and frustrations and continues to this day to be a “point of conflict in Bwisha which has been whether that authority should be Tutsi (as before 1918) or Hutu (as after 1918).”\textsuperscript{5}

Perhaps the most-discussed colonial project in Kivu was the creation of the Mission d’immigration des Banyarwanda (M.I.B.), from 1933-1957, which was an administrative project

\begin{flushright}


\textsuperscript{5} Ibid., p. 10.
\end{flushright}
between the colonial administration in Rwanda along with the monopolistic National Committee of the Kivu (C.N.K.) to move people to Kivu that had three basic intentions: 1) the M.I.B. was established to relieve the demographic pressures on the over-populated land of Rwanda, 2) the M.I.B. transplanted people who were to be used to enable and support a struggling Belgian plantocracy, and finally, 3) the new labor surplus was used to fill the mines and factories that were beginning to come on-line throughout North Kivu province.\(^6\)

Many of the new Hutu transplantees, who were small agriculturalist farmers, were being resettled in Masisi and parts of Rutshuru territories. Patron-client relationships were quickly established between the Hutu and local Hunde land chiefs, and these new relationships proved very profitable for the local Hunde chiefs because they were able to lease out a substantial portion of land and receive tribute (mutulo\(^7\)) from the newly arrived Hutu. Despite this new source of income for local chiefs, the influx of foreigners to the province created an intense social frustration over land access and control. Local Hunde were largely resentful of the land chiefs for leasing out precious land to foreigners, which led to the escalation of social tensions between the local Hunde farmers and Hutu immigrants.

Partly in response to mounting social frustrations, the colonial administration made the bold decision to create an artificial collectivity known as Gishari with a majority of Hutu settlers, directly cutting into and across the Hunde chieftancy, and a Tutsi chief was hand-picked to preside over the growing Hutu population. This reflected the larger Belgian colonial view in the


\(^7\) The mutulo in Swahili is the customary form of payment between the patron and client. This payment has traditionally, for example, been accepted as either one annual payment in the form of a portion of the food produced from the land, or the local land chief would require a goat or cow if the land was used as pasture land. In some cases two smaller payments would be accepted as a way to offset the larger annual mutulo that had become difficult for poorer small-scale farmers.
neighboring colonies of Ruanda-Urundi that Tutsis were naturally superior to their Hutu counterparts. The other surrounding areas where Hunde chiefs were still recognized by the colonial administration provided the Hutu transplantees the opportunity to lease land as long as they were willing to pay the *mutulo* to local Hunde chiefs. This patron-client relationship proved very profitable for a few of the local Hunde chiefs along with the Belgian-friendly Chief André Kalinda. Mararo states that Chief Kalinda,

> was present at each inquiry as the first representative of the Bahunde. As a creation of the Belgian colonial administration, he presented himself in many places as a political chief as much as a customary chief. He often knew nothing or little about the local situation. In such conditions, he had to facilitate land grants to his Belgian masters to the detriment of his Hunde brothers…Not knowing French, and being his subordinates, the other Bahunde representatives were obliged to conform their views to the view of André Kalinda himself, or shared between him and the other representatives who were supposed to be part of the local administrative hierarchy.8

Eventually the Gishari enclave would be abandoned along with the colonial M.I.B. project in 1957, both deemed complete political failures by the colonial apparatus. However, by 1957 the consequences of socio-political engineering had already constructed a politically volatile environment were ethnic identity and questions over land ownership had become intertwined due to the widening social tensions between the Banyarwanda and *autochtone* counterparts.9

Banyarwanda land acquisition began to take place at a much more rapid rate throughout the mid-1940s and 1950s coinciding with the rapid development of the colonial state. Large

---


9 All Hutu and Tutsi Kinyarwanda speakers became lumped together by local Congolese into one social category known as Banyarwanda.
numbers of Banyarwanda, mostly Hutu, systematically migrated to Rutshuru territory. In particular, Hutu migrated to Bwito, while Tutsi pastoralists migrated to the lush mountainous lands of Masisi territory (72% Tutsi, 28% Hutu). In total, more than 25,000 formally migrated between 1937 and 1945, while another 60,000 migrated between 1949-1955, which does not account for the large number of illegal immigrants (clandestins) that freely migrated to Congolese territory, nor the displaced fleeing political instability in neighboring Rwanda or Burundi. In essence, the formal political structures provided a political and economic logic for migrants seeking land in the Congolese hinterland, while the informal structures of culture and language (notwithstanding the strong desire for land) provided the means and social communal norms of security that was desired by Banyarwandan immigrants.

Mafikiri cites an unconfirmed statistic, but a telling one, where it was believed that in parts of Masisi, and perhaps more severe in parts of Rutshuru territory, the average peasant held an estimated 216 square meters of land per person in 1958, compared to 81 in 1990. In

---

10 The historical literature on this particular timeframe describes a period of migration, despite the institutional framework of the M.I.B. colonial project, as one where there was something more fundamental taking place than simply the process of an institutionalized transplantation. Like many politically engineered projects there are periods where there are great leaps and bounds made, but also periods slow periods where governmental bureaucracy must face unintended consequences or unforeseen challenges. In the case of the M.I.B., the project laid the structural foundations for a migratory process that has been labeled by migration studies as cumulative causation, whereas “migration tends to create more migration…Individual or household decisions are affected the socioeconomic context within which they are made, and that acts of migration at one point in time affect the context within which subsequent decisions are made. Migration decisions made by families and individuals influence social and economic structures within the community, which influence later decisions by other individuals and households…The changes at the community level increase the odds of subsequent movement, leading to migration’s cumulative causation over time.” Massey, Douglas S., Arango, Joaquin, Hugo, Graeme, Kouaouci, Ali, Pellegrino, Adela and Taylor, J. Edward. 2006. “Theories of International Migration: A Review and Appraisal,” in Anthony M. Messina and Gallya Lahav, eds., The Migration Reader: Exploring Politics and Policies. Boulder; London: Lynne Rienner Publishers, p. 57.


contrast to the Belgian colonial period, North Kivu in post-colonial DRC has had to grapple with the widening social and ethnic polarization of society and land scarcity since the colonial M.I.B. project. Land scarcity has rapidly increased while the social demography of the region has only become more complex and the flashpoints of conflict have fallen largely on ethnic, but also civic, lines.

**Post-Colonial Violence in Kivu**

If the colonial period laid the structural foundations for social tensions and political instability over land access and migration to the Kivu region, the post-colonial state only complicated and exploited North Kivutian politics and concerns by inducing a reciprocal relationship based on political manipulation and patronage-based politics between the center and periphery that mutually reinforced the other. At the national level, by way of national legislation and instruments at the state’s disposal, the Mobutist state penetrated local society by way of manipulation of local actors (land chiefs in particular) and the power of the Popular Movement of the Revolution (MPR) purse and political influence. The acts should be seen as a method of survival by a decaying state’s attempts to hold on to power at all costs. The Mobutist state from the early-1970s through the mid-1990s continued to politically dominate two critical issues of concern to the Kivu region: the land tenure code and the citizenship of Zairian nationals. In addition, North Kivu politics at the local level was not only reacting to national political developments over citizenship concerns of the Banyarwanda in North Kivu and Banyamulenge in South Kivu, but North Kivu politics continued to be influenced by its regional proximity to neighboring Rwanda as well as the province’s attempt to grapple with its own internal land crises and social dynamics that were constantly in flux.

---

Largely due to Kivu’s geographic distance from Kinshasa, the MPR-dominated state chose to rely upon patronage politics as the mechanism to penetrate and heavily influence North Kivu developments. In particular, the Mobutist state was able to infiltrate and gain formal control of the periphery through the adoption of the 1966 Bakajika land law, which was a series of laws that nationalized all lands and recognized the state as the supreme proprietor and owner of the national soil, as well as all resources located in the sub-soils of the national territory.

The Bakajika created a dual land tenure system so that: 1) land could be individually bought and sold and backed up by a state certificate of ownership, and 2) land could be leased and accessed through customary forms of ownership, respective of local cultural norms of ownership and access. Amended in 1971 and again in 1973, the new legislation marginalized customary land ownership by placing more emphasis on titled lands backed by the state, which led to widespread confusion among the peasantry about their property rights and legal access to land. In spite of the theoretical implications of a dual land tenure system in Zaire, in practice this new land tenure system radically restructured the ways in which land would be accessed in the periphery, who could access land, how land could be leased, as well as how the state would mediate land conflicts. Amended for the last time in 1980, Law No. 80/8 cemented the dual land

13 It should be noted that this structural political framework and patronage-based methods were also used by Laurent Kabila until his assassination, then adopted by the RCD, and are most likely to be adopted by the son, now President Joseph Kabila, if the Kinshasa authorities are able to gain full control of the North Kivu periphery. See chapter 5 of Tull, Dennis M. 2004. The Reconfiguration of Political Order in Postcolonial Africa: A Case Study from North Kivu (DR Congo). Hamburg, Germany; Institut für Afrika-Kunde.

14 Despite the well-known problems of the Bakajika, the new constitution of the Third Republic not only recognizes the Bakajika, but also completely reifies it and recognizes the state’s total control over the national territory. Article 9 of TITRE 1er: DES DISPOSITIONS GÉNÉRALES, Chapter 1, states: “L’État exerce une souveraineté permanente notamment sur le sol, le sous-sol, les eaux et les forêts, sur les espaces aérien, fluvial, lacustre et maritime congolais ainsi que sur la mer territoriale congolaise et sur le plateau continental. Les modalités de gestion et de concession du domaine de l’État visé à l’alinéa précédent sont déterminées par la loi.”
tenure system and guaranteed the MPR-dominated state political access and control over local political figures and customary nobility in the periphery.

In addition to the Bakajika, national programs like Zairianisation (Zairianization) and the post-colonial cultural production of “Zairian-ness” known as l’authenticité (authenticity) in 1973 provided the ideological legitimation in the eyes of the MPR cadres and state functionaries to carry out the Mobutist visions for state and society. Former political and economic elites tied to the ex-Belgian Congo quickly found their businesses and land concessions confiscated by the state. Regarding national political-economy programs in countries like Nigeria, Sudan and Senegal, “state ownership has been used primarily to give government a freer hand in land acquisition and distribution in development project areas,” but by mid-1974 it became apparent that the economic and political changes had proven economically disastrous, which left the Zairian state bankrupt.

At the local level, notions of political power and the wielding of power in the periphery hinged on the citizenry’s ability to access and control land, and despite long-established customary rules and regulations, the Bakajika land tenure code privileged political and economic elites who had direct ties to the state. New networks of wealthy businessmen, mainly Tutsi, were created and were quick to jump at their newfound ability to purchase large tracts of land, largely at the expense of the autochtone Congolese. The Tutsi elites were able to capitalize on the ambiguities surrounding the Bakajika and their direct ties to the Mobutist state who were more than willing to “do business.” Bruce succinctly states that political elites in the post-


independence period “had little vested interest in indigenous tenure systems, and have been seeking ways to use tenure reform to create new constituencies and enhance their power bases.”\textsuperscript{17} In addition to the \textit{nouveau riche} phenomenon in North Kivu, the lack of knowledge and resources on the part of the peasantry further marginalized the Congolese \textit{authochtones} and communities, and only amplified distrust and frustration between local Congolese and their Banyarwanda counterparts. Congolese scholar Kaba-Kashala notes that from 1980-1983 there was a murder every 3 days over land-related issues in North Kivu province.\textsuperscript{18} Moreover, in the case of Zaire and the Kivu region, the issue of citizenship was quickly becoming a nationally contested issue between indigenous Congolese (\textit{autochtone}) and the Banyarwanda who were perceived as foreigners by “local” Congolese, whereas the Mobutist state found it politically advantageous at specific time periods to manipulate societal concerns over citizenship.

The new formal process of individual land ownership was accessible to only the wealthiest and politically connected segments of society. New networks of Tutsi businessmen and politicians sprang up throughout North Kivu and directly shaped political events between the interior and the periphery. A good example of the power and reach of these networks was the influence of Barthélemy Bisengimana, a Tutsi refugee originating from Rwanda, who became Mobutu Sese Seko’s Director of the Presidential Cabinet for 10 years, and was responsible for the passing of law no. 72-002 in 1972, which granted legal citizenship rights to all Banyarwanda residing in Zaire before 1950, and to those who continued to reside in the country after independence.\textsuperscript{19} These networks dominated the local political scene by establishing mechanisms

\begin{footnotes}
\textsuperscript{17} Bruce, John W., “A Perspective on Indigenous Land Tenure Systems and Land Concentration,” p. 38.
\end{footnotes}
for the wealthier classes to manipulate the local administrators of the land affairs bureau in Goma who were quite amenable to bribes, and for the right price could easily produce a land deed for a particular piece of land or territory.

**Ethnic and Civic Citizenship**

Mahmood Mamdani astutely makes the conceptual distinction between ethnic and civic citizenship when addressing North Kivu’s citizenship crisis.\(^{20}\) Regarding ethnic citizenship there have been two axes on which the conflict has been waged: 1) lumping together all Banyarwanda/Rwandaphone speakers into one ethnic categorization, and 2) the importance of ethnic ties to different territories. In 1981 the Zairian state decided to revoke the citizenship status for the Rwandaphone-speaking population living throughout the Kivu region since independence. The new law stated that in order to be considered a Zairian national (Mamdani’s notion of civic citizenship), an individual or particular group would have to prove that they had ancestral roots in the Zairian territory at the time of colonial conquest in 1885. The inherent problem here is that no Zairian national group would have been able to provide written proof of ancestral ties to Zairian territory at the time of colonial conquest. Therefore all Banyarwanda in North Kivu, and Banyamulenge in South Kivu were unable to vote in the scheduled 1985 provincial elections (which never took place), which in the eyes of the *autochtone* citizenry should have provided the impetus to strip them of their ability to formally buy land that was backed by the state. From the customary view of the *autochtone*, of whom a large portion were landless, the only way that Banyarwanda were able to customarily lease land was through corrupt land chiefs, largely the Bahunde nobility throughout Masisi and parts of western Rutshuru territory, who were co-opted by their own selfish desires and willingness to sell out

---

their local ethnic brothers at the expense of “foreigners” and large piles of cash. In addition, the fact that the state was willing to continue to sell precious land to an ever-growing Rwandaphone population, much of which was occurring through shady business dealings, and within the context of sizeable landless populations, was more than enough evidence in the eyes of the autochtone populations to convict the Zairian state of betraying their interests and concerns. These local political dynamics only fueled the anger and hatred for all Banyarwanda, which began to take on an anti-Tutsi tone, setting the stage for future conflict.

Ethnic ties to territories and land run throughout and across communities in North Kivu. Table 4-1 highlights the ethnic composition of North Kivu along with the general location of the historical occupants and spoken languages. The BaNande, or simply Nande, predominantly reside in the grande nord (far north) as it is commonly referred to, but politically and economically dominate the entire province. Nande economic influence is greatly felt throughout the entire region, and they are one of the few communities in Congo, if not the only ethnic group, that has been able to economically develop their communities through a diversity of private entrepreneurial practices and endeavors, largely autonomous from the state. It is often stated that there is more money in the grande nord than in any other province or region of Congo. In addition, the Nande heavily influence provincial politics in the provincial capital of Goma. Key

---

21 Mobutu Sese Seko had a very strong, close, relationship with the now late Rwandan President Juvenal Habyarimana, who was given one of the largest individual land allotments in Masisi territory by Mobutu at the time as a Presidential gift.


political elites like the recently elected governor, Julien Paluku Kahongya, as well as the recent President of the National Independent Electoral Commission (C.E.I.), Abbé Apollinaire Malu Muholongu, dominate provincial dynamics and beyond.

Table 4-1. Principal ethnic groups and languages

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Territories</th>
<th>Profession</th>
<th>Language</th>
</tr>
</thead>
</table>
| 1. NANDE/YIRA | Beni, Lubero, Rutshuru, Masisi, Goma | - Farmers  
- Cattle Breeders  
- Craftsmen | Yira/Kinande |
| 2. PERE      | Lubero      | - Farmers            | Kipere         |
| 3. MBOBA     | Beni        | - Farmers            | Kimboba        |
| 4. TALINGA   | Beni        | - Farmers            | Kitalinga      |
| 5. HUTU      | Rutshuru, Masisi, Goma, Nyiragongo | - Cattle Breeders | Kinyarwanda   |
| 6. TUTSI     | Rutshuru, Masisi, Goma, Nyiragongo | - Cattle Breeders | Kinyarwanda   |
| 7. KANO      | Walikale, Goma | - Farmers  
- Hunters | Kikano         |
| 8. HUNDE     | Masisi, Goma, Walikale, Rutshuru. | - Farmers  
- Cattle Breeders | Kihunde       |
| 9. NYANGA    | Walikale, Masisi, Goma | - Farmers | Kinyanga      |
| 10. KUMU     | Walikale, Nyiragongo | - Farmers  
- Hunters | Kikumu       |
| 11. TEMBO    | Walikale    | - Farmers            | Kitembo        |
| 12. KUSU     | Walikale    | - Farmers            | Kikusu         |
| 13. MBUTI    | Beni, Lubero, Walikale, Rutshuru. | - Hunters | Swahili       |

Malu Malu, as he is commonly referred to, is an academically trained political scientist. Before taking over the C.E.I. in Kinshasa, Malu Malu was the vice-rector of the very impressive Catholic University of Graben (UCG) in Butembo. Malu Malu has successfully persuaded many international donors like USAID and funding agencies from Norway and Sweden to invest in development projects in and around Butembo. For example, Butembo is the only city in Congo that has a fully functioning recycling project for refuse, and is arguably the cleanest city in all of Congo. In addition, UCG is rapidly expanding its school infrastructure and diversifying its energy consumption requirements by investing in solar and hydroelectric projects with a large infusion of USAID grant money.
In addition, there continues to be resentment, and perhaps jealousy, at the economic and political clout wielded by the Nande throughout North Kivu, and it is quite difficult, near impossible, to buy land or penetrate local markets as an outsider in Nande-controlled territory, places like Butembo, the city of Beni, as well as territories in northern Lubero territory.26

Other smaller, yet ethnically significant and powerful groups like the BaTembo, BaNyanga and BaHunde continue to have strong ties to their lands throughout Masisi territory, parts of eastern Walikale, and western Rutshuru. For example, the historically significant Hunde are in part the victims of change in land tenure practices, and an over-zealous land hungry Banyarwanda population that has left large segments of the Hunde deeply impoverished and landless, while many Nande have no sympathy for the Hunde whatsoever. Corrupt and greedy Hunde land chiefs walked hand-in-hand with the Mobutist state and were more than willing to sell their communities’ lands to wealthy Banyarwanda clientele without much thought to the future detriment of the community.27 Despite the finger pointing and recognition of past actions, Hunde are viewed as the rightful landowners throughout Masisi and Rutshuru and parts of eastern Walikale.28 The problem for the autochtone has always been the presence of the Banyarwanda.

Mamdani’s distinction of ethnic citizenship is significant in two respects: 1) he is correct to point out the historical differences between the Banyarutshuru and the Banyamasisi in relation

26 This comes from my own personal observation during a three-week visit to Beni and Butembo in 2005. I was able to speak with agronomists and political scientists at the University of Graben about land tenure security in the area. The academics that I spoke with overwhelmingly confirmed the view that it is very difficult for outsiders to penetrate Nande markets and purchase land in the area. The Nande are known for being insular with their kin.


to the nobility, and 2) emphasis on communities strong ties to land. What is missing from Mamdani’s analysis is the impacts of the larger regional war, which has once again become a very localized concern.

The Belgian colonial administration in 1937 financed the transplantation of numerous Banyarwanda (majority were Hutu) to Gishari to support the Belgian plantocracy and growing mining and industrial sectors. Gishari cut directly across the Hunde chieftancy while the colonial administration appointed a Tutsi chief, much to the aggravation of Hunde communities that were directly affected. It was the appointment of a Tutsi chief that complicated the local political dynamics, because not only were the Hunde dispossessed of precious land, but Hutu were then forced to pay duty or customary tribute to a newly appointed Tutsi chief. Mirroring the socio-political dynamics of the region, “as the tension between Hutu and Tutsi increased in Rwanda, so it did in North Kivu.”

Except for Gishari territory, there has been a lot of recent research that clearly indicates that Banyarwanda resided throughout Bwisha and Bwito, both a part of modern day Rutshuru territory before the demarcation of the colonial partition. In particular, Hutu farmers appear to have mainly resided in Bwisha, while a few Tutsi were more likely to live in Bwito, largely due to elevation and high levels of available pastureland. Perhaps even more important now is that a significant portion of Rutshuru territory is now the only territory within the larger national


territory where the demographic majority of the population are perceived as foreigners by “indigenous” Congolese.

The Gishari experiment would eventually be terminated and over time, as populations increased, a large portion of the Hutu migrants, and some Tutsi, began to refuse paying customary tribute to the Hunde chieftancy. This only incensed the Hunde nobility and would provide the Hunde the ammunition to publicly declare that all Banyarwanda should return back to Rwanda. In addition to these public statements, a series of major external influences have complicated the land situation in Eastern Congo: an influx of Rwandan Tutsi refugees in 1959 and 1963, and the mass arrival of Rwandan Hutu following the 1994 Rwandan genocide. Additionally, the Kivu region (mainly south) absorbed smaller-scale displacements of Burundian Tutsi in 1973 and 1993, all of which have only placed further demographic strains on the land.

In the late-1980s when the Banyarwandan organization UMOJA was dissolved, and the mutuelle known as Magrivi was constructed, social and ethnic distinctions between the Tutsi and Hutu began to rapidly intensify to the point of daily killings and political violence. Magrivi systematically instrumentalized ethnic divisions between the Hutu and Tutsi communities as a way to spread Tutsi rumors and fears that were permeating the province, and also to highlight the demographic Hutu majority, which had no civic rights whatsoever. Separate communities

---

31 UMOJA was originally started in response to the 1981 Citizenship law and was established as an organization for all Banyarwanda (Hutu/Tutsi), but the ethnic polarization of society quickly began to infiltrate the organization. Sekimonyo Cosmos, a Hutu, became the first President in 1983 and was subsequently followed by a Tutsi President, Ryamukuru. Despite the best of intentions, UMOJA was dissolved in 1988. Mararo, Bucyalimwe. “L’Autre Visage du Conflit dans la Crises des Grands Lacs: Mémoire historique sur la crise de la citoyenneté au Kivu.” <http://www.grandslacs.net/doc/2604.pdf>; According to Mararo, Magrivi was started with the aide of former Rwandan President Habyarimana who had the support of President Mobutu. Magrivi was a non-governmental organization that was established to solely provide support to the majority Hutu farming population who felt threatened by Tutsi class domination in Masisi and parts of western Rutshuru, despite their minority presence. The organization SIDER (syndicat d’initiative pour le développement de la zone de Rutshuru) was dominated exclusively by Tutsi and with regional Tutsi developments in southwestern Uganda by the Rwandan Patriotic Front, there was a real fear that Tutsi were clamoring to take over the region and parts of eastern Congo. Ibid., <http://www.grandslacs.net/doc/2604.pdf>, pp: 11-12.
quickly formed local “self-defense” militias like the Hutu-dominated *Kigarizo Bokogbwa* and the infamous *Ngilima* composed of Hunde, Havu, Nyanga and Tembo, which sprang up across North Kivu. Politicized violence quickly spread out throughout North Kivu as political elites manipulated landless Congolese *autochtone* for political gain over the Banyarwandan foreigners. At the local level, violence was eventually brought under control, but only to have an exodus of Rwandese refugees flood into the region and turn it upside down.

**Political Dimensions of Violence and Social Fragmentation**

The political dimensions of violence and social fragmentation in North Kivu are too complex and wide ranging to categorize neatly into categories. The ongoing political violence in Congo cuts across a wide variety of explanatory approaches, such as: psychological motivations, geographical determinants, ethnic rationales, warlordism, greed and grievance explanations, enclave economics, as well as state decay and institutional weakness. This dissertation grapples with this complexity and attempts to examine how the political violence in North Kivu is the result of structurally embedded political challenges at the

---


local level, which are in turn complicated by regional developments and reinforced by a fragile and deeply fragmented state.\textsuperscript{39}

At the local level political tensions have escalated over time, and particularly throughout the late 1980s and early 1990s to the point where Hutu elite in March 1993, along with \textit{Magrivi} and the \textit{Ngilima} militia organized and directed an attack against Tutsi and local Hunde in a market in nearby Ntoto. Numerous Hunde, Tutsi, and other \textit{autochtone} were killed. In response, local Hunde and Nande militias quickly responded forming their own ethnic militias by killing, looting and displacing large segments of Hutu throughout Masisi territory and parts of Rutshuru, Walikale, and Lubero territories. These events quickly spiraled out of control, and eventually led to the death and displacement of an estimated seven to ten thousand individuals.

At the regional level, the Kivu region has always been directly influenced by post-colonial political developments in neighboring Rwanda and Burundi. The 1993 assassination of the first Burundian Hutu President Melchior Ndadaye, forced a great number of refuges to flee to South Kivu and Western Tanzania,\textsuperscript{40} while the 1994 Rwandan genocide added another million-and-a-half traumatized and terrified Rwandese citizens fleeing the advancing Rwandan Patriotic Front (RPF) into North Kivu. This massive influx of Rwandese refugees into North Kivu added another political layer onto an already complicated local political scene. Not only did it add a new layer on existing local political dynamics, but these events turned North Kivu upside down by linking local political concerns with regional issues. In addition, this new dynamic transformed North Kivutian politics with the militarization, or as Reno puts it, warlordization, of


the province and region. Elements of this new warlordization included large numbers of
refugees and internally displaced peoples (IDPs), roving ethnic militias and local self-defense
forces, as well as unscrupulous politicians were willing to take advantage of a very precarious
environment. Since 1994, the local level has been strategically transformed from competition for
the control of, and access to, agricultural lands and key resources into one where there is a
strategic pursuit for the creation and consolidation of new power complexes. These new
networks further accentuated land competition between local groups and actors, while regional
dynamics continue to directly influence the militarization of the political landscape.41

At the national level, ethnicity and ethnic citizenship intensified in an era of political
liberalization and promise of multiparty democracy. Mobutu officially ended the one-party state
that his MPR party dominated for 23 years on 24 April 1990 by publicly announcing that the
Zairian state would chart a path towards a new constitution and multiparty democratic rule via
the sovereign national conference (CNS). The state was to begin with a preliminary transitional
period of two years, and then hold democratic elections. During this time period, citizenship
concerns, including land issues, became a nationally debated topic. At the national conference,
the debate centered on whether or not the Mobutu/Bisengimana decree of 1972, which had
granted citizenship to all Kinyarwanda speakers, or the 1981 law that revoked Banyarwandan
citizenship should stand. Mamdani points out the two contradictions that were raised at the time.

While the Kinyarwanda-speaking minority - particularly the Tutsi - continued to look to
organs of the state-party, including its security organs, for protection against the
'indigenous' majority, the majority continued to invest in representative processes both as
protection from the arbitrary rule of the party-state, and as guarantee that they would
prevail against the minority. The very democracy that tended to create a majority across
ethnic lines, tended to pit a self-consciously 'indigenous' and Congolese majority against
what many increasingly came to think of as a 'non-indigenous' minority that was not only

<http://www.guardian.co.uk/rwanda/story/0,,2162994,00.html>.

Regardless of Banyarwandan citizenship concerns, the CNS adopted the 1981 law, which left the minority groups in a state of despair in light of local demands for land.

Despite Kivutian citizenship concerns, Mobutu effectively manipulated the CNS to the point of making it useless in the eyes of the Congolese.\footnote{In 1992, the CNS adopted the Transitional Act, which laid out the organs for the transitional period: a figurehead president "who reigns but does not govern" as head of state; a High Council of the Republic (Haut Conseil de la République) to serve as a provisional legislature and to oversee new elections; a first state commissioner (prime minister) elected by the CNS as head of government with full executive powers; and an independent judiciary encompassing the rule of law. Despite the Supreme Court’s ruling to recognize the Transitional Act as the only binding constitution, Mobutu effectively worked through his long-term party loyalists to divide the opposition to the point where they were largely ineffective. Nzongola-Ntalaja, Georges. 2002. The Congo from Léopold to Kabila: A People’s History. London: Zed Books; Zaire: Subsequent Political Developments, 1990-1993, <http://www.country-data.com/cgi-bin/query/r-15108.html>.}

What is apparent during the era of political liberalization is that local Banyarwandan citizenship rights had essentially been stripped by a broad majority of the national political class and legitimated by CNS opposition delegates. This recognition in turn justified the violence directly targeted at the Banyarwandan population (mainly the Tutsi minority) by the state and local autochtone.\footnote{Zaire: Forced to Flee, Violence Against the Tutsis in Zaire. July 1996, Vol. 8, No. 2 (A). New York; Washington; London; Brussels: Human Rights Watch, <http://hrw.org/reports/1996/Zaire.htm>}

Tutsi fears and apprehensions quickly turned into reality as the region descended into chaos, which forced many to flee to Rwanda and be seen as sympathizers of the Tutsi-dominated RPF.

The legal ruling to abolish citizenship remained in effect until the recent adoption of the new constitution of the Third Republic in 2006, which in theory grants citizenship to all Rwandaphone present in Congo at the time of independence- primarily these were Hutu. However, in practice, granting Congolese citizenship to the Rwandaphone populations has not calmed local hostilities or animosities directed at the Tutsi Rwandaphone population. I will
argue throughout this dissertation that recent political developments at the local level, which are shaped by regional political dynamics, have been accentuated by local frustrations by the recent granting of citizenship to all Rwandaphone. These tensions and concerns are somewhat similar to those raised during the national conference in the early 1990s, but the key difference now is that the entire country has been dragged through an international conflict where the majority of the population has been made to suffer incredible difficulties, which has largely occurred at the expense of the Tutsi-dominated Rwandan state.

**Socio-Political Consequences of Protracted Violence**

The socio-political consequences of protracted violence in North Kivu are multi-faceted and multi-layered, leaving the eastern Congolese region deeply scarred and disfigured. The state continues to be battered and broken apart into many disjointed pieces, raising serious concerns and questions about the ability to rehabilitate and/or reconstruct the public sphere. Society on the other hand is severely traumatized with little to no resources (public or private) to even begin the healing process. Whatever path the healing process is going to take, it is clear that it will have to involve a wide range of socio-psychological services and counseling, basic health services for the sick, mental health therapists, support from local churches, special services for children, as well as the necessary political and economic goods that are required for rehabilitation, much of which is presently lacking.

---

45 My field research suggests that based on the individuals that I spoke with, as well as observations, that a majority of Kivutians are not aware that the Rwandaphone populations have been granted citizenship. This is primarily due to the fragility of the state and pervasive instability of the entire Kivu region. What is apparent however, is that everywhere the author conducted research, there is an overwhelming dislike and intense hatred (to the point of being unable to describe) of the Tutsi-Rwandaphone population. At this present it remains uncertain what will happen, if anything, if the Tutsi are able to return in large numbers.

46 In terms of physical healing, DOCS hospital in Goma staffs one orthopedic surgeon for women who have been sexually abused or raped and have fistula in an area of 500 plus square kilometers.

Taking a closer look at the internal dynamics of North province, it becomes apparent that Masisi and Rutshuru territories have the most difficult challenges and complicated histories, perhaps in all of Congo. Masisi in particular has the dubious distinction of having experienced the longest bout of uninterrupted political violence in all of Congo.

Notwithstanding the variations in political developments over time, what makes North Kivu such an interesting case study, and yet an extremely difficult and thorny obstacle, is that the political violence is not only a phenomenon of armed negative forces fighting over issues of ethnicity, resources and land. The violence in North Kivu has been transformed into a series of publicly institutionalized processes that have become an integral part of daily life and quotidian politics. Therefore, in order to begin the necessary steps towards the state’s rehabilitation, there needs to be a transparent process and recognition that these processes and events are responsible for the political and economic decay of state and society. Without this frank recognition and dialogue by all parties, the likelihood for future conflict is much greater as the state continues to struggle to gain full control of the national territory.

At the provincial level, what little institutional capacity was left after the MPR-dominated state was overthrown in 1997 has been completely destroyed by the RCD para-state and Eugène Serufuli’s heavy-handed rule. Serufuli’s rule has successfully bled the state of its capacity and

48 Armed belligerents do not have to fully agree that it is in their interest to lay down their arms, but eventually come to learn through watching other combatants go through a normal disarm, demobilization, and rehabilitation (DDR) process. Most of the literature on DDR stresses the need for demobilization and reintegration into society, but in places like North Kivu where fighting continues, albeit at a much smaller scale than before, many combatants are very hesitant to demobilize due to security concerns, but also because they can continue to loot and pillage and make money through banditry. However, there needs to be at minimum a public recognition that communities and individuals need to be disarmed, which has yet to fully occur in North Kivu. In addition, there needs to be some type of employment or work that allows former combatants to feel as if they are contributing to the reconstruction of society. Unfortunately, due to the insecurity and pervasive violence throughout the province, these two basic conditions have not yet been met.

49 Serufuli as a Hutu autochtone from Rutshuru was able to manipulate the local and regional political situation, in part because of his linguistic and ethnic background, while appearing to the Kinshasa authorities as a strong nationalistic leader who could control the local political landscape, albeit forcefully, and speak to/or the
remaining resources to the point where he alone had to pay the salaries of the security forces. Serufuli completely removed himself from public life, unless the forum involved the security sector, and forums that sought to address social or economic hardships facing society.

Furthermore, Serufuli masterfully manipulated and turned the Rwandaphone and Congolese communities on each other as a way to instrumentalize disorder in his attempt to remain in power. Despite his attempt, Serufuli was voted out of office, but not before it has become apparent of the long-term social damage that was caused by his manipulative rule.

At the societal level, three issues appear to be representative of the long-term damage caused not only by Serufuli’s rule, which is directly linked to the rampant violence throughout the province: 1) the considerable numbers of sexual violence victims migrating to the larger towns and cities, 2) the constantly shifting populations of displaced peoples, and 3) the sizeable number of fallow lands in the provincial interior relative to the rising numbers of landless individuals and communities. As previously stated, in North Kivu there is a war after the war taking place within and throughout communities of young girls and women, ranging from as young as eighteen months to approximately ninety years old. Despite official pronouncements, females have been, and continue to be, systematically targeted by armed groups, including the FARDC military, as well as local youth and men who find it completely acceptable to either rape or sexually terrorize women and young girls. The issues surrounding sexual violence will be addressed in detail in chapter seven.

Rwandaphone community. Furthermore, as a Hutu and hand-picked by Kigali, the government believed that he would be able to have influence over the FDLR, while keeping Kigali’s security and political economy interests closely guarded. Despite these political concerns, Serufuli is loathed by the local citizenry, because of his heavy-handedness, and for being a perceived Rwandan-proxy in Congo.

Despite the overwhelming evidence implicating the FARDC, Governor Serufuli went on public record to state “I must stress that the majority of violations, at least 99%, are committed by the ex-FAR, Interahamwe; the people who carried out the genocide in Rwanda, people who are desperate, who are only here to continue perpetrating acts of vandalism, uncivil to a point that one cannot explain.” Gough, David. 2004. Our Bodies...their battleground: Gender-based Violence during Conflict. Office for the Coordination of Humanitarian Affairs, IRIN News. DVD.
Shifting population movements have become an enormous concern for contemporary scholars and policy practitioners in recent years. Since 2003, Congo’s displaced population has progressively become smaller on the whole, with an estimated 1.2 million displaced individuals at the end of 2002. Since 2002, North Kivu’s province has fluctuated relative to the security environment. By the end of 2006, North Kivu had an estimated 540,000 individuals, whereas another fresh 200,000 people have been recently displaced in North Kivu since mid-2007. These population fluctuations only increase the likelihood for human rights abuses, including sexual violence, and theft or destruction of personal property, as well as perpetuate political insecurities throughout the province and region. Mass displacement only increases the political challenges at the local level, amplifying the challenges faced by the Congolese state and society.

Finally, despite the rich lands that are ideal for farming and agricultural cultivation, a significant portion of the territories in the province remain fallow. Many fields and farms have been entirely abandoned due to insecurity, or because the proprietors have been either chased off or killed by marauding militiamen. In addition, local markets presently remain too weak to provide any real financial incentive for local farmers to return to farming or agricultural production. One can make more of a living either prospecting in minerals, or simply banding together and looting local populations. Notwithstanding the political and economic realities, there is a desire to gain or regain control of lands in the interior, especially for a prominent landless population that is land hungry. Local populations are aware that there is a move to

51 Figures are taken from the Internal Displacement Monitoring Center at: <http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/554559DA500C8588802570A7004A96C7?opendocument>.

52 Kivu used to export the bulk of its produce and agricultural goods to Kinshasa throughout the late 80s and early 90s. As many as twelve cargo planes would leave Goma everyday, filled with produce, for Kinshasa. However, local production ground to a halt when Rwandan refugees fled to the Kivu region. In addition, the eruption of Nyiragongo in 2001 destroyed the Goma airport, which further devastated local abilities to export to “external” markets. Presently, MONUC is digging out the airport tarmac from underneath the lava, while Goma itself is building on top of the volcanic damage, and using the volcanic rock for infrastructure (homes, road gravel, fences).
rehabilitate society, and for these rural populations their livelihoods are tied to land. The Norwegian Refugee Council in Goma estimates that approximately 500 people a day, mainly Tutsi coming from Rwanda, are returning to the interior with cattle and personal possessions to repopulate the countryside. Questions about this repopulation raises concerns over rapid land repopulation, as well as insecurities in the region, but it is too early to definitively say what will occur. What is obvious is that land that was once productive has remained fallow for almost fifteen years in territories like Masisi and parts of Rutshuru, while in others like Lubero and Butembo it is much less, and yet the land deficit remains critical to the stability and security of North Kivu province.

**National Democratic Elections: Rehabilitating State and Society**

The 2006 national elections are seen as the first step towards the rehabilitation of state and society. The international community provided the near three quarters of a billion dollars for the two national rounds of vote casting, along with provincial elections, which has the overall goal of legitimating the Congolese government in the eyes of the vast majority of Congolese citizens and the international community. Despite the problems with organizing the world’s most logistically complex and costliest election in history, the historical significance and success of the election can hardly be questioned in light of Congo’s recent political history and long list of political-economic challenges.

---

53 Interview with Norwegian Refugee Council staff, Goma, 2006.

54 The land deficit is a term the author is using to explain the land dynamics in North Kivu. There is an overall scarcity of land, even with the large numbers of abandoned farms and fallow land. Notwithstanding this element of the land problem in North Kivu, there still remains a dual land tenure system in place, and yet the majority of land continues to be customarily leased out despite that the state in theory controls all the land and minerals of the subsoil. There is clearly a deficit between the formal state institutions and informal ones that dominate the day-to-day life of the peasantry. The imbalance between formal and informal realities must be addressed.

In light of Congo’s recent past the question that needs to be asked is, how much one can reasonably expect an election, that was widely perceived to be “free and fair” by international standards, to structurally transform a fragile state that exists on paper, but barely exists in reality? Is democracy desirable in a weak state environment where state institutions and structures are so fragile to the point of non-existence? Recent scholarship places a high level of confidence on democratic elections in Africa to foster democratic values and increased civil liberties, but this research questions this thesis in light of the Congolese democratic experiment. One question from the Congolese experiment is whether, in an environment where little infrastructure is present and violent conflict has taken place, democracy only raises the expectations of the citizenry? Can democracy also provide the substantive goods that society expects from a democratic state? In the case of Uganda this has been the primary reason behind President Yoweri Museveni’s refusal to embrace multiparty democracy, while the political opposition argues that this is merely a tactic to hold onto power. However, how can democracy rebuild a national economy and do it with near universal unemployment throughout Congo? Or restructure an inept and highly ineffective state bureaucracy that was based on patronage and cronyism? These are questions that this dissertation grapples with and asks of academics and policy-minded scholars who push western democratic solutions onto countries, and in this case a

56 According to The Failed State Index produced since 2005 by The Fund for Peace, which is a policy think tank supported by the journal Foreign Policy, Congo continues to reside in the top ten states in the world most likely to either fail, or be considered a failed state due to chronic political violence and instability. The Fund for Peace employs a methodology based on social, economic and political indicators that gauge the state’s health and fragility on an annual basis. In 2005 and 2006, Congo was number two on the index, while in 2007 Congo slightly improved due to democratic elections, which is in the Fund’s view a way to re-legitimize the state. However, security sector reform continues to hold Congo back. <http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=99&Itemid=140>.


failed state, that may not be ready for the burden of meeting societal and international demands, let alone the responsibility that comes with democracy.

Recent scholarship by Bill Easterly and Dambisa Moyo overwhelmingly supports the view that failed states are very unlikely to succeed in reconstruction and long term development programs if aid and assistance comes from outside the recipient country.\(^59\) However, despite this view, there appears to be a consensus that failed states must not be allowed to exist, and they must be made to work at any cost.\(^60\) In other words, failure is not an option!

Therefore in light of the recent and determined approach to put Congo back on its feet, the United Nations in 2004 established three essential political objectives that need to be met: 1) hold national democratic elections, 2) institute security sector reform, and 3) establish the rule of law throughout the country.\(^61\)

The first objective has been successfully met. The sheer enormity of the elections and the manner in which voting was conducted is nothing less than miraculous, and the Congolese Independent Electoral Commission under Malu Malu should be given its due respect because the international community’s money was well spent. Yet beyond the election there is little to cheer about in Congo.

Security sector reform has begun across the country, but the brassage process is painstakingly slow and has contributed to the ongoing frustration and confusion between armed militias and key ethnic groups throughout the Kivu region and parts of Ituri. In addition, troop


salaries are abysmally too low to be considered adequate for an average soldier with a family. Soldiers bring home approximately $12 U.S. per month, while police officers take home $10 U.S. per month. In addition, key positions in the military have been given away to potential war criminals like Peter Karim and Bosco Ntaganda among others, while the rest of the military is staffed with individuals who have likely committed murder, rape and or looted key economic sectors. In addition, specific ethnic brigades in North Kivu are tied to the rebel leader Laurent Nkunda and have recently begun to publicly display their loyalty to Nkunda over the Congolese state. There is a widespread perception within MONUC and the Kinshasa authorities that these key ethnic brigades will have to be re-mixed within the larger FARDC and sent to other provinces away from the eastern Kivus. However, many of these soldiers complain that their families are then put at risk due to presence of the Mai-Mai militias and the FDLR rebels. All of these variables only complicate security sector reform in Congo.

Finally, the rule of law has been established on paper, but there are large portions of the Congolese territory that remain out of the reach of the state, as well as portions like Kivu that remain highly instable due to external influence. The state in theory is expected to guarantee the safety and security of all citizenry, but the state does not have the capacity or resources to provide even minimal forms of security without the aid and support of MONUC. Many of the areas are under the state’s control, but the rule of law is rarely followed or enforced. Therefore it is difficult to say outside of the “success” of the recent elections that the Congolese state has satisfactorily met its political-economic or security obligations when it comes to safeguarding society and the prospects for reconstruction.

In terms of the rehabilitation of state and society and the desire for long-term political and economic development, does Kabila’s democratic regime have any real chance to reclaim or reconstruct some of what has been lost over the years? President Kabila overwhelmingly swept the entire eastern regions of Congo, which includes: North and South Kivu, Orientale Province, Katanga, and Maniema, and gained a majority support and control of the national legislature, while never gaining a foothold in the western provinces of Congo.

What appears feasible at present is two apparent options for President Kabila and his government: 1) President Kabila presses forward with economic development by attempting to lure international investors and rehabilitate key public works like the Inga Dam, as well as get the economic engine, Katanga province, on its feet and moving again, or 2) President Kabila and his government addresses past crimes committed before moving forward, which might include high-profile trials of key politicians, military elites and former militia leaders. Perhaps there may have to be a combination of the two options. What is apparent is that both options cannot be simultaneously pursued, and the second option is politically risk in light of the fragility of the Congolese state and young President Kabila’s legitimate, although tenuous, hold on the executive office and legislature.

Despite President Kabila’s politically reserved nature, Kabila must first enforce the rule of law and restore acceptable norms of security throughout Congo. To believe that the state has the capacity and resources to extend its power over the entire territory is not only naïve, but also unrealistic. As Herbst alludes, the Congolese state has never had complete control of its national territory, and it is unlikely to begin now when political violence and instability are

---


widely prevalent throughout the Kivus, parts of Ituri, and Katanga. With respect to the violence that is ongoing, this violence is of a local nature, and shaped by regional development in the Kivu region, which reflects the lack of focus and sincerity on the part of the previous transitional government. The real work has yet to begin, and if Kabila’s government desires reconciliation and long-term development, it will have to address these issues. Land reform is a great place to start.

Second, President Kabila must get the rusty Katangan economic engine moving. Without the Katangan economic machinery, it is unlikely that there will be any positive political and economic development to speak of. The state and society is cash-starved and too many civil and public servants have gone unpaid for nearly a decade. In addition, the security sector desperately needs a pay raise to stave off future desertions and curtail the looting that continues to occur throughout the Congo. Therefore, without the visible signs of an economic regeneration in key sectors, or society does not see the tangible benefits of Kabila’s presidency, then it will be near impossible for the state to transform itself and society.

Finally, President Kabila must maintain the majority of political support that he holds in the legislature. Like the rest of the country, the legislature is deeply fractured and divided and the country needs a strong leader with a clear political-economic vision to chart a path forward out of the calamity that continues to engulf the Congolese state. In order to put the state back on its feet, President Kabila will need the support from the majority within parliament. Without a majority of the legislators, President Kabila risks further political and economic stagnation, and ultimately risks the failure of the Congolese democratic experiment. The Congolese socio-

political landscape is too complex and the state is simply too fragile to support any sustained
disingenuous politicking or insincere political posturing.
CHAPTER 5
NON-STATE ACTORS AND THE NORTH KIVU COMPLEX

Emergence of Militias and the Struggle for Legitimacy

This chapter specifically addresses the proliferation from 2003 to 2007 of armed non-state actors in the form of militias that are generating violence in response to local political issues.\(^1\) In no way does this chapter argue that these local militias are a recent local construction in 2003. Most of these militias were mobilized as a response to the complex regional war of 1996 and larger 1998 international war.\(^2\) However, as I have argued so far, beneath the regional and international layers for the DRC conflicts, there has always been a local political dimension that has been largely minimized by political analysis. It is this layer of violence that continues to complicate national reunification efforts (and to a certain degree regional/international security) on the part of MONUC and the international community.

Despite the signing of the Global and All-Inclusive agreement in 2002 and the view that the violence throughout the DRC would quickly grind to a halt, North Kivu has proven to be a severe thorn in everyone’s side because the ongoing violence is the result of shifting dynamics on an entirely different level, and for somewhat different reasons. This is because the shifting dynamics are entirely political and are deeply rooted in the history of the province and region. In the case of the broader eastern DRC, and the violence from 2003-2007 in North Kivu in particular, as the age-old political slogan points out, all politics are local. Until recently, these local reasons have been considered less important, and/or overlooked entirely by the international community. This explains why armed militias continue to generate widespread

---

1 Due to the large number or armed militias it is impossible to cover all of the militias operating in North Kivu province, so I have made a choice to focus on the dominant ones: The Democratic Forces for the Liberation of Rwanda (FDLR), Laurent Nkunda’s National Congress for the Defense of the People (CNDP), and the highly fragmented group known as the Mai Mai.

violence throughout North Kivu province and other distinct localities. Within the DRC, MONUC and the DRC state refer to these militias as negative forces.³

To argue that the various non-state actors have no connection to the larger regional and international conflicts of recent years however, would be an oversimplification of the enormity of violence and historical dynamics of complex regional politics and processes. Many of these militias and key individual actors are considered foreigners according to local North Kivutian sentiments. The International Crisis Group (ICG) is perhaps the best-placed organization working on the violence gripping the DRC. The ICG treats two of the main armed militias, minus the various Congolese Mai-Mai militias, as Rwandaphone groups that are fighting for either self-preservation (Nkunda and his Tutsi-dominated CNDP), or as an insurgency group fueled by genocidal ideology (Hutu-dominated FDLR) bent on re-entering and overthrowing the Rwandan state.⁴ The challenge, which seems to get little attention by the ICG and other human rights organizations, is that the various groups have become interwoven into the social fabric of the province over time. They have been absorbed into the various local political, economic, and social realities, mainly on ethnic lines, and are continuously reacting to shifting political currents.

**State Decay and Ethnic Divide**

Along with the collapse of the sovereign national conference (CNS) in 1993, the state had withered to the point of becoming little more than a hollow shell that had all but vanished from

---

³ I interchangeably use the term non-state actors, militias, and from time to time, the term negative forces. In my view they are all synonymous.

daily life. As the state began to decompose, local elites and institutions moved in to fill the authoritative political and economic void. Issues like *geopolitique* dominated local and regional political discourse, which had become code for the issues surrounding authenticity. Who is an authentic Zairian (Congolese)? In North Kivu, these issues swirled around the concerns over land access and availability (chapter six). As local institutions and political elites began to instrumentalize and exploit these ideas for political and economic gain, local groups of largely unemployed youth began to carry out very violent attacks on neighboring ethnic communities who were demonized for their socio-economic hardships. After constructing a climate of deep distrust and fear, it became almost impossible for any ethnic group to not mobilize their communities on rigid ethnic lines in the form of militias.

### Explosion of Ethnic Militias

After the collapse of the state and the regional and international wars of 1996 and 1998, the view that emerged from North Kivu appeared to be a rapid descent into a modern-nightmare that even Hobbes might have had difficulty conjuring up. This “theater of violence” was dominated by heavily armed, and internationally-backed, rebel insurgents that has been very well documented by analysts over time. However, at the territorial, chieftaincy, and village levels

---


there were daily acts of systematic and targeted violence carried out by local ethnic militias for a variety of reasons. Some communities saw the provincial crises as an opportunity to settle old scores with neighbors, while others saw the crises as a chance to acquire goods and wealth. Another important concern for many local communities that mobilized their communities was to target the wealthier Tutsi population of the province as a way to frighten them and strip them of their lands and cattle.

Looking down on North Kivu “from above” reflects a province that had been turned into a de-facto “para-state” that was completely under the domination of the Rwandan-backed Rally for Congolese Democracy (RCD). Over time the RCD disintegrated over internal squabbling and formed the RCD-Goma and a variety of other RCD-factions. From below, North Kivu had become a province where the most unspeakable and inhumane acts were being committed by a combination of local and foreign militias, some of whom were working in tandem with the RCD rebels, and others working in conjunction with the Congolese state. These militias

---


11 As stated in chapter 2, the RCD factions became known as RCD-Authentique (RCD-A), the RCD-Congo, the RCD-National (RCD-N), the RCD-Kisangani (RCD-K), which would eventually become the RCD-K/ML due to their support of Movement for the Liberation of Congo (MLC).
systematically exploited local tensions and grievances for their own political and economic benefits, pre- and post-transition.12

**Ethnic Mobilization and Legitimacy**

The armed militias continue to mobilize new recruits most effectively through campaigns of fear by appealing to ethnic tensions and concerns across the localities and province, and despite international condemnation, each militia continues to forcefully recruit child soldiers for the ranks of the FLDR, CNDP and Mai-Mai militias.13 In addition to these ongoing campaigns, the provincial conditions provide few economic incentives (employment) for the large pool of frustrated young males who have little opportunity to support a decent livelihood. In addition to these mobilizing tactics, Laurent Nkunda’s CNDP continues to propagate the view that another genocide against local Tutsi is imminent as long as the FDLR are allowed to operate throughout the province and region.14

Beneath each of these mobilizing techniques rests a premise of perceived legitimacy where each militia believes they are acting on behalf their communities in light of a predatory,

---


fragmented, state and the threat of “the other.” As each militia is able to incite violence and instill fear through the barrel of the gun, despite the concerns of the international community and MONUC peacekeepers in the DRC, these actions guarantee that violence is likely to continue at the local level.

Democratic Forces for the Liberation of Rwanda as genocidaires

The Democratic Forces for the Liberation of Rwanda (FDLR) are most commonly presented as genocidaires, those who are responsible for committing the 1994 Rwandan genocide. They are a combination of the ex-Rwandan Armed Forces (ex-FAR), the Interahamwe militia, and Rwandan Hutu who fled the Rwandan Patriotic Front (RPF) invasion and collapse of the Rwandan state. They are a Hutu-dominant politico-military organization that claims to want “to liberate Rwanda, plead in favor of the oppressed and the excluded, open a new era of peace, and bring back into the hands of citizens the planning and management of their lives.”

The FDLR publicly claim that they are an organization of oppressed Rwandans that are excluded from Rwanda and the political process. In September 2003 they formed a military wing known as the Abacunguzi Combatant Forces (FOCA), or Abacunguzi. As late as 2004 the FDLR publicly stated that its sole intention was to re-enter and overthrow the RPF regime. Despite these public proclamations, the FDLR has not had, nor does it currently contain, the military prowess and manpower to conduct any such operation since its 2001 failed Rwandan assault, Oracle du Seigneur.

---

15 I use the term “the other” here to refer to all armed militias of the region. Ethnic tensions in eastern DRC continue to be reduced to either a Hutu vs. Tutsi argument, or a Congolese vs. Rwandaphone debate. Neither dichotomy accurately captures all the complexities surrounding these debates over identity. What this dichotomous argument and categorization of “the other” does in the end is to justify the use of violence by the other armed militias and guarantee that the cycle of violence will likely continue.

16 MONUC peacekeepers reiterated this point to me during several interviews in May 2006. Interviews were held with the Humanitarian Affairs Officer, the Public Affairs Officer, and MONUC spokesperson.

17 Who are the FDLR and why the FDLR? <http://fdlr.org/>.
As a politico-military organization (see figures 5-2 & 5-3) the FDLR is the successor of the Liberation Army of Rwanda (ALiR), which was the successor of The Rally for the Return of Refugees and Democracy to Rwanda (RDR) in 1995. The FDLR has since fragmented into a variety of small, yet well-armed, militias that continue to operate throughout North and South Kivu province. Despite having emerged out of the FDLR organization, it appears that the FDLR offshoots (the Rastas in South Kivu, and the Rally for Unity and Democracy in Walikale) are fragmented and have little to no real contact with the parent organization operating in North Kivu.18

In 2003, the International Crisis Group estimated the size of the FDLR to be approximately 15,000 - 20,000 armed troops, and according to MONUC estimates in 2005, the FDLR declined to a force of 8,000–8,500 combatants.19 More recent estimates in 2007 place the number around 6,000–7,000 combatants, which highlights a dwindling force in terms of its overall size, but questions remain about the FDLR. A central concern for political scientists and analysts has been the view of the FDLR as *genocidaires* that are responsible for the 1994 Rwandan genocide.

Most analyses, despite the Rwandan state’s view that the FDLR are *genocidaires*, convincingly show that the majority of FDLR could not have taken part in the 1994 genocide. The argument made is that the majority of FDLR are very young, in their early 20s, which would mean that the majority of the FDLR would have been children at the time of the genocide.

---


According to a study conducted by Spittaels & Hilgert they highlight different estimates put forward by notable organizations and individuals: Alison des Forges, former senior advisor to the Africa Division of Human Rights Watch, concludes that there may be as few as three to four individuals within the FDLR ranks who took part in the Rwandan genocide; the NGO ‘African Rights,’ which according to the authors has very close ties to the current Rwandan regime, estimates that there are ‘hundreds’ within the DRC; a study by Hans Romkema estimates that perhaps as many as 200-300 are combatants in the FDLR; the Congolese national army carries a list containing 37 individuals that are wanted for genocidal crimes, notably Chief of Staff Major General Sylvestre Mudacamura and Idelphonse Nizeyimana (Deputy to the 2nd Vice-President of the political wing). Spitaels & Hilgert demonstrate that it is impossible to definitively state the size of the FDLR because the Rwandan government has yet to publish a list of suspects that it deems responsible for the 1994 genocide. What does appear credible is that the size of the FDLR has steadily diminished since 2003 from as many as 20,000 combatants to somewhere between 6,000 – 7,000 members, most of whom were not involved or responsible for the 1994 genocide.

FDLR Sphere of Influence

According to Hans Romkema (2008) the FDLR influence is concentrated throughout western Walikale and southern Lubero territories, eastern Rutshuru, and all of western Masisi territory (see figure 5-1). Their influence tends to dominate critical trade routes and access

---


21 Alison Des Forges unfortunately died on February 12, 2009 in the air crash of Continental Connection Flight 3407 en route to her hometown of Buffalo, New York.

points to neighboring territories. Spitaels and Hilger (2008) argue their influence is felt throughout most of North Kivu province and heavily concentrated around Nyabiondo and Pinga in western Masisi and Walikale territories. Spitaels and Hilger argue, which appears to be supported by Romkema, defend the view that FDLR influence is largely absent from the Beni and Butembo region, the grand nord of the province.

Organizational Structure and Capacity

The FDLR is composed of four small battalions in North Kivu. Figures 5-2 and 5-3 provide an organizational overview of the structure of the organization. The following figures highlight a well-structured organization, which reflects the military background of the organization. Despite its perceived structural strengths, the organization in terms of its actual capacity has continued to decline.

A series of internal tensions, partly due to a generation gap between rank-and-file FDLR cadres, and partly due to ideological shifts within the FDLR in 2003, led to a change in leadership of the more moderately perceived General Paul Rwarakabije by Colonel Sylvestre Mudacumura. Rwarakabije agreed to an amnesty offered by Rwanda and was eventually integrated within the Rwandan military. Mudacumura on the other hand is considered a hardline

---


genocidaire who was a former member of the Habyarimana presidential guard and has been implicated for participating in the 1994 genocide.25

**External Problems**

In addition to internal tensions within the FDLR, external problems have also crippled the capacity of its military operations.26 External financiers and supporters of the political organization have steadily eroded and continue to pull back from supporting the organization.27 This decline in support is partly due to severe disagreements over the apparent lack of direction of the organization and what its actual goals are. Declining support also appears to reflect frustration with the large number of combatants that have left the organization since 2003 (mainly through voluntary demobilization or desertion). According to the International Crisis Group, “MONUC numbers as of 6 December 2004 show 11,300 ex-combatants and civilians repatriated to Rwanda, Burundi and Uganda, of whom 6,975 were Rwandans, including 3,528 ex-combatants.”28 In addition, the chairman of the FDLR, Dr. Ignace Murwanashyaka was arrested in 2006 (albeit for illegally entering Germany), which set off a series of international protests by the Rwandan state and its allies to have Dr. Murwanashyaka tried for his apparent role in the 1994 genocide and for chairing the FDLR.29 In addition to these external problems

---


27 A substantial number of FDLR supporters reside in the United States, England, Germany and other west European countries.


29 Dr. Murwanashyaka was arrested for illegally entering Germany. During his arrest a preliminary investigation was opened for suspicion of involvement for crimes against humanity, i.e., supporting and chairing the FDLR.
for the FDLR, the Kigali regime’s international standing (especially as one of the United States’ strongest allies in Sub-Saharan Africa) continues to remain very strong as Kigali is touted as a successful model of reconstruction via democratic elections, further marginalizing claims of the FDLR.  

**Political Dynamics and Setbacks**

The political dynamics surrounding North Kivu province and the region continue to present enormous challenges for the DRC state and region. After the overthrow of the Mobutist state in 1997 and the start of the larger 1998 international war with Rwanda and Uganda, the former President Laurent Desiree Kabila found himself seeking out and militarily supporting the early remnants of what would become the FDLR, The Army for the Liberation Army of Rwanda (AliR). Despite Joseph Kabila’s ascension to the presidency in 2001 and outlawing the FDLR in 2002, the FDLR continue to pose a menacing threat to the stability of North Kivu province.

In March 2005 the Sant’Egidio community of the Roman Catholic Church in Rome organized a meeting between the FDLR and the DRC government of Joseph Kabila where a document known as The Rome Declaration was signed and agreed upon. According to the agreement the FDLR denounced the 1994 Rwandan genocide and the authors who organized and orchestrated it, and also called for the complete cessation of armed attacks on Rwanda and

---

Footnotes:

30 Elections were successfully conducted in 2003 and recently in 2008. Both elections have substantially consolidated the power of President Paul Kagame and his Rwandan Patriotic Front (RPF) despite several calls by human rights organizations to allow for loosening the restrictions on the political opposition and allow more political freedom and political party association.

eastern DRC. The agreement also called for the voluntarily demobilization of the FDLR and return to Rwanda within three months, which would then transform itself into a political party. These events never transpired. According to Romkema, he argues that this is due entirely to the insincere actions of the FDLR leadership. They never had the intentions of voluntarily repatriating back to Rwanda for fear they would be prosecuted for alleged genocidal crimes. Others like the International Crisis Group place the onus of blame on the Rwandan state and its unwillingness to negotiate or hold talks with the FDLR leadership. Despite the standoff, The Rome Declaration for all its good intentions never came to fruition and the FDLR continue to pose a risk to North Kivu and the region.\(^{32}\)

In November 2007 the DRC government and Rwandan counterparts came together and signed an accord known as the Nairobi Communiqué. This accord called for the DRC government to end its support once and for all to the FDLR and to ask them to voluntarily demobilize and repatriate to Rwanda. In return, the Rwandan government closed its border with the DRC and agreed to cut off all support to Laurent Nkunda’s National Congress for the Defense of the People (CNDP). Despite the agreement and reopening of the border, and numerous calls by the DRC government and MONUC peacekeepers to demobilize the FDLR, they continue to operate throughout North Kivu and the region.\(^{33}\)

---


In addition to the accords and agreements signed by regional governments, the United Nations continues to pass numerous resolutions, such as Resolutions 1804, 1649, 1771, 1794 and 1797, all of which call for a cessation of hostilities and demobilization of the FDLR.\footnote{The United Nations’ resolutions were passed in the following timeframe: 1649 (2005), 1771 (2007), 1794 (2007), 17and 1804 (2008).} Despite these UN resolutions, local and bilateral state agreements, and numerous calls for voluntary demobilization, the structural conditions that permit the FDLR to exist in North Kivu remain. Over time the FDLR have become a part of the social and political landscape that is North Kivu province. In spite of ongoing attempts to disarm the FDLR,\footnote{The following information on leaflet drops was provided to the author by MONUC officials, which is an active attempt by MONUC to persuade the FDLR to voluntarily lay down their weapons and disarm. MONUC has begun to drop leaflets throughout North Kivu with limited success. Leaflets have been dropped in and around In Masisi territory drops have taken place at Kibua, Kalonge, Kiterema, Bugoye, Kashebere, Katiri, and Matembe. In Lubero territory drops have occurred around Kanyabayonga, including Kalehe, Kasopo, Buleusa, Lusamambo, Bushalingwa, Mashuta, Kahumiro, and Kirima. In Rutshuru territory drops have occurred around Nyamilima, including Ngwenda, Kiseguro, Katwiguru, Busesa, Muzinga, and Nyamitwitwi. I include the un-edited French text of the leaflets here: “Combattants du FDLR, la vie au RWANDA est maintenant stabilisée. Il existe une réelle volonté nationale de coexistence pacifique. Si vous désirez quitter la forêt et bénéficier d’une vie meilleure au RWANDA, dirigez vous vers NGUNGU ou NYABIONDO. Des membres du DDRRR de la MONUC vous accueilleront dans les meilleures conditions. Pour votre information, beaucoup de vos collègues et certains de vos leaders ont déjà négocié leur intégration dans la vie Rwandaise. Chaque semaine, dans la Province du NORD KIVU, une cinquantaine de vos amis décide de rejoindre le processus DDRRR. Comme tant d’autres, Dr. IGNACE a lui aussi récemment choisi de bénéficier de tous les avantages de la vie moderne avec sa famille en EUROPE.”} the FDLR remains an armed politico-military organization and major security threat to the stability of the province and region.\footnote{Although not a part of the time period under examination here, in April 2008 the Goma Peace Agreement was signed in the provincial capital of Goma. The agreement was seen as the last best chance for peace in the province and region. The FDLR were not signatories to the agreement.}

**Emergence of Nkunda’s CNDP**

Labeled a spoiler by political analysts, and according to New York Times journalist Jeffrey Gettelman, a self-proclaimed “Tutsi messiah,” Laurent Nkunda along with his Tutsi-dominated militia, the National Congress for the Defense of the People (CNDP) is in the eyes of...
the DRC state and international community a warlord and a wanted war criminal.\textsuperscript{37} Since 2006 he has transformed himself from a little known rebel leader to an alleged war criminal and is viewed by political analysts as the single largest obstacle to peace in North Kivu province and the region.\textsuperscript{38} Many Congolese have contrasting views on Laurent Nkunda’s claim to be “authentically” Congolese, which is shrouded by his Rwandophone background and murky as is his professional training and development.

According to The International Crisis Group, Laurent Nkundabatware Mihigo is a Rwandophone from Masisi province, while author David Barouski in his book “Laurent Nkundabatware, His Rwandan Allies, and the Ex-ANC Mutiny” contends that he comes from Mutanda in Rutshuru territory.\textsuperscript{39} Spitaels & Hilgert concur with Barouski that Nkunda hails from Rutshuru territory, but provide no evidence. Either way, Laurent Nkunda is a Rwandophone-speaking Tutsi from North Kivu province and since 2006 his CNDP “polito”-military organization has become an enormous security threat to the province and region.

Much like many of his Rwandophone contemporaries in the early 1990s, Laurent Nkunda joined and fought amongst the ranks of the Rwandese Patriotic Army (RPA) from 1992 to 1994. After the collapse of the Rwandan state in 1994 he returned to eastern Congo and then joined Laurent Desiree Kabila’s ‘Alliance of Democratic Forces for the Liberation of Congo’ (AFDL).


Around 1998 Nkunda resurfaced in North Kivu and at this point he once again signed up for armed violence by joining the Rwandan-backed Rally for Congolese Democracy (RCD).

Nkunda quickly rose through the ranks of the RCD as a loyal Rwandaphone, while he worked as “an intelligence officer and held various key positions in the military leadership” where he attained the rank of General.\[40\] The RCD fractured towards the end of 1998 and into the early months of 1999, which led General Nkunda to side with the RCD-Goma (RCD-G).

Laurent Nkunda’s unveiling to the international community came on 14 May 2002 when he helped to suppress a mutiny of Banyamulenge during the siege of Kisangani. According to Human Rights Watch,

In May 2002 Nkunda, together with General Amisi [alias “Tango Fort”], was among the RCD-Goma officers responsible for the brutal repression of an attempted mutiny in Kisangani where more than 160 persons were summarily executed. In one incident, forces under Nkunda’s command bound, gagged, and executed twenty-eight persons and then put their bodies in bags weighted with stones and threw them off a Kisangani bridge. After the U.N. began investigating these crimes, Nkunda and several armed guards entered the U.N. premises and abducted and beat two guards.\[41\]

**Rise of the Warlord**

Following the Kisangani massacres of 2002, and Laurent Nkunda’s refusal to join the national army during the transitional period (2003-2006), General Nkunda mobilized 4,000 soldiers, and with the assistance of Governor Serufuli, marched on the provincial capital of South Kivu, Bukavu.\[42\] His new mission was to halt a supposed pre-planned genocide on the


\[42\] The CNDP apparently was created as a non-governmental organization on 18 December 2003 as the National Synergy for Peace and Concord with a mission of fighting for justice and the intent “to be the spokesperson of the oppressed, the voiceless, the discriminated, the poor, the maltreated, and the subjected in order to restore a correct and fair justice.” *Background to the CNDP*, <http://www.cndp-congo.org/page-en.php?history>. “In 2004 Laurent Nkunda, a Rwandan-trained Congolese Tutsi who was in command of the RCD’s 81st and 83rd brigades based
Banyamulenge of South Kivu by the Kinshasa-backed General Mbuze Mabe. Rumors about a pre-planned genocide by General Mbuze Mabe were circulating the region in light of the Banyamulenge’s public refusal to support the new transitional government and newly formed national army. On March 27, 2004 the following events under General Mabe transpired:

- At around 10 a.m. soldiers brought four young Banyamulenge university students including two student leaders, from their home to a major intersection in Bukavu. Soon after they brought two younger students, also Banyamulenge. Soldiers undressed them, tied them together, and beat them severely. Soldiers then brought them to a nearby field, apparently to prevent passing UN peacekeepers from seeing what was happening. They beat the students to death and threw the bodies into a shallow grave. The victims included Mahoro Ngoma, Mande Manege and Rushimisha Mahirwe Manege.

- Soldiers paraded two unarmed Banyamulenge boys in civilian clothes near the same major Bukavu junction. Soldiers stripped off the victims’ shirts, tied their hands behind their backs and then opened fire on them. An eye witness reported that they sprayed their bodies with bullets and then gave a thumbs-up sign to the local population.

- Early the same day soldiers questioned sixteen crew members of a boat that had arrived in Bukavu from Goma the previous afternoon. According to a witness, they separated crew members of Banyamulenge or Tutsi origin from the rest. They beat them and questioned them, including about weapons. They shot and killed Tony Nsengumuremyi and took four others to the detention area at ‘Place du 24’.

- Soldiers searched homes known to belong to Banyamulenge in the Nyawera neighborhood, supposedly looking for weapons, and forced some fifty people to come from their hiding places. About 20 soldiers escorted these Banyamulenge civilians to the centre of town, claiming they were taking them to safety. There soldiers from another groups fired on the civilians killing a three-year-old girl named Ani Murama Nyabeyi, a thirteen-year-old boy north of Goma in Masisi, was named a general in the new national army, with orders to report to Kinshasa for brassage. He refused, as did many of the men under his command. As Nkunda himself explained to Human Rights Watch researchers in August 2006, most Rwandophone soldiers feared the integration process. He said, “We have no confidence in the army. Most people of Rwandan origin who go to brassage choose demobilization rather than face death in the army.” Human Rights Watch. Renewed Crisis in North Kivu. October 2007, Volume 19, no. 17 (A). New York; Washington; London; Brussels; Human Rights Watch, p. 10. During Nkunda’s march on Bukavu reports by observers and journalists show that Nkunda’s efforts were assisted by, and probably could not have occurred without the assistance of Governor Serufuli of North Kivu. Governor Serufuli was in Kinshasa being sworn in as Governor at the time of the Bukavu insurrection, but Stephanie Wolters notes that “witnesses in Goma describe seeing trucks belonging to the NGO Tous pour la Paix et le Développement (TPD), of which Serufuli is a longstanding board member, loading and transporting troops in the days leading up to the capture of Bukavu.” Wolters, Stephanie. 2004. “Continuing Instability in the Kivu: Testing the DRC Transition to the Limit.” ISS Paper 94. Pretoria, South Africa: Institute for Security Studies. It is widely believed that Governor Serufuli is Laurent Nkunda’s most important ally in North Kivu, and both Serufuli and Nkunda receive financial and military assistance from the Kigali regime in Rwanda. However, Governor Serufuli, the TPD, and Kigali regime deny any such support to General Nkunda’s efforts in the region.
named Ngabo Kabatiza, and two adult men. At least five others were seriously injured, including two girls, one woman, and two men. Some fled, but the rest were taken to the empty home of a police officer, himself one of the Banyamulenge. The civilians were initially guarded and prevented from leaving the house but representatives of the group were later brought to General Mabe, who agreed to release them to UN peacekeepers. They were taken to the border and crossed into Rwanda as refugees.

- Assailants searching homes in the Iranbo neighborhood near the Saio Military Camp, a predominately Banyamulenge section of town, shot and killed three Banyamulenge in three separate homes. The dead included an eight-year-old boy, a thirty-four-year-old woman, and a seventeen-year-old boy. In one of the three cases, family members identified the assailants as armed civilians, who were probably using the cover of the military to carry out their own operation as part of the attacks.

- About fifty people took shelter in a church compound on May 26 and were discovered by soldiers on May 28. The soldiers demanded that the Banyamulenge whom they called “Rwandans” pay money for their safety. The group then fled to the home of a local person not of Banyamulenge origin. Soldiers also appeared there and demanded more money, which was given by the owner of the house. MONUC evacuated the group the next day.43

Along with General Nkunda’s newly discovered sense of purpose, Nkunda’s forces had their way with the civilian population in Bukavu and the surrounding environs. Human Rights Watch notes “during the fighting, Nkunda’s troops carried out war crimes, killing and raping civilians and looting their property.”44 Some of the victims were as young as three and four years of age around Bukavu, while six women were raped in the village of Mudaka, and another seven in the village of Cinjoma. Another horrific case involved Nkunda's soldiers gang raping a mother in front of her husband and children while another soldier raped her three-year-old daughter.45

---


After setting up base at the former Governor’s house, General Nkunda unleashed his troops who then “began going house-to-house, looting cell phones and money, while raping women they encountered. The rapes were planned, systematic, and used as a tool of intimidation and psychological torture against the civilian population. Rapes were particularly rampant in the Nguba and Muhungu districts where soldiers went door-to-door.”46

Condemned as a Rwandan-backed terrorist and charged with insurrection, war crimes, and crimes against humanity by the Kinshasa government in September 2005, Laurent Nkunda retreated from South Kivu province with a sizeable military force to Kitchanga in Masisi territory. Upon returning to Masisi General Nkunda quickly denounced the transitional government as inept, corrupt and unwilling to disarm and demobilize the FDLR genocidaire threat.

**Messiah’s Emergence**

Following his retreat to Masisi in North Kivu province and denunciation of the 2006 national democratic elections, General Nkunda erected the politico-military organization, The Nation Congress for People’s Defense (CNDP) on 25 July embracing the messianic principle of “justicism”.47 General Nkunda has been able to carve out a fiefdom with its headquarters in Kitchanga, western Masisi, and a smaller, yet critically important portion of eastern Rutshuru that borders Rwanda.48 The CNDP quickly established a parallel administration to the DRC

---

46 Ibid., p. 71.

47 The CNDP, according to its website, claims that “the party actually started in Bukavu on 18th December 2003 as a non-governmental organization named National Synergy for Peace and Concord. It is guided by “justicism,” which according to the CNDP means “to be the spokesperson of the oppressed, the voiceless, the discriminated, the poor, the maltreated, and the subjected in order to restore a correct and fair justice.” The CNDP has “the main goal of fight[ing] for peace, cohabitation in concord and harmony among all Congolese from generation to generations.” CNDP: <http://www.cndp-congo.org/page-en.php?history>. The information supplied here is directly taken from the CNDP website.

48 Recent United Nation’s reports and documents detail some of the financial and military support from Rwandan businessmen and political elites. One such report notes that “extensive collaboration,” including joint operations
state that allows the organization to import and export strategic resources necessary for its survival.\textsuperscript{49}

According to the CNDP constitution, the CNDP is “the spokesperson of the oppressed, the voiceless, the discriminated, the poor, the maltreated, and the subjected in order to restore a correct and fair justice.”\textsuperscript{50} In addition to its core principle of “justicism” the CNDP subscribes to the following fourteen objectives:

1. to shape man in order that he may become useful to himself and to the community
2. to construct the Congolese nation on an ideological rather than a biological basis
3. to strive at creating a state based on law, justice, equity, humanism and good governance
4. to reconcile national communities
5. to fight against any cause likely to entail internal displacement and the exile of our populations
6. to fight against any divisionism and segregationist ideology
7. to ensure security to the population
8. to develop [a] national economy and to secure sound management of public affairs
9. to promote people’s cultural values for the individual’s fulfillment


\textsuperscript{49} Many political analysts view Nkunda as a proxy for Rwanda’s political and economic interests in the DRC. President Kagame has publicly acknowledged that General Nkunda has legitimate political grievances in eastern DRC. Bavier, Joe. 10 September 2007. “ Rwanda says Congo rebel has "legitimate grievances." Reuters Africa. <http://africa.reuters.com/top/news/usnBAN046593.html>. Despite President Kagame’s recognition of General Nkunda’s legitimate grievances he continues to publicly deny the Rwandan state’s support for Nkunda’s rebellion. Despite this public denial, the vast majority of human rights organizations along with MONUC peacekeepers continue to claim that Rwanda provides arms, personnel, military hardware, and munitions in exchange for the illegal extraction of key minerals throughout eastern DRC.

\textsuperscript{50} Ibid., <http://www.cndp-congo.org/page-en.php?history>.
10. to fight against poverty
11. to promote regional and international integration and cooperation
12. to fight against anti-values
13. to protect biodiversity
14. to establish the federal system as the form of government

The CNDP presents itself as a political organization structurally composed of a series of five organs: the Congress, the Political Bureau, the Body of the Honorable, the Executive Committee, and the Higher Military Council. In spite of this organizational structure the CNDP remains largely a military organization in form and nature.

The CNDP is largely composed of ex-RCD rebels and former members of the 81st and 83rd Brigades of the FARDC who refused to enter brassage. In addition, a number of demobilized soldiers from the Rwandan Defense Forces (RDF) of mainly Tutsi origin and a steady supply of forcefully conscripted child soldiers swell the CNDP ranks.

---

51 According to the CNDP constitution the five organs perform the following functions. Section V: The Congress: Article 16: The congress is the supreme organ, which gathers the representatives of the movement at every stage. The congress meets once a year in ordinary session on request of the political bureau and in extraordinary session on request of the two-thirds (2/3) of its members after the approval by the Body of the honorable. Its duties run as follows: It deliberates on all the fundamental issues of the movement; It establishes the major political orientation, the ideology, the principles and the objectives of the movement; It approves and amends the statutes and other regulations of the movement; It elects the political Bureau; It examines, ratifies and brings any eventual modification to the decision taken by the organs of the movement. Section VI: The Body of the Honorable: It is the consultative and disciplinary organ of the movement; it guarantees the survival of the movement and the movement can be liquidated only on its own decision; it convenes the meeting on approval of the extraordinary congress and can modify the statutes of the internal Regulations; its members are elected by the congress in conformity with the provisions of the internal Regulations and on proposal of the commission to this matter. Section VII: The Political Bureau: Article 17: The political Bureau is composed of members elected by the congress and the representatives of the higher military council. Its attributions are the following: to direct the activities of the movement; to control the executive section of the movement; to convene the congress; to analyze, ratify, modify or eventually cancel the decisions taken by the lower organs of the movement. Section VIII: The Executive Committee: Article 18: The Executive Committee is designated by the political Bureau. Its mission consists to assume the daily management of the movement’s activities to control the activities in the provinces; to execute the decisions taken by the congress and the political Bureau. Section IX: The Higher Military Council: Article 19: The office of the Higher Military council is designated by the higher council for Defense. It is in charge of handling all the military and security issues. Ibid., <http://www.cndp-congo.org/page-en.php?history>.

Throughout 2006 and 2007 under the direction of General Laurent Nkunda the CNDP has emerged as the largest threat to peace and stability in North Kivu province and the region. The CNDP remains the most heavily armed militia with the most sophisticated modern weaponry in the region. Despite the claims that that the CNDP fights on behalf of local Tutsi interests and more broadly the philosophy of “justicism”, it is clear that the CNDP systematically targets Congolese communities (especially women and young females) and indiscriminately commits widespread human rights abuses and killings wherever it ventures.

**Mai-Mai and Shifting Patterns of Violence**

Mai-Mai is a generic term given to local self-defense units that tend to organize on ethnic lines against perceived social and political injustices. After a series of local magic rituals are performed by a traditional elder, Mai-Mai believe they are rendered impervious to bullets. They have generally been viewed through an atavistic prism as a security force that rises up, almost automatically, in a uniform collective fashion when any perceived threat or enemy.

---

53 It is widely believed that the CNDP receives arms and munitions from the Rwandan state and key financiers tied directly to the Kigali regime.

54 I spoke with several individuals who noted that the CNDP indiscriminately attacks women and conscripts young children into their ranks despite their public proclamation of fighting for the oppressed and marginalized.

55 This is a common phenomenon that has been reported upon in many conflicts throughout the African continent. Robert Kaplan stereotyped this issue of local militias to no end when reporting on Sierra Leone in his book, *The Ends of the Earth: From Togo to Turkmenistan, from Iran to Cambodia—A Journey to the Frontiers of Anarchy*. New York: Random House. Another classic conflict was the Maji-Maji rebellion in what was German East Africa, now modern day Tanzania, when locals rose up against German colonial taxes and policies of forced labor. Hoffman, Kasper. “The Passion for Race: The Eternal, This Country, My Origin Governing Security and Development in the ‘Maquis:’ A case study of General Padiri’s Maï-Maï group.” Paper Presented at the Research Workshop: *Memories of Violence, Societies at War: Social Crisis, Peacekeeping, and Humanitarian Intervention in the Congo*, at Hannaholmen Swedish-Finnish Cultural Center and the Museum of Cultures, Helsinki, Finland, 7-8 May, 2006.
endangers their community. Mai-Mai are viewed as the traditional defenders of local livelihoods and the guardians of property.

These local self-defense units are not new to the Kivu region, but since the two larger regional wars of the late 1990s turned the region upside down, an explosion of local militias calling themselves Mai-Mai have emerged in seemingly every locale and territory. These self-defense groups have a long history of social marginalization and political exclusion from the political process, which has led to distinct periods of instability and violence.

One such familiar example following independence was the Simba rebellions of 1964 that engulfed the entire Kivu region and Eastern Province as leaders Pierre Mulele and Gaston Soumialot led a local rebellion against the newly-independent government demanding inclusion in the political process. The rebellion eventually ended with a very public execution of Pierre Mulele in 1968 by the Mobutist regime.

In recent years local-defense units have mobilized ethnic recruits around the land issue, discussed in further detail in chapter six, which led to exceptionally high levels of inter-ethnic violence during the 1990s. Ethnic groups like the Nande, Tembo, Nyanga, and Hunde formed alliances and efficient local killing squads known locally as Bangilima that sought out Tutsi pastoralists. These alliances underscored unprecedented levels of social friction and led to an estimated 10,000 deaths in what has been now labeled the 1993 Masisi Wars. Historical events like these laid the groundwork for the deep inter-ethnic discord that now permeates North Kivu, and since the 2003 Congolese transition began recent events have only amplified the social and


political grievances of local communities. In addition, the militarization of North Kivu has radically transformed the Mai-Mai’s ability and means to generate violence at the local levels.

Another important distinction from previous historical trends is that the Mai-Mai have been perceived as local defenders of property and livelihoods, protecting local Congolese from the Banyarwanda, now labeled Rwandophone, threat at all costs. In short, the Mai-Mai are glorified as “good guys” by local communities and self-described patriots in a complicated struggle for self-preservation from external threats like the marauding CNDP and the genocidal FDLR. This is an image the regime in Kinshasa has been willing to propagate, and even support, especially when its own survival or competence has come under scrutiny. Despite the misinformation coming from official sources, and one-sided views coming from Mai-Mai themselves, my research in the region since 2003, has clearly shown that the Mai-Mai are not simply playing a defensive role in the violence taking place in North Kivu, but they are just as responsible for generating high levels of violence, looting local villages, committing acts of rape, and perpetrating widespread human rights abuses like the CNDP and FDLR.

Internal Structures and Local Dynamics

The Mai-Mai in the beginning of 2003 were estimated to be anywhere from a few thousand to as many as 20,000 total combatants in North Kivu. Although this is a very rough estimate, and their numbers were likely much smaller than this, the Mai-Mai as a centralized, coherent, movement does not exist. Most of the movements consist of local fighters from their various communities, but there have been militias formed out of inter-ethnic alliances.

It is impossible to describe a generalizable internal structure due to the highly fluid nature of the militias who self-identify as Mai-Mai, and whose alliances have shifted depending on the perceived threat or reward. There are a plethora of small Mai-Mai militias with very colorful

---

names operating throughout the region: the Mudundu 40, the Resistant Front and Defense of Kivu (FRDKI) and the United Forces of National Resistance against the aggression of The Democratic Republic of Congo (FURNAC). Most of these smaller militias tend to resort to smalltime banditry and extortion while taxing local populations for “security services.”

In addition to the smaller Mai-Mai militias, the Padiri Mai-Mai, led by Joseph David Karendo Bulenda, also known as General Padiri, in 2003 were estimated to number as many as 6,000 combatants according to The United Nations.59 The second largest Mai-Mai militia known locally as Dunia, led by General Dunia Lwendama Dewilo had an estimated 4,000 fighters.60 Padiri’s influence has been felt largely throughout Masisi and Rutshuru territories in the southern territories of North Kivu, and as far south as Bunyakiri, Walungu, Mwenga, Uvira, and Shabunda in South Kivu province. Dunia on the other hand operate entirely throughout South Kivu around the localities of Fizi and Uvira.61

Both Padiri and Dunia militias were formed during the 1998-2003 conflict and hold the stated goals of the complete disarmament of all “negative forces” and the total withdrawal of all foreign forces from Congolese soil. In describing the rights of initiation and purpose of the Padiri militia one recruit noted,

we put the force (dawa) into a pot, in front of this pot we were obliged to swear, we stripped ourselves of everything we had, first your gun, you lay it before the pot, you mount the gun, you take of your watch…and you swear: ‘Here where I am I now I am not going to die by the hands of the Tutsi, I should not accept that even 1 cm. of the Congolese


land is taken abroad, and I should not accept that the Congo becomes occupied by the Tutsi’…after this they tattoo you on the front and on your right arm\textsuperscript{62}

The \textit{Padiri} militia has been perhaps the most influential in the region receiving military aid and logistical support, and being courted as national resistance fighters while holding direct talks with Kinshasa authorities. As evidenced by one \textit{Padiri} doctor,

we received supplies from the government, guns, uniforms etc., on these uniforms it was written: FAC, they were green...it was the first time we received supplies from the government...the day that we received these supplies we had a huge party and that day, we recruited another 150 youths, we saw how we had developed, now we told ourselves: those who think that the government will not know of us, now they could see that we were with government.\textsuperscript{63}

In addition to the support received by the DRC government, \textit{Padiri} and other local militias like \textit{Mudundu 40} and the hardline militia known as Jackson Mai-Mai regularly conspire with FDLR combatants around the Virunga National Park and Lubero territory where they not only barter and trade in a variety of minerals and small goods and services, but plan reprisal operations against CNDP combatants.\textsuperscript{64}

In what may seem like a completely irrational act to an external observer, the shifting alliances that Mai-Mai militias have constructed highlight the difficulties and challenges raised by the ongoing political environment of the province and region. International Crisis Group


\textsuperscript{63} Ibid., p. 17. In addition to Hoffman’s findings, an internal MONUC report provided to the author notes that a good portion of the military aid provided to North Kivutian Mai-Mai groups is ferried through the Beni and Butembo localities in the far north, which is in large part due to airport accessibility, but also the ease in which wealthy Nande businessmen can distribute these military supplies to their allies.

\textsuperscript{64} The Jackson Mai-Mai militia recently accepted \textit{brassage}, which has brought a little more stability to Lubero territory.
reporting emphasizes the fluidity of these alliances and how Mai-Mai militias are easily co-opted and collaborate with perceived enemies. One such report notes that

*Mudundu 40* distanced itself from *Padiri* and agreed to cooperate militarily with the Rwandan army on the basis of “the enemy of my enemy is my friend” and “on the understanding that as soon as the Interahamwe were defeated the Rwandans would withdraw” Rwandaphone population of the Kivus.65

These actions underscore the view that the Mai-Mai are “less movement than magma” 66

**Coalition of Resistant Congolese Patriots Alliance**

The Coalition of Resistant Congolese Patriots (PARECO) is a recently formed inter-ethnic coalition of Nande, Hutu, Havu, and Tembo in the early months of 2007 as a counter to the instability and violence suffered at the hands of the CNDP and FDLR. PARECO claims to number 3,500 resistance fighters. The leadership of the movement is in the control of the Nande hardliner, Colonel La Fontaine, and has been joined by Colonel Mugabo, Colonel Kirikicho, and Mai-Mai chief Chomachoma.67

As an alliance PARECO is composed of a variety of smaller Mai-Mai militias that refuse the repatriation and resettlement of Tutsi refugees and the *mixage* process for fear that it will only lead to a “Tutsi-land.” PARECO receives military aid and direct support in the form of weapons and intelligence by the FARDC, and trades in petty goods and services in local markets. It is unclear if PARECO is involved in illegal mining, but it would not be surprise to uncover any activity in this sector.


66 Ibid.

Despite the claims about wanting to put an end to the suffering caused by the CNDP and FDLR fighting, Spitaels and Hilgert note that where PARECO is institutionally weak there is collusion between the alliance and its stated enemies. In particular, PARECO has publicly worked alongside the FDLR attacking CNDP strongholds in Masisi and Rutshuru territories. These findings are not really surprising considering the shifting patterns of violence throughout North Kivu province. Ultimately, the PARECO alliance is the most recent attempt by Mai-Mai militias to find an armed solution to the chronic insecurities and instabilities that exist, but their alliance and existence as an armed militia continues to perpetuate the ongoing political challenges and suffering for all, including local wildlife, that they claim they are fighting to end.

Embedded Fear and Local Realities

This section highlights the fear and attitudes that ordinary Congolese citizens in North Kivu have in light of the chronic state of insecurity and violence. The 2006 democratic elections of President Joseph Kabila was in the eyes of the local citizenry a national event that was supposed to end the violence and bring an end to the constant insecurity that permeates daily life. Unfortunately the election has not lived up to the hopes and aspirations of the citizenry as the armed combatants and fragile state institutions like the national army continues to create daily insecurities and contributes to a perpetual atmosphere of fear.

69 From May to July 2007, in total seven mountain gorillas were killed in Virunga National Park by unknown rebels sparking instant international outrage and condemnation. One of those killed was apparently shot execution style in the back of the head. Another one of the mountain gorillas was a 500-pound silverback gorilla, while another female was “shot execution style in the back of the head; her infant, still alive, was clinging to her dead mother's breast.” Jenkins, March. July 2008. Who Murdered the Virunga Gorillas? National Geographic. <http://ngm.nationalgeographic.com/2008/07/virunga/jenkins-text>; Wadhams, Nick. 23 May 207. Endangered Gorillas "Held Hostage" by Rebels in Africa Park. National Geographic News. <http://news.nationalgeographic.com/news/2007/05/070523-gorillas-hostage.html>.
The report “Living With Fear: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Eastern Democratic Republic of Congo” International Center for Transitional Justice highlights the overall bleak views that ordinary Congolese have about the state and present state of affairs. The report surveyed 2,620 total individuals from North Kivu, South Kivu, and Ituri. Of the 2,620 individuals, 1,081 are North Kivutians, 815 are South Kivutians, and 724 are from Ituri. This section draws entirely on this report to bring attention to a few key trends and the views surrounding these issues.

Figure 5-4 details what normal Congolese citizens think their government should be doing. Respondents note that peace (44.8%) and security (41.9%) are the two main concerns followed by education and health. Concerns over justice and reintegration and reconciliation just do not appear to be top priorities for the citizenry.

The following figure 5-5 provides a nice comparison of respondents’ views on safety from the three most violence-wracked regions of the country. Across the board North Kivutians’
sense of personal safety is the lowest in all categories. Only 38% of respondents feel safe going to the market, while 29.7% feel secure enough to go to the fields or fetch wood or water, while 27.8% feel safe enough meeting policemen compared to 54% in South Kivu province and 62% in Ituri. These figures simply underscore the tragedies and lack of confidence that North Kivutians have in their surrounding communities and the apprehension of daily life.

<table>
<thead>
<tr>
<th></th>
<th>North Kivu</th>
<th>South Kivu</th>
<th>Ituri</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Going to nearest market (%)</td>
<td>38.0</td>
<td>73.7</td>
<td>73.2</td>
<td>58.9</td>
</tr>
<tr>
<td>Going to the field, fetch wood or water (%)</td>
<td>29.7</td>
<td>73.0</td>
<td>64.4</td>
<td>52.7</td>
</tr>
<tr>
<td>Going to nearest town / village (%)</td>
<td>28.7</td>
<td>69.1</td>
<td>60.8</td>
<td>50.1</td>
</tr>
<tr>
<td>Sleeping at night (%)</td>
<td>20.5</td>
<td>67.7</td>
<td>72.1</td>
<td>49.5</td>
</tr>
<tr>
<td>Meeting policemen (%)</td>
<td>27.8</td>
<td>54.0</td>
<td>62.0</td>
<td>45.4</td>
</tr>
<tr>
<td>Meeting people from another ethnic group (%)</td>
<td>27.2</td>
<td>55.7</td>
<td>60.6</td>
<td>45.3</td>
</tr>
<tr>
<td>Meeting strangers (%)</td>
<td>18.1</td>
<td>53.3</td>
<td>55.7</td>
<td>39.4</td>
</tr>
<tr>
<td>Walking at night in village (%)</td>
<td>17.4</td>
<td>58.0</td>
<td>47.8</td>
<td>38.4</td>
</tr>
<tr>
<td>Talking openly about your experience during the conflict (%)</td>
<td>14.1</td>
<td>44.0</td>
<td>39.1</td>
<td>30.3</td>
</tr>
<tr>
<td>Meeting soldiers / armed groups (%)</td>
<td>6.8</td>
<td>34.5</td>
<td>30.8</td>
<td>22.0</td>
</tr>
</tbody>
</table>


In line with North Kivutians’ sense of safety, figure 5-6 reveals a similar set of findings regarding their views on protection. The majority of Congolese follow and believe in a monotheistic form or religion. The country is predominantly Roman Catholic (50%) followed by Protestantism (20%) and Kimbanguist (10%).70 The largest surveyed group of North Kivutians’ believe that their protection comes directly from God/Jesus, while only 25.4% of the respondents have faith in the national army, and 8.1% in the police. In addition, a smaller number of

70 Kimbanguism is a branch of Christianity that was developed by Simon Kimbangu in 1921. Simon Kimbangu was imprisoned by the Belgian colonial state for thirty years in Elisabethville, all the while attracting followers during his incarceration. This religious movement was eventually recognized by the colonial authorities in 1959, eight years after his death. It is believed today that Kimbanguism now attracts between 5 and 6 million followers.
respondents have less faith in MONUC (6.2%) as those who have no faith in any particular individual or institution (6.9%), whereas less than four percent of the population has any faith in the central government. Overall, North Kivutian views on protection when compared to the other regions are lower in some areas, but generally on par across the board.

Forced displacement (table 5-1) has been a constant phenomenon for all of eastern Congo since the early 1990s. North Kivu has been the epicenter for shifting population dynamics. The

<table>
<thead>
<tr>
<th>Territory</th>
<th>October 2004</th>
<th>May-June 2005</th>
<th>July 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masisi</td>
<td>13,322</td>
<td>238,547</td>
<td>78,175</td>
</tr>
<tr>
<td>Walikale</td>
<td>4,000</td>
<td>10,849</td>
<td>9,799</td>
</tr>
<tr>
<td>Rutshuru</td>
<td>500</td>
<td>18,351</td>
<td>48,871</td>
</tr>
<tr>
<td>Lubero</td>
<td>34,309</td>
<td>273,623</td>
<td>387,771</td>
</tr>
<tr>
<td>Nyiragongo</td>
<td>-</td>
<td>3,625</td>
<td>3,625</td>
</tr>
<tr>
<td>Goma</td>
<td>891</td>
<td>15,986</td>
<td>22,616</td>
</tr>
</tbody>
</table>

71 These figures are taken from detailed monthly estimates that are collected by the displacement cluster group in Goma and finally tabulated by the Norwegian Refugee Council. Data collection on the actual numbers of displaced throughout North Kivu only began as late as 2004, which is a reflection of the high-levels of insecurity throughout the province and the difficulty of accessing populations in remote areas of the province.
damage to local communities through continuous population shifts cannot be understated. Some communities in Masisi and Rutshuru territories have been forced to flee fighting at least half a dozen times, predominately due to armed conflict (figure 5-7). The most vulnerable populations tend to be those from Masisi and Rutshuru territories and are highly susceptible to either forced conscription or forced labor for one of the armed groups (figure 5-8). As it has been already noted child soldiers are easy prey for all armed groups. In addition, IDPs not only bear the physical burden of displacement, but the psychological burden and fear of rape that females face in the DRC, see chapter eight, only further underscores the difficulties and fears that ordinary Congolese continue to struggle with.

So what does this data offer? In light of the data presented here and chronic instability generated by the various armed militias throughout North Kivu province, as well as the weak capacity of the state, the state is very unlikely to regain complete control of the province in the coming days and months, perhaps years. The armed militias continue to inhibit the state’s ability to broadcast its unfettered authority across the national territory.\(^{72}\) These militias continue to

---

control their respective fiefdoms, stoking greater tensions and instability within and across local communities, while giving legitimacy to each respective militia in the name of survival. In short, in all likelihood there will be a cycle of violence that will fluctuate as a result of local political developments while the ordinary citizenry bear the brunt of instability and violence.

Secondly, the DRC state does not have the capacity to militarily defeat the militias, and quite frankly the solution to the problem is not to be found in any military campaign. The solutions are political, and any durable solutions to the ongoing instability are to be found locally in the communities throughout North Kivu province. There needs to be more attention given to the local efforts to address the underlying root causes for the ongoing militia phenomenon. International NGOs are trying to stem the recruitment of child soldiers, but these campaigns are limited and small in scale. The other ongoing attempts to tackle the militia phenomenon is
voluntary disarmament and *brassage*, which is organized and backed by MONUC and the international community.\(^7^3\)

Third, the DRC has a role to play in tackling the instability in North Kivu, but with the state’s historical role in fomenting violence and supplying arms to militias in the region, as well as the state’s general lack of economic and political capacity, the answers, or at least first steps, in my view need to first come from within.\(^7^4\) There needs to be a clear recognition that the root causes of the violence are local. There needs to be more emphasis placed on local attempts at inter-communal deliberations and attempts to bridge the divisions within and across communities.

Finally, the state can play a constructive role in conjunction with MONUC and search out those individuals and militias that have committed serious human rights abuses. Appointing known human rights abusers to leadership positions in the FARDC is not a solution to the chronic insecurity in North Kivu.\(^7^5\) The state must lay a firm rule of law that applies to all Congolese, especially for those individuals who are suspected of serious human rights abuses. At present, the state’s record on combating the spread of militias, as well as tackling the ongoing scourge of impunity, has been highly inadequate. Impunity can only be addressed if the political leadership takes a firm stand against impunity. However, until the root causes for the proliferation of militias are addressed, it is doubtful that the phenomenon will subside in the near future.

\(^7^3\) See chapter eight for more details on *brassage* and the challenges of security sector reform.

\(^7^4\) The chapter on Governor Serufuli addresses the state’s willingness to pass out weapons to local militias.

\(^7^5\) See chapter eight for more details on known human rights abusers that have been appointed to key leadership positions in the FARDC.
CHAPTER 6
LAND DEFICIT AND LOCAL POLITICIZED VIOLENCE

This chapter specifically addresses the role that land plays in the violence in North Kivu province. This chapter’s main contention is that local land dynamics, which have been largely overlooked by the international community, and are complicating the political violence at the local level. Land has historically been a source of tension as communities have competed for access to fertile agricultural land, but in recent years with the militarization of North Kivu province, a pattern has been established where access to land is acquired through violent means. This local violence has added to the complexities that underpin the reasons for political violence in the first place.

This chapter will briefly describe the historic institutionalization of political violence surrounding land issues, and then move into the contemporary political developments in North Kivu province from 2003 to 2007. Specifically, I will first “recast” the importance of land in 21st century North Kivu by addressing what I call the land deficit as an institutional and elite-related challenge at the local and national levels. In addition, I will sketch out the “new” land challenges and how these challenges have been, and are now, accentuating local grievances through recent acts of land related, and larger currents of, political violence. This process has led to the creation of new forms of ownership at the local level, which will most likely have consequences for decades to come. Furthermore, I will then describe the complicating influence of a very large displaced population and their ongoing concerns, and finally address some general provincial land trends and the re-emergence of land dynamics in “peacetime.”

Colonial and Post-Colonial Trends

As briefly addressed in chapter two, the very foundations of modern political and social life in North Kivu were established on mounting social pressures over land access between
Immigrant and *autochtone* “indigenous” communities that predate the colonial experience. Completely unaware of pre-colonial politics of the area that would eventually become North Kivu, the former-Belgian colonial state, along with the colonial body charged with overseeing North Kivu’s development, the National Kivu Committee (C.N.K.), laid the institutional foundations that brought about an intensification of social tensions over land access. During the colonial era, rapidly changing land dynamics and rising land scarcities throughout the province quickly led to ethnic polarization as groups felt threatened by immigrant communities that directly benefited from their relationship to the colonial state.¹

In the post-colonial era, the state radically shifted from previous colonial practices by way of national legislation and the introduction of a dual land tenure system. The state began to recognize individual land tenure rights that were fully backed by the state, and in theory, customary tenure practices were also recognized and guaranteed by the state. In practice however, customary tenure no longer held any formal legal standing in the courts. This fundamental shift created an environment at the local level where new politico-economic opportunities emerged for prospective land buyers. A series of networks consisting of the politically and economically connected *nouveau riche* set off a wave of land speculation and purchases throughout the 1970s. It immediately led to a widespread phenomenon known as *spoliation*, or dispossession. Customary landowners were politically and economically marginalized from once-recognized customary lands that had been in families and communities for generations. This in turn created a new and deeply impoverished population of landless peasantry that only grew larger over time, and as land scarcities increased, ethnic tensions accelerated and political violence quickly became a part of daily life. Furthermore, at the

national level the post-colonial regime of Mobutu Sese Seko was rapidly decomposing and his patronage-based system was feeding off of itself, eventually to the point of self-induced starvation. By the early 1990s the Mobutist regime began to overtly use political strategies and tactics that were intended to systematically manipulate local communities in a series of ways to generate political violence as a method of regime survival. The demonization of “the other” (Banyarwanda population) and the systematic instrumentalization of inter-ethnic fear and hatred eventually led to a series of provincial and regional conflicts. No longer able to maintain control of the reins of political power, the Kivu region as a whole descended into a period of lawlessness in the mid-1990s, and finally into complete chaos where the individuals with the biggest guns were able to set their own rules.

At the regional level, the historical cleavages shaping Rwandan and Burundian politics have also directly influenced the local political dynamics of North Kivu. In particular, Rwanda and Burundi are two of the most densely populated countries on the African continent and the Belgian colonial powers sought to alleviate some of the land pressures by officially transplanting a significant portion of Rwandese Hutu citizenry to North Kivu province from 1937-1957. Adding to the regional complexities, the Rwandan “Hutu” revolution of 1959 led to a new wave of displaced Tutsi who settled throughout Masisi territory and parts of western Rutshuru. In addition, the 1972 Burundian genocide led to a massive displacement of Hutu where the majority fled to northwestern Tanzania and South Kivu, while some migrated north to settle in Rutshuru territory. Finally, the 1994 Rwandan genocide led to a mass exodus of refugees that has since turned the entire Kivu region upside down and laying the foundation for the 1996 and 1998 regional wars.

Recasting the Importance of Land

In light of the “warlordization” of eastern DRC, much of the prognosis of eastern Congo’s *problematique* has been placed on the formal political institutions, or on non-state actors and groups who have a public persona or face. One obvious example is the roving non-state “negative force” problem as discussed in the previous chapter. In addition, the role of ex-Governor Eugène Serufuli (chapter seven) cannot be overstated here as the provincial executive who systematically instrumentalized ethnicity and single-handedly mobilized ethnic communities against one another as a way to instill fear and terrorize the local population. These analyses are themselves limited in that they do not consider the informal dynamics and the role that informal institutions like the natural environment can play in constructing violent environments. The environment as an institution, and perhaps as an actor, does react to human stresses like human density and other human forms of social and political organization (for example, mass displacement and human migration). In the Great Lakes region of Central Africa, the natural environment has always dominated local life, perhaps deterministic in some regards, in shaping political and human behavior. The most recent example is the volcanic eruption of Nyiragongo volcano in 2002 that leveled the provincial capital city, Goma, and sent thousands across the border into neighboring Rwanda and Uganda.

Given the variety of analyses on conflict in DRC, it is striking that so little research has been conducted on the primacy of land in North Kivu since Mafikiri’s seminal work in 1994. The majority of current research on eastern DRC speaks to the land issue if it were a static

---


fixture of the landscape. Land concerns are a fixture of eastern Congolese political life, but land is anything but static, and I argue that the issue needs to be recast and re-looked at once again in relation to the various layers that continue to stoke the political “embers” that make North Kivu province so hot, and so very violent. A number of points should be clarified before progressing.

First, since Mafikiri’s work in 1994 many new political and land-related developments have emerged, albeit mostly negative, but these developments are crucial for any serious attempt to understand the violence that continues to plague North Kivu province. In order to adequately examine these new developments, it is necessary not only to peel back several layers, but also dig through many levels of disinformation, militant acts of violence, and an assortment of state and non-state actors that have complicated North Kivu’s political landscape. The task is not easy.

Second, the land challenges in eastern DRC are multifaceted and relative to specific local territories, but also heavily influenced by provincial political developments. North and South Kivu, despite sharing some similarities, do differ greatly. In addition, North Kivu province itself varies; the southern territories are radically different from the northern ones. The demographic composition of the far north is homogenous and dominated by local Nande, whereas the southern territories are more ethnically diverse, with a collage of various smaller groups (Hutu, Tutsi, Hunde, Tembo, Rega, etc.). Yet at the provincial political levels, or even mayoral levels, Nande

---


6 Over a series of interviews with the territorial administrator of Masisi, as well as the local land chief in Sake, neither local official could provide any concrete example on how to address the land deficit in their territories. Interview, May 2006.
tend to overwhelmingly dominate the formal political sphere.\textsuperscript{7} Furthermore, the western territory of Walikale seems to be an “outlier” when compared to the larger land dynamics in North Kivu. Walikale is the largest territory in terms of overall size and yet despite this, the territory is less populated. It also contains the largest concentration of mineral wealth in North Kivu. However, despite the unique historical features of each territory in North Kivu, there are more than enough similarities between territories, and provinces, that allow for the construction of general patterns and trends at the local and provincial levels.

Third, the competition over land tenure insecurities, which has been amplified by local and provincial political currents, is reinforced by a weak and deeply fragmented state that does not have the capacity or political will to address the “land deficit” in North Kivu and beyond.\textsuperscript{8} It should be quickly stated that there are many provinces and local territories where deeply embedded local land problems (the Hema Lendu conflict in Bunia, Orientale province, and the Kasai and Katangese land problems in Katanga to name just two) dominate the socio-political landscape.

Finally, I find it more appropriate to refer to the land crisis in North Kivu, and perhaps more broadly in the DRC, as a land deficit that is a structurally embedded challenge, and yet relegated to an unlikely secondary, more likely tertiary concern by an institutionally weak state.\textsuperscript{9}


\textsuperscript{9} There are only two organizations working on land issues in North Kivu province at the time of my research. The first is the international NGO, Norwegian Refugee Council (NRC), which is helping to resettle IDPs back on to land they claim as their own. The NRC also provides rudimentary legal and financial support to individuals seeking to reclaim land. The other organization is a local Congolese NGO, \textit{Aide et Action Pour La Paix}, which works on inter-communal rehabilitation efforts. \textit{Aide et Action Pour La Paix} has also published a self-help manual for IDPs
In addition, there is an overall scarcity of land in many territories in North Kivu, but the land scarcities that exist are greatly uneven and their social impacts are wide-ranging. This uneven land deficit at the local level is coupled with a very weak customary (informal) leadership in distinct communities that have historically benefited from intimate relationships with the former Mobutist state; some customary leaders sold off lands of many of their ethnic kin for substantial sums of cash.\footnote{Mararo, Bucyalimwe Stanislas. 1990. \textit{Land Conflicts in Masisi, Eastern Zaire: The impact and aftermath of Belgian colonial policy (1920-1989)}. Ph.D. Thesis, Indiana University. Ann Arbor, Michigan: UMI Dissertation Services.} Presently, little to no public attention whatsoever has been paid to the land crises by Kinshasa, or the international NGOs operating in North Kivu.\footnote{Vlassenroot, Koen. 2004. “Land and Conflict: The Case of Masisi,” in Koen Vlassenroot and Timothy Raeymaekers, \textit{Conflict and Social Transformation in Eastern DR Congo}. Gent: Academia Press.} Furthermore, in spite of the alleged invisibility of the land deficit in North Kivu, it appears that the customary leadership of communities that were under threat from perceived outsiders still maintain a level of legitimacy, albeit small, whereas the leadership of communities that were simply caught up in the political violence of the province fair much more poorly.

In light of the recent 2006 elections and the near unanimous electoral support for President Kabila, North Kivutians have placed their faith and trust in President Kabila’s ability to end the violent conflicts and daily insecurities throughout the province. For the overwhelming majority of rural peasants, their livelihoods are directly tied to the land. Food insecurities and severe malnutrition have skyrocketed and supersede the national average.\footnote{Raeymakers, Timothy. July 2007. “Conflict and Food Security in Beni-Lubero;” Allinovi, Luca, Hemrich, Günter, and Russo, Luca. “Addressing Food Insecurity in Fragile States: Case Studies from the Democratic Republic of the Congo, Somalia and Sudan.” ESA/07-21. Agricultural Development Economics Division: The Food and Agricultural Organization (FAO) of the United Nations.} Local populations who seek to reclaim lands through the judicial system. \textit{Aide et Action Pour La Paix}. \textit{Ce Qu’Il Faut Connaître sur Le Sol en Droit Congolais}. Etude Juridique No.1, Janvier 2004. Goma, DRC: Conseil Norvegien Pour Les Refugies.
are desperately looking for some semblance of order and an end to the political violence and instability that permeates the province.

In order to begin the debate on the land deficit in North Kivu, and for the larger Kivu region, this will require the state to engage in an open national debate, which at present, it has proven unable or unwilling to do so. In light of this inability or unwillingness, it is necessary to point out the dangers that presently lie beneath formal political institutions in North Kivu. In other words, as a structurally embedded concern, the land deficit in North Kivu is proving to be a ‘latent’ variable in light of the concerns and actions of MONUC, as well as the state’s preoccupation with the non-state actor challenge (Nkunda, FDLR, and Mai-Mai).13

The social tensions that eventually culminated in the 1993 Masisi wars have not disappeared. If anything, the militarization of the province since 1994 has only intensified and further accentuated local animosities over land, in particular, against the Rwandaphone (predominantly Tutsi) communities. In addition, the north/south divide has widened between the wealthy and politically dominant Nande in the north and their much poorer southern counterparts. The Hunde and smaller communities in the southern territories perceive their marginalization in the very limited political sphere as a reflection of Nande economic aspirations in the province and region. Furthermore, the tensions within the Rwandaphone community, as well as between autochthonous communities too, has widened as land and provincial insecurities have increased with the various non-state actors and militias fortifying their strongholds in Masisi, Rutshuru, Walikale and Lubero territories.

Based on my eleven months of field research in the northern and southern territories of North Kivu, along with archival research at the provincial High Court (Le Tribunal de Grande

Instance) in Goma, I can document that from 1993-2006 approximately seven hundred cases of land contestation in Masisi Territory alone have been brought before the High Court.\textsuperscript{14} Some of these cases have carried over from previous cases and are twenty to twenty five years old, while after 2000 the overall number of cases brought before the course has declined.\textsuperscript{15} The majority of cases are still open. The reasons for open cases are long and vary, but what is important to note is not only the sheer number of formal cases in legal contestation, but these figures symbolize the deeply embedded land challenges that exist at the local level in North Kivu. A number of these cases were opened by individuals who have since been killed or abandoned their lands due to rampant violence, but statistics like these are representative of potential contestation and competition for land. As Sara Berry’s works on agricultural change notes, “no condition is permanent,” and based upon North Kivu’s history in relation to a fragmented national state, political violence and instability is very likely to continue until the DRC state genuinely addresses the land deficit in North Kivu and the larger national territory.\textsuperscript{16}

**Environmental Security-Violence Nexus**

There is a large body of literature on environmental security that speaks to the linkages between environmental governance and violence. The comparative politics divide has traditionally centered on the debates between resource abundance and resource scarcity, and also

\textsuperscript{14} I collected information on Masisi territory in particular, because of its historical relevance to land conflict, and because the highest levels of violence continue to occur in Masisi.

\textsuperscript{15} I believe that the reason for the decline in cases brought before the court is due to the extreme instability in the province. There has been so much instability that territories like Masisi, southern Lubero, and parts of western Rutshuru have been emptied of their populations. Communities are aware that a lot of land has been confiscated or either stolen, but the displaced have not been able to return home in many cases to verify whether or not they can still access their land. In addition, those individuals and communities that have stayed behind continue to face financial hardships, and many are aware that the courts are in shambles and see no real reason to begin a lengthy, and very costly, court process that will not guarantee the return of land to the rightful owner.

now branches out to encompass a wide variety of political economy issues and governance
corns. The environmental security and resource literature flows directly out of the original
and influential writings on population pressures and rising political insecurities first developed
the eight following truths as the inevitable result of unrestrained population growth:17

- subsistence severely limits population-level;
- when the means of subsistence increases, population increases;
- population-pressures stimulate increases in productivity;
- increases in productivity stimulate further population-growth;
- since this productivity can never keep up with the potential of population growth for long,
population requires strong checks to keep it in line with carrying-capacity.
- individual cost/benefit decisions regarding sex, work, and children determine the
  expansion or contraction of population and production;
- checks will come into operation as population exceeds subsistence-level;
- the nature of these checks will have significant effect on the rest of the sociocultural
  system.

Numerous academic debates on environmental-related violence have centered on the
environmental scarcity nexus first developed by Malthus. With rising levels of scarcity of a
particular resource in relation to a growing population, in this case land, there is a greater
likelihood that socio-political violence will occur. A recent wide-ranging statement from this
perspective is provided by Diamond.18 Coming from a neo-Malthusian perspective, Thomas
Homer-Dixon looks at rising population densities and how these densities place severe strains on

---

17 Malthus, Thomas Robert. 1798. *An Essay on the Principle of Population as It Affects the Future Improvement of
Society, with Remarks on the Speculations of Mr. Godwin, M. Condorcet, and Other Writers*. London. J. Johnson.

the environment, resulting in intense competition for a shrinking resource pie between groups and individuals. 19 No other scholar has received more criticism on ideas concerning resource scarcity and conflict than Thomas Homer-Dixon. 20 As his critics point out, his research links resource scarcity to conflict without considering the impact of local political dynamics. Homer-Dixon treats conflict as a near automatic result of a scarcity-induced phenomenon. In addition, Homer-Dixon, along with Baechler, 21 inadequately fail to problematize the concept of scarcity, which I will address below.

Also looking specifically at conflict in resource abundant countries, Michael Ross describes how natural resources can influence conflict and makes a distinction between lootable (diamonds, minerals, forests) and non-lootable resources (oil, land), which influence the duration and character of a conflict. 22 Lootable resources like diamonds and minerals, Ross argues, tend to complicate and lengthen the duration of civil conflicts due to their accessibility. By contrast, non-lootable resources like land tend to produce more deeply rooted structural conflicts like the

---


one in North Kivu province where political and ethnic tensions become entangled to complicate the very nature of conflict.

Other scholars who write about how the environment contributes to conflict emphasize the role of history and how deeply embedded conflicts like those in the larger Kivu region have emerged over time through a variety of social, political and cultural processes.\(^{23}\) These types of conflicts typically involve competing ethnic or religious groups that seek to secure particular resources for their own political or economic benefit. Additionally, there are scholars who argue that the ecology of conflict is not a uni-dimensional or causal model like the notions of greed or grievances lead to violence.\(^{24}\) Rather, there is a growing acceptance within the environmental security literature that conflict involving the environment is a multi-causal and multi-faceted political phenomenon that depends on, and is shaped by, historical factors, political and cultural contexts, as well as various intervening economic and institutional variables.\(^{25}\)

As previously mentioned, Homer-Dixon treats the notion of resource scarcity as an absolute, and presents conflict as a near automatic consequence of natural resource scarcity. Countries like India and Nigeria have some of the largest population densities in the world and precious resources like land and water are in short supply. Based upon Homer-Dixon’s thesis one would expect to see widespread conflict over these resources in Nigeria and India, and though many parts of these countries are very problematic, the violent conflict that Homer-Dixon predicts at the macro-level is largely absent. The challenge here is to problematize the notion of


scarcity and move beyond these overly deterministic conceptions of scarcity and violence. In addition, as it has been shown, much, if not all of the environmental conflict literature recognizes the role of the political sphere and how environmental resources are defined, for whom, as well as how they are managed.26

Therefore the concept of scarcity is employed here as an enabling variable, one that can underpin and enable conflict, but one that is not the sheer causal factor or determinant that Homer-Dixon and Baechler posit it to be.27 First, although scarcity of a particular good or resource may be the result of a net increase in population size, social conflict is no guarantee. Boserup has shown that scarcity in various settings has spurred individual adaptation to a shrinking resource pie, and may lead to new forms of innovation in society.28

Secondly, the concept of scarcity not only implies an absolute, but it also symbolizes a perceived social condition.29 Regarding the land deficit in North Kivu, although land scarcities were extremely high in the Hunde-dominated territories of Masisi and parts of western Rutshuru, particularly in the mid-1990s up to the present, it can be argued that this perceived scarcity is the result of a longer shared socio-cultural history of “Hunde-ness” and what it means to be Hunde. From this perspective, a reading of Hunde history implies that the intensification of local tensions and conflict across time is the result of the perceived loss of “Hunde territory” to external threats like the former-Zairian state or the Banyarwanda (mainly Tutsi) population. In

26 Ibid.


addition, the former-Zairian state exploited this perceived scarcity and employed it effectively to instrumentalize its grip on power through the maintenance of disorder.\textsuperscript{30} In other words, as the overall size of Hunde land holdings have decreased, despite available lands in neighboring territories and provinces, the state not only facilitated the physical loss of territory, but also encouraged it, in certain territories like Masisi and western Rutshuru. Furthermore, state agents and bureaucrats manipulated local tensions and fears over the potential loss of more lands as a way to maintain its own political monopoly on power and as a way to guarantee the regime’s survival.

Finally, these conflicts over land are not solely about the competition for agricultural lands, but rather symbolize a much more deeply embedded struggle over how these lands have been historically managed at the local level, as well as how the levers of political power have privileged others at the expense of excluding the powerless. Therefore, as Gausset and White point out, “it may be more appropriate to refer to what is commonly presented as natural resource scarcity, as “political scarcity.”\textsuperscript{31} This intense struggle for land is as much dependent upon history, as is its reinterpretation, which has been shaped and overshadowed by it over time. The intense competition and struggle for land is a mere reflection of the deeper political currents that continue to dominate North Kivutian politics, and are directly influenced by regional political dynamics, and are reified by a fragmented Congolese state.


Land Deficit: Local Access and Ownership

Land at the local level was historically accessed via customary means between patron (*mwami*, land chief) and client (tenant). With the adoption of the 1966 Bakajika law and the 1973 General Property Law, and the Bakajika’s reaffirmation by the state in 1980, new political and economic networks of *nouveau riche* sprang up willing to take advantage of the state’s recognition of individual land tenure rights. In addition, local land chiefs, much like the former Belgian colonial state’s lackey, Chief André Kalinda, were quick to capitalize and exploit these new economic opportunities. During the colonial era, 86% of all land was attained by informal customary practice. Yet, these new networks quickly led to widespread opportunities for the wealthy and land hungry individuals, proving disastrous for a significant portion of the peasantry. Local land chiefs became the linchpin for these new networks. Many of these new “land barons” quickly discovered that they could access lands through customary authorities, and then easily obtain official state documents recognizing their land claims. Hunde land chiefs, in particular, ruthlessly sold out their ethnic kin in Masisi and parts of western Rutshuru by systematically selling off large-scale acreage to individuals who resided outside the province in distant cities like Kinshasa or Kigali. One such example of the power and reach of these networks was the influence of Barthélémy Bisengimana, a Tutsi refugee originating from Rwanda, who eventually became Mobutu Sese Seko’s Director of the Presidential Cabinet for 10 years. Bisengimana was responsible for the passing of law no. 72-002 in 1972, which granted


legal citizenship status to all Banyarwanda residing in Zaire before 1950, and to those who continued to reside in the country after independence.\textsuperscript{34} Vlassenroot identifies three significant consequences for the local population. First, the shift in land usage led to the widespread phenomenon commonly known to local Congolese as spoliation (dispossession), creating a large landless population of young males. Secondly, a significant portion of these landless males opted for work in the nearby artisan mining sites as diggers and porters in search of tantalite, cassiterite, and other extractive minerals in the neighboring territory of Walikale.\textsuperscript{35} Finally, in the early 1990s population densities in North Kivu reached their highest level for all of Congo, setting off an intense inter-ethnic competition for land and exacerbating social divisions between the Banyarwanda and the larger “indigenous” (autochtone) population.\textsuperscript{36} According to official estimates, 460,000 “foreigners” (more than 90% Banyarwanda) resided in North Kivu, 60% in Masisi and the remainder living in Rutshuru.\textsuperscript{37} Initially, the Banyarwanda were seen as distinct groups, ethnic Hutu and Tutsi, with social distinctions made not only by land use practices (Tutsi raised cattle, Hutu were agriculturalists), but also based on shifting regional political dynamics that began to infiltrate North Kivutian politics. In the end, it was the Banyarwanda population that was targeted due to their appropriation of “indigenous” lands.


At this time, dispossession of land at the local level became symbolic of the political-economic dynamics taking place at not only the local, but also the provincial level. In North Kivu, much like in many sub-Saharan African countries where land access and ownership are paramount, land is not only a sign of wealth, but it also reflects the political power of the tenant and larger community. In particular, the 1980s saw the rise of Nande influence throughout the province where they were able to project their economic weight and political influence by dominating the provincial political space. In addition, the raw power that came as a result of Nande wealth marginalized most serious competitors. The Nande were able to capitalize on the strength of their political and economic influence, which left most communities resentful, and to the present day, of Nande provincial domination. Furthermore, the Hutu in Rutshuru territory (around Bwito) began to overshadow smaller “indigenous” communities through their demographic growth over the years, but their overall impoverished nature impeded Hutu economic power and influence in the region.

The Tutsi cattle herders systematically took advantage of these new networks of individual property rights, and the strength of their Rwandan currency allowed them to dominate the rich fertile lands in Masisi and western Rutshuru territories, stretching into Lubero territory. Needing large acreage for their bovine cattle in Masisi, where 512 families (of which 503 were of Rwandan descent) occupied more than half of the land, Tutsi farmers were able to manipulate a weak Zairian state, by providing substantial payoffs to Mobutu’s MPR-cadres (Popular Movement of the Revolution) who were more than willing to accept payments and bribes for a


formal title to lands. However, during the early 1990s and the broader socio-political movement towards political liberalization, national political elites with the full support of local politicians grabbed hold of the *autochtone/Banyarwanda* issue. National politicians embraced the instrumentalization of this local issue amplifying social tensions and violence throughout the province, raising what had been previously a local concern, to a nationally debated question over who should be considered Congolese (formerly Zairian).

Secondly, landlessness forced many young Congolese to seek alternative forms of revenue generation, and many of them found opportunities in the artisan mines in Walikale territory. These opportunities were themselves a direct reflection of the informalization of the state and the rapidly shrinking public sphere. The economic consequences of Mobutu’s patronage-based system began to take its toll on formal activities as money supplies contracted and tensions increased. This provided new opportunities for the small-scale artisans who were more than willing to take advantage of this informalization of the state and economy. Landlessness appears to have been most severe in Masisi territory, where many young Hunde, Nyanga and Tembo migrated en masse to Walikale territory to dig for potential riches from these loosely regulated mines. In addition, Nande from the north began to economically and politically reposition themselves by moving into these new sectors by creating a trading elite, where they have since been able to dominate the provincial markets from the Beni-Butembo

---


region in the north. These networks established new linkages to the provincial gold trade stretching into Ituri and South Kivu towards the neighboring states of Uganda and Burundi. These foundations facilitated the rapid emergence of “new” criminal networks during the 1998-2003 conflict. The previous formal trade routes enabled criminal actors and groups to quickly “set up shop” to begin plundering the countryside. Numerous United Nations’ reports along with reports by Global Witness and Human Rights Watch, just to name a few, provide damning evidence of the systematic and abusive practices of plundering and looting the Congolese state of its resources. The informal explosion of “coltan fever” in 2000 and 2001 that led to the mass migration of landless youth is just one consequence of the larger institutionalization of criminal activities and behavior throughout North Kivu province.

By the early 1990s, perceived land scarcity had contributed to untenable socio-political tensions. Animosities between Banyarwanda and Congolese autochtone were at an all time high. The issue of landlessness at the local level, coupled with a national debate on who should be considered a citizen, mutually reinforced the other to amplify social tensions over who could, or should be, considered a citizen. In the minds of the autochtone population, this was directly translated into who had, or should have, the right to access and own precious lands. These issues

---


effectively became “two sides of the same coin.”\footnote{Lemarchand, René. 2003. “The Democratic Republic of the Congo: From Failure to Potential Reconstruction,” in Robert I. Rotberg, ed., State Failure and State Weakness in a Time of Terror. Cambridge, Massachusetts: World Peace Foundation; Washington, D.C.: Brookings Institution Press.} At the local level, perceived land scarcities evoked more passionate discourses within autochtone populations (Hunde, Nyanga, Tembo), and national politicians stoked local tensions by lumping all Banyarwanda into a separate category of foreigners. These deeply embedded frustrations were etched into the collective psyche of many of the autochthonous Congolese who were fully aware of a growing Banyarwanda threat that continued to take advantage of shrinking economic opportunities.

In addition to the historical linkages between local and national political dynamics, politics in the neighboring states of Rwanda and Burundi, and to some degree Uganda, have always influenced the political evolution, either directly or indirectly, of North Kivu. Regarding North Kivu, a militarization and explosion of “warlord politics” overran the province and region when it became apparent that the so-called “59’ers,” predominantly Tutsi refugees who fled Rwanda during the 1959 Hutu Revolution, realized their stay in Uganda could no longer go on in perpetuity. With the rise of the Rwandan Patriotic Front (RPF) in southwestern Uganda, the linkages between the Tutsi of North Kivu, along with the Banyamulenge of South Kivu, added a new layer to local North Kivutian political dynamics. As the region militarized, so did North Kivu.

Militarization of North Kivu manifested itself through the rise of local inter-ethnic associations (mutuelles), which led to rapidly shifting social and political alliances. Nande were represented by the Kayanda, Hunde by the Bushenge Hunde, Tutsi and moderate Hutu by UMOJA, and the Acuba represented the more moderate Hunde-Nyanga-Tembo alliances. The most active of the associations was the Hutu-dominated Magrivi that was dominated by
extremist Hutu elements (and co-founded by Eugène Serufuli) who publicly called for the systematic refusal to pay tribute to, and recognition of, customary autochtone institutions and leaders. Hutu agriculturalists historically have been politically and economically marginalized at the expense of the more affluent Tutsi cattle farmers. In addition, in parts of western Masisi/eastern Walikale territories, and throughout Rutshuru, where Hutu are the demographic majority, Hutu began to publicly refuse to recognize customary authority. In one such zone, a Hutu by the name of Muchanga self-proclaimed himself the chief of a grouping, along with Celestin the chief of the collectivity. These actions amplified local resentment of Hutu, contributing to small-scale massacres throughout Masisi (Katoyi and Bashali collectivities) in particular, which had the larger consequence of militarizing the province and hardening ethnic cleavages within and across communities.

At the regional level, in the same vein of the RPF struggle against the Hutu-dominated Rwandan state, the Tutsi of North Kivu came to view their local struggle against the autochtone and local Hutu extremists (Magrivi members) in the same terms. Many Tutsi began to leave North Kivu in support of the RPF cause. The RPF and North Kivutian Tutsi goals became inextricably linked to the other. One such local Tutsi, Laurent Nkunda, joined the RPF struggle in the early years and become a prominent military figure in Rwanda, only to return to North Kivu and now fight for the self-professed cause of Tutsi protection. As RPF military activity intensified in the region, so did local North Kivutian politics.


48 Ibid., pp: 64-55.

Jean-Claude Willame details a number of local incidents that led to a rapid vilification of the Banyarwanda population as one homogenous community, but disproportionately affected the Tutsi population. One such incident was the brutal assassination of a Hunde land chief in Masisi who was cut up into pieces by suspected Banyarwanda. Another incident implicated local Hutu, but they were viewed as a front for larger Tutsi geopolitical interests in the region. Events like these reinforced the stereotyping of the “the other,” which only intensified and gave currency to widespread rumors like the creation of “Hutuland” or “Tutsiland” that were permeating the region.

Local tensions were amplified to the point when Hutu elite in March 1993, along with the Magrivi and BaNgilima (alliance of Nande, Nyanga, Hutu, and Tembo) organized and directed an attack primarily at Tutsi in the nearby market of Ntoto in Masisi. Numerous Hunde, Tutsi, and other autochtone were killed in this planned attack. In response, local Tutsi and Hunde mobilized their communities and responded in kind with their own carnage by systematically targeting Hutu, Hunde, Nande and Tembo communities. Hunde and Nande militias quickly responded with killing, looting, and displacing large segments of the population throughout the Masisi territory and parts of Rutshuru territory. These events continued to spiral out of control, and eventually led to the death and displacement of an estimated seven to ten thousand individuals. By the time this inter-ethnic fighting and looting had stopped, an estimated one million Hutu refugees came streaming across the border by fleeing the beginnings of the 1994 Rwandan genocide and the RPF march on Kigali. These new inhabitants quickly organized

---


along ethnic lines, leading to the militarization and amplification of ethnic identities, further complicating local dynamics and placing severe strain on very scarce lands.

Conflict and New Forms of Land Access

The conflict in North Kivu has fundamentally reordered and restructured the ways in which the province functions and operates. A “new order” has emerged.\textsuperscript{52} The multiple layers of conflict, often times interlocking, have radically changed the institutional dynamics (social, political, and economic) of North Kivu and the ways that local communities access land. This change in access has enormous consequences for local communities, which can be felt all the way up to the provincial level. Recent survey data show that communities have been forced to adapt in a variety of ways to a fluctuating violent environment.\textsuperscript{53} These surveys were conducted throughout Masisi, Lubero, and the Beni-Butembo region in the north, and provide great cross-sectional coverage of North Kivu. The challenge has been, and continues to be, that there has been little to no focus on the role of land influencing the ongoing conflict dynamics in eastern DRC, despite the appreciation by a number of political scientists and historians for its unique historical role in laying the foundation for North Kivu’s implosion.

It has emerged that a pattern of land access by means of violence appears to be the major structural constraint when it comes to food (in)security and ongoing conflict over land, but clearly is not the only constraint.\textsuperscript{54} Land tenure insecurities, land scarcity, demographic


pressures, and the distribution of land all continue to play a critical role, but taking into account the historical dynamics of North Kivu, land access is paramount. Land is no longer simply a source of conflict, but within the context of a violent environment, it has developed into a ‘resource of conflict.’ The land deficit has shifted from being a mere source, or a trigger, of conflict between local communities to one that has been accentuated by the ongoing armed conflict and political currents of the province. The land deficit is not the central reason for the widespread violence in North Kivu in recent years, but because of the complexity of the conflict(s), and the land deficit being the major concern for local communities, it has become wrapped up and entangled in the ongoing violence saturating North Kivu. It is a highly valued resource that is controlled and distributed (largely on ethnic lines) by many of the armed actors to key individuals and communities to consolidate local power bases, further accentuating grievances and violence in North Kivu. From this point of view, it has also become a resource of mobilization for Nkunda’s CNDP and Mai-Mai militias operating throughout Masisi and parts of Rutshuru. This lack of attention paid to the land deficit in North Kivu by the international community and political analysts is a major shortcoming, especially in the policy realm.

The violence in North Kivu has constructed new forms of political and economic space at the local level where networks of control that are supported by armed movements have been able to capitalize on the fluidity of the environment. After occupying and assuming the administrative control of North Kivu, the RCD “para-state” ushered in a new class of

---

Banayrwanda elite with strong ties and interests in the agricultural sector and ranching communities. Some of these businessmen in the past benefited from Mobutu’s patronage-based system, which had thrived on corruption and bribes. The RCD removed several Hunde chiefs in Masisi and re-distributed these lands to key Banyarwanda supporters and high-ranking commanders in the movement. In addition, “local administrators, such as agronomists and representatives of the provincial administration, sold plots illegally to local farmers. According to local sources in Mahele, an entire locality was illegally sold by administrators of the provincial Services de Cadastre et Titres Fonciers.”

For Hunde communities the ownership of land was traditionally the sole prerogative of the mwami. Land was rented out in a patron-client relationship. Stripping Hunde chiefs of their customary authority and then redistributing these lands to key supporters became a key grievance between local Hunde and Rwandaphone communities. These new landowners paid the RCD handsomely for security and the guaranteed protection of their newly acquired possessions. These actions by the RCD in turn provoked ethnic Hunde to mobilize their communities and form Mai-Mai militias around Nyabiondo and Masisi Center. Lands that once were lush green pastures and speckled with cattle have since become fallow and overgrown bush with few promising signs that change is coming soon.

Governor Serufuli became the centerpiece of the Rwandaphone movement in North Kivu, and helped cultivate a large loyal following of rich businessmen and landowners in Goma. A few of Serufuli’s supporters (Alexis Makabuza, Modeste Makabuza, and Léon Muheto to name a few) are alleged to have reaped the biggest prizes over the course of Serufuli’s tenure. The


Makabuza brothers earned a small fortune by plundering the cassiterite mines in Walikale territory and used the trucks of Serufuli’s TPD organization to transport the minerals out of the province.\textsuperscript{58} Alexis was also the main financier and supporter of the TPD, with the stated objective of voluntarily repatriation of Rwandaphones back to their territory, but it has been reported that a number of Rwandaphones were forced to repatriate against their will. Local Hunde chiefs and administrators in Masisi that did not support the TPD were systematically replaced.\textsuperscript{59} Increasing levels of repatriated Rwandaphones placed further strains on already scarce lands. In addition, Governor Serufuli purportedly enriched himself and acquired several landholdings in Masisi.\textsuperscript{60}

With the slow dismantling of the RCD administrative structure the state eventually began appointing new administrators to provincial posts and local territories. Following the long-established practice by Mobutu Sese Seko, the state has begun appointing individuals that hail from other regions of the national territory who have little knowledge and understanding of the local territories in which they work. This is a practice that has been criticized by political scientists, and it doesn’t appear that it will change anytime soon.\textsuperscript{61} A 2006 interview with the new territorial administrator of Masisi confirmed my skepticism of this practice. The current administrator hails from Kasai-Occidentale, and admittedly knew little about North Kivu’s


\textsuperscript{60} A number of local citizens and international NGO personnel working in Masisi territory explained to me that Governor Serufuli had acquired a number of small land holdings and had begun consolidating them into larger farms. He was able to secure his acquisitions with the aid of his LDF militia. I was unable to verify the information due to insecurities, but based on past RCD policies and Governor Serufuli’s tireless work to protect Rwandaphone interests, I find the accusations highly probable in the current context.

history. After a conversation about the challenges facing Masisi territory, I asked what were his plans to address the land deficit, and what was his course of action to go about addressing it. This administrator was at a loss for words. He acknowledged that issue was a delicate and complex task, and after our thirty-minute conversation he was unable to convey any specific course of action due to the ongoing insecurity within the province.62

The scrutiny over Governor Serufuli’s decision in 2005 to arm Rwandaphones in Masisi caused him to withdraw from the public eye. Shortly afterwards the TPD was dismantled, which helps to explain a brief moment of calm in 2005, but the political vacuum was quickly filled by Laurent Nkunda.

Nkunda’s CNDP has systematically emptied the hills of Masisi, parts of southern Lubero, and western Rutshuru territories of Hunde, Tembo, Nyanga, and Havu communities. His power base rests in Masisi where he received substantial support from Serufuli during his tenure and the regime in Kigali. Nkunda has been able to convince a number of local Rwandaphone communities, particularly around Mushaki, that he is their only reliable source of security. The Rwandaphones, namely Tutsis, have been able to recover lost property that had been taken from them in the past, while others have been granted new concessions under Nkunda’s authority further amplifying local ethnic tensions. In addition, a noticeable number of Rwandaphone began to return and repopulate Masisi in late 2006 and early 2007, coming with their Ankole-Watusi cattle and other livestock. Nkunda presents himself as the “Tutsi-messiah” as he carves out a portion of territory for Tutsi Rwandaphones, which in the short run is likely to short circuit and lead to violence and more instability between local communities. In the long run outright

---

62 This administrator was fully aware of the armed combatants sitting directly outside his office. It was suggested to the author that his hands were tied at the moment, and by even being perceived to move on any of the land issues in Masisi would likely cost him his life. To the author’s knowledge he is still managing the territory. Author interview, Masisi Territory, May 2006.
failure is almost guaranteed, because Hunde, Nyanga, Nande, and Tembo communities are not
going to sit idly by and watch Rwandaphone elements appropriate precious territory without a
fight.

The northern territories of Lubero and Beni-Butembo have not suffered the same fate as
the southern territories. These northern territories have been fortunate to avoid a lot of the
militarized instability that plagues the southern territories, but southern Lubero, particularly
around Kanyabayonga, has been a site of major instability in recent years. The violence, which
is partly a spillover of the violence in Masisi, has stretched far up into central Lubero where
cattle theft and pillaging of local farms and communities has placed a considerable strain on the
local economy of the region. Mai-Mai and other locally armed bandits are considered the
primary culprits. The situation in Lubero has been described by Timothy Raeymakers (2008) as
“neither war nor peace” as chronic instability has become a part of daily life.63

Lubero is densely populated with an estimated 200 individuals per km2 (which is much
less than either Masisi or Rutshuru territories). Lubero is primarily regarded a large vegetable
garden with scarce water supplies that supplies the Beni-Butembo region with fruits and
vegetables. It is estimated that less than one percent of the population are considered foreigners
(Rwandaphones), while the Rwandaphone population in Masisi is estimated at 70.9%.64
According to Raeymakers (2008), cattle raising constitutes approximately 51% of all economic
activity in Lubero, versus 54% for the more economically diversified northern territory of Beni.
The vast majority of the population is poverty-stricken and functions on a subsistence level with
little access to cash or credit.

4). Immeuble SOFIDE, 1er Niveau, Commune Gombe. (Unpublished Manuscript), p. 34.
There has been an observed shift in the number of individuals migrating from the central plateau to the western sides of Lubero territory in search of land around Katimbya, Muhangi and Musasa. These land hungry populations have to contend with dense forest, but at the present rate land scarcities are expected to double in ten years.\(^6^5\) In addition, the lack of infrastructure in the area nullifies any of the potential gains made. Furthermore, because Lubero has been trapped in a state of “neither war nor peace,” and demographic pressures and mobile populations (IDPs and migrants) place further strain on scarce lands, addressing the land deficit has become all the more critical to the health and stability of North Kivu province.

Influence of the Displaced and Ongoing Concerns

High levels of displacement continue to be an ongoing source of tension throughout North Kivu. As previously mentioned in chapters four and five on state and non-state actors’ abilities to generate violence, chronic insecurity at the local level continues to be a problem and concern for Congolese and Rwandaphones alike. The RCD when it came to power systematically pushed out communities in parts of Masisi and Rutshuru and handed over land to key supporters and local Banyarwanda (Tutsi). This has since emerged as a similar tactic employed by Serufuli via his *Tous pour la Paix et le Developpement* (TPD) organization. The TPD states that repatriation of Banyarwanda was always voluntary. Reports and cases have surfaced where not only local Banyarwanda, but also Rwandan citizens in search of land, were forcefully repatriated to Masisi and given lands that were either fallow for a number of years, or lands that the occupant was forced off of. Vlassenroot notes that in the Hunde collectivity of Kibabi “returning Banyarwanda refugees were accompanied by armed elements that drove the new owners from their land by force. Several reports were that the provincial administration and

\(^{6^5}\) Ibid., p. 24.
local rebel leadership – through TPD structures – helped smuggle Rwandan civilians in search of land into the region.”66 In other cases Rwandaphones were forced to quickly sell off land at extremely low prices. Only upon return to try and recover lands did disagreements and tensions erupt. As Vlassenroot and Huggins point out, an inter-ethnic committee of elders around the village of Burungu was able to come together to negotiate on the behalf of former landowners and have since seen their land returned and money refunded.67

In addition, Congolese continue to remain highly vulnerable in the current state of North Kivu. The immediate threat to local communities is Laurent Nkunda. In his bid to carve out a fiefdom for repatriated Rwandaphones, Hunde and other local communities continue to suffer throughout Masisi, western Rutshuru and southern Lubero. Mai-Mai fighters in turn continue to mobilize their communities around Nyabiondo in Masisi and Kanyabayonga in southern Lubero. These Mai-Mai remain adamantly against the return of any Tutsi Rwandaphones to the area. The historical memory of land expropriations and the selling off of lands under the Mobutist state remain fresh in the minds of local Hunde communities.68

As long as the violence in North Kivu continues, IDPs and refugees will be a concern for NGOs and local humanitarian organizations. What continues to be amiss is the lack of attention paid to the land deficit throughout North Kivu by local and international organizations. Considering the historical record in North Kivu in recent years, it will be very difficult to


68 These views were indicated to the author during a focus group with local pastors that was held in a village around Nyabiondo, May 2006. Several of these pastors do not see a way out of the current crisis as local communities continue to mobilize their kin.
stabilize and secure North Kivu unless these local structural issues like the land deficit are adequately addressed.

Land Trends and the Re-emergence of Land Dynamics in “Peacetime”

Two dramatic shifts can be observed throughout the province: the movement from ownership towards renting, and a shift in the types of crop planted to minimize risk.69 Insecurity throughout North Kivu has forced the peasantry to move towards renting land rather than owning or buying it, because the financial risks are simply to great for many North Kivutians. The shift from owning to renting has driven up rental prices. Vlassenroot reports that rents can be as high as $40-$80 per hectare in Masisi Center, which is 20 to 30 percent of the annual production per household. In addition to land ownership, peasants throughout Masisi and Lubero territory have been moving away from perennial crops to less intensive seasonal crops, and as Vlassenroot notes, “often with a devastating impact on soil fertility.”70 The main crops are “beans, bananas, sweet potatoes, green peas and maize” with the addition of maize “and manioc and peanuts in the lower parts of Masisi.”71 This shift is the result of chronic (food) insecurities and the need to minimize risk. “Most households have adopted strategies to make their food security less dependent on land access.”72

In addition to the shift in types of crops planted, as well as the shift towards leasing lands, there is the ongoing challenge of food (in)security throughout the province. Much less of a shift than a direct result of local violence, food insecurity has emerged as a chronic problem as the


70 Ibid., p. 33.

71 Ibid., p. 25.

72 Ibid.
levels of food production and consumption throughout the province have drastically decreased.

Table 6-1 provides an estimate by the World Food Program in 2004 of the severity of the food crisis facing North Kivu. Vlassenroot, Ntububa, and Raeymakers state that only about “12 percent of the population eats three meals a day, 60 percent eats two meals and 27 percent eats only one meal a day.”

Food production has also declined drastically in recent years as the infrastructure to maintain a healthy level of production has been all but destroyed by a decade-and-a-half of violence. It is estimated that 50 percent of the roads in North Kivu are in complete disrepair. The other routes are lined with potholes making it very difficult to transport goods to local markets. German Agro Action (AAA) has begun working on refurbishing a number of critical routes from Goma with the intent of reconnecting the interior territories. However, in 2005 AAA was ambushed by rebels and “lost 150 canisters of gasoline, 12,000 hoes that had been earmarked for farmers, 700 bags of cement, 600 metal sheets for schools and health centers, as well as several engines.” In addition, women in eastern DRC are generally responsible for

---


74 Author interview with AAA staff, February 2006.

maintaining the fields, but as rape continues to be used as a weapon by all armed combatants they are highly reluctant to return to the fields.\textsuperscript{76} Scores of women (see chapter 7) have been raped while working their respective fields, or on their way to the fields, as armed combatants search for food. Women tend to work their fields alone or in small groups, thus making them easy prey. As women have become more aware of the severity of mass rape in North Kivu they have been either unwilling to return to the fields, or they have decided to work for shorter periods of time during daylight. Less toil in the fields has led to less food being produced, all of which adds to increased food insecurity.

There is a severe land deficit in North Kivu province and it continues to be accentuated with ongoing high levels of violence. The land deficit is at the heart of the crisis. What is needed is a complete reform of the Bakajika land tenure law, but without a concerted effort to address the issue it is unlikely that violence and instability will subside anytime soon.

\textsuperscript{76} This is an ongoing concern of women who have fled to Goma from the interior, and has been almost unanimously confirmed by the hundreds of women that were spoken with.
CHAPTER 7
THE STATE AS AN AGENT OF VIOLENCE

This chapter will examine the issue of political leadership and the role that Governor Eugène Serufuli Ngayabaseka has played in instrumentalizing violence in North Kivu province. As the Governor of North Kivu province, Governor Serufuli is uniquely placed as the chief executive of a province that has experienced the highest levels of uninterrupted violence in all of The Democratic Republic of Congo, and in spite of this unfortunate distinction there has been very little examination or scrutiny of his role in any of these affairs.

In recent years the examination of violence in North Kivu has largely been placed on armed militias (chapter five) or the role that neighboring countries and foreign businesses play in looting the resources of the DRC. There has been very little analysis on the role of individual agency and the role that Serufuli has played in instrumentalizing violence in the province and region. The idea that specific individuals within the nation-state may play key roles in instrumentalizing violence is not a new phenomenon, nor is the idea that African leaders in a

---

1 I will refer to Governor Serufuli as either governor or Serufuli throughout the remainder of the chapter.

post-colonial world play a direct role in generating and managing violence.\(^3\) In the case of
Governor Serufuli, he remains a controversial figure in that he was placed in power by Kigali,
and reluctantly accepted by Kinshasa, and highly distrusted by the local Congolese population.
I argue that a closer inspection of Governor Serufuli’s role is needed.

The analysis in this chapter seeks to synthesize the two approaches of the role that
individual agency and the role that the nation-state can play in generating violence by looking
specifically at the role of Governor Serufuli during his tenure. I also recognize that the nation-
state as an institution provides a privileged vantage point and instruments that can easily be used
as weapons in which to pursue specific ends, even if they are violent. In addition, because the
DRC state had collapsed before Serufuli’s ascension, and remained largely failed during his
occupation of the Governorship, the social and political environment was very unstable and
wracked by violence on all sides. This political mayhem provided Governor Serufuli the cover
to utilize various state and non-state institutions in ways in which he has been able to maximize
opportunities while in power. It is my view, Governor Serufuli as the chief executive of North
Kivu province is directly responsible for systematically provoking and maintaining a culture of
violence that North Kivutians continue to endure.

---

Eugène Serufili as Chameleon

Eugène Serufili was born in 1962 in Ruruma village, Rutshuru territory. His family migrated to eastern DRC in search of employment and land that was afforded by the Belgian colonial Mission d’immigration des Banyarwanda (M.I.B.), which primarily favored the transplantation of Hutu peasants from Rwanda. Serufili studied biochemistry in Goma at the Mwanga Institute, and then went on to study medicine at a technical training school in Nyakunde in Ituri territory, and finally in the capital of Kinshasa. Serufili eventually returned to Goma and received a specialization in public health at the Adventist University, and went on to work as an anesthesiologist at the General Hospital in Goma throughout the 1990s where he became an active participant in local politics.

Serufili’s political activism began through his participation in local labor union issues within the General Hospital in Goma. More importantly, Serufili was a co-founder of a local non-governmental organization known as Magrivi, which began in 1980 as an organization to provide financial and social support to poverty-stricken Hutu peasants. Another important organization known as UMOJA/UBUMWE represented the interests of all Banyarwanda in the southern territories, but eventually UMOJA disintegrated as the socio-political dynamics of the province began to radically diverge. As a result, Magrivi took up the cause of landless Hutu, who had become an ethnic majority in eastern Rutshuru, and became not only the most

---


6 The mutuelle UMOJA, which means unity in Swahili, was known locally as UBUMWE. UMOJA was known for its attempt to unify the Kinyarwanda-speaking population under the classification of Banyarwanda. UMOJA would disband in 1988 due to the intensification of identity politics in the province and region.
politically active in the region, but also began to voice xenophobic slogans against local Tutsi who were vilified as foreigners and land grabbers.

As a founding member of Magrivi that promoted xenophobic hatred of local Tutsi, it is interesting that according to a very reliable source on regional politics, Serufuli’s father in Bwito allegedly protected a number of Tutsi during the 1993 Masisi Wars, as well as a number of Tutsi fleeing the Rwandan genocide. Allegedly, Serufuli’s father dominated the local political environment of Bwito as a respected elder throughout the late 1980s and early 1990s. He apparently sheltered a number of Tutsi, who would have otherwise been killed by Hutu extremists. Apparently when the time came for Tutsi retribution against Hutu extremists, the actions of Serufuli’s father had not gone unnoticed by Tutsi elements in the RCD or Kigali.

Along with the changing regional dynamics Serufuli came out in full support of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) in 1997, and then an ardent and active member of the RCD political movement in 1998. According to Jordan, Serufuli was highly regarded within the circles of Rwandaphone elites, so much that his popularity rivaled that of RCD-G leader Azarias Ruberwa, who would eventually become the Vice President for Policy and Defense during the transitional period. By 2000 Serufuli had impressed enough of the RCD’s Rwandan supporters that they installed him as governor after the death of former Governor Léonard Kanyamuhanga Gafundi, a strident (Tutsi) AFDL loyalist.

Serufuli’s appointment by the RCD is not a unique occurrence, but as a Hutu it signaled a shift in tactics by the RCD, and in effect Kigali. In the provinces and territories under the control of both the RCD and the Ugandan-backed MLC (Movement for the Liberation of Congo), the

---

7 Author interview, Goma, 28 April 2006.

tendency was to remove and reappoint administrative staff and governors who were obliged to comply with the objectives of the rebel movements. In all of the territories under foreign occupation only the territory of Equateur was left intact. However, following the implementation of the transitional government, Serufuli was the only governor across the national territory appointed by a rebel organization who was allowed to remain in office. All other governors and territorial administrators who had been installed were in one way or another removed and replaced by officials backed by Kinshasa.

Primarily viewed with great distrust by Kinshasa, Serufuli was officially recognized by Kinshasa as governor in May of 2004, because as Tull notes, Kinshasa had little choice but to do otherwise. Despite his appointment, Serufuli was initially viewed through a bimodal prism of established political and economic wartime interests that would only enrich the Rwandan state. As a member of the RCD, Serufuli’s installation was regarded as an attempt on the part of the

---

9 The main difference between the RCD and MLC movements is that the RCD used Rwandaphones to ensure their compliance. For example, the RCD-G installed Xavier Chiribanya Chirimwami as the governor of South Kivu who was widely unpopular with the local population and despised by the authorities in Kinshasa. In addition, Chirimwami was eventually convicted of masterminding the assassination of former-president Laurent Desirée Kabila by a military court in Kinshasa on 7 January 2003. Dummett, Mark. 28 January 2003. “Key rebel post for 'Kabila killer’” BBC News Africa. <http://news.bbc.co.uk/2/hi/africa/2701353.stm>. The MLC, according to Tatiana Carayannis, argues that “what set the MLC apart from other rebel groups in the DRC were its efforts to create civilian administrations for the territories under its control. As soon as a town or village fell to the MLC, the movement established a local administrative structure, consisting of an executive branch; a territorial council comprised of women’s groups, unions, and business, civic, and church leaders; and a territorial assembly. Each local administration had its own budget and authority to levy taxes, while the MLC provided security and acted as provincial governor. This decentralized administration permitted a greater inclusiveness of local actors and was consistent with the MLC’s position in favor of decentralized government across the DRC. However, given the realities of war, these provincial and local administrations were probably oriented more toward recruitment and mobilization for the war than actual governance.” Carayannis, Tatiana. “Elections in the DRC: The Bemba Surprise.” Special Report 200, February 2008. United States Institute of Peace. <http://www.usip.org/pubs/specialreports/sr200.pdf>.


Rwandan state to legitimate and extend its authority and control of North Kivu by using a Congolese intermediary. The Congolese have always viewed the RCD as a Tutsi movement bent on annexing North Kivu, and yet by replacing the Tutsi leadership with a Congolese Hutu who is considered at the local level a hardliner, it would provide the RCD an opportunity to construct a broad base of local support, something the RCD had been unable to accomplish.\textsuperscript{12} In addition, with the transitional government up and running there was the recognition, albeit limited, that Serufuli not only distanced himself from the Tutsi leadership of the RCD, Vice President Azarias Ruberwa, by improving general security throughout the province, but Serufuli also was able to provide a “relative restoration of administrative authority since early 2000.”\textsuperscript{13} Furthermore, there were ongoing concerns within Kinshasa that Serufuli would continue to run North Kivu as an autonomous province.

Many in Kinshasa also regarded Serufuli’s appointment through an economic prism as an attempt by the Rwandan state to continue the illegal exploitation and plunder of North Kivu’s precious resources. A number of reports by the United Nations and human rights organizations provide highly detailed accounts of the criminal networks established by the RCD leadership’s close connections and ties to Rwandan businessmen.\textsuperscript{14} One particular report specifically

\begin{itemize}
\item \textsuperscript{12} Ibid; Tull, Dennis M. 2004. The Reconfiguration of Political Order in Postcolonial Africa: A Case Study from North Kivu (DR Congo). Hamburg, Germany; Institut für Afrika-Kunde.
implicates Governor Serufuli’s ties to the Makabuza brothers who have been accused of trading in illegal minerals and resources.\textsuperscript{15} It has been fairly well established that economic interests were not the trigger or reasons behind Kigali’s incursion into eastern DRC, but clearly economic concerns heavily influenced the state’s choices over time.\textsuperscript{16} The suspicion and distrust surrounding Serufuli’s motives concerning his role as governor, as a Rwandaphone and RCD member, have only heightened the ongoing tensions and complicated relationship that has always existed between the center and periphery.\textsuperscript{17}

Kinshasa’s skepticism and distrust surrounding Serufuli’s appointment was due to a genuine set of political and economic concerns that benefited the Rwandan state and an entrenched network of elites. What had been missing from the debate was an acknowledgement by Kinshasa that the FDLR presence in North Kivu was a legitimate security threat and concern for the RCD, despite the FDLR being actively supported by Kinshasa. While the RCD and Kigali believed that appointing a Congolese Hutu would provide some leverage and offer some legitimacy to the RCD movement in the eyes of the local population, Kinshasa viewed the FDLR and RCD problems in North Kivu as a problem of Rwandaphone aggression directly targeting the Congolese state and local population. The litany of reports published by the United Nations

\begin{flushleft}
\textsuperscript{15} One such damning report highlights the economic ties between Governor Serufuli and the Makabuza brothers, Alexis and Modeste. The Makabuza’s own and operate Kivu Transport and Handling and Jambo Safari, both of which have been implicated in trading and transporting illegal shipments of cassiterite from Walikale Territory to Kigali. Global Witness. 2005. \textit{Under-Mining Peace. Tin: The Explosive Trade in Cassiterite in Eastern DRC}. Washington, D.C.: Global Witness.


\end{flushleft}
and various human rights organizations supporting the claims that the RCD, via Rwanda, was illegally exploiting the resources of eastern DRC only exacerbated ongoing tensions. The problem for Kinshasa was not as Lemarchand notes, a reductionist trap that pits every conflict as a mere Hutu/Tutsi confrontation, but an attempt by the RCD/Kigali, either via Tutsi or Hutu authority, to exert political power and influence across Congolese territory.\textsuperscript{18} It was unthinkable that Kinshasa could publicly admit that Kigali had a legitimate security threat and interest in North Kivu.

Serufuli’s appointment only complicated an already tenuous relationship between the national and local level. Locally, most Congolese regarded Serufuli as an illegitimate governor who was intent on serving the interests of Kigali by perpetuating \textit{Rwandaphonie}, which meant stoking the embers at the local level and using his position to favor the local Rwandaphone population at the expense of “genuine” Congolese.\textsuperscript{19} However, in practice, Serufuli’s tenure was much more ambiguous playing the role of a strong middleman who attempted to balance regional and national interests within the framework of a weak and fragmented transitional government. At times Serufuli acted more like a warlord herding over his fiefdom using state organs and non-state actors as weapons to enforce his will on local populations, and at other moments he appeared like a nationalist politician trying to bring about some semblance of order to North Kivu province.

The following section will address the role of state and non-state actors under Serufuli’s watch, which were utilized to perpetuate violence at the local level.


Role of the TPD and LDF

As a hardline Hutu who has sought to protect Hutu interests in the rural territories of Masisi and Rutshuru in particular, mainly through the re-distribution of lands to landless Hutu peasants, Serufuli has also used his position to protect Rwandaphone economic interests and influence, which are mainly Tutsi, in Goma. In light of local Congolese views of the Rwandaphone population and distrust of Serufuli’s intentions, Serufuli has been backed into a corner by not only the local population, but also a skeptical regime in Kinshasa and his supporters in neighboring Rwanda. Competing interests and political influence has caused Serufuli to make political overtures towards being seen as an ally of not only Hutu concerns, but also Tutsi concerns, and in effect all Rwandaphone, as they continue to be the wealthier, and more powerful, elements of the Rwandaphone population in North Kivu province. For Serufuli, his strength lies in numbers.

Governor Serufuli’s political machinations and judgment have been anything but graceful. Serufuli has relied upon two key parallel institutions that provided the foundation for his standing and support in the province. The first is an institution, All for Peace and Development (Tous pour la Paix et le Developpement, TPD). It is an organization that was initially founded on 10 October 1998 in Goma with an official mission to promote peace and development, and according to Mararo its initial founding membership included 74 Hutu and Tutsi.20 Since its foundation the TPD’s mission and focus has changed, which is a direct result of the chronic political instability and violence throughout the region. The TPD organization that Human Rights Watch, Amnesty International, International Crisis Group, and other organizations like Global Witness reference believe that Serufuli co-founded the organization,

---

but is managed on a day-to-day basis by Alexis Makabuza, and is indirectly supported by Kigali. Amnesty International refers to the TPD as a politico-military organization. François Grignon of the International Crisis Group calls the TPD an appendage of Kigali, whereas Global Witness has labeled it Serufuli’s political party, and Wolter’s states, the TPD “is considered the Governor’s personal propaganda machine.” Vlassenroot on the other hand refers to it as a parastatal organization. Serufuli himself refers to it as a non-governmental organization created to assist in the development and repatriation of Rwandan refugees to North Kivu. The TPD, based on personal observation, has transformed itself from a local NGO to an organization with clear political objectives and aspirations that are directly linked to Serufuli’s intentions to repopulate the province with Rwandaphone while supporting Kigali’s economic and security interests in the region.

The other organization is a state organized militia known as The Local Defense Forces (LDF). They are known as LDF but carry the official title of Unités d’autodéfense et de développement (UAD). The LDF was originally established in 1998 or 1999 by the previous governor, Léonard Kanyamuhanga Gafundi. Once installed by the RCD, Governor Serufuli revived the LDF and expanded its size by primarily recruiting local Hutu from Rutshuru to fill the ranks. According to Amnesty International, at one time the LDF was estimated to number


23 See Global Witness Under-Mining Peace.

more than 30,000 armed combatants.25 International Crisis Group on the other hand estimated the LDF to number between 10,000-15,000 fighters.26 As Amnesty International notes, the LDF did not report to any military officers, but rather to local administrative officials.27 The LDF militia was quite visible throughout the streets of Goma operating as the Governor’s private security firm around his residence. The LDF, who were quite friendly with me during our interactions, always operating in sizeable numbers and were heavily armed. Despite being a state organized militia, the LDF was the military weight behind Serufuli’s regime. The LDF militia, along with the TPD, are interlocking organizations that provided Serufuli the political and military muscle to shape political developments throughout the province and region.

All for Peace and Development: The Political Arm

The TPD has taken over many functions that a state would likely perform under normal circumstances. With its headquarters in the provincial capital of Goma, the TPD is presented by Serufuli as a local non-governmental organization that was set up to promote peace and development in North Kivu, with the main objective of promoting the harmonization of inter-ethnic tensions. In addition, the TPD focused its work on the repatriation of Rwandaphone, in particular Tutsi, to the Masisi highlands and parts of western Rutshuru (Bwisha territory). The TPD was also tasked to perform basic functions like repairing roads, the reconstruction of


schools, rehabilitation of the health system, the creation of an agrarian cooperative in Goma, and transportation of LDF militia and supplies throughout the province.\(^{28}\)

According to the International Crisis Group the TPD under former Governor Gafundi had strong political ties to the Rwandan Directory of Military Intelligence and “was more focused on supporting counterinsurgency operations with the Rwandan army than reconciliation” between the Rwandaphone and Congolese populations of eastern DRC.\(^{29}\) Before Serufuli ascended to the governorship he was a founding member of the TPD and served as vice-president of the administrative council.\(^{30}\) In spite of the close contacts between Serufuli and the TPD, the organization claims that its ties to Serufuli and its functions have been entirely misunderstood by the local citizenry, despite its public proclamation of *ubumwe*.\(^{31}\)

The TPD first became an organizational participant in the region under Serufuli when it secured a contract from the World Food Program to transport and deliver food supplies for the organization, and to assist in the repatriation of Rwandaphones to Rutshuru and Masisi. Despite the purported repatriation efforts of the TPD, as reported by the International Crisis Group, TPD influence showed signs of continued forced expropriation of property belonging to Hunde of Masisi and Nande of Rutshuru, as well as the forced reinstallation in Masisi of thousands of Congolese Tutsi refugees, including many from other provinces, were interpreted as the perpetuation of


\(^{31}\) See Bucyalimwe Stanislas. 2004. “Le TPD a Goma (Nord-Kivu): Mythes et Realités,” p. 142. The slogan of unity appears to be a fictional or mythical usage of the term *ubumwe* that is utilized by Hutus of Rutshuru to nullify the consequences of Kigali’s political escapades in North Kivu.
rampant colonization by Rwanda and the Banyarwanda. This prevented any improvement in relations between Banyarwanda and the other communities.\textsuperscript{32}

The TPD had become successful in its early years not only because it was able to secure international contracts under Serufuli’s influence, but also because Serufuli had built up a network of very wealthy Rwandaphone businessmen in Goma that were supportive of his cause. According to the International Crisis Group,

Serufuli’s grip on power is enhanced by the backing of his colleagues in the local government and business. Léon Muheto, for example, is the director of the state electricity company Société Nationale d’Electricité (SNEL) in Goma, as well as a prominent member of the rwandophone movement. Modeste Makabuza, a close associate of Serufuli, is probably the most powerful businessman in Goma. He owns the Société Congolaise d’Assurances et de Rassurances (SCAR) insurance company, as well as shares in the Supercell phone company and a niobium mine in Rutshuru, and controls much of the fuel brought into Goma. His brother, Alexi, is the co-founder with Serufuli of TPD\textsuperscript{33}

In addition to the elite networks raised by the International Crisis Group, Luca Jourdan notes that TPD actions have spilt over into the daily life of peasant communities, because in reality, TPD has always worked as a political instrument of the Banyarwanda community in search of political and economic affirmation. In fact, since Serufuli became governor of North Kivu, TPD has become essentially an instrument of control of the political and economic life of the region. The strategy of Serufuli has been to replace all the administrative and traditional authorities with some reliable members of the TPD. Most of the bami (traditional chiefs) of the indigenous ethnic groups, especially Hunde, were replaced with some Banyarwanda representatives who in this way could control the distribution of land.\textsuperscript{34}

Dennis Tull, cited by Mararo, also points out not only the local implications of the TPD influence in the province, but he raises larger regional concerns.

For one thing, it (the TPD) helped the RCD to establish a strong power base, on both an elite level as well as on the ground by forging close links between Kigali, the RCD and a


\textsuperscript{33} International Crisis Group. \textit{The Congo’s Transition is Failing: Crisis in the Kivus}. 2005. Brussels/Nairobi, p. 11.

\textsuperscript{34} See Luca Jourdan, 2005. \textit{“New forms of political order in North Kivu: The case of the governor Eugene Serufuli,”} p. 7.
Banyarwanda group consisting of rich landowners and repatriates in North Kivu...Secondly, it also helped to address Rwanda’s security concerns by reinforcing military recruitment among the Banyarwanda repatriates. Thirdly, by supposedly promoting humanitarian concerns, the repatriation network might have tapped resources provided by international agencies, thus contributing to the financing of the alliance.35

The point is not to deny the larger regional influences of Kigali and how it has shaped Serufuli’s regime, because it is obvious that Serufuli would not have been able to maintain his illegitimate regime in light of the local population’s distrust and Kinshasa’s hostility had he not been able to tap into regional and international sources of support and funding.

Adding to the TPDs growing political reputation in the province and region, in March 2004 the TPD assisted General Laurent Nkunda with transportation and logistics during broad daylight in what has now become known as the siege of Bukavu.36 Despite the denial of assistance by Serufuli and TPD administrators, partly because Serufuli was in Kinshasa being sworn in as governor, a number of organizations concur that the assistance took place.37 There can be little doubt that the TPD offered assistance to General Nkunda without Serufuli’s authority, and because of this assistance “during the fighting, Nkunda’s troops carried out war crimes, killing and raping civilians and looting their property.”38


36 See chapter 5 for more details and information on the Bukavu siege.


In addition to the 2004 siege of Bukavu, the TPD has been implicated in supplying arms and munitions to the Hutu populations of Masisi and Rutshuru in 2005. These actions have not gone unnoticed by the United Nations. In 2005, according to UN resolution 1596, the TPD and Serufuli were directly “implicated in violation of the arms embargo, by providing assistance to RCD-G, particularly in supplying trucks to transport arms and troops, and also by transporting weapons to be distributed to parts of the population in Masisi and Rutshuru, North Kivu, in early 2005.”39 The TPD has been a highly effective parallel institution, albeit political, that has allowed Serufuli to stir up instability and violence throughout the province and region.

Local Defense Forces: The Military Arm

The LDF, largely working in tandem with the TPD, provided Serufuli the military weight and political advantage during his tenure to pursue his own political ends. As briefly stated above, the LDF was the creation of former Governor Gafundi and eventually revived by Serufuli. Most estimates place the LDF somewhere between 15,000 and 30,000 plus armed combatants. Serufuli was able to voluntarily recruit amongst local hardline Hutu who were often unemployed and largely landless youths. Many of the other willing combatants were former RCD members or forcefully conscripted youths emerging from Rwandan prisons for arms trafficking.40 According to Mararo (2004), Serufuli revived the LDF in North Kivu, which was then trained by a Rwandan Commandant Keke of the Rwandan Patriotic Army (RPA) that was based in the Rwandan border town, Gisenyi.41 It has also been alleged that refugees were also recruited into the ranks and trained at the Iwawa and Gako military camps in Rwanda where they received


41 Ibid.
basic military training and political education.\textsuperscript{42} One such recruit identified by Amnesty International stated,

I was at home. All the chiefs were called that morning to a meeting by...the battalion’s commander in Kavunderi. When we arrived, we were asked to go and get all the local defense people who had been trained, and go for training in a new ideology. They told us that whoever doesn’t want to go is against the RCD revolution. We were told by the instructors to obey Laurent Nkunda and not Mufukyiana. Those who invited us were local soldiers but the trainers were from Rwanda.\textsuperscript{43}

The LDF primarily operated throughout Rutshuru territory in and around Virunga National Park where they could freely pillage and loot local villages to make up for irregular pay.\textsuperscript{44} In addition to local banditry, LDF units were deployed by Serufuli to help protect the 28,000 head of cattle that were transferred from Gishwati to Kirolwe of the Masisi highlands.\textsuperscript{45} Kirolwe would become a constant flashpoint for violence between Mai-Mai and Nkunda’s CNDP.

In 2003 Governor Serufuli claimed that the LDF had been completely disbanded and the majority of combatants were integrated into the ranks of the eleventh and twelfth brigades of the national army. Serufuli allegedly continued to pay the monthly salaries of a large portion of the fighters and maintained a substantial level of control over their actions. In spite of Serufuli’s claims of disbanding the LDF, not only were LDF fighters still operating throughout North Kivu, Amnesty International as late as October 2004 identified LDF commanders and combatants who passed out weapons to local Hutu throughout Masisi. According to Human Rights Watch researchers information was provided

\textsuperscript{44} See Luca Jourdan, 2005. “New forms of political order in North Kivu The case of the governor Eugene Serufuli,” p. 6.
by local officials, church leaders, civil servants, former RCD officers, and villagers from both the Hunde and Hutu ethnic groups. One of those who organized and armed Hutu civilians in the Banyungu area was Captain Munyamariba, a Hutu administrative official and FARDC officer from the former RCD-Goma troops who had once been part of the LDF. Dusabe Kashemare and Rukeri Nyange, middle-ranking security agents, and Munaba Rukebesha, another administrative official, also participated in the distribution there. Many persons also reported seeing the vehicle of Robert Seninga, an advisor to the governor and organizer of his defunct Local Defense Forces, transporting guns into Masisi.46

In addition, LDF combatants were used as a private security force in Goma. These militia were always at the Governor’s residence and whenever the governor attended any public function they acted as a security detail of an estimated 20-30 armed men.47 As an armed militia the LDF provided Serufuli the military weight to pursue his own political ends. Despite the claims that the LDF had been disbanded in 2003, armed elements and individuals continued to influence the political developments of the province and region.

**Ethnicity and the Instrumentalization of Power**

Inter-ethnic violence has a long and troubled history in North Kivu. Immediately following independence, a local war known as the Kanyarwanda war became one of the first signs to political observers that decision-making leading up to the conflict had not gone correctly, and that if not properly addressed future events could degenerate even further. Not even the best-placed political analyst could have predicted future political developments and the events that would shape, and in some ways determine, the evolution of North Kivu over the next half-century. However, events that led up to the Kanyarwanda war of the early 1960s concerned even the most seasoned observer.

---


47 Author’s estimation based on observation.
It appears that since the Belgian colonial administrative project, *La Mission d’immigration des Banyarwanda* (M.I.B.) from 1933-1957, and the Kanyarwanda war from 1963-1966, the social cohesion within, and across, local communities has ebbed and flowed as the sources of tension, and triggers for tension, have evolved over time. The constant variable has been the widening social chasm across local Congolese communities and Kinyarwanda speakers at the local level. As Lemarchand points out, the tendency has been to reduce all of the problems of the eastern DRC and Great Lakes region to a Hutu vs. Tutsi dichotomy. The problem is that the “dualism overlooks the presence of alternative forms of identification, and wrongly assumes the salience of the Hutu-Tutsi dichotomy to be [a] permanent feature of the political landscape.” In addition, it overlooks the complex processes that help shape, and reshape, these social categories.

From 1960-1980, Kinyarwanda speakers were locally referred to as Banyarwanda. Around 1980 the term *munyarwanda* entered the local lexicon to politically identify, as well as to stigmatize, Banyarwanda as foreigners. Local organizations like UMOJA and Magrivi entered the social and political space of North Kivu; UMOJA represented the interests of Tutsi and Hutu communities who were perceived as political moderates, whereas Magrivi represented the hardline view of Hutu communities. By the late 1980s UMOJA’s influence had diminished due to social and political pressures, whereas Magrivi stepped up its public campaign becoming more politically active throughout the region, taking it message all the way to Kinshasa. Throughout the early 1990s, the communities had become deeply polarized: Tutsi versus Hutu (Banyamasisi)

---


versus Hutu of Bwisha (Bayabwisha, or indigenous Hutu). These divisions spilt over into the national sovereign conference, which debated the future of Mobutu Sese Seko’s one-party state, where Banyarwanda were vilified as foreigners. Locally though, social tensions had amplified to the point where targeting Tutsi had become a common occurrence. In 1993 the province exploded into an inter-ethnic bloodbath now referred to as the Masisi Wars. Hardline Hutu created inter-ethnic alliances with Nyanga, Tembo, Hunde, and Nande communities that quickly sought out Tutsi victims. Tutsi in kind assembled into mobile killing squads enacting revenge against their perceived enemies. When it was all over, approximately 10,000 individuals had been killed and a few hundred thousand individuals and communities were forced to flee their homes and territories.

These local political events were further complicated as the region exploded in 1994. Their impact and importance pushed North Kivu to the brink with the fallout of the 1994 Rwandan genocide and subsequent two regional wars. The two regional wars became synonymous with Tutsi retribution and domination of region political dynamics. Each individual event, and yet taken as a whole in its historical entirety, played their part for the heightening of ethnic tensions between the North Kivutian populations.

The Emergence of Rwandaphonie

Following Serufuli’s recognition by Kinshasa a new “movement” calling itself “Rwandaphonie” emerged in North Kivu. On 19 January 2004 Felicien Nzitatira (Tutsi) and François Gachaba (Hutu) published the article “Memorandum of Congolese Rwandaphones” in the Belgian periodical, Le Soft, detailing this new “movement’s” grievances and concerns for the new transitional government. The authors state that since independence both Hutu and Tutsi

---

50 Gachaba and Nzitatira called for a federal state that would guarantee equal shares of resources to the provinces and a law to end the debate around their communities' citizenship. International Crisis Group. The Congo’s
alike have been the victims of political exclusion and stereotyping by all post-colonial regimes. In addition, the violence experienced is the result of political persecution and manipulation by political elites, and the transitional government should take into account past historical sins while it debates and works on drafting the new constitution and the national law on citizenship.

Serufuili emerged as the public face of this new “movement.” In all fairness Rwandaphonie is not in the traditional sense a movement. Movements generally have an organizational structure with a leader and a body of individuals that it represents. In addition, movements outline and define the parameters of the organization with clear goals and specific objectives that it seeks to achieve. Rwandaphonie is more like a political project crafted by a few Rwandophone elites to convince not only Kinshasa, but also the local population (Rwandophones and Congolese alike) that the movement’s grievances and concerns are justified.

The Rwandaphonie movement materialized as the result of a split within the Rwandophone communities’ views over the transitional government’s course of action. One side supports the national reunification of the DRC and state institutions, in particular, the military and the process of brassage (see chapter seven). These supporters generally speaking are

---

51 Recently the Tutsi were referred to as “long noses” in an AP report. Faul, Michelle. Congolese army claims attack by Rwandan troops. Associated Press. 29 October 2008.


indigenous Hutu of Bwisha who back President Kabila and his attempts to reunify the country. The other elements within the Rwandaphone community consists of prominent individuals like François Gachaba (Hutu), Felicien Nzitatira (Tutsi) and Dunia Bakarani (Tutsi) who believe that reunification of the country, and national institutions, will only lead to more persecution and likely death. Their safety and security, the majority of which are Tutsi and non-indigenous Hutu, relies on complete disengagement from Kinshasa. The Tutsi leadership of the RCD, along with Serufuli’s assistance, attempted to convince local Hutu that Kinshasa was intent on their extermination also. For example, local influential Tutsi in 2004 pointed to the alleged genocide of Tutsi by General Mabe of the FARDC in Bukavu, as well as the 2004 Gatumba refugee massacre in Burundi. These events only heightened tensions and hysteria within local Tutsi communities, as well as in Rwanda and Burundi, that the extermination of Tutsi was not only possible, but also inevitable. Despite the fairs, there was no genocide against Tutsi by General Mabe, but the Gatumba massacre did unfortunately lead to the deaths of 106, primarily Tutsi.

What makes the Rwandaphonie movement all the more peculiar is that Serufuli, a hardline Hutu, has emerged as the central interlocutor and public face of Rwandaphonie. In spite of Serufuli’s hardline image as a defender of Hutu interests, he seized the opportunity as the public face of the Rwandaphonie movement when Vice President Azarias Ruberwa, a Tutsi, suspended his participation in the transitional government in 2004. In the eyes of the


Rwandaphone movement Ruberwa’s reputation and authority as a national leader never recovered from this decision.56

Serufuli’s role has been to act as a buffer between Kigali and Kinshasa, and at the same time appease General Nkunda and his CNDP combatants while keeping them at bay. In other words, Serufuli has to appear that he is able to address Kigali’s security (and financial) concerns, either by moving aggressively against the FDLR or keeping them from launching attacks against Rwanda. Kinshasa on the other hand needs to see Serufuli playing a pro-active role during the transitional process and promoting the stabilization and reunification of the country. This is code for moving against General Nkunda and his CNDP organization.57

Within Goma Serufuli has been able to surround himself with a very prominent, and wealthy, community of Rwandaphone businessmen. Léon Muheto, the Makabuza brothers (Alexi and Modeste), and other companies that specialize in the primary commodities market have been able to insulate Governor Serufuli with the financial backing needed to maintain his parallel institutions and influence.58 This financial backing has provided Serufuli the means to pay his LDF militia. In addition, it is also alleged that revenues have been used to assist the TPD in terms of equipment and maintenance of its trucks and operational budget.59 Furthermore, refugees in neighboring Rwanda have been allegedly enticed with sums of money to return and repopulate the southern territories of Masisi and Rutshuru. These actions have only undermined


57  The argument can be made that Serufuli was put into power to maintain Kigali’s access to the mineral resources and mines in eastern DRC. Serufuli’s entourage and inner circle is made up of wealthy Rwandaphone businessmen (Leon Muheto, the Makabuza brothers etc) who dominate local economic life in Goma.

58  It is alleged that Governor Serufuli earned as much as $600,000 a month through the taxation of fuel imports. See Congo: Bringing Peace to North Kivu. Africa Report №133 – 31 October 2007. Brussels/Nairobi.

Serufuli’s legitimacy in the eyes of the local Congolese population as inter-ethnic hostilities and tensions continue to mount.  

Co-opting the Hutu?

Next to the Nande in the far North, the Hutu are the second largest ethnic group in North Kivu, and yet despite the balancing act between Kinshasa and Kigali, it has been a very big challenge for local Hutu to get behind Serufuli’s Rwandaphonie project. Serufuli claims that he does not support General Nkunda and his CNDP forces, but reports by non-governmental organizations point to the assistance provided to General Nkunda by Serufuli’s TPD organization during the siege of Bukavu in 2004 (see chapter four for more details). In addition, Human Rights Watch and Amnesty International report that in 2005 Governor Serufuli forcefully passed out a large supply of weapons to his “Hutu brothers” in Masisi for protection from the FARDC, despite Hutu reluctance to accept the weapons. If these events did not endear Serufuli to his kith and kin, neither would Nkunda’s 2006 attack on Rutshuru city.

In January 2006 Colonel She Kasikika, new ex-Mai Mai commander of the 5th integrated brigade, was deployed to Rutshuru. Colonel Kasikika was the first non-RCD commander to control Rutshuru since 1998. International Crisis Group states that upon his entrance, Colonel Kasikika

60 This is based on personal observation and discussions with Congolese in Masisi territory and Goma.


discriminated against Banyarwanda officers and soldiers, advising them to return to Rwanda or face the consequences. He also began to take the law into his own hands and encourage[d] revenge killings. He handed over three Banyarwanda bandits to a mob, which immediately killed them, began to collect the weapons distributed by Serufuli’s men to the local population and chased Nkunda’s soldiers out of the Lueshe niobium mine they had been guarding for important Tutsi businessmen in Goma.63

In response to these events,

on 17-18 January 2006, Nkunda attacked Rutshuru city, chasing out Colonel She Kasikika, new ex-Mai Mai commander of the 5th integrated brigade, and also taking control of several surrounding villages. The fighting was again accompanied by massive human rights abuses. Nkunda’s troops used the systematic rape of between 40 and 90 women as a weapon of war. When Kasikila was eventually forced to leave North Kivu, an uneasy calm returned. In the meantime, however, Kasikila’s brigade unearthed numerous mass graves around Rutshuru, which contained hundreds of bodies of Rwandan and Congolese Hutu killed by the Rwandan army and Tutsi in 1996. The memories of these massacres had been suppressed during RCD rule but their return caused shock among the local Hutu communities. When Serufuli came to Rutshuru in March 2006 to deliver a speech, Hutu rioted.64

These events did not provide Serufuli any new standing with Kinshasa, but President Kabila was willing to overlook these minor concerns as long as Serufuli was able to deliver the Hutu vote in the national election.65 Serufuli worked tirelessly on behalf of President Kabila, assuring him of success. Serufuli was able to remind the local Hutu population that it was President Kabila who backed the nationality law granting citizenship status to all individuals present on Congolese territory at the time of independence.66 The law does not provide a blanket


64 Ibid.


66 Promulaged by President Kabila on 18 February 2006, Chapter II of the new DRC Constitution, Article X, in its original French states, “La nationalité congolaise est une et exclusive; Elle ne peut être détenue concurremment avec aucune autre; La nationalité congolaise est soit d’origine, soit d’acquisition individuelle; Est Congolais d’origine, toute personne appartenant aux groupes ethniques dont les personnes et le territoire constituaient ce qui est devenu le Congo (présentement la République Démocratique du Congo) à l’indépendance; Une loi organique détermine les conditions de reconnaissance, d’acquisition, de perte et de recouvrement de la nationalité congolaise.” Constitution de la République Démocratique du Congo.
citizenship to all Hutu, because the majority of Hutu migrated following independence, but it
does recognize the Banyabwisha as Congolese citizens, and more importantly provides the legal
status to own land. The Tutsi on the other hand, who own about 80% of all local lands, migrated
to eastern DRC post-independence and continue to be seen as foreigners.

**Provincial Dynamics and Local Realities**

Serufili’s Rwandaphonie movement was doomed from the beginning. In total it lasted
two years. The movement’s failure was not due to Serufili’s embarrassing human rights record,
nor unfortunately to his maniacal actions, but simply due to the attempt to lump Hutu and Tutsi
under the Rwandaphone label as if there histories and challenges are the same. North Kivu has a
long violent history, but setting aside these locally and deeply embedded challenges, since 1996
North Kivu has been turned into a battleground. Many local Congolese in North Kivu, including
Hutu, blame the Tutsi-dominated regime in Kigali, and in effect all Tutsi, for their problems.
The fallout from the Rwandan genocide has provided Kigali carte blanche to act in a way that
has permanently changed the social and political dynamics of the region.

North Kivu has been split in two between the wealthy, and largely homogenous, Nande
community in the north who have long been supporters of Kinshasa, and the heterogeneous and
less organized south. For years the Nande played a backseat, politically speaking, as the result of
Mobutu’s political jockeying, and because Goma was the economic powerhouse of North Kivu
until the early 1990s. This however changed with the 1993 Masisi Wars and fallout from the
Rwandan genocide. The Nande’s economic influence and power has grown exponentially in
recent years with rapidly expanding economic ties to Kampala and Nairobi, which has radically
reshaped the economic landscape of the province.

---

The Hutu are second only to the Nande in terms of overall size, but only recently with the promulgation of the new constitution have they had any legal standing. The vast majority of Hutu however, as briefly stated above, migrated to the DRC after independence, and are poor peasant farmers with little to no access to cash or credit. To this day have no legal standing or right to citizenship, and more importantly no legal right to own land.

Despite the split between north and south, local North Kivutians, including Hutu, appear to be united by one common factor.68 They have all been made to suffer, be it physically, financially, or politically, at the hands of Tutsi domination.69 It is almost near certain that in the short term the North Kivutian population will view any concerted Tutsi action with deep distrust and suspicion. The Nande in the far north have been strong supporters of President Kabila bid to reunify the country, and they collectively supported President Kabila’s bid for the presidency in the 2006 election. The Tutsi community did very poorly in the national and provincial elections. Faustin Dunia Bakarani was the only Tutsi elected to the national parliament, while Edouard Mwangachuchu was elected senator, and a Tutsi, Pierrot Kabanda, was made a minister in the North Kivu provincial government.70 Mwangachuchu, a former RCD member, apparently did well because he ran as a MLC candidate distancing himself from Serufuli and criticizing the RCD’s land policy.71 The Hutu overwhelmingly supported President Kabila, and rejected Governor Serufuli’s bid for election.

68 This view is based on personal observation and discussion.

69 The Congolese that this author spoke with made no distinction between Rwandans and Congolese Rwandaphones. If they spoke Kinyarwanda then they are Rwandans.


71 Ibid.
The election results underscore the view that North Kivutians overwhelmingly support efforts of national reunification and an end to the constant insecurity and violence. Many North Kivutians continue to view Tutsi, and the threat that General Nkunda presents, as a major source of their problems. Despite the desire to see an end to the violence and insecurity, Serufuli’s tenure as governor is perceived as one that protected Rwandaphone interests at the expense of local Congolese and perpetuated a culture of violence that further polarized local communities. In addition, the residents of Goma in particular view Serufuli as a Rwandaphone who did very little to address the security threat that General Nkunda poses to the local population. Through his approach of appeasement, Governor Serufuli in effect provided Laurent Nkunda with sanctuary in North Kivu and guaranteed more insecurity and violence.

**Dismantling Politicized Violence**

Eugène Serufuli Ngayabaseka is directly responsible for fomenting ethnic violence during his seven years as the governor of North Kivu. In 2007 Governor Serufuli was overwhelmingly rejected by the North Kivutian population when he lost the provincial election to a Nande, Julien Paluku Kahongya. Governor Paluku is the former mayor of Beni, and has also served as the territorial administrator of Lubero, and as mayor of Butembo in the far north. Paluku ran as an independent and shares the top spot with a Hutu, Léon Bariyanga Rutuye, the president of the provincial assembly. The Nande were the big winners of the election capitalizing on their support for Kabila and refusing to back any RCD party members. The Nande won 25 of the 42 provincial seats followed by ten for Hutu, and Hunde and Nyanga seven each.

---

72 This view is based on personal observation in Goma.

President Kabila’s Alliance of the Presidential Majority (AMP) won 30 of 48 seats in the national legislature. Most Hutu in Masisi and Rutshuru territories voted for PANADI, The Party of Nationalists for Integral Development, a pro-Kabila, Hutu-led party, and Kabila’s PPRD, The People’s Party for Reconstruction and Development. The RCD on the other hand won only seven seats, and Kabila’s AMP alliance took 25 of the 42 provincial seats. The Nande secured 26 deputies, the Hutu eleven, the Hunde six, the Nyanga two and the Kumu one. The provincial and national results show a clear rejection of the RCD party and its policies, and ultimately confirm the demise of Serufuli’s Rwandaphonie movement.

With the promulgation of the constitution and the passage of the new citizenship law, the Hutu of North Kivu were able to achieve one of their main political objectives, citizenship and a legal right to own land. Tensions were very high during the run up to the election, but ballots were cast in an orderly fashion and results counted with very few complications to the surprise of election observers.74

Serufuli’s loss at the polls is also a rejection of the instability and violence that his administration fomented for seven years, as well as the favoritism Serufuli extended to Rwandaphones at the expense of the local North Kivutian population. Serufuli’s appeasement of General Nkunda was a strategic blunder on his part, and in spite of his public criticism of Nkunda, there was never any sincere attempt by Serufuli to tackle the Nkunda problem. What Serufuli was offering was more of the same.

Finally, because Serufuli was offering more of the same, brassage of negative forces has occurred only piecemeal. As long as Nkunda is able to continue his insurgency, which he states is to protect local Tutsi from the FDLR-genocidaires, the Mai-Mai will continue to be justified in

74 Ironically, Kinshasa experienced higher levels of tension and bouts of violence than eastern DRC. The violence in Kinshasa was the result of infighting between Jean-Pierre Bemba’s supporters and President Kabila’s camp.
their armed mobilization against Nkunda (see chapter four for more details). The vicious cycle of violence will continue and the local population, in particular women and children, will continue to suffer the consequences.

In conclusion, Serufuli’s actions have only undermined his illegitimate regime in the eyes of the local Congolese population. Reports by Global Witness and Human Rights Watch in particular highlight Serufuli’s ability to economically insulate himself from the political pressures coming from neighboring Rwanda and Kinshasa. His exploits have been made possible by a series of close financial networks within Goma that extend throughout North Kivu and include the Makabuza brothers, Leon and Modeste, as well as the likes of Léon Muheto. These networks have sown deep distrust and social divisions within society. The Rwandaphonie project failed in the attempt to re-unite all Rwandaphone speakers under the same umbrella, and conversely exposed the deep social division that continues to persist between local Hutu and Tutsi populations. The local Hutu population has been made to suffer as wealthy Tutsi businessmen and cattlemen have acquired large tracts of land at the expense of poverty-stricken Hutu in recent decades. Additionally, the RCD-rebel movement, and now with Nkunda’s armed CNDP militia alleging to carry the Tutsi mantle, have, or have had, direct ties with Serufuli’s regime. These linkages have sown discord within the local Hutu population, and they have grown increasingly distrustful of Tutsi influence and Serufuli’s attempts to “reconstruct” bridges between both communities. Furthermore, with the promulgation of the new citizenship law on 18 February 2006, Tutsi were further pushed to the periphery by Kinshasa as the new law granted Congolese citizenship to those individuals residing within the national territory at the time of independence, in effect, Hutu. This new law that granted legal citizenship to Hutu was a politically strategic move on the part of Kinshasa that ultimately paid off for President Kabila.
The local Hutu population of North Kivu, signifying their dislike of Serufuli’s politics, overwhelmingly supported President Kabila and his AMP alliance in the 2006 national election.

There is little doubt with the evidence examined in this chapter that Serufuli as the chief executive of North Kivu province has instrumentalized violence between the Rwandaphone and local North Kivutian population. As Robert Rotberg’s work on failed states shows, in fragile states where the state has very little capacity and ethnic violence continues to occur, well-positioned individual actors are always the likely culprits. Serufuli has used his privileged position in the absence of the national state, and in a state of chronic instability, to manipulate and stoke local political tensions by utilizing his TPD and LDF organizations in ways in which he has been able to maximize opportunities while in power. His actions have entrenched Rwandaphone economic interests, and these benefits have only gone to a small few. It is for these reasons that Serufuli was removed via the ballot box in 2006. As Ghani and Lockhart note, in dysfunctional states like the DRC, and specifically North Kivu in this case, ordinary citizens are the best sources of information for understanding the political dynamics of a state’s failed policies. Ordinary North Kivutians, along with the majority of the Hutu population, have demonstrated their distrust and fatigue with Serufuli’s political machinations. They desire to see political order restored throughout North Kivu province and an end to the violence that the state has so easily generated. Unfortunately, Serufuli’s regime has amplified the distrust, not the trust.


that is needed to begin rebuilding the state and society, between communities and the state.\textsuperscript{77}

When the state begins to construct new networks of trust between communities and the state, only then will the DRC state be able to move beyond the violent politics of the past. However, building these new networks and linkages of trust between communities and the state will take a period of time. Serufuli’s tenure as Governor of North Kivu province has unfortunately magnified local political tensions and concerns that will be very difficult to overcome without concerted political will and vision by state authorities.

\textsuperscript{77} Ibid.
CHAPTER 8
BRASSAGE AND SECURITY SECTOR REFORM

This chapter critically examines the issue of brassage, or integration, of the security sector in North Kivu. Security sector reform is a national security concern for the DRC, and focusing on North Kivu province where there has been the longest uninterrupted violence in all of the DRC, and the largest concentration of armed state and non-state actors, will not only provide a useful examination for the challenges of North Kivu, but also the DRC as a whole. Perhaps no issue is more critical for the short-term health and stability of state and society, and the much more long-term development of the DRC than brassage.

The central argument of this chapter is that brassage has been highly problematic throughout the end of 2007, and the Armed Forces of the Democratic Republic of Congo (FARDC) continue to be a major source of instability and human rights abuses in North Kivu. The process of brassage has occurred piecemeal and rather haphazardly with no overarching national plan. Therefore, based upon the data presented in this chapter, it is my contention that brassage appears to be little more than a grand political experiment with no strategic vision for securing and safeguarding the national territory.

**Grand Experiment: Brassage**

Security sector reform is vital to the health and stability of the DRC. It has been acknowledged for some time by academics and political analysts that the security sector needs to be completely reformed.¹ On the eve of independence it was the mutiny of the Force Publique rank-and-file that drove the country into an uncertain period of instability and into what is now

---

¹ In an unpublished manuscript from an USAID consultancy report written by Dr. Rene' Lemarchand in the early 1990s, he argues that a retraining and professionalization of the army is paramount to the stability and health of the DRC (then Zaire).
known as the Congo Crisis of the 1960s. During the 1990s it was the demoralization within the ex-Zairian Armed Forces (FAZ) that led to pillaging and widespread looting by soldiers throughout Kinshasa and Kisangani that brought the country to a complete standstill.

International NGOs and think-tank institutes like Amnesty International, International Crisis Group (ICG), and the South African Institute for Security Studies (ISS) have been publishing, albeit intermittently, on the issue of security sector reform and its importance. I will draw upon these reports to inform my analysis here.

Security sector reform in the DRC is a horribly daunting, and potentially lethal, political task. The scale and size of the operation, especially when one takes into account the country’s recent history and the number of armed combatants that will need to be integrated, is perhaps unlike any other security sector challenge in the world. The scale and magnitude of the operation perhaps rivals only the challenges in Iraq or Afghanistan in the current global context. In the case of Iraq the country had a professional army with a clear chain of command before the overthrow of Saddam Hussein in 2003, and it was well equipped and paid regularly. Afghanistan on the other hand is a country with no real national army to speak of, and is at present in its infancy stages, composed of little more than bandits and small-scale militias with no real sense of national identity or purpose. Afghanistan receives major infusions of military assistance from the United States and NATO (North Atlantic Treaty Organization) member states.

The DRC on the other hand is a country three times the size of Afghanistan that receives little to no real assistance when compared to the financial and military assistance provided to

---

Afghanistan. The FARDC (Armed Forces of the Democratic Republic of Congo) is a composite of bandits, ex-militia leaders, major human rights abusers, alleged war criminals, and an array of undisciplined group of men and young boys who count more on looting and extortion for pay and services than on receiving their monthly salary from the state.³

According to the International Crisis Group, the FARDC is estimated to range between 120,000-150,000 soldiers, and could be as high as 170,000. Thirty to forty percent of these numbers are considered ‘ghosts,’ soldiers who don’t exist.⁴

This lack of precision perpetuates an entrenched practice of corruption and the pillaging by military elites of revenue that is urgently needed to complete the brassage process. Even so, the FARDC is bloated as an institution, and it has been acknowledged by groups like The International Crisis Group and Human Rights Watch that it should be pared down to a more manageable force between 70,000-90,000 soldiers.⁵ As it is, the average rank-and-file soldier receives a meager salary between $10 and $12 U.S. dollars per month, if he receives it at all.⁶ The DRC is isolated from the large scale Western assistance that is required to rehabilitate and professionalize the national security sector. In addition, the FARDC is an extremely fragile and uneven institution with no real sense of national identity.⁷

---

³ The draft law on Defense was passed by the National Assembly in June 2004, and promulgated on 12 November 2004, which officially established the FARDC. Formerly the FARDC was known as the Congolese Armed Forces (FAC).


Unlike the views promoted by political scientists of the 1960s regarding the role of the military, the security apparatus in the DRC is highly politicized and fragmented and appears so foreign to past Weberian views on the role of organizational matters.\(^8\) An institution that was once thought of as a source of order is now a source of disorder.\(^9\) Current literature on the role of African armies refers to them primarily as unprofessional militaries that are the result of predominantly weak personal rule systems.\(^10\) In the case of the DRC, as is typical of many sub-Saharan African countries, the state politicized the role of the military by stripping it of its autonomy while at the same time bleeding the state dry of precious resources necessary to maintain a well-trained and professional army.\(^11\) The FARDC is now comprised of ex-militias and armed rebel organizations (former-AFDL rebels, MLC, RCD, RCD-N, RCD-Goma, RCD-K/ML, RCD-Authentique, and various Mai-Mai militias) that have agreed in theory to integration with the former Congolese national army (Congolese Armed Forces, FAC).\(^12\)

---


\(^11\) African armies are also infamously known for the private security roles they can play for well-positioned political and economic elites. Mobutu used his DSP, Israeli trained, elite forces to maintain his regime for 32 years. As national armies like the Zairian Armed Forces (FAZ) began to decay, there was an equal shift towards the use of private security forces. The most well known example is Executive Outcomes in South Africa and the part it has played in the Angolan Civil War, and more recently in the Sierra Leone conflict. Executive Outcomes is known to have a variety of financial interests in a number of Southern and Central African countries. Howe, Herbert M. 2001. Ambiguous Order: Military Forces in African States. Boulder, CO; London: Lynne Rienner.

\(^12\) The Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) rebel movement that toppled President Mobutu Sese Seko and brought Laurent Kabila to power in the First Congo War (1996-1997). The Movement for Liberation of the Congo (MLC) is the former rebel movement led by Jean-Pierre Bemba, now the second largest political party in parliament. The Congolese Rally for Democracy (RCD), former Rwandan-backed rebel movement formed in 1998 by Uganda and Rwanda and led by former Vice-President Azarias Ruberwa. The
Ethnic Recruitment in the Military

Many sub-Saharan Africa states have promoted military recruitment based largely on ethnic lines, which has lead to a social, and political imbalance of power in many countries. Mobutu Sese Seko recruited predominantly from his Ngbandi ethnic group in Equateur province placing them in strategic leadership roles in the regular army, and his Israeli-trained DSP (Special Presidential Division) unit under the command of General Nzimbi Ngbale was recruited exclusively from among his Ngbandi brothers. This explains why Lingala was adopted as the official language of the military under President Mobutu Sese Seko. Following a similar script, both Presidents Laurent-Désiré Kabila and now Joseph Kabila have recruited exclusively from their BaLubakat kin in southern Katanga to fill the elite Republican Guard (Garde Républicaine, GR) estimated to number 12,000-15,000.13 The size and ethnic concentration of the GR is a major source of debate and tension within DRC.

Domestic Surveillance

Herbert M. Howe points out a major shift in post-colonial African countries versus their colonial counterparts.14 Many independent sub-Saharan countries have turned their militaries into essentially domestic surveillance units taking on a police like role. Traditionally, militaries were created for defensive purposes to stop external threats. The case of the DRC typifies the point made by Michael Desch, who states, “external military missions are the most conducive to

---

13 International Crisis Group. Security Sector Reform in the Congo. 2006. Brussels/Nairobi. Under Laurent-Désiré Kabila this unit was known as the Special Group for Presidential Security (Groupe spécial de sécurité présidentielle, GSSP).

healthy patterns of civil-military relations,” and “nonmilitary, internal missions often engender various pathologies.”  

In 1975 President Mobutu began to transform the role of the military into a domestic surveillance and law enforcement unit. Ebenga and N’Landu point out that “the gradual transformation of the FAZ from objective control to subjective control weakened the armed forces both operationally and organizationally.” An additional network of paramilitary forces and agencies provided the Mobutist state a vast-array of tools and instruments to effectively dominate the domestic sphere:

- The Civil Guard (LGC) under Kpama Baramoto;
- The Military Action and Intelligence Service (Le Service d’Action et des renseignements militaire, SARM) under the command of General Mahele Lieko;
- The Special Research and Surveillance Brigade (La Brigade spéciale de recherche et de surveillance, BSRS) under the command of General Bolozi;
- The National Intelligence and Protection Service (Le Service national d’intelligence et de protection, SNIP);
- The National Immigration Service (L’Agence nationale d’immigration, ANI);
- The Special Action Forces (Les Forces d’actions spéciales, FAS) which was later renamed the Special Intervention Forces (Forces d’intervention spéciales, FIS) and locally known as the Owls (les hiboux).  

In regards to the FARDC, current challenges could not be any larger. Only recently has the role of the armed forces in society been publicly debated. In October 2004, “for the first time

---


in the history of the Congo, Parliament democratically debated and...passed the Defense and Armed Forces Organization Act. By contrast, all previous laws relating to the army were enacted through the will of successive heads of state, who kept full control over the military in their own hands.”\textsuperscript{18} However, the Republican Guard remains under the direct control of the president and it has already proven to be a major weapon and source for instability. President Kabila in 2006 deployed his Republican Guard throughout the streets of Kinshasa, and 2007 to the western Bas-Congo region, where they cracked down on opposition dissenters and killed over 400 individuals during the vote count of the general elections. The most notable episode occurred in Gombe, the financial district of Kinshasa, between the Republican Guard and Vice-President Bemba’s security detail that led to the killing of over 100 individuals.\textsuperscript{19}

The FARDC is currently composed of fourteen integrated brigades. Table 8-1 provides a brief overview of the initial plan for national military integration. It is expected that the brigade size will eventually increase to either eighteen or nineteen brigades, but due to the chronic

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|c|c|c|}
\hline
Phase & Period & Training targets & Training and mixing Centers & Destination & Strength \\
\hline
1 & December 2004 – June 2005 & 21,552 troops & Kitora, Kamina, Kisangani, Nyaloki, Mushoki, Raborsti & Kinshasa, Kamina, Ituri & 1 brigade \\
2 & June – September 2005 & 21,500 troops & To be decided & Nord-Kivu, Sud-Kivu & 1 brigade \\
3 & August – December 2005 & 20,000 troops & To be decided & Conflict zones and other regions & 6 brigades \\
Total & 12 months & 63,052 troops & 11 military regions & Remaining regions & 18 to 19 brigades \\
\hline
\end{tabular}
\caption{Plan for military integration\textsuperscript{20}}
\end{table}


\textsuperscript{20} Ibid., p. 6.,
instability throughout the eastern DRC this plan has been put on hold, and at present it is difficult to say when, or if, the expansion will continue. With the success of the 2006 general elections, one gets the sense that with President Kabila’s victory, *brassage* is no longer as much of a priority for President Kabila as it was thought to be. With President Kabila’s election victory, and his biggest political threat in Jean-Pierre Bemba having left the country for Portugal in April 2007 and subsequently charged with war crimes by the International Criminal Court, President Kabila’s authority and legislative majority is largely uncontested in the DRC. President Kabila has appointed a number of loyalists to key military positions, and bought off foes that have proven to be sources of instability with privileged positions with the FARDC. The FARDC as an institution remains structurally weak and very fragile in terms of professional military training, equipment, and regular payment of soldier’s salaries. The lack of sincere attention has only prolonged the integration process and perpetuated tensions and political instability, particularly in North Kivu.

*Brazzage and The Challenge of North Kivu*

The DRC is a wealthy country with vast amounts of natural potential, but poor in terms of political leadership and economic management. What is evident is the state cannot reform the security sector alone. The obstacles are simply too big and too costly for the state. At the bare minimum, the state needs an enormous infusion of financial and military assistance if *brassage* is going to have any level of success. However, taking into account the current local, national, and

---

21 Jean-Pierre Bemba is the minority opposition leader in the Senate. On 11 April 2007 Bemba left for Portugal to reportedly treat a broken leg, but subsequently extended his stay indefinitely in Portugal. In November 2007 Bemba stated that he is living in “forced exile,” and that the DRC is moving towards dictatorship. In addition, Bemba was arrested on 24 March 2008 for crimes against humanity and five counts of war crimes for crimes committed in 2002 by soldiers under his command in The Central African Republic. Press Release, 3 July 2008. “Surrender of Jean-Pierre Bemba to the International Criminal Court”: <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200105/related%20cases/icc%200105%200108/press%20releases/surrender%20icc%200105%20jean%20pierre%20bemba%20court?lan=en-GB>. 

226
international political landscape, and the genuine interest in addressing the challenges of security sector reform, *brassage* appears to be little more than a grand political experiment. North Kivu province provides an excellent case for examination that will illuminate not only the structural challenges within the province, but also provide a broader observation of the security challenges in the larger DRC.

As originally conceived, the objectives of *brassage* are four fold:

- reduce the number of armed individuals outside army control and the potential for violence and recidivism;
- create a new military on a voluntary basis;
- erode old lines of control and create new ones to forge a genuine *esprit de corps* by retraining forces and forming units from diverse backgrounds;
- allow the armed forces to develop at a supportable and manageable pace.\(^{22}\)

In order to achieve these objectives the armed combatants who chose to stay in the military are expected to enter a 45-day training course at a designated CBR (*centres de brassage*) in either Rumangabo or Mushaki. There are six national training centers (also in Table 8-1 above), and are located in Kitona (Bas-Congo in the west), Kamina (Katanga province in the southeast), Kisangani (*Orientale* province in the northeast), and Luberizi (South Kivu province). One brigade estimated at about 2,500 soldiers will then undergo a series of retraining and professionalization courses learning military etiquette and the importance of a military chain of command. Eventually “mixing” will then begin and the full integration into the national FARDC will commence. Upon completion, theoretically the brigades can be deployed anywhere in the country, and further training will commence at the deployed location.

In addition to the view that *brassage* is little more than a grand experiment, it appears that no politician or political analyst is convinced that *brassage* will actually succeed, especially in North Kivu. It has been recognized that *brassage* is a painstakingly slow process in a country

the size of the DRC, and the process is far behind schedule. There are a number of post-
conflict African states that have undergone security sector reform: most currently Sierra Leone
and Liberia, Rwanda and Burundi, and Angola, and Mozambique. Despite the devastation in
many of these countries, the security sector reform challenges are not as complex and as difficult
as in the case of the DRC. Four of the countries (Sierra Leone, Liberia, Rwanda and Burundi)
are small countries with security forces that are a quarter of the size of the FARDC. In Angola
the UNITA rebels were all but demoralized with the death of rebel leader Jonas Savimbi in 2000,
in effect ending the Angolan civil war in one single act. Mozambique on the other hand is a little
more complex, but with the leadership of Joaquim Chissano and peace within the region,
Mozambique has been able to navigate the waters of security sector reform with a modicum of
success.

Within North Kivu, the brassage centers are located in the southern and northern parts of
the province. The two were initially located in Mushaki in Masisi territory, and the second in
Nyaleke, Beni-Butembo territory in the far north. In a brief visit to these CBRs, the Joint
Commission on Security Sector Reform, concluded, “the brassage centres were so appalling that
between March and August 2005 it is estimated that 2,500 of the 6,000 integrated troops

23 International Crisis Group. Security Sector Reform in the Congo. 2006. Brussels/Nairobi; Hoebeke, Hans, and
Impact of Slow Military Reform on the Transition Process in the DRC.” Institute for Security Studies: Pretoria,
South Africa; Kibasomga, Roger. December 2005. “Post-war Defence Integration in the Democratic Republic of
“Summary Overview of Security Sector Reform Processes in the DRC.” Institute for Security Studies: Pretoria,
South Africa.


26 Láá, Anícia. “Security Sector Reform as a Governance Issue: The case of Mozambique.” Journal of Security
deserted.” After the visit it was decided that Nyaleke would be closed and transferred to Rumangabo, Rutshuru territory.

Unlike any other post-conflict situation in Africa, there are three reasons why brassage, from the perspective of North Kivu, appears to be a grand experiment that is unlikely to succeed in the near to short-term, and likely to stagnate and lead to instability and potential violence if not prudently addressed in the medium to long term. The first issue concerns the large number of armed combatants operating in North Kivu province. North Kivu continues to have the largest number of armed combatants of any province in the national territory. There are a number of state and non-state actors operating in the form of militias throughout the province with a variety of fickle alliances. These alliances continue to pose significant challenges, because of the instability and violence they continue to generate. The majority of combatants prey off the civilian population through petty extortion and taxation of basic goods and services on the roads and in local markets. The larger militias routinely force surrounding communities to act as porters carrying supplies and equipment over long distances, while women and young girls are raped or treated as concubines, and children are forcefully conscripted and/or made to acts as armed combatants, cleaners, cooks and sexual possessions.

27 The Joint Commission on Security Sector Reform is an institution that was established in 2004 to monitor the security sector reform process, identify potential donor support for training, as well as monitor the overall progress of reform. The institution was jointly chaired by Vice President Ruberwa and MONUC. Boshoff, Henri. 2 September 2005. “Update on the status of army integration in the DRC.” Pretoria, South: Institute for Security Studies, p. 7.

The second major challenge concerns a weak and unprofessional FARDC that is recognized as the single largest source of instability and human rights abuse in the DRC. Amnesty International (AI) states that “far from protecting the people of the DRC, the state security services remain agents of torture and death.” Amnesty International argues that the main reason behind this is the slow progress made by the DRC government, with international support, in delivering Security Sector Reform (SSR), a national program to integrate the former government and armed group forces into unified national army, police and intelligence services capable of operating professionally and in a politically-neutral manner, under accountable state authority. The second is an institutional culture that is permissive of human rights violations, characterized by the lack of any independent mechanism to investigate and counter impunity for human rights violations committed by security officials.\(^{29}\)

Beyond the slow nature of brassage, two other critically important issues are missing here. The first concerns the widespread collusion between elements within the FARDC and other armed groups operating in North Kivu. The FARDC has openly fought alongside FDLR and Mai-Mai militias, as well as supplied weapons and military supplies to sustain their armed campaigns. In addition, Mai-Mai and FDLR continue to work in tandem against their common enemy, General Nkunda and his CNDP. The second critical aspect to ongoing human rights abuses is the issue of impunity and leadership. A culture of impunity has always existed in the FARDC, but with the recent decision by the state to knowingly appoint key human rights abusers to leadership positions, some who have been accused of war crimes by Human Rights Watch, not only makes a mockery of the FARDC as an institution, but also sends a signal that human rights abuses are acceptable. It raises further questions about the state’s commitment to justice and refused to take up his post in 2003. Other FARDC commanders like Gabriel Amisi (alias “Tango Fort”) was promoted to the rank of General after his role in leading massacres during the siege of Kisangani in 2002.

If the government’s goal is to promote national reconciliation and the long-term stability of state and society, appointing known human rights abusers who are alleged war criminals to key leadership positions sets the wrong tone for the health and re-development of state and society.

The third major challenge is the ethnic dimension of brassage and how ethnicity is a source of tension and instability polarizing certain elements of the FARDC. Here I do not argue that a multi-ethnic army is inherently polarizing or destabilizing, but I refer specifically to the integration of Rwandaphones into the FARDC. A core component of brassage is a sub-process known as mixage that allowed CNDP combatants to “integrate” into the FARDC, but remain deployed in North Kivu. For all intents and purposes mixage was a disaster, which I will address below, and it calls into question the feasibility of integrating Rwandaphones, particularly Tutsi, into the ranks of the FARDC. At present, most Congolese blame the Tutsi-dominated regime in Kigali, and in effect all Tutsi, for their plight and suffering they have been forced to endure. In addition, the local population and the central government have long discriminated against the Tutsi population of eastern DRC, but the conflicts in recent years are seen by some elements of society as Tutsi retribution for past actions. Is a fully integrated army with Rwandaphone elements (Tutsi and Hutu alike) feasible in the eastern DRC? A fully integrated army should be able to deploy to any part of the national territory without any cause for concern, but deployment

---

30 Some well known human rights abusers, alleged by Human Rights Watch to be war criminals, are: Germain Katanga – newly appointed General in the FARDC and former Leader of the Patriotic Force of Resistance in Ituri (Forces des Resistance Patriotique d’Ituri, or FRPI); Jérôme Kakwavu – newly appointed General in the FARDC and former President of The People’s Armed Forces of Congo (Forces Armées du People Congolais, or FAPC); Floribert Kisembo Bahemuka – newly appointed General in the FARDC and former Leader of the Union of Congolese Patriots – Kisembo Wing (Union des Patriots Congolais, or UPC-K), a splinter group of the UPC; Bosco Ntaganda – newly appointed General but not yet installed and former Acting Leader of the Union of Congolese Patriots – Lubanga faction (UPC-L); Rafiki Saba Aimable – newly appointed Colonel in the FARDC and former Chief of Security of the UPC; and Salumu Mulenda – newly appointed Lieutenant-Colonel in the FARDC and former Senior commander in Jérôme’s FAPC, former member of the UPC. Human Rights Watch. January 13, 2005. “D.R. Congo: Army Should Not Appoint War Criminals: Congolese Government Must Investigate and Prosecute Warlords, Not Reward Them.” New York; Washington; London; Brussels: Human Rights Watch.
outside of the Kivu region is a key source of apprehension for Rwandaphones. The distrust of Rwandaphone elements (more so Tutsi than Hutu) in the DRC is in addition a great cause of concern for Congolese outside of the Kivus, which has already led to public rallies and xenophobic protests against their deployment inside the national territory that have turned violent.

**Leadership and Impunity in the FARDC**

As stated above, The FARDC is a bloated organization, and is about twice the size that is needed to secure the national territory. Initially it was envisioned that the FARDC would complete the “Kinshasa phase” and be fully integrated before the 2005 general elections. Neither were the general elections held in 2005, nor was the “Kinshasa phase” of integration completed. General elections were postponed until 2006, and brassage has stagnated and remained behind schedule ever since.

The two institutions tasked to manage the brassage project are the civilian governmental organization, CONADER (National Commission for Disarmament, Demobilization and Reinsertion), and the military. CONADER is responsible for overseeing the demobilization, disarmament, and reinsertion part of the process, while the military is responsible for integration. Both aspects were envisioned to occur in simultaneous fashion, but mismanagement and poor execution have hindered the entire process. Primary support and funding for brassage comes

---

31 Author interview with MONUC Humanitarian Affairs official, Goma. Local Tutsi listed three major concerns for not wanting to enter brassage: 1) they are afraid of deployment to another part of the country, 2) if they are deployed outside of North Kivu, they would likely have to leave their families behind and are afraid for their families’ safety and security, and 3) they are worried about what will happen to General Nkunda if they leave. Many Tutsi see General Nkunda as their only source of protection.

32 In 2003/2004, CONADER in North Kivu argued that they would need enough funding, up front, to carry out the project of integration for ten years. In their view it would take a minimum ten years to fully integrate all of the armed belligerents. MONUC personnel and NGOs balked at this timetable and merely saw this as an attempt to extort money from international donors. It was agreed that brassage should take no more than three years (author’s interview).
from MONUC, South Africa, Angola, France, Belgium, the United Kingdom, and the United States. Despite the support from bi-lateral governments and partners,

the integration process still suffers from political interference, parallel command structures, doctrinal divergence, insufficient domestic funding, belligerence threats, continued insecurity in the eastern provinces, and delays in disarmament, demobilization and reintegration (DDR) planning and implementation. The DDR program, in turn, is behind schedule because of delays and a lack of planning for the implementation of transitional programs.  

In addition,  

the process was under-resourced with non- or minimal payment of salaries to military personnel and insufficient supplies of food, water and medical equipment to the integration points (centres de brassage), many of which had poor facilities. These factors left civilian populations around the camps at great risk of human rights abuses.  

**FARDC Structure**  
The top levels of the FARDC have been distributed equally among the former armed combatants. The General FARDC chief of staff is: Lieutenant General Dieudonne Kayembe Mbandakulu Tshisuma. The following three are commanders of the three branches of armed service. General Gabriel Amisi is the Land Forces Chief of Staff (ex-RCD), while the Air Force Chief of Staff is General Major John Numbi, and General Major Amuli Bahigwa is the Navy Chief of Staff (ex-MLC).  

---  

35 Spittaels, Steven, and Meynen, Nick. Mapping interests in conflict areas: Katanga. Fatal Transactions, International Peace Information Service. <http://www.ipisresearch.be//maps/Katanga/20070813_Mapping_Katanga_ENG.pdf>. Previous appointments to the top levels of the FARDC were filled by: General Staff was headed by Lieutenant General Kisempia Sungilanga Lombe; the FARDC land forces chief of staff was General Sylvain Buki (RCD-G); the FARDC Navy chief of staff was General Major Amuli Bahigwa (MLC); and the FARDC Air Force chief of staff was Brigadier General Bitanihirwa Kamara (MLC).
The following list provides an overview of the national territory and the commander for each region.36

- **Region 1**: Bandundu under Brigadier General Mustapha, Mukiza (MLC)
- **Region 2**: Bas-Congo under Brigadier General Kisempia, Sungilanga (FAC)
- **Region 3**: Equateur under Brigadier General Mulubi Bin Muhemedi (FAC)
- **Region 4**: Kasai Occidental under Brigadier General Kasereka Sindani (RCD-ML)
- **Region 5**: Kasai Oriental under Brigadier General Obed Riwihasiri (RCD-Goma)
- **Region 6**: Katanga under Brigadier General Alenghia Nzambe (MLC)
- **Region 7**: Maniema under Brigadier General Widi, Mbuilu Divioka (RCDN)
- **Region 8**: North Kivu under General Mayala Kyama Vainqueur
- **Region 9**: Oriental under Brigadier General Padiri, Bulenda David (Mai-Mai)
- **Region 10**: South-Kivu under Brigadier General Mabe, Mbuza (FAC)

The FARDC is further subdivided as follows: Team: 5 to 6 soldiers, Section: 10 to 12 soldiers (2 teams), Platoon: 40 to 45 soldiers (4 sections), Company: 120 to 150 soldiers (3 to 4 platoons), Battalion: 750 to 800 soldiers (3 to 5 companies), Brigade: 2,500 to 4,000 soldiers (3 to 4 battalions), Division: 12,000 to 15,000 soldiers (3 to 4 brigades).37

One of the main obstacles for real progress on security sector reform is a lack of trust and apprehension between the FARDC leadership and armed belligerents operating in North Kivu province. The FARDC and other armed factions are now tasked with putting aside their differences and history of armed combat against one another, but this has proven quite difficult in the current political environment. In 2004, Kinshasa extended an olive branch to Laurent Nkunda by bestowing the rank of general upon him. Initial prospects for Nkunda’s integration and his CNDP forces were promising, but Nkunda turned on Kinshasa and denounced the entire transition process. Nkunda led a military siege on Bukavu, perpetuating a rumor that General Mbuze Mabe of the 10th region was actively organizing a genocide of local Banyamulenge. The

---


supposed genocide turned out to be propaganda, and Nkunda’s men took the opportunity to terrorize the local population. The siege of Bukavu raised Nkunda’s profile as a ‘spoiler’ and solidified his presence as a threat to the region and the transitional period.

In addition to the position offered to Laurent Nkunda in 2004, key Mai-Mai rebels have been given leadership positions within the FARDC. Other than being a source of instability throughout North Kivu, the Mai-Mai have been key allies of Kinshasa since the late 1990s, receiving cash, military hardware, arms, equipment, and transport among other things. The Mai-Mai are largely structurally and militarily weak, which leaves many Mai-Mai factions easily prone to manipulation by outside agents and forces. However, since the beginning of brassage Mai-Mai commanders have been incorporated into the ranks of the FARDC and given prominent leadership positions, such as Colonel David Padiri of the Padiri Mai-Mai. Colonel Jackson from the Jackson Mai-Mai, Colonel Sultani Makenga, and Major Abdou Matata Panda of the 121st Mai-Mai Brigade have also been rewarded.38

Many of these Mai-Mai commanders retain parallel command structures and continue to manipulate their former soldiers in North Kivu. The United Nations in published quarterly reports continues to point out the undue influence that former-Mai-Mai commanders have over the civilian population, especially over children and young females. The commanders continue to extort money from local communities while children are used as porters, sex slaves, cooks, and soldiers.39 These Mai-Mai/FARDC commanders continue to perpetuate a culture of impunity that exists widely throughout the ranks of the FARDC leadership.

Lack of Professionalism

There is a complete breakdown of military professionalism throughout the ranks of the FARDC, which also contributes to the lack of trust within the FARDC, and a lack of trust of the FARDC on the part of the citizenry. The lack of professionalism extends as far back as the colonial time period. Just days after independence Commander Emile Janssens of the Force Publique famously wrote, “after independence equals before independence.” This statement set off a mutiny within the rank-and-file that would become the trigger for the Congo Crisis of the 1960s. A series of rebellions (Kasai, Katanga, Kikwit, Kisangani) and a slow deterioration within the ranks of the military would follow. Mobutu regularly rotated officers around Zaire, and privileged his elite-DSP unit with superior training, pay, and treatment at the expense of the regular army. These practices along with the decay of the state led to widespread demoralization within the army to the point that it began to loot and pillage society for its own survival. Laurent Kabila on the other hand relied heavily on a ragtag group of kadogos (child soldiers) and mobilized citizens fed up with Mobutism. The strength of the military at the height of Kabila’s presidency was composed of a large presence of Rwandese combatants, ex-Mobutists, disgruntled commanders who had long been discarded by Mobutu’s inner-circle, and a large detail of AFDL (Alliance of Democratic Forces for the Liberation of Congo) soldiers who had little to no military training whatsoever. The real strength behind Laurent Kabila’s presidency, and now Joseph Kabila, came from the external assistance of Angola, Zimbabwe and Namibia.

The FARDC is now a composite of all of the ex-militias and armed rebel organizations (former-AFDL rebels, MLC, RCD, RCD-N, RCD-Goma, RCD-K/ML, RCD-Authentique, and various Mai-Mai militias) that have agreed to integration with the former Congolese national army (Congolese Armed Forces, FAC). This mixture of combatants, which were at one time or
another fighting against Kinshasa and other armed elements, is a lethal combination of highly undisciplined, and underpaid soldiers that are now tasked with securing the national territory.

Impunity in the Ranks

The third issue here concerns impunity surrounding the appointment of known human rights abusers and alleged war criminals to positions of leadership within the FARDC since 2004. In 2005 Human Rights Watch reported that four of five appointments to the rank of general in the FARDC were well-known militia leaders that Human Rights Watch classified as individuals who committed serious human rights abuses, including war crimes and crimes against humanity. Although these individuals do not necessarily operate in North Kivu province, these appointments show a severe lack of judgment on the part of the transitional government. The transitional government’s willingness to embrace individuals who have committed serious crimes is a step in the wrong direction, and is an acceptance of a culture of impunity. These newly appointed generals are: Germain Katanga, Jérôme Kakwavu, Floribert Kisembo Bahemuka, Bosco Ntaganda, Rafiki Saba Aimable, and Salumu Mulenda. In addition to these

40 The main reason for the appointments of individuals who have committed war crimes and crimes against humanity, according to Kinshasa, is that the DRC government believes that peace and stability is more important than justice. The government wants to gain control of the national territory and secure its borders before it begins to think about prosecuting individuals for past war crimes and/or crimes against humanity.

41 Human Rights Watch. 13 January 2005. “D.R. Congo: Army Should Not Appoint War Criminals: Congolese Government Must Investigate and Prosecute Warlords, Not Reward Them.” Germain Katanga is a newly appointed General in the FARDC, and Leader of the Patriotic Force of Resistance in Ituri (Forces des Resistance Patriotique d’Ituri, or FRPI). According to witnesses, Germain Katanga helped lead one of the largest massacres in Ituri, that at Nyakunde Hospital in September 2002. Over a ten-day period his Ngiti combatants (later known as the FRPI) together with soldiers from the Congolese Rally for Democracy-Liberation Movement (RCD-ML) systematically slaughtered at least 1,200 Hema and other civilians selected on the basis of their ethnicity. They set up barricades to prevent civilians from fleeing and hunted down those who had hidden. They tortured some of those captured and then forced them to transport looted goods to a nearby village. There they massacred them. Germain Katanga also led FRPI combatants at other massacres, including those in Bunia, Komanda, and Bogoro in 2002 and 2003. Jérôme Kakwavu is a newly appointed General in the FARDC and President of The People’s Armed Forces of Congo (Forces Armées du Peuple Congolais, or FAPC). FAPC forces under the command of Jérôme Kakwavu have committed widespread and serious human rights abuses, including summary executions, torture and rape. In October 2004 FAPC combatants under the command of Jérôme arrested 24 civilians and beat them with large wooden sticks on their heads and backs. Two died immediately and four others died subsequently from their injuries. Between 2002 and 2004 Commander Jérôme ordered five public executions of soldiers accused of crimes
appointments, two of the most brutal militia leaders operating in northeastern province, Peter Karim of the Nationalist and Integrationist Front (Front des Nationalistes et Intégrationnistes, FNI) and Mathieu Ngudjolo of the Movement of Revolutionary Congolese (Mouvement des Révolutionnaires Congolais, MRC), were recently appointed colonels in the FARDC on 10 October 2006 by a ministerial decree.42 These appointments further undermine the credibility of without any judicial proceedings having taken place and in some cases he carried out the executions himself. According to several witnesses, combatants commanded by Commander Jérôme have tortured civilians accused of opposing him or of supporting his rivals. In one case, a victim told Human Rights Watch that Commander Jérôme sat in a chair and watched as FAPC soldiers whipped him 500 times. Floribert Kisembo Bahemuka is a newly appointed General in the FARDC and Leader of the Union of Congolese Patriots – Kisembo Wing (Union des Patriotes Congolais, or UPC-K), a splinter group of the UPC. Former military chief of staff of the predominantly Hema UPC, Floribert Kisembo was one of the commanders responsible for a campaign of executions and forced disappearances of civilians of Lendu origin and others who opposed UPC policies in Bunia in late 2002. According to local witnesses, they tortured and killed 100 people. UPC troops under the command of Kisembo also participated in ethnic slaughter of civilians at several places, including Songolo, Mongbwalu, Kilo, Kobu and Lipri. In the town of Kilo in December 2002, Commander Kisembo ordered civilians to dig their own graves before his combatants massacred them. The victims included women and children, some of whom were killed by blows from a sledgehammer. Commander Kisembo split from the UPC in early 2004 setting up a rival wing called the UPC-K and naming himself as president. Bosco Ntaganda is a newly appointed General but not yet installed Acting Leader of the Union of Congolese Patriots – Lubanga faction (UPC-L). [In addition, commander of CNDP, Western Masisi Division] Former UPC Chief of Operations and now the acting leader of the UPC movement in Ituri, Bosco Ntaganda has been involved in numerous massacres and other serious human rights abuses. In Songolo in August 2002 UPC combatants under Bosco’s command surrounded the town and went house-to-house killing Lendu and Ngiti civilians with firearms, machetes, or spears. From August 2002 to March 2003 Commander Bosco participated in hunting down, arresting, and torturing approximately 100 persons, members of the Lendu ethnic group and others opposed to UPC policies in Bunia. According to U.N. peacekeepers, Bosco’s UPC was responsible for killing a Kenyan U.N. peacekeeper in January 2004 and kidnapping a Moroccan peacekeeper later in the year. Rafiki Saba Aimable is a newly appointed Colonel in the FARDC Chief of Security of the UPC. As a senior commander in the UPC, Rafiki Saba shared responsibility for the hunting down of Lendu civilians and others opposed to the UPC, described above. One victim of abuses committed at that time told Human Rights Watch researchers how he was kept in an underground prison for four days with corpses before being taken out and brutally beaten. More than a year later he stills bore scars from the beating all over his body. On November 8, 2003 Commander Rafiki was arrested and a few months later the local court in Bunia found him guilty of arbitrary arrests, aggravated by torture, and sentenced him to 20 years in prison. He is currently incarcerated in Kinshasa. Salumu Mulenda is a newly appointed Lieutenant-Colonel in the FARDC Senior commander in Jérôme’s FAPC, former member of the UPC. Salumu Mulenda was one of the commanders directing massacres of civilians between 2002 and 2004 at such places as Mongbwalu, Kilo, Kobu, and Lipri. According to witnesses, Salumu ordered the late 2003 execution of civilians who were participating in peace negotiations. His combatants surrounded the place where discussions were being held in Kobu and massacred the community leaders who were inside. According to U.N. estimates reported to the Security Council, Commander Salumu led military operations that killed at least 350 civilians. In 2004 Commander Salumu joined Jérôme’s FAPC forces and was present when soldiers were executed supposedly as punishment for crimes but without trials having been held.

the FARDC as an institution that is designed to protect the civilian population and safeguard the state.

**Trusting Thy Neighbor: Mixage, A Lost Cause**

The Tripartite Plus Joint Commission, composed of the governments of Burundi, Rwanda, Uganda and the Democratic Republic of Congo, had until September 30, 2005 to pursue the policy of voluntary demobilization of all foreign-armed groups and Mai-Mai elements.43 After the deadline passed Kinshasa attempted to get tough on the armed belligerents threatening them with military action, but in practice it could do very little against the heavily armed, and better disciplined, CNDP. The only real sway Kinshasa had was over the much weaker Mai-Mai militias and very few disgruntled FDLR rebels.

In August and November 2006 General Nkunda’s CNDP engaged the FARDC in a series of violent confrontations around Sake (approximately 25km north of Goma) displacing a large section of the population, raising fears and tensions that more combat and suffering could likely occur. An estimated ten to fifteen percent of the North Kivu population was displaced and living in temporary displacement camps in and around Sake. Nkunda’s CNDP had been able to withstand the political and military pressure to enter brassage. However, after the fighting in late 2006, of which both the CNDP and FARDC suffered significant casualties, a secret meeting was arranged between General Nkunda and General John Numbi in Kigali with Rwandan military representatives and the Rwandan Chief of Staff, General James Kaberebe.44 The

---

43 The Tripartite Plus Joint Commission is facilitated by the United States. The commission is a regional attempt to deal with armed groups operating on their soil, and in the DRC to ensure the “disarmament and repatriation or reintegration, and that sanctions would be imposed on such armed groups should they refuse to disarm voluntarily before 30 September 2005.” United Nations. 21 November 2005. Fifth report of the Secretary-General on the United Nations Operation in Burundi. S/2005/728, 21 November 2005.

44 It still remains questionable and not fully clear why General John Numbi, Chief of the Air Force, would be in North Kivu negotiating with Nkunda over integration.
meeting was an attempt to end the direct confrontations and to get assurances from Nkunda that he was serious about engaging the *brassage* process. All governmental officials agreed to a new plan called *mixage*, which skirted all security sector reform programs already in place.

According to Amnesty International the terms of the accord were not written down, nor made public, but had six objectives, to which Nkunda allegedly agreed. The objectives were:

- Nkunda’s troops would be integrated – mixed- with the Congolese army troops present in North Kivu;
- The mixed troops would be deployed locally rather than sent somewhere else in the Congo;
- Eventually all these troops would be fully integrated with the rest of the Congolese army and would be deployed outside North Kivu;
- The mixed brigades would conduct military operations against the FDLR;
- The anticipated defeat of the FDLR and restoration of local security would make possible the prompt return of Congolese refugees from Rwanda;
- Nkunda was to leave Congo for a year or so in South Africa, on the pretext of pursuing further military training.45

By contrast, the International Crisis Group reported that only four objectives were actually agreed upon:

- After implementation of the ceasefire and establishment of the mixed brigades, the latter would deal with the FDLR;
- The Congolese refugees in Byumba, Kibuye, Ngarama, Nkamira and Cyangugu in Rwanda, Gatumba in Burundi and Nyakivara in Uganda would start returning home, and robust action would be taken to facilitate their resettlement;
- The mixed brigades would be fully integrated only when these conditions had been met and the integration process improved;
- The government and the CNDP would hold direct talks.46

---

Whatever the exact details of the agreement were, it does appear that both sides agreed upon a series of issues. A ceasefire was then called and respected by both sides. It was agreed that Nkunda’s troops would enter into a process of mixage, or mixing, not full army integration. Nkunda’s 81st and 83rd Brigades of the CNDP, and the rest of the combatants, would mix with the FARDC’s 110th and 116th Brigades, as well as the 1st Reserve Brigade. An additional 4,500 to 5,000 Nkunda loyalists were also expected to mix with a similar number of FARDC troops. Upon completion five new brigades would be formed: Alpha, Bravo, Charlie, Delta, Echo. There was expected to be a sixth brigade, Foxtrot, but this was avoided by Mai-Mai and FARDC representatives when it became obvious that mixage was collapsing.47

Figure 8-1 below provides a breakdown of the brigades, where each brigade would be deployed, and who the designated commander would be. Three of the brigades (Alpha, Delta, and Echo) were to be mixed in Kitchanga, Nkunda’s fiefdom, and then Alpha Brigade would be placed under the command of the commander Colonel Mosala. Colonel Makenga would command the Bravo Brigade, Charlie Brigade would be commanded by Colonel Yav, Delta Brigade would be commanded by Mai-Mai hardliner, Colonel Padiri (see chapter six for more on Colonel Padiri), and finally Echo Brigade would be placed under Colonel Faustin.


47 Foxtrot never emerged due to rising tensions between Nkunda and local Mai-Mai combatants. “In late April, Generals Amisi and Ngizo suspended integration of the sixth and last brigade (Foxtrot). The Mai-Mai groups which had stated readiness for integration into the army withdrew from the process, accusing Nkunda of using mixage to reinforce and refund his movement, extend its control over Rutshuru, Masisi and Walikale and prepare to attack the non-Tutsi communities under cover of operations against the FDLR.” International Crisis Group. Congo: Bringing Peace to North Kivu, p. 10.
Collapse of Mixage

Throughout the mixage process Nkunda was working behind the scenes in a two-track fashion: 1) Nkunda was forcefully conscripting children throughout the region to join the ranks, and 2) he was using the mixage process as an opportunity to strengthen his position in the province. The United Nations in its 2007 annual report, “Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo” notes the forceful conscription of a number of children from Congolese and Rwandan refugee camps. The children once conscripted were told to remain out of sight while passing through mixage.

<table>
<thead>
<tr>
<th>Name</th>
<th>Compromising</th>
<th>Mixage</th>
<th>Commander</th>
<th>Current Deployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Brigade</td>
<td>83 Brigade (Nkunda) 110 Brigade (FARDC)</td>
<td>Kitchanga</td>
<td>Colonel Mosala</td>
<td>Nyanzale</td>
</tr>
<tr>
<td>B Brigade</td>
<td>110 Brigade, 1 Reserve Brigade (FARDC) Colonel Makenga’s Troops</td>
<td>Chengerero</td>
<td>Colonel Makenga</td>
<td>Rwindi</td>
</tr>
<tr>
<td>C Brigade</td>
<td>81 Brigade (Nkunda) 1 Reserve Brigade (FARDC)</td>
<td>Mushake</td>
<td>Colonel Yav</td>
<td>Masisi</td>
</tr>
<tr>
<td>D Brigade</td>
<td>116 Brigade (FARDC) 83 Brigade (Nkunda)</td>
<td>Kitchanga</td>
<td>Colonel Padiri</td>
<td>Goma</td>
</tr>
<tr>
<td>E Brigade</td>
<td>116 Brigade (FARDC) Left over</td>
<td>Kitchanga</td>
<td>Colonel Faustin</td>
<td>Walikali</td>
</tr>
</tbody>
</table>


48 It should be noted that the FARDC Commander Sultani Makenga of Bravo Brigade has been cited by the United Nations Report for systematically recruiting child soldiers from Rwanda. Throughout the mixage process he obstructed child protection agents, and at one point threatening their lives. United Nations. Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo. S/2007/391, 28 June 2007, pp. 8-10.
centers.\textsuperscript{49} In addition to the forced conscription of children, as many as 480 former-Rwandan soldiers were mixed into the brigades as a result of careless oversight.\textsuperscript{50} By increasing the overall size of the brigades, \textit{mixage} provided Nkunda loyalists more financial resources, and the opportunity “to ensure the greatest number of places reserved for his officers in a distribution of posts in the integrated units.”\textsuperscript{51} One of the top two spots of each brigade was reserved for a Nkunda loyalist, and despite the mixing process Nkunda retained control over his former soldiers.

During \textit{mixage} tensions escalated between the FARDC/Kinshasa and Nkunda, each accusing the other of underhanded tactics. A ceremony took place in Kitchanga on 27 March to celebrate the completion of the Delta Brigade. The newly installed Governor, Julien Paluku, Nkunda, General John Numbi, members of the 8\textsuperscript{th} Military Region, and local civil society members attended.\textsuperscript{52} Despite the publicity, rising tensions over Nkunda’s manipulation of the \textit{mixage} process caused many political and military elites to question his reliability. General John Numbi left for Kinshasa in March, which Nkunda perceived as a sign of Kinshasa’s weakness, and Nkunda grabbed hold of the opportunity.

Throughout mid-April Nkunda took it upon himself to employ the newly mixed brigades and began to attack FDLR positions along three routes: “the Rutshuru-Nyamilima road, between Mweso and Nyanzale and in the Ngungu-Katoyi area.”\textsuperscript{53} Nkunda seamlessly pushed out the

\textsuperscript{49} Ibid., pp. 6-9.
\textsuperscript{51} Ibid., p. 19.
\textsuperscript{53} Ibid., p. 11.
FDLR from its former strongholds, and took control of a swath of new territory. The FDLR suffered a few losses, but retreated into the Virunga National Park and westward to Walikale territory. The military strikes left Nkunda empowered and in control of six new brigades estimated between 8,000-8,500 combatants.

Due to the armed confrontations, Generals Amisi and Ngizo suspended mixage and accused Nkunda of using the process to rearm and to seize control of North Kivu, in effect placing it back in the hands of the Tutsi. Ongoing tensions finally gave way when on 5 May 2007 Nkunda announced publicly on television that mixage was over. According to Patient Mwendaga of the CNDP, “the mixing has failed on a logistical and organizational level,” and an advisor to President Kabila remarked that Nkunda never intended to integrate into the army and “lamented the orchestrated failure of the mixing.”

**Consequences of Mixage**

The consequences of mixage have been no less than disastrous for the stability of North Kivu province and security sector reform overall. Laurent Nkunda was able to reposition himself throughout the southern territories and made it a point to target FDLR sites and Hutu communities as suspected sympathizers. In addition, security sector reform in North Kivu all but ended. Sexual violence and the rape of women continued unabated, and there was the upswing in displacement- an estimated 371,550 individuals occurred from December 2006 to October 2007. Finally, all armed groups continued to forcefully conscript child soldiers.

---


Nkunda’s actions led to heightened social tensions between the Rwandaphone and Congolese authochtone communities. His actions were seen by the local population as an attempt to re-establish Tutsi domination over North Kivu. There was an increase in the number of clashes between the CNDP and Mai-Mai militias, and FDLR combatants, which led to a number of massive displacements and widespread suffering throughout local territories.

Politically speaking, Nkunda’s actions were in essence a strategic coup against a newly elected President Kabila. President Kabila was publicly chided and mocked by politicians for negotiating a secret deal with Laurent Nkunda. This was a considerable gamble that President Kabila was willing to take, and yet lost, and lost big. Finally, Nkunda’s superior firepower and tactics publicly humiliated the FARDC. Nkunda’s forces routed and pushed back a frustrated army that continued to search for answers to the Nkunda problem.

Ongoing Human Rights Abuses and Political Instability

Following the collapse of mixage, North Kivu province once again became the battleground for renewed violence by all armed combatants. A growing humanitarian crisis of internally displaced people (IDPs) emerged around the southern territories of Masisi and Rutshuru, where approximately 25% of the province’s IDPs were interned and being looked after. The renewed crisis undermined and all but ended, at least in the short term, security sector reform. The ongoing conflict highlighted the difficulty of finding concrete solutions to security sector reform in North Kivu province.

A war of words emerged continued between Nkunda and Kinshasa, each accusing the other of undermining progress in the region. For Nkunda, the real solution was an all out military victory and killing of all FDLR and FDLR-sympathizers, i.e., the Hutu of North Kivu province. Nkunda also desired a permanent resettlement of Tutsi Rwandaphones to the province.
along with an ironclad guarantee that their safety would be protected.\textsuperscript{56} For Kinshasa, an immediate victory would only occur if Nkunda and his CNDP would sincerely engage the DDR process and military integration, and if not, his permanent removal from Congolese territory. These tensions only further complicated an already tenuous situation.

\textbf{Nkunda Actions}

Nkunda-affiliated groups stepped up operations in Masisi and Rutshuru territories terrorizing local populations for the first few months after the collapse of \textit{mixage}. In particular, Bravo Brigade was suspected of mass killings in Kiseguru and Katwiguru, Rutshuru. According to Human Rights Watch, the 2\textsuperscript{nd} battalion of Bravo brigade under the command of Lieutenant Colonel Innocent Zimulinda entered Buramba, Rutshuru, killing at least 15 civilians, including women and children. Additional killings and rapes by Bravo brigade were discovered in Jomba, Kako, Kamapenga, Kisharo, Rubare, Nyahanga, and Talika, all in Rutshuru territory.\textsuperscript{57} In addition to these massacres, “on 8 September, MONUC confirmed reports of 12 mass graves near Sake in locations previously held by Nkunda-led forces. A joint investigation with Congolese judicial authorities confirmed that the graves contained the remains of at least 21 victims, six with hands tied behind the back.”\textsuperscript{58}

\textsuperscript{56} In September 2007, President Kagame stated “some people in Congo are trying to elevate FDLR by putting them in the same category as Nkunda. I don’t think Nkunda, whatever mistakes he could be held accountable for, should be put in the same category as FDLR. He has some political grievances which are legitimate.” Munyanze, James. 11 September 2007. “Nkunda has legitimate grievances – Kagame.” \textit{The New Times}.


\textsuperscript{58} It is believed that these massacres were committed by Bravo brigade. United Nations. \textit{Twenty-fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo}. S/2007/671, 24 November 2007, p. 4.
The alliances between Nkunda-affiliated brigades and the CNDP began to fray causing tensions and many to desert Nkunda’s rebellion. By August 30 all of Nkunda’s fighters left the recently formed brigades, causing these brigades to shift alliances to the FARDC once more. In response to the numbers of Nkunda-affiliated loyalists leaving Nkunda’s cause, President Kabila extended an October 15 deadline announced earlier in the month for Nkunda’s troops to enter *brassage*.

Nkunda accused the Mai-Mai of supporting the FDLR, which led to local skirmishes near Kisharu and a number of deaths. A full-scale eruption of conflict between Nkunda and the FARDC/FDLR/Mai-Mai alliance led to higher levels of displacement forcing IDPs to flee towards Goma, Rwanda, and Uganda. These hostilities increased MONUC concerns that a much larger conflict, possibly regional, was imminent.

**National Armed Forces of The Democratic Republic of Congo Actions**

The failure of *mixage* was an embarrassing defeat for President Kabila. In response, President Kabila summoned the 6th and 15th Integrated Brigades from Kisangani and Ituri to Goma along with a major supply of weapons and ammunition. Major General Gabriel Amisi even declared a suspension of armed activity against the FDLR, and in effect legitimizing Nkunda’s rebellion and his withdrawal from *mixage*. Within days of international condemnation, General Mayala stated their operations against FDLR would continue, but it was too little too late.

---

59 A division emerged in some of the brigades questioning Nkunda’s tactics and goals. After some time many rejoined the FARDC.

60 “In remarks to the press, President Joseph Kabila reiterated his determination to use force if necessary to ensure the restoration of State authority. He emphasized the Government’s commitment to protect the Tutsi and all other Congolese communities, stating that it was the sole responsibility of a national and unified Congolese army. He added that Mai-Mai and other militias were also required to enter *brassage*, and that his Government had presented a plan to Rwanda and MONUC for a definitive solution to the problem of FDLR.” United Nations. *Twenty-fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*. S/2007/671, 24 November 2007, p. 4.
The FARDC on 5 September 2007 struck Nkunda’s positions hard and attempted to push him back from marching on Goma. The initial strike overwhelmed Nkunda’s forces. The next day Nkunda’s forces rebounded by launching a counter-offensive against the FARDC until a ceasefire was brokered by MONUC, but this was little more than a delaying tactic for both sides to rearm and regroup. On 4 October 2007 fighting once again erupted in Ngungu and Karuba in Masisi territory, and Rumangabo in Rutshuru territory displacing large segments of the local population. Tensions between the FARDC and Nkunda would remain high throughout the remainder of 2007.

**Democratic Forces for the Liberation of Rwanda Actions**

FDLR rebel movements were largely quiet in the early months of 2007. The FDLR had been living in North Kivu province for almost fourteen years, and many of the combatants intermarried into local Congolese communities and had become a part of the local social and economic fabric. When it became obvious that mixage would collapse, tensions and hostilities between FDLR and local Congolese escalated.

Human Rights Watch reports a number of looting incidents in Mutabo, Katwiguru, Bwisha, and Makoka, Rutshuru territory. There was also a noticeable spike in the number of abductions, reported disappearances of local administrators and chiefs, and a large number of reported rapes by FDLR rebels. Local individuals stated that before the collapse of mixage, relations between FDLR and local communities were fine, but after the arrival of Nkunda’s Bravo brigade to the region, “FDLR target people who they accuse of being close to the Bravo brigade. People are scared to go home because of the FDLR.”

---

On 20 October Mai-Mai forces under the command of Colonel Kasereka Kabamba and the FDLR attacked Nkunda’s CNDP in Bunagana forcing the displacement of an estimated 10,000 refugees into Uganda. Colonel Kasereka is a deserter from the FARDC 5th Integrated Brigade. President Kabila called on Kasereka Kabamba to voluntarily disarm in 72 hours or face military action. On 27 October, in an operation jointly planned with MONUC, FARDC troops surrounded Kasereka Kabamba, resulting in his surrender. The FDLR with support from Mai-Mai and the FARDC continued to be very active throughout the remainder of 2007 in response to Nkunda’s rebellion.

**Security Sector Reform and Ongoing Security Threats**

Security sector reform continues to be an ongoing challenge in the DRC as the violence on the ground fluctuates. From 2005 to January 2007 brassage had all but stalled. The general restructuring of the FARDC continued to take a back seat to the countless setbacks and security problems within North Kivu and the broader DRC. Brassage was originally structured so that complete security sector reform would occur in time for the originally 2005 scheduled general elections. Even with the elections postponed for another year, brassage was not completed, and still had not been one year post-transition to The Third Republic. Brassage as a viable project remains highly questionable in light of the uneven nature and fragility of the DRC state and the large number of armed combatants that continue to threaten and undermine the state’s authority and capacity, almost daily, to regain control of the national territory.

Despite what seems like a rather bleak assessment, the security situation has improved overall since 2003 as armed combatants slowly agree to the DDRRR process. However, the security dynamics are constantly shifting and evolving, and much more remains to be done. On

---

2 September 2007, the foreign ministers of the DRC and Rwanda discussed in Kinshasa the ongoing tensions in North Kivu and the FDLR threat to the Rwandan state. The ministers agreed to reactivate a joint verification mechanism and decided that the African Union and MONUC should support the creation of a secretariat in Goma. The plan eventually stalled because Rwanda pulled its delegation out of the 15 October meeting. Another series of meetings occurred in Tanzania between President Kabila and President Museveni of Uganda as an attempt to strengthen bilateral relations between their countries, and to also discuss cross-border security concerns. In addition, the Tripartite Joint Commission met four times throughout 2007 under the facilitation of the United States, which attempted to come up with strategies to address the FDLR problem, with MONUC attending as an observer.\(^63\) The most important meeting occurred in 2007 in Nairobi between the Rwandan and DRC governments, which resulted in a document known as the Nairobi Communiqué (S/2007/679), which addressed the activity of negative forces and called for an end to direct support to negative forces operating in eastern DRC. In particular, Rwanda would cease any and all activity to the CNDP, and the DRC would sever all contact and support to the FDLR. In addition, the DRC government would seal its border, and Rwanda would provide the DRC government with a detailed list of *genocidaires*. This was an enormous step to addressing the security dynamics of the region, and a step in the right direction for both states, but the agreement and goodwill between both governments stalled.\(^64\) Fighting has since re-erupted and both states and armed combatants accuse the other of undermining the agreement.

According to the United Nations in November 2007,

\(^{63}\) Ibid., pp: 6-8.

the national disarmament, demobilization and reintegration program has processed 165,687 former combatants. Of these, 62,929 have been integrated into FARDC while 102,758 have been demobilized and are receiving financial entitlements. About 15,300 of an estimated 18,500 foreign fighters, primarily from FDLR, have been repatriated. Despite the considerable progress made, major challenges remain. Only 54,697 of the Congolese former combatants who have entered the disarmament, demobilization and reintegration program are targeted by longer-term reintegration projects. Those excluded from these projects are a source of frequently violent unrest throughout the country. In addition, approximately 78,096 eligible Congolese combatants have yet to enter the national disarmament, demobilization and reintegration program. An additional 19,400 combatants, consisting of Mayi-Mayi and other elements not signatory to the 2002 Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, are outside the purview of the national program.

In addition to these immense challenges, the financial and logistical challenges for CONADER have been nothing short of immense. As early as June 2006, CONADER, due to a lack of funding “has closed all orientation centers (COs) and is using mobile units to handle the final wave of demobilization (under the plan de relance), which is supposed to be completed by 31 December 2007.” “As an alternative measure, CONADER apparently intends to make use of “mobile intervention teams” when the need arises.”

---


66 MONUC, in its quarterly report to the Security Council, reported in June 2006 the serious deficiencies of CONADER and mismanagement of security sector reform. The report states “disgruntled ex-combatants who have not received their reintegration assistance present a further threat to security and stability in the coming months. Serious shortcomings in the management of CONADER, including the alleged misappropriation of funds, continue to hinder the effective implementation of the disarmament, demobilization and reintegration program. Thousands of armed men across the country await late payments in orientation centers, where living conditions are very poor. Because of accumulated delays in implementing the disarmament, demobilization and reintegration process, the UNDP rapid response mechanism advanced $2.1 million for assistance to the 20,000 dependants living close to orientation and transit centers.” United Nations. Twenty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo. S/2006/390, 13 June 2006.


In addition to the issues already addressed here, I will simply acknowledge seven telling points made by the highly respected international NGO, Refugees International (RI). According to RI, security sector reform in the DRC has revealed:

- the process of integrating the various fighting forces in the Democratic Republic of the Congo, known as *brassage*, was seen as a necessary precondition for the organization of the 2006 elections;

- *brassage* was conceived as an emergency plan, rather than a strategically-planned process of defense sector reform;

- in practice, many who were well below par by military standards were enlisted in the FARDC;

- Belgium, Angola, South Africa, the Netherlands, and the European Union provided training support;

- the army 'integration' process is far from complete;

- the *brassage* and *mixage* processes did nothing to address the issue of impunity for war crimes and gross human rights violations;

- giving all combatants the opportunity to assimilate into a new army has inflated retirement benefit costs downstream and created huge problems for any future right-sizing exercise.⁶⁹

In light of the political and security development from 2003-2007, *brassage* as a process remains far from complete and the challenges are overwhelming. Without sustained effort and political commitment by the DRC government to address the security challenges within the DRC, as well as continued political and financial support by the international community, security sector reform will be delayed and the civilian population will suffer the consequences. As security sector reform stands, much has been accomplished in the way of demobilizing armed combatants and integrating them into the FARDC, but so much more remains to be accomplished.

In conclusion, security remains vital to the rebuilding of the DRC state and society. Every scholar working on failed states acknowledges that security is paramount to the

reconstitution of state order. Without security, little else can substantively be accomplished in the coming years. Additionally, in recent years it has been acknowledged by the international community that security sector reform is critical to rebuilding failed states. Iraq and Afghanistan remain the poster children for this effort. The reform of the DRC security operation rivals these two countries in terms of the scale of the operation, but when compared to the advantages these two country’s receive in terms of assistance, training, military hardware, and supplies, the DRC operation pales in comparison. In addition, in the case of Iraq the country had a professional army with a clear chain of command before the overthrow of Saddam Hussein in 2003, and it was well equipped and paid regularly. Afghanistan on the other hand is a country with no real national army to speak of, and is at present in its infancy stages, composed of little more a few elite-trained elements, a large rank-and-file that are little more than bandits, and a number of small-scale militias with no real sense of national identity or purpose. However, Afghanistan

receives major infusions of financial and military assistance from the United States and NATO (North Atlantic Treaty Organization) member states. The DRC on the other hand is a country three times the size of Afghanistan that receives little to no real assistance when compared to Afghanistan. The FARDC (Armed Forces of the Democratic Republic of Congo) is a composite of bandits, ex-militia leaders, major human rights abusers, alleged war criminals, and an array of undisciplined group of men and young boys who count more on looting and extortion for pay and services than on receiving their monthly salary from the state. Without a clear vision for the reform of the FARDC and routinization of soldier pay, as well as training that assists in re-professionalizing the army, flashes of instability and violence are likely to continue in the FARDC. In addition, parallel chains of command with ties to criminal elements and corporate interests continue to permeate the military chain of command. These structures continue to undermine the authority of the state, and the state’s ability to regain complete control of the national territory.

The issues raised by Herbert M. Howe on post-colonial African states also raise a number of issues that apply to the DRC and other weak states around the world. The issue of ethnicity is particularly salient in the African context, and in the case of the FARDC it is apparent that President Kabila continues to promote many of the same failed policies of Mobutu Sese Seko, which created an uneven army that heavily favored the Nbgandi at the expense of society. President Kabila continues to fill out the ranks of his elite Republic Guard unit with his ethnic-kin, the Balubakat, who receive a larger, and regularly paid salary, as well as the best training and equipment available. This has adversely affected the rank-and-file FARDC soldier, who continues to receive an irregularly paid salary of $10-12 per month, as well as sub-standard

---

equipment and training. The conditions for the average soldier are appalling. In addition, Howe acknowledges that most post-colonial African armies are highly unprofessional and ill disciplined. The FARDC epitomizes the unprofessional African army. Impunity exists widespread in the ranks, and the state knowingly continues to appoint individuals to key leadership positions who are alleged to have committed crimes against humanity and other human rights abuses such as war crimes. It remains almost certain in light of the widespread impunity and lack of sincere attention given to the *brassage* process, the FARDC will remain highly unprofessional and continue to loot local businesses, as well as bribe local citizens for food and money, and continue to be a major source of instability and violence throughout the DRC.

Finally, the draft law on Defense was only recently passed by the National Assembly in June 2004, and promulgated on 12 November 2004. This is the first time in the history of the DRC that the state has outlined what the purpose of the FARDC is, as well as what is its function in society. However, the FARDC and the state remain extremely fragile. There is a fine line that President Kabila continues to walk in light of the fragility of these institutions. These new guidelines and rules exist only on paper, and like many other developing country contexts, these new rules mean little in the day-to-day affairs and lives of the average Congolese citizen. Until there is a coherent national vision with concrete benchmarks in place, and which can be independently verified and monitored, *brassage*, as a process will remain incomplete, and the DRC state and society will likely remain unstable and insecure for the coming years.
CHAPTER 9
CONCLUSION

This dissertation has explored the multiple dimensions of local political violence in the Democratic Republic of Congo (DRC) from 2003-2007. The irony of the renaming of the Democratic Republic of Congo in 1997 is that the state is anything but democratic, nor is it fully a republic. Within a year the country was thrust into a regional/international conflict involving as many as seven different countries at one point. Angola, Namibia, Uganda, Rwanda, Zimbabwe were the main actors in the conflict, but Burundi and Chad also played a role in the conflict early on.

The signing of the Global and All Inclusive Agreement in 2002 formally ended the conflict that pit Rwanda and Uganda against Kinshasa, which was backed by Angola, Zimbabwe, and Namibia. Rwanda and Uganda worked through rebel organizations: Rwanda backed The Rally for Congolese Democracy (RCD), which eventually fragmented into several other rebel organizations, most notably the RCD-Authentique (RCD-A); Uganda supported the Movement for the Liberation of Congo (MLC), and also the RCD-Movement for Liberation (RCD-ML). By the signing of the All Inclusive Agreement in 2002, the conflict led to the deaths of an estimated 5.4 million people, split the country in half, and was labeled “Africa’s First World War” by the international media.¹

Following the formal end of the conflict, a transitional period was ushered in, and it was expected to last two years until national democratic elections would be held in 2005. The objectives of the transition were:

- the reunification and reconstruction of the country, the re-establishment of peace and the restoration of territorial integrity and State authority in the whole of the national territory;
- national reconciliation;
- the creation of a restructured, integrated national army;
- the organization of free and transparent elections at all levels allowing a constitutional and democratic government to be put in place;
- the setting up of structures that will lead to a new political order.

Despite what appeared to be clear political objectives during the transition, the transition was not as smooth as the international community would have liked. Of the five objectives, only national elections have been achieved, and even that a year later than originally planned for. Violent conflict has continued to occur, predominantly in the Kivu provinces and Ituri territory.

Most analyses up to the present have focused on the international and regional dynamics of the conflict, which is entirely appropriate and deserves serious attention. The DRC conflict, however, has been a conflict of multiple layers and dimensions that have overlapped and interlocked at times. There is an international dimension that brought in neighboring states to either support, or fight against the fragile regimes of Presidents Laurent-Désiré Kabila, and then his son Joseph Kabila. In addition, there is a multi-national dimension involving corporate mining and timber interests, arms dealers, and other criminal networks.

There is also a national dimension that is the result of state decay and thirty-two years of despotic rule by Mobutu Sese Seko. Mobutism laid the foundation for the eventual disintegration of the former-Zairian state. There is, however, also a local dimension to the DRC crisis, and one that has been overlooked and is much more complex in my view. To gain a full
understanding of the crisis one must also take into account the local dimension, which involves unique locales and histories that have complicated the DRC. This is the level that I have sought to examine, with a focus on North Kivu province. I find North Kivu to be a particularly important case to examine, partly because of its tragic history, but also because it is at the heart of so many of the problems and challenges facing the DRC. In addition to its distinct history, the dimensions of the conflict in the province must take into consideration all three levels of analysis, because of North Kivu’s geographic location. I have focused primarily on the local dimension of the problems in North Kivu. I have of course, also pointed out some of the regional and international complexities of the violence in North Kivu, because the violence is multi-dimensional and it does not stop at the territorial level of the province, or the DRC’s border. The situation is simply too complex, and impossible to fully isolate the province from other neighboring areas and states.

The dissertation then explores the reasons for local violence in North Kivu from 2003-2007. I have sought to understand why violence in North Kivu continues to occur throughout the transition period up to the present day. In my view, this is due to local political reasons for ongoing violence. Many of the reasons are rooted in the province’s history (e.g., conflict over land), while others are more current (the role of state and non-state actors, and the state as an agent of violence).

As stated in the introductory chapter, there are four motivations for writing this study: 1) to highlight the need for a multi-factor and multi-causal approach to understand the ongoing violence, and to illuminate the complexities surrounding the crisis in North Kivu province, 2) the oversimplification of the causes behind violent political conflict, which is directly reflected in the narrow policy prescriptions that are proposed as a “fix” to a particular situation, 3) to shed
empirical light on a little known case; the DRC, and particularly the Kivu region as a whole, remains an under-analyzed case that can provide new insights into conflict processes and political violence, and 4) this dissertation is a reflection of my long-standing interest with Congolese political history and events.

The first reason for this study is to illustrate that uni-dimensional views of political violence are limited in helping political analysts understand why protracted conflict persists in the DRC. This body of academic scholarship is important in a global sense, but at the state level, and even micro-level, their currency begins to diminish as each individual case is closely examined. The DRC has been classified in a number of ways by well-known political scientists and academics, and yet these categories have not helped policymakers develop new strategies or techniques for addressing these crises. The work by Paul Collier on greed and grievance typifies this point. For Collier, “if economic agendas are driving conflict, then it is likely that some groups are benefiting from conflict and that these groups therefore have some interest in initiating and sustaining it”.2 On the other hand, conflicts motivated by grievances are believed to occur because of socio-political and economic inequalities in society. Grievances are thought to occur along the lines of rapid economic decline or inequality, political repression, shaky political transitions, and ethnic and religious factionalism.3 In addition, large-N studies, and even some small-N studies that focus on single-factor analysis do not always capture the minutiae and specifics of a particular conflict. It has been shown that greed has played a role in the violence in the DRC conflict, and it continues to play a role, but as I have shown here in this dissertation, the violence is simply too complex to be reduced to one or two factors.

---


The second reason for writing this dissertation is that policy prescriptions are at times the outgrowth of misguided analyses on political violence. In contrast, I argue that the local context is important to consider when attempting to comprehend violent environments like North Kivu province. My concern here is with the narrow policy prescriptions for countries that have experienced high levels of political violence, and/or state failure. Policy prescriptions tend to be formulaic, and many have been a direct outgrowth of ‘Wilsonianism,” which pay little attention to local circumstances. It is these particular circumstances and local surroundings that prove to be critical when identifying the root causes of violence, as well as proposing concrete solutions to seemingly intractable situations.

In the age of neo-liberalism where the state is playing less of a role in society’s management, multi-party democracy is considered the only legitimate game in town (as defined by Western ideas and interests). Additionally, the market is seen as the primary vehicle for short-term opportunities and long-term development. This very powerful paradigm has radically shaped, but also restricted, the types of recommendations and prescriptions that are considered viable in the eyes of the international community. These policy prescriptions can been seen in a number of African cases that have experienced various degrees of violence: Namibia in 1992, Mozambique in 1992, Rwanda in 1993, Burundi in 1993, Sierra Leone in 2002, Liberia in 2006, and most recently the DRC in 2006. Some of these cases like Namibia and Mozambique have proven to be successful, for a variety of reasons, in comparison to a number of the other tragic cases. Rwanda and Burundi both disintegrated, one into genocide, the other into a twelve-year civil war. Sierra Leone and Liberia on the other hand have achieved relative levels of stability and peace through democratic elections (although there are a number of young unemployed ex-

4 Wilson believed that liberalism was the key to peace and security in both national and international politics For an excellent review of the tenants of Wilsonianism and the liberal peace thesis see: Paris, Roland. 2004. At War’s End: Building Peace After Civil Conflict. Cambridge: Cambridge University Press.
combatants roaming the streets with few prospects for work or a decent living), but neither country has made a sizeable enough gain to think that either country is immune from sliding back towards violence, especially when taking into account the political dynamics of the region.

In addition to a democratic state and free market, the other standard prescription appears to be the decentralization of power. The rationale here is that the majority of states that have experienced high levels of political violence have largely been centralized political systems that are out of touch with society and local citizens have had less of a role in the management of state and society. Decentralization on the other hand is seen as providing local individuals and citizens the opportunity to have input into the decision-making and the governing of state and society. Provide people the opportunity to have a direct say in how their government and society is managed and it is argued this will give people a feeling of ownership and input, which will then decrease the likelihood for recourse to violence. These three prescriptions—multi-party democracy, a free market, and decentralized political power—are the three standard recommendations offered to war-shattered states. Beyond these policy prescriptions, additional measures may be recommended (security sector reform in the case of the DRC), but they certainly have not been part of the standard set of prescriptions.

The case of the DRC has clearly followed this prescribed format. National democratic elections were eventually held in 2006, a year later than expected, and security sector reform was expected to be completed by the time of elections, but it has been up and down since 2003, and recently stalled, for a number of reasons discussed in this text. In addition, Kinshasa in 2007 has expanded the number of provinces from eleven to twenty-six (see figure 9-1 below) in a bid to give “power to the people.” Decentralization is expected to be up and running in late 2009, and local provinces, in theory, will be allowed to keep 40% of their revenue. Provinces will be
responsible for provincial and local functioning, as well as the rehabilitation of mining companies, exploiting forestry reserves, and the maintenance of roads. This politico-administrative change is attempts to give more “ownership” to local individuals, as well as provide provincial authorities the opportunity to have a direct say in the management of provincial affairs.

Figure 9-1. New provinces of the DRC


Taking into account not only the recent developments in North Kivu, and the entire DRC, the research for this dissertation suggest that decentralization as a solution to the country’s problems is highly suspect and questionable. As we have seen, the state is too fragmented and weak, and local provinces and territories have experienced so much violence that it will be very difficult for them to pick themselves up out of the ashes. In addition, due partly to the geography of the country, and partly to the nature of its weak national economy, the country is highly uneven in terms of natural resource endowment. Provinces like Katanga, western and eastern Kasai, and North Kivu have big advantages over many of the smaller provinces. Additionally, some of the larger provinces are being further sub-divided and it will be very difficult for provinces to give up potential sources of revenue for local administrations, as well as potential sources of employment for local citizens. The issues surrounding decentralization prompt numerous questions, and the prospective answers are wide-ranging. However, considering the DRC’s recent history and the widespread violence inflicted on the state and society, and the fragmented nature of the state today, it seems more appropriate to suggest that Paris’ (2004) recommendations for “institutionalization before liberalization” (IBL as he terms it) might be more appropriate for the DRC. The emphasis is placed on building up and strengthening the state’s institutional capacity before moving towards full-scale liberalization. This process would provide an opportunity to identify what institutions may not be functioning at all, or others that are simply a drag on the rehabilitation of state and society, and could then be discarded if they are impediments to state-society rehabilitation.

The third reason for this dissertation is that in spite of the international press coverage, the DRC remains under-examined. In addition, there remains very little published scholarship on the DRC in English. The available scholarship on the DRC generally looks at the role of
Mobutism and state decline. This literature has tended to focus more on the western portion of
the DRC. The other body of literature has focused on the violence in the east of the country.
This body of scholarship generally emphasizes the impact of the 1994 Rwandan genocide and its
consequences on the DRC; the other body of work focuses on the dynamics of the 1996 and
1998 DRC regional conflicts. There have been articles published on local level politics, albeit
there are few, and most of this body of scholarship is in French. Considering this overall lack of
attention paid to the local political dynamics of eastern DRC, this study thus aims to make an
empirical contribution to the gap in the literature.

Finally, this dissertation has grown out of my long-standing interest with Congolese
political history, and now the current Congolese predicament. I view the current dilemma as a
multi-level and multi-faceted series of crises that reinforce each other creating the most violent
and intractable situation on the African continent. In my view there is no other country or region
that faces challenges on the scale of the DRC. Additionally, the complex workings of a
fragmented and weak Congolese state with poor political leadership coupled with an extremely
high level of violence makes for a very fragile situation where no obvious solutions exist. The
scale and complexity of the crisis is overwhelming, but one that deserves serious attention.
Furthermore, as cases like Somalia and Afghanistan have shown, failed states left to fester on
their own breed bigger political problems, which often taken on criminal dimensions that reach
ewell beyond their borders. In light of the current United States’ involvement in Iraq and

---

6 Works by Georges Nzongola-Ntalaja, Michael Schatzberg, and Kevin Dunn focus on the role of former President
Mobutu Sese Seko. These authors focus on the structuring of Mobutu’s policies and how his personality influenced
the collapse of the ex-Zairian state. The works by Pierre Englebert and Jeffrey Herbst tend to focus more on state
failure and state rehabilitation.

7 The work of René Lemarchand has masterfully catalogued the impacts of the 1994 Rwandan genocide on the
eastern DRC, while Dennis Tull’s work has focused more the influences of the RCD (Rally for Congolese
Democracy) rebel movement in North Kivu. Both authors tend to speak about eastern DRC from a provincial
perspective.
Afghanistan, a failed state is no longer an accepted political reality. The state must be “made to work,” and the DRC should not be an exception.  

In addition to the points already made, it should be pointed out once more that the DRC is an enormously vast country. I have spent time in Kinshasa, Mbandaka in Équateur, Bunia in Ituri, Kisangani in Orientale Province (now Tshopo province), Kananga in Kasai-Occidental (now Lulua province) and North Kivu province. Each one of these territories provides a unique and distinct insight into the inner workings of the DRC and Congolese political life. Only when all of the territories of the DRC are examined do I believe that one will gain a comprehensive view of Congolese politics.

Implications of Study

The immediate and perhaps obvious implication of this study is that there are no easy solutions to the crisis in the DRC. North Kivu remains a highly volatile province with a long and difficult history. It is only one province in a national territory of many others that have experienced high levels of violence and immense human suffering. The humanitarian challenges are vast, as is the rehabilitation of the nation-state. If the DRC is ever going to set itself on a solid foundation, there will need to be a sustained level of political and financial commitment by the international community, donors, as well as bi-lateral and multi-lateral partners.

The DRC is a vast country with immense potential, but the recent crises have fragmented the state and society. With the recent adoption of the new constitution in 2005, and promulgated in 2006, the DRC has been transformed into a radically complex country with many new moving parts. The international community has decided, at least up until now, that democratic elections

---

are the best hope for the country’s future stability and progress. There is no real national economy to speak of, and GDP per capita continues to hover around $110 per annum. There are soon to be 26 new provinces, instead of eleven, each with their own provincial assembly and elected legislature. In addition, there is a bloated national army that needs to be scaled down to a more appropriate size. Furthermore, there are three competing classes of politicians in Kinshasa now fighting over how to steer this very fragile and highly fragmented state. The first group of politicians is the old guard of Mobutists who establish the rules for the way in which the former-Zairian state was run, and were the ones responsible for running the state into the ground. Most of the Mobutists are Lingala speakers from western Congo and oppose President Kabila. Kengo wa Dondo, longtime Mobutist and now President of the Senate, personifies this class of politicians. The Kabilistes is the new guard of politicians that support President Kabila’s attempt to reunify the country. Many of these politicians are young political faces at the national level, who have spent years in opposition to Mobutu’s dictatorial rule either in exile, or in their home province. Many of these came to power with President Kabila in 1997 when the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) rebellion succeeded in overthrowing Mobutu. Many of the Kabilistes are Swahili speakers from the east. The last group of politicians attempting to influence political developments in Kinshasa is the diaspora class who decided to return to the DRC during the transitional period. They are generally highly educated and have benefited from exposure to education and employment outside of the DRC. These are individuals who have continued to passionately monitor Congolese political developments while patiently waiting for an opening in the political process. Dr. Oscar Kashala is representative of this class of politicians trying to make in-roads in the political system. It has not been easy for this group, because they are viewed with a high degree of skepticism by the
Congolese citizenry as unknown. A typical question is, why would he/she return to Congo now after having been gone for so long? Some groups of educated Congolese see them as a breath of fresh air for the country, while the vast majority perceives them as politicians that are trying to take advantage of the state’s fragility and situation. In other words, they have only come to rob the DRC.

Another implication of this study is that it reinforces the point that local processes and histories of a region are critically important when coming up with policy prescriptions. North Kivu has a rich history, and it has been documented by a number of scholars and archivists. This history provides a detailed set of descriptions and analyses on North Kivu’s problems and evolution over time.

At present, MONUC’s budget for 2006-2007 was $1.1 billion US dollars and it continues to rise every year. Although not the role of international peacekeepers, chapter seven on the land deficit highlights the international community’s lack of attention paid to local political concerns. There has been so much attention and money thrown at the “Nkunda threat” and other negative actors operating in the province that little to no attention at all has looked at the root causes for the violence in the first place. Without addressing these root structural causes of violence, there is a strong likelihood that violence will likely re-erupt over this very issue in the near future. As chapter seven has shown, the land deficit has been transformed from a source of conflict in the past, to now a resource of conflict.9 A violent gate-keeping process has been established, which explains why a lot of land remains fallow, but certain Tutsi communities continue to receive preferential treatment, which is being secured by the barrel of a gun. In addition to the points already made here, if North Kivu and eastern DRC is going to have any chance at political

---

9 This is Vlassenroot’s terminology.
normalcy in the near future, it is imperative that policy analysts understand the severity and complexity of the violence that plagues this region. Glossing over the violence as either the outgrowth of the Rwandan genocide, or even as incessant ethnic hatred between Hutus and Tutsis, will only perpetuate many of the misguided analyses and policy prescriptions that have characterized the international community’s outlook on the DRC crisis.

The third implication of this study is that there needs to be frank, open, and honest discussions about states that have failed and/or experiencing high levels of political violence for long periods of time. Somalia, Afghanistan, and the DRC fit this bill. There is the recognition by Chesterman, Ignatief, and Thakur that states must be made to work.\(^\text{10}\) I agree with their premise and I believe that states should work, but this premise is more of a pre-emptive prescription than it is a long-term commitment. In other words, states should be monitored to make sure they don’t fail, or perhaps collapse. If states are weak and teetering on the edge of failure, or even civil war, the international community has the obligation to step in and stop the failure/violence before it begins. What the argument doesn’t address is, those states like the DRC that have little to no state capacity, no real national economy to speak of, and no national security force to safeguard the national territory? Making a state like the DRC work is no easy task.

The question here reflects a basic concern over what is politically feasible and realistic in today’s modern world. At the time of writing this conclusion the United States government and its NATO allies are debating the challenges of Afghanistan and the long-term commitments that it will take to achieve a level of relative stability and a modicum of development. These

concerns are critically important, and Afghanistan needs a lot of long-term assistance and commitments that it will receive that support.

Much like Afghanistan, the DRC also needs a major infusion of not only long-term assistance and aid, but also everything else that a country needs to rebuild and rehabilitate its national institutions and infrastructure. The concern here is that pledges of financial assistance, aid, and promises of investment are thrown around by governments and donors like candy. Based on pledges received, recipient countries in turn make commitments to their populations. Yet at the end of the fiscal year, post-conflict countries are left reeling and struggling to explain to their populations where the assistance and aid is. Sierra Leone and Liberia are two recent African examples that have been promised long-term aid and assistance, and yet these countries struggle to provide basic care for amputees and war victims because donors and bi-lateral organizations continue to make empty promises.

These types of actions in fragile environments like the DRC can have potentially deadly impacts. The obvious result is that governments are undermined and lose the support of the population, and with nowhere to turn riots, protests, and potential violence may re-erupt. This is not to say that violence will return, but a number of armed militias in the DRC have gone through brassage, and yet only a few months later returned to the bush because they have not received the compensation they were promised. This is especially likely if individuals are able to earn more trading in illegal goods and services, or even minerals, than they can earn as a soldier in the FARDC. There is a delicate balancing act, but Western countries and multi-lateral organizations need to have open and honest discussions about what they know that they can commit, instead of just saying that they will provide aid and/or assistance and never follow through.
Scope of the Study

This study is focused on North Kivu province, and its objective has been to say as much as possible about the complexities of violent conflict in North Kivu province. Past studies of the DRC have tended to focus on either national or international levels of analysis. The conflict in the eastern DRC is extraordinarily complex, and perhaps this is why the conflict and suffering continues to this day. My hope is that this study will shed more light on the reasons for violence in the eastern DRC, particularly North Kivu. There are now, however, twenty-six other provinces in the DRC, which means potentially twenty-six other stories. These are stories that need to be told.

Nevertheless, the North Kivu experience suggests some broad enough findings that say something, not only about the DRC or other African war-wracked states like Somalia, Darfur, or even the northern portion of the Central African Republic, but also about places like Afghanistan, or even Iraq. One of my main concerns with state-rehabilitation projects is the emphasis on the immediate liberalization of the political realm. This policy prescription continues to be promoted by Western governments and institutions as if it were a universal cure for “sick patients” that have been on their deathbed, or are in a deep coma for a number of years without fully understanding what put them there in the first place. A liberal democratic state clearly does provide the best overall benefits to state and society, but in fragmented and weak environments like the DRC, the potential for a return to violence is very high if liberalization is attempted in a context in which the state cannot meet the basic needs of the population. I would once again reiterate the point concerning institutionalization before liberalization (IBL) made by Paris.  

the IMF, the United Nations, and the African Union are after, then one needs to lay a stable 
foundation on which to build, and this will take time and resources. Opening up war-wracked 
states to multi-party democracy in my view intensifies competition in ways that are dangerous 
for the short-term stability and potential long-term security of the state.

Other issues like the role of non-state actors generating violence, the long-term crippling 
effects of sexual violence against women, and the daunting challenge of security sector reform 
are issues that many African countries, and some European, have already had to face. The 
challenge for the DRC is that these issues are of a much larger scale than any other state or the 
international community has been forced to deal with. The hope is that lessons can be learned 
from this study and the broader conflict in the DRC so that these experiences and lessons never 
have to be experienced again.

My interest in this conflict is the result of a broader interest in Central Africa, what used 
to be termed Equatorial Africa. Despite the importance of the region to the stability of the 
African continent, Central Africa receives the least amount of coverage by the international press 
and media. One or two countries at best, most notably Rwanda, dominate coverage of this 
region. Rwanda’s centrality is largely the result of Kigali’s ability to manipulate Western 
countries’ guilty conscience for doing little to stop the onset of the 1994 genocide. It is also 
because Rwanda has been very successful in playing off the collective guilt and conscience of 
the West, particularly The United States. This helps to explain why The United States and many 
Western countries have been willing to turn a blind eye to the violence and suffering inflicted on 
the eastern DRC and its population at the expense of Rwanda’s rebirth and reconstruction. The 
other country that dominates the region is Uganda, and this is also the result of President 
Museveni’s strong ties to the United States. Two issues emerge out of Uganda that grab the
attention of Western audiences: the suffering of northern Ugandans, particularly the Acholi people, at the hands of the Lord’s Resistance Army (LRA), and the success of Uganda’s ABC (Abstinence, Be Faithful, Condom) program in combating HIV/AIDS.

The other countries of Central Africa (The Central African Republic, Congo-Brazzaville, Gabon, Cameroon, and Chad) receive almost no press coverage whatsoever, which has consequences on so many other areas of life. This seems to be in part a function of education; very few institutions of higher education in the United States have African studies programs. The universities that do have African Studies programs tilt heavily towards East and Southern Africa, with a sprinkle of West Africa in the mix. This is particularly due to the fact that these are Francophone countries, but also because there seems to be very little overall interest in Central African studies outside some of the carnage and violence-wracked states of the Great Lakes region. This is unfortunate, because Central African studies were a foundation of African studies programs in the 1960s and 1970s. Scholars such as Professors René Lemarchand, Edouard Bustin, Jan Vansina, and Crawford Young were instrumental in educating thousands of students in the politics and history of the region. Although scholarly attention has shifted to elsewhere on the continent, Central Africa remains a critically important region to the health and stability of the African continent. As the region presently stands, it remains largely a “black hole,” even within Africanist circles. One can only hope that places like the Central African Republic, Chad, Gabon, Cameroon, Congo-Brazzaville, and even the DRC, will attract the attention of a new generation of scholars of African politics. This dissertation is one modest effort to begin to fill that need.
APPENDIX
QUESTIONNAIRE FOR ELITES (GOVERNMENT OFFICIALS, NGO PERSONNEL, ACADEMICS)

• Historically speaking, what has been the government’s role in managing land affairs in North Kivu province?
• What is the government’s present role in land affairs?
• Does the government have an up-to-date registry of titled lands?
• What are your perceptions of the land conflicts in North Kivu province?
• Is the state taking an active role in trying to prevent and mitigate future land conflicts?
• What are some of the reasons for land scarcity in North Kivu province?
• Is the fight and conflict over land simply between the Congolese and Banyarwanda communities, or is the state playing an active role in these conflicts?
• What is the impact of Rwandan refugees in the region, and are they complicating and contributing to the land crisis in the region?
• What is the relationship between the Congolese state and local customary chiefs?
• Is the state expropriating land from various communities in the region?
LIST OF REFERENCES


<http://www.theirc.org/resources/library.html?location=african_great_lakes_dem_republi c_of_congo>


UNHCR. The Geopolitical Situation in the Great Lakes Area in Light of the Kivu Crisis. UNHCR. <http://www.unhcr.org/publ/RSDCOI/3ae6a6be0.html%3E>.


BIOGRAPHICAL SKETCH

Aaron Hale was born in 1973 in the beautiful bayside town of Benicia, California. Upon graduation from high school in 1991, Aaron served three years active duty in the United States Air Force (1993-1996) as an electronics technician, completing a certification in electronics principles, and then served as an Air Force reservist from 1996-1999. He received his B.S. in Political Science from Texas A&M University-Commerce in 1999. He has gone on to complete an M.A.S.S. (Master of Arts in Social Science) in the Globalization & Environment program at Humboldt State University in 2001. He has also received a Master of Arts in political science at The University of Florida in 2007.