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A Critical Analysis of South African Peacemaking in the Conflicts in the Great Lakes Region

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A dissertation submitted in partial fulfillment of the requirements of the award of the Degree of
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Supervisor: Professor Annette Seegers



A group of Internally Displaced Persons flees from the Masisi area of North Kivu towards Goma area in September 2007. *M. Yonekawa*

Declaration

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to and quotation in this dissertation from the work, or works, of other people has been attributed, cited and referenced.

Signature **signature removed**

Date 9 Jan, 2009

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Annex 1: List of Questions for Interviews

Annex 2: List of Interviewees

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Preface and Acknowledgement

My first contact with the Great Lakes region was in 1994 when I was deployed to western Tanzania to assist with food aid to Rwandan refugees. I continued working with the refugee operation in Rwanda, the Democratic Republic of Congo (DRC) and Kenya until 2003, and again in eastern DRC from 2007. I have worked in the region for more than 10 years.

The DRC fascinates me the most, with its rich history, culture, people, nature, art, music, and food. The DRC is the third largest country in Africa in terms of land area, and has the fourth largest population on the continent. It is the 12th largest country in the world. It is located in the heart of the continent, surrounded by nine neighboring countries. It also has abundant natural resources. The DRC is therefore in a strategic geographic and economic position and could be one of the wealthiest countries in the world. The current reality, however, does not match the DRC's potential. On the contrary, the DRC has been the centre of the "scramble for Africa" since 1885, when King Leopold of Belgium claimed the Congo as a personal possession.

Among the good Congolese friends I made, Mr. Masumbuko (Mas) Matabishi became an unforgettable soul mate. Despite having worked only two months in eastern DRC until the First African World War began in August 1998, we became very close and exchanged ideas on peace and war issues. I learned a great deal from his calm, peaceful and considerate character. After the war started in 1998 and all humanitarian workers were compelled to evacuate, eastern DRC became inaccessible. We therefore lost contact until he called me for the first time in February 2002. We were hoping for a reunion soon after, but a few days later, he was shot and killed by an armed group in his house in front of his family. The motive of this incident is still unknown.

Soon after, his family fled to Tanzania as refugees. We exchanged a few e-mails, but I soon lost track of their whereabouts. Later, I heard that his family was resettled to Australia in 2006 and we regained contact.

This thesis is dedicated to Mas and his family, who all wish that the DRC will be in peace one day so that they can return home.

I also extend appreciation to my old and new friends and acquaintances, who I (re-) met through this thesis. Many engaged in interviews or shared information. I gained a great amount of knowledge through these interviews, many of which revealed untold stories.

I am fully aware that the Great Lakes region conflict has deeply rooted causes, but I hope this thesis can provide a better understanding of its complexity in order to seek a solution to the conflict.

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List of Acronyms

AFDL	Alliance des Forces Democratiques pour le Liberation du Congo-Zaire
ADP	Alliance Democratiques du Peuple
AU	African Union
CNS	Conférence Nationale Souveraine
DDRRR	Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement
DFA	Department of Foreign Affairs (South Africa)
DMFA	Deputy Minister of Foreign Affairs (South Africa)
DRC	Democratic Republic of Congo
FAR	Forces Army of Rwanda (former army of Rwanda)
FDLR	Forces Democratiques de Liberation du Rwanda
FLS	Frontline States
GNU	Government of National Unity
HRW	Human Rights Watch
ICD	Inter-Congolese Dialogue
ICG	International Crisis Group
ICTR	International Criminal Tribunal for Rwanda
ISS	Institute for Security Studies
MAGRIVI	Mutualité des Agriculteurs de Virunga
MFA	Minister of Foreign Affairs (South Africa)
MIB	Mission d'Immigration des Banyarwanda
MLC	Mouvement pour la Liberation du Congo
MONUC	UN Observer Mission to the Congo
MPA/C	Metal Processing Association/Congo
MPR	Movement Populaire de la Révolution
NAM	Non-Aligned Movement
NCACC	National Conventional Armaments Control Committee
NEPAD	New Partnerships for Africa's Development
NRA	National Resistance Army
OAU	Organisation of African Unity
OECD	Organisation for Economic Cooperation and Development
RCD	Rassemblement Congolais pour la Démocratie
RCD-ML	Rassemblement Congolais pour la Démocratie - Movement de Liberation

RPF/A	Rwandan Patriotic Front/Army
SADC	Southern African Development Community
SADCC	Southern African Development Cooperation Conference
SAGI	South African Government Information
SAIIA	South African Institute of International Affairs
SOMIGL	Societe Miniere des Grands Lacs
SOMINKI	Societe Miniere du Kivu
UMHK	Union Miniere du Haut-Katanga
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council

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List of Useful Names

AFDL: Alliance des Forces Democratiques pour le Liberation du Congo-Zaire, or the Alliance of Democratic Forces for the Liberation in Congo-Zaire, which is partially composed of Banyamulenge who were fighting for their nationality. Its objectives were to overthrow President Mobutu, and defend from Rwandan Hutu militias. It was headed by Laurent-Désiré Kabila and supported by the Rwandan and Uganda governments.

Banyamulenge: Literally meaning “the people of Mulenge” in Swahili. It is not an ethnic group, but instead refers to the Rwandan Tutsi who live in South Kivu. Its name was likely adopted in the 1960s by earlier Tutsi settlers to distinguish themselves from more recent refugees from Burundi and Rwanda.

Banyarwanda: Literally meaning “the people from Rwanda” in Swahili. It includes both Hutu and Tutsi population living in North Kivu.

FAR: Forces Armées Rwandais or Force Army of Rwanda, which was the army of Habyarimana regime overthrown in July 1994..

FDLR: Forces Democratiques de Liberation du Rwanda, or the Democratic Forces for the Liberation of Rwanda, which is comprised of ex-FAR, Interahamwe and post-genocide recruits. It claimed to be a military-political group since 2000.

Interahamwe: Literally meaning “those who stand together” in Kinyarwanda, who participated in the genocide.

Mai Mai : Local militias in eastern Congo.

MLC: The Mouvement pour la Liberation du Congo or Movement for the Liberation of Congo, which was created in September 1998 by Jean-Pierre Bemba to fight the regime of Laurent Kabila. It turned into a political party during the Congolese transition.

RCD: The Rassemblement Congolais pour la Démocratie, or the Rally for the Congolese Democracy, which was formed in August 1998 to overthrow President Kabila. It defended against Rwandan Hutu militias in order to gain access to natural

resources. It was backed by Rwanda and Uganda. It later split into several factions and became a political party during the Congolese transition.

Rwandaphone: Those who speak Kinyarwandan, the mother tongue of Rwanda.

RPA: Rwanda Patriotic Army, the new army created in Rwanda after RPF took power in 1994.

RPF: Rwandan Patriotic Front which was created as a political movement in 1987 by Rwandan refugees in Uganda. Since October 1990, it carried out an insurgency against the Habyarimana regime and took power in July 1994.

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Abstract

The Great Lakes region, where conflict resolution and peace operations have been a challenge for 40 years, has been the site of continuous conflicts in the 1960s and 1990s. Despite South Africa's enormous contribution as a peacemaker in the region since 1996, the situation in eastern Democratic Republic of Congo (DRC) remains fragile. How can another potentially deadly conflict in the Great Lakes region be prevented in the future? And how can South Africa improve its performance as a peacemaker?

This dissertation analyses South Africa's peacemaking efforts in the context of three events in the Great Lakes region: the 1994 Rwandan genocide, the First Congo War in 1996, and the Second Congo War in 1998. The dissertation takes an empirical approach and focuses on eastern DRC, which has the highest concentration of casualties and is crucial to the wars of the DRC. In addition to literature and documents, I have also incorporated key informant interviews and my own personal observations during my assignment as a humanitarian worker from March 2007 to July 2008. These interviews and observations may shed light on the conflict from the perspective of Congolese people.

I argue that South Africa has failed as a peacemaker due to four main factors: South Africa's inadequate knowledge of mediation skills; its ambivalent and contradictory foreign policy that stressed the country's interests; its insufficient understanding of major causes, aggravating factors and the nature of this regionalised conflict; and the Southern African Development Community (SADC)'s paradoxical politics. The aim of this dissertation is to explore possible solutions to conflict by

strengthening South Africa's peacemaking opportunities, which is the key to implementing successful conflict prevention.

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Map of the Great Lakes Region



Map No. 2821 Rev. 2 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

	June	examine SA's possible technical assistance. ²⁸	
	9-11	Vice President Kagame visits SA, invited by Deputy President Mbeki. ²⁹	
	July	SA permits the transfer of arms to Rwanda. ³⁰	
	Sep	The DRC joins the SADC.	
	Dec		United States Secretary of State Albright visits Kinshasa. ³¹
1998	Feb		United States President Clinton's special

Chronology of Events in South Africa and the Great Lakes Region (1906-2004)¹

Year	Month	Events/Movement between South Africa (SA) and the Great Lakes Region (GLR)	Other Major Events
1906		The first mining company was established in Katanga with the involvement of British and SA partners. ²	
1960	June July		Congo becomes independent. Katanga's secession continues until 1964.
1961	17 Jan Sep	United Nations (UN) Secretary-General Hammarskjöld dies on a plane crash in Zambia. The secret services of SA, the United States and United Kingdom were involved. ³	Prime Minister Lumumba is assassinated.
1964		Prime Minister Tshombe recruits Mike Hoare to lead a mercenary from SA to fight Simba rebel group. ⁴	
1974			President Mobutu intervenes in Angola as an ally of the CIA and apartheid SA.
1976	Sep		The Economic Community of the Great Lakes Countries (CEPGL) is created by Zaire, Rwanda, and Burundi.
1989			The Cold War ends.
1990	Feb	Mandela, after liberation, visits Zaire (Goma and Kinshasa) as the first country for his African tour. ⁵	Nelson Mandela is freed from prison.
	Oct		The Rwandan Patriotic Front (RPF) invades Rwanda. Civil war ensues.

7 Aug	MFA Nzo et al meet President Kabila in Lubumbashi to seek political solution. ³⁵	DRC. The Second Congo War begins.
8 Aug		Victoria Falls meeting is held without reaching any agreement. ³⁶
17 Aug	MFA Nzo goes to Kigali and Gulu (Uganda) to assess their political leadership in the conflict. ³⁷	
18 Aug		SADC Organ meeting takes place in Harare with a "unanimous" decision to assist Kabila. SA is not invited. ³⁸
19 Aug		Zimbabwean troops intervene in the DRC in support of President Kabila. ³⁹
21 Aug		Angolan and Namibian troops join Zimbabwean troops in the DRC. ⁴⁰
23 Aug	SA holds a SADC summit to call for ceasefire and negotiations. Zambian President Chiluba is appointed to lead mediation of Congo War. ⁴¹	
7-8 Sep		Victoria Falls II Summit is held excluding SA. ⁴²
15 Sep		SADC Summit recognises the legitimacy of the intervention of Angola, Zimbabwe and Namibia. ⁴³
26-27		Ministers from 11 African countries meet in

³⁵ SAGI, "Media Statement on the Address of the Minister of Foreign Affairs on the Crisis in the DRC, National Assembly, 20 August 1998," www.info.gov.za/speeches/1998/98825_0x2609810412.htm, accessed on 2 February, 2007

³⁶ Katharina Coleman, *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, (Cambridge, Cambridge University Press, 2007), 120

³⁷ SAGI, "Media Statement on the Address of the Minister of Foreign Affairs on the Crisis in the DRC, National Assembly, 20 August 1998," www.info.gov.za/speeches/1998/98825_0x2609810412.htm, accessed on 2 February 2007

³⁸ Coleman, *International Organisations and Peace Enforcement*. 121

³⁹ Ibid, 124

⁴⁰ Gerry Cleaver and Simon Massey, "DRC: Africa's Scramble for Africa," Oliver Furley and Roy May (eds.), *African Interventionist States*, 2001, 202

⁴¹ Coleman, *International Organisations and Peace Enforcement*. 154

⁴² Ibid, 154

⁴³ DRC: IRIN Chronology of Current Crisis, 30 September 1998.

www.africa.upenn.edu/Hornet/irin_93098.html, accessed on 3 December 2008

	Oct		Lusaka to adopt the framework for a ceasefire in the DRC. ⁴⁴
	6 Nov	Vice President Kagame admits Rwandan troops helping DRC rebels. ⁴⁵	
1999	April		Sirte (Libya) Agreement is signed by Presidents Kabila and Museveni. Rwanda does not participate.
	May		Mbeki is elected as President of SA.
	17	DRC summit is held in Pretoria with SADC, Rwanda, Uganda, Libya and Kenya. ⁴⁶	
	June		
	25	DRC summit is held in Lusaka for the purpose of signing a ceasefire agreement.	
	June		
	10 July	Lusaka Agreement is signed by all concerned parties, except for rebels.	
	23 Aug	MFA Dlamini-Zuma negotiates with Uganda, Rwanda and RCD on peace initiatives in the DRC. ⁴⁷	
	Aug		Rebels Movement for the Liberation of Congo (MLC) and Rally for the Congolese Democracy (RCD) sign peace accord.
	Aug		Rwanda clashes with Uganda over control of Kisangani, a key centre for diamonds. ⁴⁸
	30 Sep		UNSC agrees to the creation of the United Nations Mission in the DRC (MONUC). ⁴⁹
	Dec	Mandela is appointed mediator for Burundi peace process after Nyerere's death. ⁵⁰	Former Botswana President Masire is appointed as facilitator of the Inter-Congolese Dialogue (ICD).

⁴⁴ Gerrie Swart and Hussein Solomon, "Conflict in the DRC: A Critical Assessment of the Lusaka Ceasefire Agreement," (Johannesburg, The South African Institute of International Affairs (SAIIA) Report No.40), 2004, 50

⁴⁵ "DRC: IRIN Chronology of the Rebellion," 9 June 1999, www.africa.upenn.edu/Hornet/irin6999b.html, accessed on 3 December 2008

⁴⁶ Mark Malan and Henri Boshoff, "A 90-Day Plan to Bring Peace to the DRC? An Analysis of the Pretoria Agreement of 30 July 2002," ISS, September 2002, 3

⁴⁷ Ibid, 3

⁴⁸ UN Mission in DR Congo (MONUC), Chronology of Event,

<http://www.monuc.org/news.aspx?newsID-881>, accessed on 24 January 2007

⁴⁹ Ibid

⁵⁰ Chris Landsberg, "South Africa," Gilbert M. Khadiagala (ed.), *Security Dynamics in Africa's Great Lakes Region*, A Project of the International Peace Academy (Boulder,

2000	29-30 Apr	President Mbeki and MFA Dlamini Zuma attend DRC Summit in Algiers. ⁵¹	The price of mobile phones rises due to coltan boom.
	18-19 Oct	President Mbeki and his delegation visit Rwanda (the first official visit by a SA Head of State). ⁵²	
	7-8 Nov	SA attends the DRC Summit in Tripoli. ⁵³	
2001	16 Jan		President Kabila is assassinated; Joseph Kabila takes control of the regime.
	30 Jan	President Kabila receives President Mbeki (his first meeting with Head of State after inauguration). ⁵⁴	
	31 Jan		President Kabila leaves for his first tour to France, US (where Kabila meets Kagame) and Belgium.
	15 Feb		President Kabila takes part in his first DRC summit in Lusaka. ⁵⁵
	29 Mar		MONUC deploys its first contingent to the east. ⁵⁶
	April		UN Panel issues report on the illegal exploitation of natural resources of the DRC.
	20-24 Aug	Meeting in Gaborone is held with DRC mediator, Ketumile Masire (supported by Pretoria), with DRC government and rebels etc. ⁵⁷	

Lynne Rienner, 2006), 125

⁵¹ The Presidency, "President Mbeki and Dr Nkosanzana Dlamini-Zuma to attend Summit on DRC," 28 April 2000, www.thepresidency.gov.za/show.asp?type=pr&include=president/pr/2000/pr0428.htm&ID=43, accessed on 5 February 2007

⁵² SAGI, "Statement on the Official Visit to Rwanda by President Mbeki," 16 Oct, 2000, www.info.gov.za/speeches/2000/0010171010a1002.htm, accessed on 27 February, 2007

⁵³ SAGI, "Summit in Tripoli on the Conflict in the DRC," 10 November 2000, www.info.gov.za/speeches/2000/0011131010a1003.htm, accessed on 22 February 2007

⁵⁴ SAGI, "President Thabo Mbeki to meet Joseph Kabila of the DRC," 29 January, 2001, www.info.gov.za/speeches/2001/010130945a1003.htm, accessed on 13 February 2007

⁵⁵ Swart and Solomon, "Conflict in the DRC: A Critical Assessment of the Lusaka Ceasefire Agreement," 52

⁵⁶ MONUC, Chronology of Event

⁵⁷ International Crisis Group (ICG), "The Inter-Congolese Dialogue: Political Negotiation of Game of Bluff?," Africa Report No.37, 16 November 2001

	29 Aug	DRC President Kabila with Ministers visits SA. ⁵⁸	
	15 Oct	First ICD is held in Addis Ababa, taken over by SA. ⁵⁹	
	28 Oct	The first contingent of the SA National Defense Force under the AU is deployed to Burundi. ⁶⁰	
	Nov	Deputy President Zuma assumes Mandela's former role as mediator in Burundi peace process. ⁶¹	
2002			New Partnerships for Africa's Development (NEPAD) is introduced by President Mbeki.
	Feb-Apr	ICD is held in Sun City without any immediate delivery of a comprehensive political agreement.	
	May	Vodacom, with the biggest telephone network in the country, opens a network in the DRC. ⁶²	
	June		Former Senegalese prime minister Niasse is appointed as UN Special Envoy. ⁶³
	July	Pretoria Agreement is signed. ⁶⁴	
	Sep		Luanda Agreement on Ugandan troop's withdrawal is signed. ⁶⁵
	Oct	UN Panel Report is issued, which identifies 15 SA individuals and companies violating Organisation for	Rwandan and Uganda troops withdraw. ⁶⁷

⁵⁸ SAGI, "Statement on the Working Visit of the President of the Democratic Republic of the Congo, Mr. Joseph Kabila, to South Africa on 29-30 August 2001," 24 August 2001, www.info.gov.za/speeches/2001/010827945a1004.htm, accessed on 15 February 2007

⁵⁹ Boshoff and Rupiya, "Delegates, Dialogue and Desperadoes," 33-34

⁶⁰ Adekeye Adebajo and Christopher Landsberg, "South Africa and Nigeria's Regional Hegemons," Mwesiga Baregu and Christopher Landsberg (eds.), *From Cape to Congo: Southern Africa's Evolving Security Challenges*. (London, Lynne Rienner, Boulder, 2003), 188

⁶¹ Rory Carroll, "Rebels agree Burundi ceasefire as Hutus are promised the presidency," *Guardian*, www.guardian.co.uk/world/2002/dec/04/rorycarroll, accessed on 2 December 2008

⁶² SAGI, "Message from President Thabo Mbeki on the Launch of Vodacom in the DRC," 26 May 2002, www.info.gov.za/speeches/2002/02052709461007.htm, accessed on 23 February, 2007

⁶³ Swart and Solomon, "Conflict in the DRC: A Critical Assessment of the Lusaka Ceasefire Agreement," 52

⁶⁴ SAGI, "Statement on the Agreement between the Government and Rebel Groups on the DRC," 1 July 2003, www.info.gov.za/speeches/2003/03070115461001.htm, accessed on 27 February, 2007

⁶⁵ MONUC, Chronology of Events

		Economic Cooperation and Development (OECD) Guidelines. ⁶⁶	
	Nov		Withdrawal of Angolan, Namibian and Zimbabwean troops ends.
	Dec	DRC's Global and Inclusive Agreement on Transition is established in Pretoria.	
2003	Feb		Governor of North Kivu, Serufuli, acknowledges reception of arms and uniforms from Rwanda. ⁶⁸
	Apr	President Kabila signs a transitional constitution during Inter-Congolese Dialogue in Sun City. ⁶⁹	
	June		Transitional government is formed in DRC.
	July		UNSC embargo imposes mandatory arms embargo in eastern DRC. ⁷⁰
			United States President G.W. Bush conducts African tour, including Uganda and SA.
	12 Sep	President Mbeki attends inauguration of President Kagame in Kigali. ⁷¹	
	Oct		Final UN Panel Report on the Illegal Exploitation of Natural Resources is issued.
2004	13 Jan	President Mbeki and his delegation visit the DRC. ⁷²	
	5 July	SA and Rwanda sign a memorandum on military	

⁶⁶ UN Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC, Supplementary report, 23 October 2003 (S/2003/1027)

⁶⁷ MONUC, Chronology of Events

⁶⁸ Amnesty International (AI), "Democratic Republic of Congo: Arming the East," 5 July 2005

⁶⁹ SAGI, "Statement of the President of South Africa Thabo Mbeki, at the Concluding Session Inter-Congolese Dialogue," 2 April 2003, www.info.gov.za/speeches/2003/0304215461001.htm, accessed on 21 February 2007

⁷⁰ AI, "DRC: Arming the East"

⁷¹ The Presidency, "President Thabo Mbeki attends Historic Inauguration of Paul Kagame as President of Rwanda," 10 September 2003, www.thepresidency.gov.za/show.asp?type=pr&include=president/pr/2003/pr0910.htm&ID=484, accessed on 26 January 2007

⁷² The Presidency, "President Thabo Mbeki arrives in the Democratic Republic of Congo state Visit, Tuesday-Wednesday, 13-14 January 2004," 13 January 2004, www.thepresidency.gov.za/show.asp?type=pr&include=president/pr/2004/pr0113.htm&ID=262, accessed on 10 February 2007

cooperation.⁷³

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⁷³ Amnesty International (AI), "DRC: Arming the East," 5 July 2005, 24

Chapter 1

Introduction

“Many wars have more to do with greed than with grievance.”

--Kofi Annan, former Secretary General of the United Nations, speech to the World Bank Staff,
19 October 1999

1.1 Challenge of Peacemaking in the Great Lakes Conflicts¹

South Africa has implemented peacemaking initiatives in the Great Lakes region² since 1996. Conflict resolution and peace operations have proven to be challenging in this region since the first United Nations (UN) peacekeeping force was deployed in the Congo³ in 1960. Riots erupted in Rwanda in 1959 and the first genocide took place in Burundi, which killed 200,000 Hutus in 1972. In the 1990s, it was the site of three continuous and inter-related conflicts. The first conflict was the Rwandan genocide⁴ in 1994, which spilled over into Zaire. This conflict was followed by two successive

¹ In this dissertation, the term conflict is used to refer to armed, deadly and violent conflict, which has the same criteria as interstate war with a minimum of 1,000 battle fatalities among all of the system members involved. See Melvin Small and J. David Singer, *Resort to Arms: International and Civil Wars 1816-1980*, (Beverly Hills, Sage Publications, 1982), 55

² The Great Lakes region is the area around the lakes of the Great Rift Valley, which forms Congo's border with Uganda, Rwanda, Burundi and Tanzania.

³ The name of the country has changed four times since the country's independence in 1960. The country's post-independence name was the Republic of the Congo until August 1, 1964, when its name was changed to the Democratic Republic of the Congo. On October 27, 1971, then-President Mobutu renamed the country Zaire. Following the First Congo War, the country was renamed the Democratic Republic of the Congo in 1997. In this dissertation, all the names Congo, Zaire and the DRC will be used according to the corresponding period.

⁴ The term “genocide” in this dissertation reflects the definition stipulated in the Convention on the Prevention and Punishment of the Crime of Genocides of 1948. According to the definition, genocide includes “any of the...acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” See www.unhchr.ch/html/menu3/b/p_genoci.htm, accessed on 24 July 2008.

wars in the Congo, beginning with the First Congo War (1996-1997) and the Second Congo War, or the First African World War (1998-2003).

In order to prevent the recurrence of conflict in this region, peacemaking should be thoroughly examined, as it is the foundation of peace settlement. The dissertation presents a critical analysis of South Africa's peacemaking experiences in the Great Lakes conflict since the 1990s. The dissertation aims to seek and suggest solutions to conflict by strengthening South Africa's peacemaking opportunities.

1.2 Peacemaking as a Prerequisite for the Peace Process

According to the 1992 UN Report, *An Agenda for Peace*, "peacemaking" is action to bring hostile parties to agreement, essentially through peaceful means.⁵ It is often a prelude to "peacekeeping"⁶ and in many cases serves as a prerequisite for "peacebuilding."⁷ *An Agenda for Peace* states that both peacemaking and peacekeeping, which are required to halt conflicts and preserve peace once it is attained, "strengthen the opportunity for post-conflict peacebuilding, which can [thereby] prevent the recurrence of violence among nations and peoples."⁸ In other words, if peacemaking is not effectively established, it decreases the likelihood that successful peacekeeping and post-conflict peacebuilding initiatives will be implemented.

Having conducted a study on global peace operations, Refugees International, partnered with the Henry L. Stimson Centre and the Centre on International

⁵ UN Report, *An Agenda for Peace*, 1992. paragraph 20

⁶ Peacekeeping is the deployment of UN military, police and civilians in the field with "possibilities for both the prevention of conflict and the making of peace." UN Report, *An Agenda for Peace*, paragraph 20

⁷ Post-conflict peacebuilding is action to identify and support structures that tend to strengthen and solidify peace in order to avoid a relapse into conflict. UN Report, *An Agenda for Peace*, paragraph 21, 45

⁸ UN Report, *An Agenda for Peace*, paragraph 21

Cooperation concluded that “the critical issue is the need to focus far greater international attention efforts on the peacemaking process itself.”⁹ The failure of peacemaking processes, which are highlighted as a fundamental political problem, is seldom fully addressed prior to the arrival of peacekeepers.¹⁰ As a result, “only one-third of the negotiated settlements of civil wars¹¹ that last for five years ‘stick’ and those conflicts ending in military victory have a higher likelihood of resulting in genocide or politicide after the war.”¹²

While peace operations have been widely debated, similar attention needs to be paid to mediation, which is part of the peacemaking process. Special attention must be paid due to the frequency with which mediation is undertaken. Mediation should be regarded as a “specialised activity that requires extensive experience and a high level of proficiency.”¹³ Peacemaking and mediation therefore form a critical foundation for peace processes. South Africa’s model for peacemaking, which was demonstrated after 1996, must be reviewed and enforced in order to reach a peaceful settlement.

1.3 South Africa’s Commitment to Peacemaking Efforts

Following the end of the Cold War, the world’s superpower countries started to show less political will to seek solutions to African conflicts. Western powers’ failure to

⁹ Refugees International, “Annual Review of Global Peace Operations,” [//www.refugeesinternational.org/content/article/detail/10561](http://www.refugeesinternational.org/content/article/detail/10561), accessed on 15 April, 2008

¹⁰ Ibid, Refugees International, “Annual Review of Global Peace Operations”

¹¹ Civil war can be defined as “an armed conflict that pits the government and national army of an internationally recognised state against one of more armed oppositions groups able to mount effective resistance against the state.” Michael Doyle and Nicholas Sambanis, *Making War and Building Peace*, Princeton, Princeton University Press, 2006), 31

¹² Fer Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail*, (Washington D.C., US Institute of Peace Press, 1996), 6

¹³ Laurie Nathan, “Mediation and the African Union’s Panel of the Wise,” Discussion Paper No. 10, Crisis States Research Center, London School of Economics, June 2005, 1

intervene in Somalia and Rwanda in 1993 and 1994 respectively was a significant turning point. The phrase “African solutions to African problems”¹⁴ was born, which put pressure on African countries and African regional organisations to solve their own problems. The reluctance by Western powers to intervene in African conflicts coincided with the birth of the new South Africa in 1994.

South Africa has long maintained an interest in expanding its economic and political influence northwards, while it has also desired to play a leadership role on the African continent.¹⁵ Although South Africa was politically, economically and militarily isolated during the apartheid era (1948-1994),¹⁶ then President Nelson Mandela reestablished its relationship with the international community in the post-apartheid era. He began to place Africa on South Africa’s foreign policy agenda, and expressed his new government’s commitment to peacemaking through facilitation, mediation and arbitration.¹⁷ Then Deputy President Thabo Mbeki spearheaded South Africa’s leadership through an “African Renaissance.”¹⁸ This included the establishment of the New Partnerships for Africa’s Development (NEPAD),¹⁹ peacemaking, peacekeeping and de-mining activities. The country started to grow as a

¹⁴ Adekeye Adebajo and Christopher Landsberg, “Pax Africana in the Age of Extremes,” *South African Journal of International Affairs*, Vol.7 No.1, Summer 2000,14

¹⁵ G.R. Berridge, *South Africa, the Colonial Powers and “African Defense:” The Rise and Fall of the White Entente 1948-60*, (London, Macmillan, 1992), 5

¹⁶ Berridge, *South Africa, the Colonial Powers and “African Defense,”* 5

¹⁷ Nelson Mandela, “South Africa’s Future Foreign Policy,” *Foreign Affairs*, Vol. 72, No.5, November/December 1993, 91

¹⁸ According to Landsberg, the term “African Renaissance” may be defined as “a doctrine for Africa’s political, economic, and social rejuvenation and as a call for political democratisation, economic growth, and the reintegration of Africa into the global economy.” See Landsberg, “Promoting Democracy: The Mandela-Mbeki Doctrine,” *Journal of Democracy* Vol.11, No.3, July 2000, 118

¹⁹ It is an economic development of the African Union, initiated by President Mbeki and other leaders.

world middle-class hegemony,²⁰ which raised the international community's high expectations regarding South Africa's leading role in conflict resolution.

1.4 South Africa's Peacemaking Flaws

In this dissertation, I argue that South Africa's greatest flaws during its efforts to resolve conflict in the Great Lakes region are attributable to four factors: South Africa's inadequate knowledge of mediation skills, its ambivalent and contradictory foreign policy, its insufficient understanding of the nature, major causes and aggravating factors of the regionalised conflict and the Southern Africa Development Community's (SADC) paradoxical politics.

South Africa's peacemaking role in the Great Lakes conflict was mainly that of mediation. The main mediator, President Mbeki, did not respect basic mediation rules, and became a biased and powerful manipulator and thereby lost his credibility. South Africa also imposed its own mediation model on the DRC rather than adapting a model for the specific context of the DRC.

South Africa's ambivalent foreign policy, including its principles, economic interests, contradictory behavior and questionable neutrality, will be analysed in the context of three events in the Great Lakes region: the 1994 Rwandan genocide, the First Congo War in 1996, and the Second Congo War in 1998. This dissertation primarily

²⁰ Christopher Landsberg calls South Africa's role as a serious middle-ranked power in world affairs. See Landsberg, "South Africa," Gilbert M. Khadiagala (ed.) *Security Dynamics in Africa's Great Lakes Region*, A Project of the International Peace Academy, (Boulder Colo. Lynne Rienner, 2006), 137. However, Maxi Schoeman calls South Africa an emerging middle power. See Schoeman, "South Africa as an emerging middle power: 1994-2003," *The State of the Nation 2003-2004*, (Pretoria, HRSC Press, 2004), 349

addresses the South African state, but also examines non-state actors, such as private companies, that are interwoven with the state.

As Howard Adelman argues, “peacemaking efforts must be grounded in both realistic analyses of conflict dynamics *and* realistic assessment of the capacities and capabilities of the diplomatic and international organisations involved in the response.”²¹ There is a tendency to react only to the symptoms of conflict, but the main causes as key components of conflict resolution must be recognised as well. Although fully aware of the larger, structural root causes of conflicts, such as a weak state that takes a lifetime to build, I will only discuss the nature, main causes and aggravating and neglected factors of the conflict in eastern DRC. These include existing politicised inter-ethnic tension, nationality and land issues, the exploitation of natural resources, and the link between natural resources, arms trafficking and international business.

Finally, this thesis analyses the SADC’s internal politics, including its history and development, growing competition among regional leaders over politics and economics in post-apartheid era, and the SADC countries’ involvement in the First and Second Congo Wars. It also examines the SADC’s split during the Congo’s Second War over the modality of their involvement.

1.5 Focus on Eastern Democratic Republic of Congo (DRC)

Among the nations that comprise the Great Lakes region, this dissertation focuses on eastern DRC, which is the main causality of the regionalised conflict and is crucial to the DRC wars. Eastern DRC was the location of three violent conflicts beginning in 1994, following the spillover of Rwandans involved in the 1994 genocide. In 1996,

²¹ Bruce Jones, *Peacemaking in Rwanda: The Dynamics of Failure*, (Colorado, Lynne Rienner, 2004), 5

conflict in Zaire involved foreign-armed groups that engaged in Laurent Désiré Kabila's rebellion against the dictator Mobutu Sese Seko. In 1998, conflict involved a Rwandan and Ugandan rebellion against President Kabila, who was supported by several nations, including three SADC countries.

Eastern DRC has experienced the deadliest war in terms of statistics in the post-Second World War era, resulting in 5.4 million deaths between 1998 and the present day from violence, disease and starvation.²² This number represents more than six times the number of those killed during the Rwandan genocide in 1994, which claimed approximately 500,000 to 800,000 lives.²³ Eastern DRC became the epicenter of the conflict, but its local and regional dynamics have received limited attention.

1.6 Methodologies

Four types of sources were used for this study. First, primary documents were reviewed, including peace and ceasefire agreements, news clips, and South African government documents that highlight the government's relationship with the Great Lakes region. Secondary documents by academics, research institutes, UN agencies, non-governmental organisations, and other organisations that deal with South Africa's foreign policy, the DRC's peace process and mediation have also served as valuable sources in this analysis. Since my dissertation takes an empirical approach, I also used

²² International Rescue Committee, "IRC Study Shows Congo's Neglected Crisis Leaves 5.4 Million Dead," www.theirc.org/news/irc-study-shows-congos0122.html, accessed on 28 January, 2008

²³ UNHCR, "The State of World's Refugees, 245. However, according to Alison Desforges in "Leave None to Tell the Story: Genocide in Rwanda," (HRW, March 1999, 17, <http://www.grandslacs.net/doc/1317.pdf>, 28 August 2008), the overall death toll was closer to 500,000, as the figure of 800,000 overestimated the percentage of Tutsi in the overall Rwandan population and included those who had died from causes other than the genocide.

observation methods during my assignment as a humanitarian worker in eastern DRC (March 2007- July 2008). I also have met and interviewed key persons who are either directly involved in the conflicts or are working to resolve the crisis in eastern DRC and the region at large.

During interviews and meetings, I met 39 individuals, mostly Congolese and South African opinion makers who reside in South Africa (Pretoria, Johannesburg, and Cape Town), the DRC (Kinshasa, Goma, Ruthuru, Masisi and Walikale), Rwanda (Kigali) and Japan (Tokyo, Osaka and Mie). These informants clarified ambiguities in the literature. Government officials, religious leaders, traditional leaders, humanitarian workers, diplomats, academics, rebel leaders and other professionals were selected for interviews. Since most literature was written by non-Congolese academics or by a selected few Congolese who live outside the country, I intended to grasp the Congolese perspective and clarify some facts and analyses. Depending on the background and knowledge of the interviewee and given the time constraints surrounding the interviews, some questions were not raised.

Of the 39 people who were interviewed, only four interviews were used for this dissertation. The remaining interviews were omitted either because the information given was not applicable to the dissertation, or the interviewees did not have sufficient information on the subject for discussion. Some of the Congolese key informants could not be interviewed due to their inaccessibility and logistical constraints. An attempt to interview some of the officials in South Africa's Department of Foreign Affairs in Pretoria also failed due to their unavailability. Therefore, with insufficient information, the full picture on South Africa's role in the Great Lakes region and its

foreign policy could not be obtained. (See Annexes for a questionnaire, one sample of an interview, and the list of interviewees used for the dissertation).

1.7 Organisation of the Study

This dissertation is divided into eight chapters. Following the introductory chapter, the second chapter describes the definition of mediation as an important element of peacemaking and the basis of peace settlement. This is followed by a discussion of mediators' roles and tactics, mediation's objectives, ripeness for negotiation, timeliness of diplomatic interventions, and the success of peace implementation. A brief literature review on South Africa's mediation and peacemaking in the Great Lakes region and Africa is included.

The third chapter provides a brief history of the Great Lakes region in order to understand the regional dynamics that gave rise to the Rwandan genocide in 1994 as well as wars in 1996 and 1998. It focuses on the Rwandan migration and refugees' movement into eastern Zaire and Uganda before and during 1994. It emphasises the inter-linked problems of land ownership and Rwandaphones' nationality, which are major causes of conflict.²⁴

The fourth chapter examines the relationship between South Africa and the Great Lakes region before 1994 and during the Rwandan genocide. South Africa's foreign policy in southern Africa and the Great Lakes region is highlighted through its mining operations in the Congo. The chapter also illustrates South Africa's expanding arms industries and its response during the genocide.

²⁴ Inter-Congolese Political Negotiations, The Final Act, 84, www.reliefweb.int, accessed on 29 August 2006

The fifth chapter provides an analysis of South Africa's initiative as a peacemaker during and following the First Congo War between 1996 and 1997. The background of the invasion and the attempts of then Deputy President Mbeki to broker a peace deal is explained. It also analyses South Africa's practices, the country's questionable neutrality and amorality and its economic interests.

The sixth chapter discusses the background of the Second Congo War in 1998 and South Africa's continued involvement in peacemaking in the region, which led to the establishment of a transitional government in the DRC in 2003. It examines South Africa's behaviour and its economic interests behind the peace efforts in the DRC. These economic interests became apparent as recently as 2006 when South Africa ventured into various business opportunities in the DRC.

The seventh chapter details the major failures of South Africa's peacekeeping efforts. This includes South Africa's export of its own peacemaking style; its timing of intervention; its failure to identify and manage the main spoiler; its failure to examine the extensive regionalised dynamics and the link between conflict, exploitation, arms and business, as well as nationality and land issues; the Rwandan government's respective tension with the FDLR and the DRC; and the SADC's internal politics.

Following an analysis of South Africa's peacemaking experiences, the dissertation concludes in the eighth chapter by making suggestions on how South Africa could be a better peacemaker in the Great Lakes region. Due to the official cessation of the war in 2003, I will outline lessons learned from South Africa's past peace process initiatives.

Chapter 2

Peacemaking and Mediation

“The solution to a conflict is talking about the conflict.”

--Somali proverb

The aim of this chapter is to illustrate mediation, which is a critical component of peacemaking efforts. This chapter reviews fundamental components of mediation in the Great Lakes region in order to suggest ways in which the overall methodology of the peace process can be strengthened to improve mediation. The first section describes the definitions of peacemaking and mediation, followed by the mediator’s roles and tactics in the second section. The third section analyses ripeness, or the favourable environment, for negotiations. It highlights the “ripeness point,” or mutual hurting stalemate, and the importance of appropriate timing in regard to negotiation. The fourth section deals with mediation’s objectives and the mediator’s responsibility regarding peace agreements, which can lead to the success or failure of peace implementation. The fifth section presents a literature review on South Africa’s peacemaking in the Great Lakes region.

2.1 Definitions of Peacemaking and Mediation

As discussed in the introduction, peacemaking is action to bring hostile parties to an agreement, essentially through peaceful means. It is often a prelude to peacekeeping, which usually complements the mediator’s role²⁵ and in many cases serves as a

²⁵ Funmi Olonisakin, “Conflict and Conflict Resolution in Africa,” *Power, Wealth and Global Equity: an International Relations Textbook for Africa*, (Landsdowne, UCT Press, 2006), 240

prerequisite for peacebuilding. Peacemaking is also crucial for conflict resolution efforts.²⁶ According to ‘Funmi Olonisakin, peacemaking is “first and foremost a diplomatic effort, which may involve the use of mediation, negotiation, good offices²⁷ and fact-finding missions, amongst other things.”²⁸ Mediation can be defined as follows:

- “an intermediary activity...undertaken by a third party (peacemaker) with the primary intention of achieving some compromise settlement of the issues at stake between the parties, or at least ending disruptive conflict behaviour” (Christopher Mitchell).²⁹
- “a method of mitigating the concerns through the presence and support of an intermediary peacemaker ... who enjoys the trust of the disputants, and whose goal is to help them to forge agreements they find acceptable” (Laurie Nathan).³⁰

It must be noted that mediation as “a political process with no advance commitment from the parties to accept the mediator’s ideas” is different from arbitration.³¹ Arbitration requires judicial procedure and issues a verdict.³² The

²⁶ Olonisakin, “Conflict and Conflict Resolution in Africa,” 239

²⁷ Good offices is defined as “a technique of peaceful settlement of conflict whereby a third party acts as a go-between, transmitter of messages, and provided of meeting place, with the aim of bringing about direct negotiation between the parties.” Olonisakin, “Conflict and Conflict Resolution in Africa,” 240

²⁸ Ibid, 240

²⁹ Chester Crocker, Fen Hampson and Pamela Aall, “Multiparty Mediation and the Conflict Cycle,” Crocker, Osler and Aall (eds.), *Herding Cats: Multiparty Mediation in a Complex World*, (Washington DC, USIP, 1999), 8

³⁰ Nathan, “Mediation and the African Union’s Panel of the Wise,” Discussion Paper No. 10, Crisis States Research Center, London School of Economics, June 2005, 2

³¹ Saadia Touval and William Zartman, “International Mediation in the Post-Cold War Era,” Chester Crocker, Fen Hampson and Pamela Aall (eds.), *Turbulent Peace: the Challenges of Managing International Conflict* (Washington D.C., U.S. Institute of

mediator seeks to facilitate agreements in an “even-handed fashion and on terms acceptable to the parties.”³³

2.2 Mediators’ Roles and Tactics

Mediators engage in the following functions throughout the pre-negotiation, negotiation, and implementation phases of the peace settlement process: meeting with stakeholders to assess their interests; diagnosing the causes and the local dynamics of the conflict; drafting protocols and setting agendas; identifying common grounds between the parties and testing possible tradeoffs; writing and ratifying agreements; engaging in shuttle diplomacy when adversaries refuse to talk directly to each other; serving as observers; monitoring and facilitating the implementation of agreements, and generating options to resolve deadlocks.³⁴

According to William Zartman, mediators are divided into three types: communicators, formulators and manipulators.³⁵ Communicators assume a passive role and are mere moral messengers between the parties.³⁶ Traditional African mediators fit into this type and function, which is similar to that of an ombudsman who intervenes

Peace Press, 2001), 427

³² Ibid, 428

³³ Nathan, “Mediation and the African Union’s Panel of the Wise,” 2

³⁴ Fen Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail*, (Washington D.C., USIP Press, 1996), 12; Nathan, “Mediation and the African Union’s Panel of the Wise,” 9

³⁵ Zartman, “Bargaining and Conflict Reduction,” Edward A Kolodziej and Roger E Kanet (eds.), *Coping with Conflict after the Cold War*, (Baltimore, John Hopkins University Press, 1996), 279

³⁶ Zartman, “Bargaining and Conflict Reduction,” 279

between authorities and citizens.³⁷ Formulators have more substantial roles and use persuasion as a form of power.³⁸

In contrast to these two types of mediators, manipulators act as full participants with maximum authority. Manipulators increase a solution's attractiveness by promoting the unattractiveness of prolonging conflict.³⁹ This can be carried out by "shoring up one side or condemning another and further straining the appearances of neutrality."⁴⁰

In Laurie Nathan's view, it is not ideal to use force and the balance of power in conflict management or punitive action. A party who is threatened with sanctions or military force, for example, may lose its confidence and willingness to cooperate.⁴¹ Mediators should therefore assume a moral stature rather than asserting formal power. Therefore, it is preferable to use a confidence-building structure and power-sharing tactics.⁴²

While Nathan makes salient points, mediation cannot act as mere advice in the case of the Great Lakes conflict, where the methods of conflict are brutal and complex. Instead, mediation should take the form of powerful and proactive manipulation. When manipulation is required, as Nathan suggests, another actor besides a mediator should become involved in order for the mediator to maintain her/his impartiality.⁴³ The manipulator can use coercive approaches such as extraction, limitation, elimination, gratification and deprivation as well as various side payments, penalties, sanctions,

³⁷ Zartman (ed.), *Traditional Curses for Modern Conflict: African Conflict 'Medicine,'* (Boulder, Lynne Rienner, 2000), 222

³⁸ Zartman, "Bargaining and Conflict Reduction," 280

³⁹ Zartman, "Bargaining and Conflict Reduction," 281

⁴⁰ Ibid

⁴¹ Nathan, "Mediation and the African Union's Panel of the Wise," 6

⁴² Ibid

⁴³ Ibid

threats and the presentation of demands or conditions.⁴⁴ Other non-coercive mediation attempts include the use of adjudication, conciliation, arbitration and inquiry.⁴⁵

One of the first tasks that the manipulation team can execute is to identify moderates and “spoilers” among the concerned parties.⁴⁶ The former can be encouraged to cooperate to build sustainable peace.⁴⁷ For the latter, it is common that peace creates spoilers because not all war leaders and factions consider peace to be beneficial.⁴⁸ Therefore, spoilers need closer attention and analysis, as their presence can enormously complicate efforts to establish peace.

As Stephen Stedman argues, the process of understanding spoilers’ problems is the *sine qua non* of effective peacemaking implementation.⁴⁹ This includes understanding the number and type of problems, examining the spoilers’ motivations and adapting peacemaking strategies based on these motivations.⁵⁰ The strategies of spoiler management include “1) inducement (positive and negative), or giving the spoiler what it wants; 2) socialisation, or changing the behaviour of the spoiler to adhere

⁴⁴ Zartman, “Diplomacy,” Mark Hawkesworth and Maurice Kogan (eds.), *Encyclopedia of Government and Politics*, (London, Routledge, 2004), 1000; Crocker, Hampson and Aall, “Multiparty Mediation and the Conflict Cycle,” 21; K. J. Holsti, *International Politics: A Framework for Analysis*, (New Jersey, Prentice-Hall, 1993), 141

⁴⁵ Inquiry is described as “a formal and impartial determination of the facts underlying a dispute in which the third-party reports his/her findings to the parties with the aim of clarifying the basis for the conflict.” Olonisakin, “Conflict and Conflict Resolution in Africa,” 240

⁴⁶ Doyle and Sambanis, *Making War and Building Peace*, 50. According to Stephen Stedman, spoilers are “leaders or parties that believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it.” Stedman, “Negotiation and Mediation in Internal Conflicts,” Michael Brown (ed.), *The International Dimensions of Internal Conflict* (Cambridge, Mass, MIT Press, 1996), 369-371

⁴⁷ Doyle and Sambanis, *Making War and Building Peace*, 50

⁴⁸ Stedman, “Spoiler Problems in Peace Processes,” *International Security*, Vol.22, No.2 (Fall 1997), 7

⁴⁹ Ibid 8; Jones, *Peacemaking in Rwanda*, 8

⁵⁰ Ibid

to a set of established norms, and 3) coercion, or punishing spoiler behaviour or reducing the capacity of the spoiler to destroy the peace process.”⁵¹

In light of the above, it is understood that mediation is clearly a specialised and complex endeavour, but the principles of effective mediation are often undermined.⁵² There is a tendency to appoint mediators on the basis of political status or profile rather than their personal qualities as mediators.⁵³ As a result, mediators often use techniques such as persuasion, bargaining and the exercise of leverage, and fail to apply effective mediation skills.⁵⁴ Nevertheless, mediation is more than pure persuasion, and the basis of effective persuasion is the ability to fulfill the needs of parties and produce an attractive outcome from each party.⁵⁵ The choice of mediators can easily affect the success or failure of the peace process.

2.3 Ripeness for Negotiations

When can negotiation work best? Ripeness, or a favorable environment, is essential to sustaining the peace process and is associated with the prerequisites for diplomatic progress.⁵⁶ While the level of violence is still low, there are greater opportunities for mediators to engage.⁵⁷ These opportunities may diminish as the level of violence increases.⁵⁸ However, the likelihood of success in mediation may increase when the

⁵¹ Stedman, “Spoiler Problems in Peace Process,” 12; Hampson, “Parent, Midwife, or Accidental Executer?: The Role of Third Parties in Ending Violent Conflict,” Crocker, Hampson and Aall (eds.), *Turbulent Peace: The Challenges of Managing International Conflict*, (Washington D.C., U.S Institute of Peace Press, 2001),” 391

⁵² Nathan, “Mediation and the African Union’s Panel of the Wise,” 9

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Touval and Zartman, “International Mediation in the Post-Cold War Era,” 439

⁵⁶ Crocker, Hampson and Aall, “Multiparty Mediation and the Conflict Cycle,” 21

⁵⁷ Ibid, 27

⁵⁸ Ibid

point of a mutually hurting stalemate is reached.⁵⁹ According to Zartman, this is the situation that is most conducive to supporting a resolution:

“...conflicting parties seek to win, which leads to a stalemate as they check each other’s efforts. In an attempt to break that stalemate, both parties seek to escalate their way out and overcome the other party. Since these efforts, like the initial level of conflict, are pursued by both sides, the result is the escalation of conflict and the reinforcement of stalemate. When both parties reach the point where they can no longer escalate their way to victory and the sunk costs plus the countering efforts of the other side make for a costly deadlock, the point of *mutually hurting stalemate* has arrived. When this realisation has taken hold, the situation is ripe for resolution.”⁶⁰

It is further argued that mediators should best await the development of a hurting stalemate for both adversaries, accompanied by an approaching mutual catastrophe.⁶¹ Mediators are less likely to face a lack of political will from the adversaries. Such an environment compels leaders to consider possible exit strategies from the conflict.⁶²

Besides this mutually hurting stalemate, additional requirements for ripeness may include: 1) impending catastrophes; 2) shared perception among the parties about the desirability of an accord or that there is a way out; 3) a feeling of equality between parties; 4) an early timing of negotiation; 5) shifting power balances; 6) the redefinition of interests by the parties due to certain changes (for example, in leadership or

⁵⁹ Ibid

⁶⁰ Zartman, “Bargaining and Conflict Resolution,” 276

⁶¹ Christopher Mitchell, “Mediation and the Ending of Conflicts,” John Darby and Roger MacGinty (eds.), *Contemporary Peacemaking*, (London, Palgrave, 2003), 79-80

⁶² Ibid, 80

constituency pressures); 7) the replacement of previous or existing norms and patterns of behaviour that increase the possibility of compromise; 8) the availability of a formula that is conducive to compromise and a negotiated settlement.⁶³

Zartman further argues that it is unlikely that parties will negotiate a compromise when “1) one side is on the verge of victory and the other on the edge of defeat, 2) both sides face no prospects of either victory or defeat and the conflict is not costly to either of them, and 3) the deadlock is painful but the pain has been internalised into national myths and purpose.”⁶⁴ In addition, no matter how well intentioned may be, too much diplomacy or mediation in an unripe situation brings a counterproductive result and can lead to further dispute.⁶⁵ It is also hypothesised that failed agreements are related to underdeveloped or unripe conditions at the time that agreements are signed.⁶⁶

However, this mutually hurting stalemate as well as other requirements is only part of the conditions to initiate negotiation, and they do not necessarily turn into negotiations automatically.⁶⁷ Ripeness must be developed with the assistance of a mediator who helps the parties to reach a better understanding of the conflict dynamics and an acceptable solution.⁶⁸ This is because “conflict is essentially a matter of perceptions, [and therefore], third parties have to work on changing the perceptions, attitudes, values and behaviours of the parties.”⁶⁹

⁶³ Zartman, “Bargaining and Conflict Resolution,” 276, 278, 284; Fen Hampson, “Parent, Midwife, or Accidental Executioner?,” 392

⁶⁴ Zartman, “Bargaining and Conflict Resolution” 276

⁶⁵ Hampson, *Nurturing Peace*, 15

⁶⁶ *Ibid*, 209

⁶⁷ Philip Schrodt et al, “Evaluating ‘Ripeness and Hurting Stalemate,’” Mediated International Conflicts: An Event Data Study of the Middle East, Balkans, and West Africa. Paper prepared for the delivery at the Annual Meeting of the International Studies Association, Portland, Oregon, Center for International Political Analysis Department of Political Science, University of Kansas, February 2003

⁶⁸ Hampson, “Parent, Midwife, or Accidental Executioner?,” 396

⁶⁹ *Ibid*

The timing of intervention, which is crucial for effective negotiation, will be discussed further in order to understand the inappropriate and illogical timing of South Africa's mediation in the DRC. This led to failed mediation in 1997, as well as inappropriate timing of diplomatic intervention in the post-Second Congo War (see Chapters 4 and 5). All types of conflicts should be handled early and "by means of normal politics, while government legitimacy is still intact and grievances are manageable."⁷⁰ Early intervention has significant advantages in regard to motivating parties, in addition to its effectiveness, completeness and the cost it saves to the peace process.⁷¹ There is a greater likelihood of accepting external assistance before grievances accumulate and issues are multiplied.⁷² Most importantly, since "the goal of early prevention is resolution rather than containment," it is less likely that conflict will recur.⁷³

In the context of late negotiation, and once relations have deteriorated and created a "we-they" enemy structure, it becomes much more laborious and complex for mediators to move forward in the process and change these perceptions during the full-blown period.⁷⁴ According to Zartman, "if rebuffed and neglected, such demands cause the aggrieved community to turn inward, consolidate its political organisations, challenge the legitimacy of the state, look for neighbours' support and sanctuary and reject government efforts to meet their grievances as too little too late."⁷⁵ At a later

⁷⁰ Zartman, "Bargaining and Conflict Resolution," 284

⁷¹ Evans Gareth, "Preventive Action and Conflict Resolution," Olara A. Otunnu and Michael Doyle, *Peacebuilding and Peacekeeping for the New Century*, (Lanham, Rowman & Littlefield Publishers, 1998), 65

⁷² Ibid

⁷³ Ibid

⁷⁴ Crocker, Hampson and Aall, "Multiparty Mediation and the Conflict Cycle," 25

⁷⁵ Zartman, "Bargaining and Conflict Resolution," 284

phase, when equality between two parties has been established and a military stalemate has been achieved, then negotiation once again becomes possible.⁷⁶

2.4 Mediation's Objectives and Mediators' Responsibility in Agreements

Mediation involves more than reaching a negotiated solution, as ending the conflict itself is not enough. Mediation is intended to build trust and strengthen the relationship between the adversaries,⁷⁷ to change the parties' mindset from win-lose to win-win,⁷⁸ and to create the conditions that lead to conflict de-escalation. This will eventually lead to "positive peace," as opposed to "negative peace."⁷⁹ For an agreement to be implemented effectively, the quality, performance and personal credibility of third party mediators are crucial, as the mediators serve as both a buffer and a bridge between the antagonists.⁸⁰ Therefore, mediators need to be non-partisan; confidence-building and long-term stability through a negotiated settlement should be reflected as the basic logic of mediation.⁸¹ Mediators must also be flexible since conflicts are dynamic processes.⁸²

⁷⁶ Ibid

⁷⁷ Mitchell, "Mediation and the Ending of Conflicts," 82-83,

⁷⁸ Nathan, "Mediation and the African Union's Panel of the Wise," 9

⁷⁹ Johan Galtung distinguishes between negative and positive peace. The former is characterised by "the absence of direct violence" and the latter by "the overcoming of structural and cultural violence" or "the absence of exploitation and the presence of social justice." See Hugh Miall, Oliver, Ramsbotham, Tom Woodhouse, *Contemporary Conflict Resolution*, (Malden MA, Blackwell Publisher, 1999), 43, and Carolyn Stephenson, "New Approaches to International Peacemaking in the Post-Cold War World," Michael T. Klare (ed.), *Peace and World Security Studies*, sixth edition, (Boulder, CO, Lynne Rienner, 1994), 20

⁸⁰ Fen Hampson, *Nurturing Peace*, 210; Stedman, "Introduction," Stedman, Donald Rotchild and Elizabeth Cousens, *Ending Civil Wars: The Implementation of Peace Accords*, (Boulder, Lynne Rienner, 2002), 9; Nathan, "Mediation and the African Union's Panel of the Wise," 2

⁸¹ Nathan, "Mediation and the African Union's Panel of the Wise," 4

⁸² Ibid, 10

Based on these mediators' efforts, how can we measure the success of peace implementation, which is the process of carrying out a peace agreement?⁸³ As the objective of mediation is to create positive peace, an important indicator of whether this is achieved should be whether a relapse of violent conflict takes place within five years, since half of post-Cold War era conflicts reignite within this period.⁸⁴

In order to avoid this relapse and solidify the peace settlement, it is important to examine a peace agreement in which mediators have a great degree of responsibility to facilitate its implementation. Donald Rothchild and Stephen Stedman argue that several main recurrent problems plague the implementation of peace agreements.⁸⁵ These include vague and expedient agreements, a lack of coordination between mediators and implementers of agreements and the presence of spoilers.⁸⁶

Many peace agreements tend to focus on quick-fix solutions without analysing root causes, fundamental issues and characteristics of the conflict. If these problems are not addressed, concerned parties continue to "put out fires," only treating symptoms and responding to crisis.⁸⁷ The peace agreement process is more important than the result "because of the importance that the parties attach to their positions and because individuals and groups resent being treated as the object of some other body's plans."⁸⁸

⁸³ Stedman, "Introduction," 2

⁸⁴ Tim Murithi, "Towards a Symbiotic Partnership: The UN Peacebuilding Commission and the Evolving AU/NEPAD Post-Conflict Reconstruction Framework," Adekeye Adebajo and Helen Scanlon (eds.), *A Dialogue of the Deaf: Essays on Africa and the United Nations*, (Auckland Park, the Center of Conflict Resolution, Fanele), 245. Mr. Murithi uses the footnote from "High-level Panel on Threats, Challenges and Change," *A More Secure World: Our shared Responsibility*, (New York: UN, 2004). However, this quote could not be found. He has been contacted for clarification without success.

⁸⁵ Stedman, "Introduction," 8

⁸⁶ Ibid

⁸⁷ Laurie Nathan, "Africa: Five Questions and Challenges," Helene Grandvoinnet and Hartmut Schneider (eds.), *Conflict Management in Africa: A Permanent Challenge*, (Organisation of Economic Cooperation and Development, 1998), 46-47

⁸⁸ Nathan, "Mediation and African Union's Panel of the Wise," 8

If peace agreements leave important matters undecided, then “the warring parties are much more likely to hedge their bets, take advantage when provisions of an agreement are not specified and interpret ambiguous terms in ways that benefit them during implementation.”⁸⁹ A ceasefire or peace agreement that focuses only on conflict resolution and neglects preventive diplomacy will ultimately fail.

Efforts should therefore never focus solely on gaining the signatures of the belligerent agents. The content of the agreement’s provisions should instead take precedence, which would help establish a durable peace.⁹⁰ It is also vital that all stakeholders participate in decision-making so that they can own and respect the agreements. For this, mediators should facilitate problem-solving between the concerned parties themselves rather than solving problems for them.⁹¹

2.5 Literature Review on South Africa’s Peacemaking in the DRC

The following texts describe South Africa’s mediation and peacemaking experiences in the DRC and Africa. The texts can be divided into four subjects: South Africa’s peacemaking style, the export of South Africa’s own peacemaking model, South Africa’s issues surrounding neutrality, and the separation within the SADC on its peacemaking approach, which influenced South Africa’s peacemaking during the Second Congo War.

On South Africa’s style, Kuseni Dlamini identifies two schools of thought; the first is to impose hegemony on the region (i.e. South Africa’s invasion of Lesotho), while the second suggests that South Africa must avoid being perceived either as a big

⁸⁹ Stedman, “Introduction,” 9

⁹⁰ Ibid, 10

⁹¹ Nathan, “Mediation and Africa Union’s Panel of the Wise,” 8

brother or a regional bully (i.e. its relationship with Zimbabwe).⁹² In the case of the DRC, South Africa used a mixture of UN and Western powers, as well as regional and domestic leaders to facilitate diplomatic persuasion and dialogue following the Second Congo War.⁹³ Greg Millers argues that during the Zaire/Rwanda refugee crisis in 1996, South Africa “adopt[ed] a less apologetic and more assertive regional/continental role.”⁹⁴ Christopher Landsberg compares two different styles: while President Mandela assumed a cautious and diplomatic peacemaking posture, President Mbeki supported military deployment.⁹⁵

Instead of tailoring a peacemaking strategy for the context of the Great Lakes, South Africa exported its own peacemaking model to region. Mahmood Mamdani points out that South Africa failed to understand the regionalised and militarised nature of the Zairian conflict by reading “the Zaire situation through South African lenses.”⁹⁶ According to Millers, South Africa’s transition was exceptional with a high degree of international involvement and the willingness of all actors to compromise. Therefore, this unique model cannot necessarily be applied elsewhere.⁹⁷ Landsberg claims that Foreign Minister and senior diplomats “continue roving the continent seeking to promote peace and selling the virtue of the South African-style negotiated option.”⁹⁸

⁹² Dlamini, “Assessing South Africa’s Diplomacy in Conflict Resolution,” *South African Yearbook of International Affairs*, 2001/02, (Johannesburg, SAIIA), 62-67

⁹³ Dlamini, “Assessing South Africa’s Diplomacy in Conflict Resolution,” 68

⁹⁴ Millers, “South Africa’s Foreign Policy: The Year in Review,” *South African Yearbook of International Affairs*, (Johannesburg, SAIIA, 1997), 2

⁹⁵ Landsberg, “The Impossible Neutrality?: South Africa’s Policy in the Congo War,” John F. Clark (ed.), *The African Stakes of the Congo War*, (New York, Palgrave Macmillan, 2002), 178-9

⁹⁶ Mamdani, “Naïve SA must not adopt missionary position,” *Mail & Guardian*, May 23-29 1997

⁹⁷ Greg Mills, “South African Foreign Policy and Africa: Where to at the Millennium?,” *South African Yearbook of International Affairs*, 2000/01, (Johannesburg, SAIIA, 2000), 6

⁹⁸ Landsberg, “Promoting Democracy,” 114

Besides South Africa's projecting its own bias onto the DRC, Hussein Solomon raises three other issues in peacemaking: Pretoria's habit of over-simplification, its dearth of analytical skills, its lack of understanding regarding peacemaking processes and the coordination problem within the South African foreign policy establishment.⁹⁹ Devon Curtis also indicates that the South African model ignores important political and economic questions that are central to conflict in the Great Lakes region.¹⁰⁰

Examining South Africa's neutrality, Adekeye Adebajo and Landsberg argue that South Africa's neutral stance has been heavily questioned due to its history of supplying arms to Rwanda and Uganda.¹⁰¹ According to Ian Taylor, Paul Williams and Sandra MacLean, South Africa is an unsuccessful peace-broker because the government failed to initially condemn Rwanda and Uganda's entry into war and South Africans served as mercenaries on both sides of the conflict.¹⁰² The International Crisis Group claims that South Africa imposed a Rwandan solution to the conflict during the dialogue.¹⁰³ Anthoni van Nieuwkerk and Deon Geldenhuys state that President Mbeki's gradual shift of foreign policy from human rights to wealth and security influenced South Africa's peacemaking process in the Great Lakes region.¹⁰⁴

⁹⁹ Solomon, "The Poverty of Pretoria's Preventive Diplomacy in the Great Lakes Region," *South African Yearbook of International Affairs*, 2002/3, (Johannesburg, SAIIA, 2002), 141-143

¹⁰⁰ Curtis, "The South African Approach to Peacebuilding in the Great Lakes Region of Africa," Veronica Federico and Carlo Fusaro (eds.), *Constitutionalism and Democratic Transitions: Lessons from South Africa*, (Firenze University Press, Firenze Italy, 2006), 153

¹⁰¹ Adebajo and Landsberg, "South Africa and Nigeria as Regional Hegemons," 187

¹⁰² Taylor and Williams, "South African Foreign Policy and the Great Lakes Crisis: African Renaissance Meets *Vagabondage Politique?*," *African Affairs* (2001), 100, 281; MacLean, "New Regionalism and Conflicts in the DRC," J. Andrew Grant and Fredrik Soderbaum (eds.), *The New Regionalism in Africa*, (Aldershot, Ashgate, 2003), 117

¹⁰³ ICG, "Storm Clouds Over Sun City: The Urgent Need to Recast the Congolese Peace Process," Africa Report, No.44, 14 May 2002, 15

¹⁰⁴ Anthoni van Nieuwkerk, "Foreign Policy-Making in South Africa: Context, Actors, and Process," Walter Carlsnaes and Philip Nel (eds.), *In Full Flight: South African*

South Africa's peacemaking role was also problematised by the separation within the SADC on its peacemaking approach. Nathan describes the SADC's difficulty in establishing a common security regime due to two decision-making bodies: the Summit, led by South Africa, and the Organ on Politics, Defense and Security, which was run by Zimbabwe.¹⁰⁵ In addition, there were two separate approaches within the SADC: the peacemaking and the military cooperation groups, which were led by South Africa and Zimbabwe, respectively.¹⁰⁶ Mwesiga Baregu raises questions about the SADC's authority and legitimacy to intervene during the Second Congo War.¹⁰⁷ Katharina Coleman argues that the SADC lacked functional institutional structures to deal with regional peace and security issues.¹⁰⁸

Summary

As part of peacemaking efforts, mediation is a dialogue that searches for durable and peaceful solutions to create the conditions that lead to conflict de-escalation and finally to positive peace. Since conflict is a matter of perception, mediators have to develop the ripeness for negotiation to reach a better understanding of the conflict's dynamics. Mediators need to pay greater attention to peace agreements, which tend to focus on quick-fix solutions without properly analysing the causes of conflict.

Foreign Policy after Apartheid, (Midrand, Institute for Global Dialogue, 2006), 41; Deon Geldenhuys, "South Africa's Role as International Norm Entrepreneur," *In Full Flight: South Africa's Foreign Policy after Apartheid*, 100

¹⁰⁵ Nathan, "SADC's Uncommon Approach to Common Security, 1992-2003," *Journal of South African Studies*, Vol.32, No.3, September 2006, 610

¹⁰⁶ Nathan, "Consistency and inconsistencies in South African foreign policy," *International Affairs*, 81. 2, 2005, 365

¹⁰⁷ Baregu, "Economic and Military Security," Baregu and Chris Landsberg, *From Cape to Congo: Southern Africa's Evolving Security Challenges*, (Boulder, Lynne Rienner, 2003), 24

¹⁰⁸ Coleman, *International Organisations and Peace Enforcement: the Politics of International Legitimacy*, (Cambridge, Cambridge University Press), 2007, 116

Mediation, which is more than persuasion, is a specialised activity. Mediators' ability to build trust among parties, as well as their quality and credibility are critical to effective peace implementation. Due to the complexity of the Great Lakes conflict, a mediator should act as a manipulator and use non-coercive or coercive tactics. This principle applies especially when identifying and managing spoilers based on its full analysis, whose presence can destroy the peace process.

Negotiation works well when reaching the point of a mutually hurting stalemate, although it is not enough to create conditions that lead to productive negotiation. Timeliness of negotiation or diplomatic intervention is important before issues are multiplied with a higher degree of grievance. Early intervention has significant advantages, as it can motivate parties and decrease the likelihood of relapse of conflict.

In order to measure the success of peace implementation, one can examine whether the conflict relapsed within a five-year timeframe.

In the following chapters, South Africa's peacemaking will be judged based on its style and technique. This includes the timing of its intervention, the type of mediation it employed, the management of spoilers, the content of the peace agreement, and the country's application of its own peacemaking style. It will also be judged based on its understanding of the key issues of conflict, its neutrality, and its coping mechanism to deal with the SADC's internal politics.

Chapter 3

The Great Lakes Region Conflict before the Rwandan Genocide of 1994

“Eastern Congo is so fertile. Bury a brick in the ground and the next day you’d probably find a brick-tree.”

--Jean-David Levitte, Head of a United Nations Security Council mission to the region,
10 May 2002

This chapter presents a brief history of eastern Congo, Rwanda and Uganda, the causes of the Great Lakes region conflict before 1994 and the background and aftermath of the 1994 Rwandan genocide. The Rwandan genocide must be understood in the context of regional history and population movements. This chapter also highlights nationality and land issues in the Congo, which are inter-related and part of the major causes of conflict.

The first section discusses the special character of eastern Congo with respect to its migration history with Rwanda and Burundi. The second section deals with ethnic problems in Rwanda and eastern Congo. The third section examines Rwandaphones’ nationality issues, which aggravated ethnic tensions in eastern Congo and the land ownership problem. The fourth section illustrates the development with the Rwandan Patriotic Front in Uganda and the Arusha Peace Accord. The last section describes the movement during and the aftermath of Rwandan genocide, which spilled over into eastern Zaire.

3.1 The Special Character of Eastern Congo and its Migration History

The Kivu Provinces¹⁰⁹ in eastern Congo have been the site of endless cycles of conflict involving neighbouring countries. The Kivu provinces have experienced close economic, social and cultural relationships with Rwanda, Burundi and Uganda. The Congolese war and the Rwandan and Burundian civil wars are intricately linked, as the Congo's internal dynamics are heavily influenced by the actions and internal politics of its neighbours, particularly Rwanda.¹¹⁰ The Kivus, along with the northeastern (Ituri) and southeastern (Katanga) provinces, are the richest in the country in terms of mineral and agricultural resources. It is this wealth that makes these areas of great interest to Western and more recently, Asian countries.¹¹¹

The first migration account was documented in the sixteenth century, before the Independent State of Congo was formed in 1885 by King Leopold of Belgium.¹¹² The Convention signed by Belgium, Germany and the UN in 1910 made the Belgian colonial administration recognise the Banyarwanda¹¹³ as indigenous if they had migrated to the Congo prior to 1910.¹¹⁴ The convention also granted the

¹⁰⁹ There are two provinces in the east, North and South Kivu, whose provincial capitals are Goma and Bukavu respectively.

¹¹⁰ Michael Nest, Francois Grignon and Emizet Kisangani, *The Democratic Republic of the Congo: Economic Dimensions of War and Peace*, (Boulder Colo. International Peace Academy Occasional Paper Series, Lynne Rienner, 2006), 20-21

¹¹¹ UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo, 12 April 2001 (S/2001/357), 23 October 2003 (S/2003/1027), hereafter the UN Panel of Experts.

¹¹² Koen Vlassenroot and Chris Huggins, "Land, Migration and Conflict in Eastern DRC," Chris Huggins and Jenny Clover (eds.), *From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa*, (Pretoria, Institute for Security Studies (ISS), 2005), 128; However, Georges Nzongola-Ntalaja argues that the Banyamulenge settled in South Kivu around 1881. Nzongola-Ntalaja, "The Politics of Citizenship in the DRC," Annual International Conference, "State, Borders and Nations: Negotiating Citizenship in Africa," Centre of African Studies, University of Edinburgh, May 19-20 2004, 4.

¹¹³ It literally means "those from Rwanda" in Swahili.

¹¹⁴ Vlassenroot and Huggins, "Land, Migration and Conflict in Eastern DRC," 129

Banyarwanda's own customary authority.¹¹⁵ Native Congolese groups, who feared a reduction of their influence on social issues, land ownership and political power, disputed this decision.¹¹⁶

Present day Rwanda and Burundi¹¹⁷ were placed under a Belgian mandate that lasted until 1962. The decree of 19 July 1926 created job opportunities for Rwandans outside the country and accepted labour recruiters to enter from surrounding areas.¹¹⁸ The Belgian authorities therefore regarded overpopulated Rwanda as a valuable reservoir of labour for the wealthy parts of the Congo.¹¹⁹ In 1937, the Belgian colony established the Mission d'Immigration des Banyarwanda (MIB), or Immigration Mission of the Banyarwanda, to facilitate, or forcibly transplant¹²⁰ a cheap and controllable workforce to the mines and plantations of the Kivu and Katanga provinces.¹²¹ By 1955, around 160,000 Hutu and Tutsi Rwandans consequently migrated to these provinces.¹²² Apart from the overpopulation, labour opportunities and the 1959 social revolution, frequent famine also motivated Rwandans to immigrate to eastern Congo.¹²³

¹¹⁵ Vlassenroot and Huggins, "Land, Migration and Conflict in Eastern DRC," 129

¹¹⁶ Ibid

¹¹⁷ In 1922, the Rwanda-Urundi was part of the German dominion.

¹¹⁸ Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism and Genocide in Rwanda*, (Oxford, James Currey, 2001), 240

¹¹⁹ Vlassenroot and Huggins, "Land, Migration and Conflict in Eastern DRC," 129

¹²⁰ Mamdani, *When Victims Become Killers, Colonialism*, 240-1

¹²¹ ICG "The Congo's Transition is failing: Crisis in the Kivus," No, 91, 30 March 2005, 8

¹²² Ibid

¹²³ In Rwanda alone, eleven famines were recorded between 1895 to 1945. The latest occurred in 1990, only four years before the genocide. The famine in 1988-9 was not only due to the extreme marginality of Rwandese agriculture in a context of deforestation, soil erosion, demographic increase, under-fertilization and difficult crop selection, but was also caused by the political vagaries of food marketing and pricing policies. See Renè Lemarchand, "The Crisis in the Great Lakes," John W. Harbeson and Donald Rothchild (eds.), *Africa in World Politics: The African state system in Flux*, (Boulder Colo., Westview Press, 2000), 330; Gérard Prunier, *The Rwanda Crisis: History of a Genocide*, (London, Hurst and Company, 1998), 88

3.2 Ethnic¹²⁴ Problems in Rwanda and Eastern Congo

The situation in Rwanda was further complicated by ethnic purges in the 1950s. The Hutus and Tutsis were originally not ethnic categories, but were determined rather by “social rank associated with occupation, cattle ownership, and proximity to the royal court.”¹²⁵ Gérard Prunier confirms that “there is no trace in its pre-colonial history of systematic violence between Tutsi and Hutu as such.”¹²⁶ Despite the commonality of language, Kinyarwanda, and culture between Tutsi and Hutu, this did not prevent the rise of an ethnic consciousness between the two groups and a catastrophic process of ethnic mobilisation.¹²⁷

The Belgian colonial policy transformed this social rank into a more rigid ethnic division, which favoured Tutsis in education and managerial positions such as civil servants until the mid-1950s.¹²⁸ As members of the Tutsi elite became heavily involved in the struggle for independence, the Belgian government decided to upgrade Hutu people’s status.¹²⁹ As a result, the Hutu used this new recognition of status to gain increased access to the church and ultimately end Tutsi superiority in Rwanda in 1959.¹³⁰ The Rwandan social revolution took place in the same year and was characterised by outbreaks of violence against Tutsis who formerly sidelined the majority Hutus. Between 1959 and 1962 when Rwanda gained independence, 150,000

¹²⁴ Mamdani explains ethnicity “as a political identity, it marked an internal difference, whereas race signified an external difference.” See Mamdani, *When Victims Become Killers*, 231. Ethnicity connotes shared cultural, linguistic, behavioural or religious traits, but in this dissertation, it will be used as personal or group identity.

¹²⁵ George Nzongola-Ntalaja, “Civil War, Peacekeeping, and the Great Lakes Region,” Richard René Laremount (ed.), *The Causes of War and the Consequences of Peacekeeping in Africa*, (Portsmouth, NH, Heinemann, 2002), 93

¹²⁶ Prunier, *The Rwanda Crisis*, 39

¹²⁷ Nzongola-Ntalaja, *The Congo from Leopold to Kabila*, 219

¹²⁸ Nzongola-Ntalaja, “Civil War, Peacekeeping, and the Great Lakes Region,” 93

¹²⁹ Ibid

¹³⁰ Jones, *Peacemaking in Rwanda*, 19

Rwandan refugees, mostly Tutsis, fled to neighbouring countries. These included 60,000 Rwandans who fled to eastern Congo (Kivus).¹³¹

Most of the refugees were educated and united within Zaire and within Diasporas¹³² in the region.¹³³ In Zaire, many of them were marginalised and vulnerable due to their refugee status. They were therefore welcomed by President Mobutu into his party, the Movement Populaire de la Révolution (MPR), or the Popular Movement of the Revolution.¹³⁴ One of the refugees, Barthélemy Bisengimana, became “probably the second [most] influential man (cabinet director) in Zaire after President Mobutu,”¹³⁵ while other Tutsis obtained positions in his central office.¹³⁶ Indeed, the Banyarwanda became important figures in Congolese politics. According to one Congolese government official, President Mobutu did not have any other choice but to accept the United States’ advice to favour the Tutsis, who had a close relationship with the United States.¹³⁷

¹³¹ UNHCR, *The State of the World's Refugees*, 49-50. Congolese Tutsi are a small part of the larger group of Rwandophones, numbering several hundred thousand and constituting between one and two percent of the total Congolese population of some 60 million. HRW, “Renewed Crisis in North Kivu,” 23 October 2007, 9

¹³² Paul Collier’s following argument on Diasporas corresponds to the Great Lakes context: “Diasporas sometimes harbor rather romanticised attachments to their group of origin and may nurse grievances as a form of asserting continued belonging. They are much richer than the people in their country of origin and so can afford to finance vengeance. Above all, they do not have to suffer any of the awful consequences of renewed conflict because they are not living in the country. Hence, they are ready market for rebel groups touting vengeance and so are a source of finance for renewed conflict.” Collier, “Economic Causes of Civil Conflict and Their Implications for Policy,” Crocker, Hampson, and Aall (eds.) *Turbulent Peace: The Challenges of Managing International Conflict*, 155

¹³³ Lemarchand, “The Crisis in the Great Lakes,” 333-334

¹³⁴ ICG, “The Congo’s Transition is failing: Crisis in the Kivus,” 8

¹³⁵ Prunier, *The Rwandan Crisis*, 379

¹³⁶ ICG, “The Congo’s Transition is failing: Crisis in the Kivus,” 8

¹³⁷ Interview with one Congolese Government official. 1 June, 2008

3.3 Rwandaphones' Nationality¹³⁸ and Land Issues in Eastern Congo

The politicised nationality law of Rwandaphones has changed several times. This has aggravated ethnic tensions in eastern Congo due to land competition, and become one of the major causes of the present conflict.

The 1960s and 1970s

After the Congo gained independence in 1960, Banyarwanda immigrants were granted nationality equal to other inhabitants of eastern Congo. Those who had resided in the Congo for more than 10 years were allowed to vote in the national elections in May 1960.¹³⁹ Therefore, "they were for all practical purposes citizens of the Congo, but legally their citizenship status remained uncertain."¹⁴⁰

The nationality issue originated with the Congolese Constitution of 1 August 1964, which denied Congolese nationality to Rwandaphones who were transplanted to the Congo between 1930 and 1954.¹⁴¹ In the 1970s, Bisengimana sought to reverse the 1964 Constitution: "firstly, a 1970 decision of the ruling MRP party's political bureau; then a 1971 law accorded nationality specifically to 'persons originating from

¹³⁸ When discussing identity of the Rwandaphone (those who speak Kinyarwanda-mother tongue of Rwanda) caseloads, scholars and analysts use either the term "citizenship" or "nationality." Nationality has broader rights, such as the right to live and work permanently in a country, the right to social security and the right to exercise some legal or political professions. Citizenship, however, provides only the right to vote at elections (and sometimes the right to be elected). It does not offer the right to live in a country. In this dissertation, the term "nationality" will be used because Rwandaphones are seeking various rights.

¹³⁹ Nzongola-Ntalaja, "The Politics of Citizenship in the DRC," 4

¹⁴⁰ Ibid

¹⁴¹ Immigration Refugee Board of Canada, Country of Origin Research, www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=44918, accessed on 17 October 2007

Rwanda-Burundi established in Congo since [the] independence date of 30 June 1960'; thirdly, a 1972 law moving the cutoff date to 1 January 1950."¹⁴²

The thoroughly politicised 1972 decree expanded the rights of the Banyarwanda, and the rights of those Rwandans who became refugees between 1959 and 1963.¹⁴³ They became entitled to purchase land and participate in political activities.¹⁴⁴ Like many of his kinsmen, Bisengimana became one of the largest landowners in the Kivus.¹⁴⁵ Locals, who considered themselves an "indigenous" majority, were fearful and resentful of the Tutsis' influence.¹⁴⁶ The decree was not merely a nationality issue, but "it would surely turn Kivu into an open sanctuary for the surplus population from Rwanda and Burundi."¹⁴⁷ The year 1972 also saw the movement of 200,000 Hutu Burundian refugees into the Kivus following the massacre in Burundi.

The 1980s

The new influx of Rwandans in the 1960s and 1970s aggravated tensions and ignited campaigns to exclude them during the 1980s.¹⁴⁸ Many attempts to resolve this issue by the Congolese state failed. Beginning in 1981, after Bisengimana fell from power in 1977, President Mobutu needed more support from the local Kivu population compared to the Banyarwanda and thereby introduced a law to revoke the 1972

¹⁴² Stephan Jackson, "Sons of Which Soil? The Language and Politics of Autochthony in Eastern DR Congo," *African Studies Review*, Vol. 49, No.2, September 1996, 104

¹⁴³ Nest et al, *The DRC: Economic Dimensions of War and Peace*, 21-22

¹⁴⁴ Ibid

¹⁴⁵ Lemarchand, "The Crisis in the Great Lakes," 333-334

¹⁴⁶ Jackson, "Sons of Which Soil?" 104, and Mamdani, *When Victims Become Killers*, 243

¹⁴⁷ Mamdani, *When Victims Become Killers*, 244

¹⁴⁸ Kendal Nezan, 'Power Struggle in Kivus: Congolese Flashpoint,' *Le Monde Diplomatique*, English edition (July 1998), 2-7

citizenship law.¹⁴⁹ The qualifying date for the Congolese nationals was set back from 1908 to 1 August 1885, the date of the Berlin Conference.¹⁵⁰ In 1983, President Mobutu then succumbed to popular pressure and repealed the blanket citizenship decree, which required each application to be considered individually.¹⁵¹ Not only did these Banyarwanda become victims having lost their sense of personal security, but they also became legally stateless persons.¹⁵²

This caused greater tension in the region. By the late 1980s, violent clashes began between the pastoralist and agricultural communities in North Kivu.¹⁵³ Consequently, Rwandaphone elites withdrew from active politics and concentrated on the local economy, particularly on the vast agricultural concessions, coffee plantations and cattle ranches that were amassed during Bisengimana's powerful reign.¹⁵⁴

The disintegration of Banyarwanda identity into separate Hutu and Tutsi identities solidified in the 1980s when the Banyarwanda organisation, Umoja, formed in the aftermath of the 1981 Nationality Law and separated into two separate bodies.¹⁵⁵ The Hutu community in North Kivu rallied behind the Mutualité des Agriculteurs de Virunga (MAGRIVI), or Agricultures Mutuality in Virunga, an organisation formed in

¹⁴⁹ Jackson, "Sons of Which Soil?," 105

¹⁵⁰ Ibid

¹⁵¹ See footnote from ICG, "The Congo's Transition is Failing: Crisis in the Kivus," 8 "To qualify, an applicant had to demonstrate that his or her tribe had been present at the demarcation of the boundaries in 1885, a condition that was thought to disqualify the Tutsi. However, most scholars date the Tutsi presence in South Kivu to before that date, to immigrations related to the wars in Rwanda under the regime of Mwami Ruabugiri Kigeri. By first bestowing citizenship on the group and then removing it, Mobutu's dictatorship politicised their identity and entrenched in the community a profound suspicion of Kinshasa politics."

¹⁵² The definition of a stateless person is "a person who is not considered as a national by any State under the operation of its law." See UN Office of the High Commissioner for Human Rights, www.ohchr.ch/english/law/stateless.htm#, accessed on 12 October, 2007

¹⁵³ ICG, "The Congo's Transition is failing: Crisis in the Kivus," 8-9

¹⁵⁴ Jackson, "Sons of Which Soil?," 105

¹⁵⁵ Mamdani, *When Victims Become Killers*, 251

1989-1990.¹⁵⁶ As a lobbying force, which soon became a militia,¹⁵⁷ it received financial support from Rwandan President Juvénal Habyarimana and political support from President Mobutu.¹⁵⁸ Its agenda was to identify indigenous Hutu in order to grant them nationality.¹⁵⁹ For MAGRIVI, there were no indigenous Tutsis in the Zaire.¹⁶⁰ On the other hand, Tutsis formed Syndicat d' Initiative pour le Développement de la Zone de Ruthuru,¹⁶¹ or the Syndicate' Initiative for the Development in Ruthuru Zone.¹⁶² These Hutu and Tutsi associations in Zaire soon formed regional networks.¹⁶³

The Post-Cold War Era

President Mobutu contributed significantly to the single, national identity that was accepted by most Zairean people.¹⁶⁴ This achievement was ruined, however, toward the end of his regime when he could no longer rely on the support of his foreign allies at the end of the Cold War.¹⁶⁵ President Mobutu then decided to retain power by encouraging ethnic tensions and antagonism towards Zairean Tutsi.¹⁶⁶ He was partially responsible for anti-Tutsi sentiment, as he permitted a campaign that led to the

¹⁵⁶ Thomas Turner, *The Congo Wars: Conflict, Myth and Reality*, (London, Zed Books, 2007) 118

¹⁵⁷ Jackson, "Sons of Which Soil?," 121

¹⁵⁸ Mamdani, *When Victims Become Killers*, 252

¹⁵⁹ Ibid

¹⁶⁰ Ibid

¹⁶¹ Ruthuru is one of the territory or zone in North Kivu Province.

¹⁶² Mamdani, *When Victims Become Killers*, 252

¹⁶³ Ibid

¹⁶⁴ Herbert Weiss and Tatiana Carayannis, "Reconstructing the Congo," *Journal of International Affairs*, 58.1 (Fall 2004): 115 (27), 105-142

¹⁶⁵ Ibid

¹⁶⁶ Ibid

expulsion of Tutsis from North Kivu and to threats of mass expulsion of the Banyamulenge¹⁶⁷ from South Kivu.¹⁶⁸

The issue of Banyarwanda nationality therefore remained a dividing line in Congolese society until President Mobutu started his half-hearted democratisation process in the early 1990s. This process began in 1991-1992 with the Conférence Nationale Souveraine (CNS), or the National Sovereign Conference, which pitted communities against each other even further. Local representatives demanded that “foreigner” Hutus and Tutsis should be barred from the conference.¹⁶⁹ In North Kivu, this was perceived as a warning of imminent ethnic cleansing.¹⁷⁰ Hutus and Tutsis fought together against the autochthon’s (local population) hostility.

Following an outbreak of civil war in Rwanda later that year, the hostility between the two ethnic groups increased.¹⁷¹ The CNS also reaffirmed the 1981 Nationality Law at the same time, which astonished the Banyamulenge and Banyarwanda communities and fostered a strong sense of insecurity. Lacking state protection, each community created tribal militias for self-protection during the following two years.¹⁷² Many young Zairean Tutsis joined the Rwandan Patriotic Front (RPF)¹⁷³ in Uganda

¹⁶⁷ The *Banyamulenge*, literally meaning “the people of Mulenge,” is not an ethnic group but the Rwandan Tutsi living in the high plateau of Mwenga, Fizi and Uvira zones of South Kivu. Its name was likely adopted in the 1960s by earlier Tutsi settlers to distinguish themselves from more recent refugees from Burundi and Rwanda. See Lemarchand, “The DRC: From Collapse to Potential Reconstruction,” Occasional Paper, Center of African Studies, University of Copenhagen, September 2001, 56, and Jackson, “Sons of Which Soil?,” 108

¹⁶⁸ Weiss and Carayannis, “Reconstructing the Congo,” 105-142

¹⁶⁹ Jackson, “Sons of Which Soil?,” 105

¹⁷⁰ Ibid, 106

¹⁷¹ Willie Breytenbach, et al, “Conflicts in the Congo: From Kivu to Kabila,” *African Security Review*, Vol. 8, No.5, 1999

¹⁷² ICG, “The Congo’s Transition is failing,” 9

¹⁷³ RPF was formed in December 1987 with a view of returning Rwandan refugees home. According to one Congolese government official, a movement called International Tutsi Power was supported by the United States and Israel, and financed

after its invasion into Rwanda in 1990. The authorities' attempt to organise a census of "foreigners" in North Kivu in March 1993¹⁷⁴ led to inter-ethnic violence in North Kivu, which lasted more than six months.¹⁷⁵ Between 6,000 and 10,000 people were killed and more than 250,000 people were displaced.¹⁷⁶

Land Ownership Issues

Land lies at the centre of conflict in the region since "attach[ment] to ones' community and, through it, to the soil of the ancestors or the homeland, is a fundamental dimension of the notion of citizenship in Africa."¹⁷⁷ Traditionally, the local customary chief had the authority and capacity to distribute land.¹⁷⁸ However, Belgian colonial rule allocated Banyarwanda newcomers plots of land that had been purchased from the local chief.¹⁷⁹ The subsequent placement of this area under the authority of a Rwandan chief disrupted the transitional land-holding pattern.¹⁸⁰ The Banyarwanda were placed back under local authority, and eventually, the Rwandan chiefdom was abolished before independence.¹⁸¹ The change of land ownership, as well as the broad mobilisation of the Rwandan labour forces, aroused resentment and resistance from the local population over land and resources.¹⁸² This was due to decreased land availability and increased

the creation of RPF. See Appendix 3 on its interview.

¹⁷⁴ Mamdani, *When Victims Become Killers*, 245

¹⁷⁵ UNHCR, *The State of the World's Refugees*, 258

¹⁷⁶ Overseas Development Institute, March 2005, Conflict in the Great Lakes region: How is it linked with land and migration? www.odi.org.uk/nrp/96.pdf, accessed on 30 June 2006

¹⁷⁷ Nzongola-Ntalaja, "The Politics of Citizenship in the DRC," 3

¹⁷⁸ Amnesty International (AI), "Democratic Republic of Congo, North Kivu: Civilians pay the price for political and military rivalry," 28 September 2005, 8 <http://www.amnesty.org/en/library/info/AFR62/013/2005>, accessed on 10 October 2007

¹⁷⁹ Ibid

¹⁸⁰ Ibid

¹⁸¹ Ibid

¹⁸² Ibid; Nest et al, *The DRC*, 21

competition among the state, immigrants, refugees and existing land holders (traditional authorities) for land control.¹⁸³

This tension led to conflict called the Kanyarwanda war in 1963-1965. The local population revolted against the Banyarwanda, who were seeking greater political autonomy in their area.¹⁸⁴ The Bakajika Law of July 1966 specified that “all public land belonged to the state, and that all land-grants and concessionary powers delegated to colonial corporations by the Belgian colonial state were to be annulled.”¹⁸⁵ The new land law in 1973 further eroded traditional authority by abolishing customary control of land and nationalising the country’s foreign-run industries and plantations.¹⁸⁶ As a result, many acres of land were sold to Tutsi refugees, who converted them from crop agriculture into ranches and plantations, evicting peasant families from their traditional landholdings.¹⁸⁷

Tutsis were also recruited into the civil service and promoted from elected officials to senior ranks of President Mobutu’s regime.¹⁸⁸ These changes aggravated the tension between the autochthon, whose authority was undermined, and the Banyarwanda. It also exacerbated tensions between the Hutu and Tutsi populations.¹⁸⁹ What was seen at the time as a solution to Rwanda’s overpopulation therefore gave rise to the present politicised and regionalised inter-ethnic problem in the Kivus.

¹⁸³ Nest et al, *The DRC*, 21

¹⁸⁴ AI, “DRC, North Kivu,” 8

¹⁸⁵ Crawford Young, “Zaire: the Anatomy of a Failed State,” David Birmingham and Phyllis Martin (eds.), *History of Central Africa: The Contemporary Years Since 1960*, (New York, Longman, 1998), 114

¹⁸⁶ Ibid; AI, “DRC, North Kivu,” 8

¹⁸⁷ Lemarchand, “The Crisis in the Great Lakes,” 333-334

¹⁸⁸ Nest et al, *The DRC: Economic Dimensions of War and Peace*, 22

¹⁸⁹ AI, “DRC, North Kivu,” 8

3.4 Developments with the Rwandan Patriotic Front and the Arusha Peace Accord

While there was argument over nationality and land ownership with Rwandaphones in Zaire, similar movement was observed in Uganda. Tutsis who had become refugees in 1959, especially those who resided in Uganda, were the most politically organised and planned to use all means to return home.¹⁹⁰ The Banyarwanda's significant contribution to the victory of Yoweri Museveni's National Resistance Army (NRA) in 1986¹⁹¹ led to the Ugandan government's decision to naturalise Banyarwanda refugees.¹⁹² President Museveni, in a reversal of the previous policy of the Gabiro Accords of October 1982,¹⁹³ decided that Banyarwanda who had been residents in the country for more than 10 years would be granted Ugandan nationality.¹⁹⁴

However, there was a parliamentary debate on preclusion from owning land by non-Ugandans.¹⁹⁵ This factor, as well as a prohibition against non-Ugandans who wished to hold state positions, was said to have triggered the Rwandan refugees' invasion of Rwanda in order to regain the right of nationality and right to land.¹⁹⁶ Apart from the question of ethnicity, a crisis of indignity also contributed to this development.¹⁹⁷ At the same time, Rwandans living in the Diaspora became increasingly united and militant. A World Congress of Rwandan Refugees was held in

¹⁹⁰ For this purpose, Rwandese Alliance for National Unity was set up in Kampala in 1980, which rechristened itself the RPF. See Mamdani, *When Victims Become Killers*, 166

¹⁹¹ A quarter of NRA's ranks were composed of Banyarwanda. Mamdani, *When Victims Become Killers*, 170

¹⁹² Ibid, 173

¹⁹³ In this accord, Uganda authorities had insisted that no one could acquire citizenship without proof that the individual's father, grandfather, and great-grandfather were in Uganda. Mamdani, *When Victims Become Killers*, 173

¹⁹⁴ Ibid, 173-4

¹⁹⁵ Ibid, 181-183

¹⁹⁶ Ibid, 183

¹⁹⁷ Ibid, 160

Washington D.C. in August 1988 with a strong resolution to bring about the “right to return,”¹⁹⁸ or naturalisation in Rwandans’ country of residence.¹⁹⁹

The RPF launched a military invasion in Rwanda in October 1990 with the facilitation of President Museveni,²⁰⁰ the United States, the European and American Tutsi Diasporas,²⁰¹ and many active Tutsis in North Kivu.²⁰² Jones argued that “both ‘push’ factors-the increasing tensions around the Banyarwanda population in Uganda on their rights to return home-as well as ‘pull’ factors- the mounting tension in Rwanda itself- appear to have been salient.”²⁰³ However, the invasion failed due to France, Belgium and Zaire’s military support of the Rwandan government.

Following this invasion, Belgium, France, the United States and neighbouring countries initiated peacemaking efforts.²⁰⁴ In addition to the single-party dictatorship, the Habyarimana regime faced many problems, including the fluctuation of the coffee price,²⁰⁵ which led to an economic crisis, and eventual poverty and famine stemming from the food price policy.²⁰⁶ The RPF’s invasion was consequently perceived as a political threat, which reinforced Habyarimana’s decision to instill an ideology based on

¹⁹⁸ Prunier, *The Rwanda Crisis*, 74

¹⁹⁹ Mamdani, *When Victims Become Killers*, 174

²⁰⁰ Mamdani argues that although the refugee crisis that led to the invasion was the outcome of post-1959 developments in Rwanda, the crisis itself was very much Ugandan in the making with NRA in power. See *When Victims Become Killers*, 184. Jones also mentions that NRA provided support to the RPF inside Uganda. See *Peacemaking in Rwanda*, 29

²⁰¹ Issac Kamola, “The Global Coffee Economy and the Production of Genocide in Rwanda,” *Third World Quarterly*, Vol. 28, No. 3, 2007, 585

²⁰² Turner, *The Congo Wars*, 118

²⁰³ Jones, *Peacemaking in Rwanda*, 28

²⁰⁴ For more detail, see Jones, *Peacemaking in Rwanda*, 53-66

²⁰⁵ For more information, see David Renton, David Seddon and Leo Zeiling, *The Congo: Plunder & Resistance*, (London, Zed Books, 2007), 175; Kamola, “The Global Coffee Economy and the Production of Genocide in Rwanda,” 578

²⁰⁶ Mamdani, *When Victims Become Killers*, 197-198

Hutu power.²⁰⁷ By June 1992, the Rwandan government and the RPF had reached a political stalemate, which led to the beginning of the Arusha peace talks in August 1993. These talks were mediated by Tanzania with the Organisation of African Unity (OAU).

The Arusha peace agreement included the rule of law, power-sharing, integration of the two armed forces, resettlement of displaced persons, the provision of parliamentary governance rather than presidential, as well as the repatriation of Rwandan refugees.²⁰⁸ The content of the agreement was considered to be in favour of the RPF,²⁰⁹ without having addressed the root causes of the conflict such as land and resource rights.²¹⁰ The agreement was therefore merely a temporary solution between the two enemies.

Following the assassination of the Burundian Hutu president in October 1993, simultaneous mass killings of both Tutsis and Hutus in Burundi helped to bolster the anti-Tutsi campaign in Rwanda.²¹¹ The Burundi experience taught the Hutu hardliners in the Rwandan military that co-existence between the two ethnic groups was impossible and that genocide would not necessarily trigger an international response.²¹² Instead of ending the three-year civil war and the Hutus' 20 year hegemony over the Tutsis, the peace agreement led to genocide.

²⁰⁷ Mamdani, *When Victims Become Killers*, 189. "At the core of the ideology of Hutu Power was the conviction that the Tutsi were a race alien to Rwanda, and not an indigenous *ethnic group...they* (Hutu) *were the nation.*" (190)

²⁰⁸ Arusha Peace Agreement, www.grandslacs.net/doc/2403.pdf, accessed on 28 December, 2007

²⁰⁹ For detail, see Linda Melvern, *Conspiracy to Murder: The Rwandan Genocide*, (London, New York, Verso, 2004), 59

²¹⁰ Jean Bigagaza et al, "Land Scarcity, distribution and Conflict in Rwanda," Jeremy Lind and Kathryn Sturman (eds.), *Scarcity and Surfeit: the Ecology of Africa's Conflicts*, (Pretoria, ISS, 2002), 52

²¹¹ UNHCR, *The State of World's Refugees*, 245

²¹² Stedman, "Conflict and Conciliation in Sub-Saharan Africa," Michael Brown (ed.), *The International Dimensions of Internal Conflict*, (Cambridge, MIT Press, 1996), 249

3.5 Movement During and the Aftermath of the Rwandan Genocide

On 6 April 1994, the presidential jet carrying President Habyarimana and his Burundian counterpart was shot down in Kigali, as they were returning from Dar-es-Salaam's summit on the implementation of the Arusha Peace Accord. The genocide of Tutsis and Hutus modernists immediately followed. The Forces Armées Rwandais (FAR), or Rwandan Armed Forces, instigated the violence alongside Hutu extremists, the Interahamwe.²¹³ Some Burundian Hutu refugees in Rwanda were also active during the genocide.²¹⁴ The genocide resulted in more than 800,000 deaths and only ended once the Rwandan Patriotic Army (RPA) gained victory in July 1994.

The RPF's new regime was followed by a massive influx of 1.2 million Rwandan Hutu refugees²¹⁵ and defeated FAR and Interahamwe into the neighboring countries. The majority entered eastern Zaire.²¹⁶ French troops intervened in June 1994 in Rwanda and Zaire on a "humanitarian mission," Operation Turquoise, which protected and led the genocidaires with arms to hiding places among the genuine refugee hostages in eastern Zaire.²¹⁷ The international community failed to respond to the UN's request to send an international force to separate armed groups from the civilian refugees.

While it was known that the genocide was initiated by Hutu extremists, the RPF also took its revenge and re-started their military operation on 8 April, just after the beginning of the genocide.²¹⁸ According to the Gersony Report,²¹⁹ the RPF murdered

²¹³ Literally, "those who stand together" in Kinyarwanda, who participated in the genocide.

²¹⁴ UNHCR, *The State of World's Refugees*, 259

²¹⁵ Ibid, 246

²¹⁶ Armed soldiers and militias were reported to be some 20,000 in Bukavu and 3-400,000 in Goma. Mamdani, *When Victims Become Killers*, 254

²¹⁷ Ibid, 246

²¹⁸ Prunier, *The Rwanda Crisis*, 268

²¹⁹ This report was written by Robert Gersony, a UNHCR consultant. However, the estimate was probably on the low side, as the research did not cover the whole country.

30,000 Hutu civilians in revenge killings between July and September 1994. Numerous sources confirmed that the RPF killed a large number of people from the beginning of the genocide until early 1995.²²⁰ These facts were known to the International Criminal Tribunal for Rwanda, but no RPF suspect had been indicted by 2006.²²¹

To recall, there have been three different distinctions between Rwandaphones in Zaire: nationals, who had resided there since the late nineteenth century before the demarcation of the country; migrants, who crossed into the Congo forcefully or voluntarily; refugees, who were categorised in the post-independence period.²²² The relationship between nationals, migrants (who outnumbered refugees before its influx) and refugees changed in 1994 as the number of refugees swelled. It brought additional tension to the already existing political and social instability between earlier Hutu and Tutsi immigrants, exiles²²³ and native Zairean people. It literally put the Kivus “at the heart of a national and regional geopolitical struggle,”²²⁴ with “double tension in Kivu, both external and internal, both a tension between Kivu and the power in Rwanda and a tension within Kivu society.”²²⁵

This report was embargoed by the UN “to give the new (Rwandan) government a chance to stabilise.” See Prunier, *The Rwanda Crisis*, 360; Sadako Ogata, *The Turbulent Decade: Confronting the Refugee Crises of the 1990s*, (New York, Norton, 2005), 190-194; Prunier, *Africa's World War*, 16.

²²⁰ See Prunier, *The Rwanda Crisis*, 359, and AI, “Reports of Killings and Abductions by the Rwandese Patriotic Army,” (London, October 1994), 4, <http://www.amnesty.org/en/library/info/AFR47/016/1994>, accessed on 10 September 2007

²²¹ Filip Reyntjens, “Post-1994 Politics in Rwanda: problematising ‘liberation’ and ‘democratization,’” *Third World Quarterly*, Vol. 27, No.6, 2006, 1111

²²² Mamdani, *When Victims Become Killers*, 236

²²³ There were also some 80,000 Burundian refugees in eastern Zaire since October 1993.

²²⁴ Turner, *The Congo Wars*, 122

²²⁵ Mamdani, *When Victims Become Killers*, 234

At this time, the Alliance Democratiques du Peuple (ADP), or the Democratic Alliance of People, was created by a Zairean Tutsi.²²⁶ The ADP aimed to defend itself from the Hutus and Rwandan refugees who were supported by the Zairean army.²²⁷ The ADP requested that the Zairean state recognise the Zairean nationality of the Banyarwanda and Banyamulenge.²²⁸ This regional tension between eastern Zaire and Rwanda, as well as the nationality question of the Rwandaphone community, contributed to the present day conflict.

Summary

Access to land is closely related to perceptions of national identity. As the solution to Rwanda's overpopulation in the 1920s and 1930s, the fluctuating laws regarding Rwandaphones' nationality and land ownership issues in eastern Zaire and Uganda greatly contributed to the Great Lakes region conflicts.

For a long period of time, there have been many Rwandan and Burundian nationals, immigrants and refugees in eastern Congo, which is rich with mineral and agricultural resources. The Rwandaphones, who actively participated in the Mobutu regime, manipulated nationality law in order to gain access to land. This caused resentment among the local population. With a change of nationality law years later, the Banyarwanda and Banyamulenge became stateless persons. External factors, such as the Cold War and the outbreak of the Rwandan civil war, also aggravated tensions between the Rwandaphone and local communities, and between Hutus and Tutsis in eastern Zaire.

²²⁶ Jean-François Hugo, *La République démocratique du Congo : Une guerre inconnue*, (Paris, éditions Michalon, 2006), 22

²²⁷ Ibid

²²⁸ Ibid

Rwandan refugees in Uganda contributed to Museveni's takeover of the regime. Despite their military and political contribution, they were denied the right to own land. This compelled the Rwandan refugees to return to Rwanda, which led to conflict between Tutsis (RPF) and Hutu Power with the Rwandan former government.

The Arusha Peace Accord between the former Rwandan government and the RPF failed in 1993. As a result, genocide was launched in 1994 and spilled over into eastern Zaire. It exacerbated existing double tensions in Kivu (tension between Kivu and Rwanda, and tension within Kivu society) with the new arrival of Rwandan genocidaires and refugees.

University of Cape Town

Chapter 4

South Africa's Involvement in the Great Lakes Region Before and During the Rwandan Genocide

*"The Congo region is notorious for diamond trading, gun running, civil war and covert operations
by the CIA."*

--Article (Knight Ridder) in the Columbus Dispatch, 10 March 1999

This chapter examines the relationship between South Africa and the Great Lakes region before and during the Rwandan genocide in 1994. The first section analyses South Africa's foreign policy before 1994 with an emphasis on security and economic expansion. The second section illustrates South Africa's interest in the mineral business in southern Africa and the Congo. The third section deals with South Africa's arms industry, which was against South Africa's foreign policy to protect and uphold human rights, and South Africa's response to the Rwandan genocide. The fourth section reviews South Africa's arms supply to Rwanda and eastern Zaire.

4.1 South Africa's Foreign Policy Before 1994

South Africa had an interest in expanding its political and economic influence northward, in addition to expanding its territory. It also had an interest in playing a leadership role on the African continent before the National Party came to power in 1948. As a member of the Commonwealth, South Africa formed its defense and

foreign policy within the Commonwealth and wider Western context.²²⁹ In addition, South Africa had close military ties with the United Kingdom and Israel.²³⁰

During the Apartheid Era

South Africa became politically, economically and militarily isolated following its adoption of apartheid in 1948. The country had to abandon its membership in the Commonwealth in 1961, while the UN Security Council (UNSC) called for punitive measures against South Africa in 1963. Several sanctions were imposed on South Africa in the mid-1980s, including an arms embargo.²³¹ In the midst of worldwide marginalisation, South Africa focused its foreign policy on the country's significance to the Western world in order to ensure its protection.²³²

The way in which South Africa was globally situated between 1966 and 1981 changed dramatically and was unfavourable to its interests under the apartheid system.²³³ In the late 1960s, some countries in southern Africa became independent under decolonised leadership and became highly antagonistic toward apartheid South Africa.²³⁴ South Africa learned that the possession of "two credible and effective instruments, economic and military muscle,"²³⁵ was critical to address its concerns about regional security.²³⁶

²²⁹ Deon Geldenhuys, *South Africa's Search for Security Since the Second World War*, SAIIA, Occasional Paper, (Braamfontein, September 1978), 2

²³⁰ Ibid, 1

²³¹ Ibid. 12

²³² Deon Geldenhuys, *The Diplomacy of Isolation: South African Foreign Policy Making*, (SAIIA, Johannesburg, Macmillan, 1984), 211

²³³ Ibid. 38

²³⁴ Geldenhuys, *South Africa's Search for Security Since the Second World War*: 12

²³⁵ Deon Geldenhuys, "The Destabilisation Controversy: An Analysis of a High-Risk Foreign Policy Option for South Africa," *Politikon*, Vol.9, No.2, December 1982, 27

²³⁶ Geldenhuys, *The Diplomacy of Isolation*, 38

In 1980, nine countries in southern Africa formed the Southern African Development Cooperation Conference (SADCC; this was transformed to the SADC in 1992), which itself was built on the Frontline States (FLS) in the liberation struggles.²³⁷ The SADC's objective was to reduce other African states' dependence on the South African economy and transport network by jointly strengthening their own.²³⁸ Obviously, South Africa preferred to maintain the decolonised states' economic dependence on the country, as well as their military vulnerability, so that they would not be able to pose a threat to South Africa's security.²³⁹ This ignited resentment toward South Africa among some SADC countries.

The Post-Cold War and Post-Apartheid Eras

Following the release of political prisoner Nelson Mandela in 1990, South Africa's position once again changed dramatically, as it was recognised by the rest of the world. South Africa reestablished relations with the international community with its proactive role in regional, continental and world politics.²⁴⁰ New principles and new foreign policy had to be formulated. Mandela's article in *Foreign Affairs* in November 1993 stressed that Africa's concerns and interests would reflect in the foreign policy, since "South Africa cannot escape its African destiny."²⁴¹ This was not only due to the support that the African National Congress (ANC) received from African countries

²³⁷ For more information on FLS, see ISS, "The Legacy of the Front-line States," Monograph No.43: *Building Security in Southern Africa*, November 1999, www.iss.co.za/Pubs/Monographs/No43/TheLegacy.html, accessed on 30 July 2008

²³⁸ SADC, www.sadc.int/about_sadc/history.php, accessed on 6 January, 2008

²³⁹ Geldenhuys, "The Destabilisation Controversy," 27

²⁴⁰ Roger Pfister, "Studies on South Africa's Foreign Policy after Isolation," Walter Carlsnaes and Philip Nel (eds.), *In Full Flight: South African Foreign Policy after Apartheid*. (Institute for Global Dialogue, Midrand, 2006), 23

²⁴¹ Mandela, "South Africa's Future Foreign Policy," 87, 89

during the liberation struggle.²⁴² Stabilising Africa was also important to improve the image of Africa and attract foreign investment and trade.²⁴³ Mandela also underlined the importance of restructuring regional economic relations and promoting regional prosperity in southern Africa.²⁴⁴

Other foreign policy pillars to maintain peace included respect for human rights and international law, the promotion of democracy, the need for regional and international economic cooperation for its development, and the creation of internationally recognised non-violent mechanisms, such as effective arms control.²⁴⁵ Furthermore, Mandela demonstrated South Africa's future commitment to peacemaking by promoting "the creation of regional structures for crisis prevention and management" and the "facilitation, mediation and arbitration of interstate conflicts."²⁴⁶ Expectations grew that the new government would resolve Africa's conflicts with its economic and military might, in addition to international goodwill.²⁴⁷

Although the ANC won the first democratic election in 1994, President Mandela was obliged by the constitutional settlement to form a Government of National Unity (GNU) with other parties.²⁴⁸ President Mandela ensured that the ANC represented the government at international forums.²⁴⁹ Mbeki, the First Deputy President, was involved in foreign policy while F.W. de Klerk, the Second Deputy President, was

²⁴² Peter Kagwanja, "Power and Peace: South Africa and the Refurbishing of Africa's Multilateral Capacity for Peacemaking," *Journal of Contemporary African Studies*, Vol.24, No.2, May 2006, 161

²⁴³ Ibid

²⁴⁴ Mandela, "South Africa's Future Foreign Policy," 92

²⁴⁵ Ibid, 87

²⁴⁶ Ibid, 91

²⁴⁷ Kagwanja, "Power and Peace," 161

²⁴⁸ James Barber, "The New South Africa's Foreign Policy: Principles and Practice," *International Affairs*, 81, 5 (2005), 1080

²⁴⁹ Ibid

pushed to the sidelines.²⁵⁰

In 1994, President Mandela's stature helped the country to join the Non-Aligned Movement (NAM) in May, the OAU in June, and rejoin the Commonwealth in July 1994. Upon joining the SADC in August, South Africa came into conflict over trade with Zimbabwe. Zimbabwe was the political and economic powerhouse at that time and lost its status with President Mandela's political entry in the region.²⁵¹ Soon after, the two leading regional statesmen, President Mandela and Zimbabwean President Robert Mugabe, encountered a political rivalry.²⁵²

4.2 South Africa's Interest in Minerals in Southern Africa and the Congo

Since the discovery of diamonds in Kimberly in the late 1860s, mining has been a major force for the South African economy.²⁵³ However, South Africa's keen interest in mining and its experience was not confined within its own national borders. Beginning in the 1990's, South Africa's mining interests also extended to the Congo, which possessed more than one-third of the world's known reserves of copper.²⁵⁴ A supranational system of so-called "Cape-to-Katanga Miners," as described by Alvin Wolfe, included several hundred companies operating in southern Africa that were integrated through a series of relationships.²⁵⁵ Key companies that dominated the mineral exploitation of southern Africa included: Union Minière du Haut-Katanga

²⁵⁰ Barber, "The New South Africa's Foreign Policy," 1080

²⁵¹ Kagwanja, "Power and Peace," 165

²⁵² Ibid

²⁵³ Christopher Saunders and Nicolas Southey, *Historical Dictionary of South Africa*, (Landam, Maryland, Scarecrow Press, 2000), 175

²⁵⁴ Walter Fitzgerald, "The Impact of Western Civilization on Negro Africa," *Geographical Review*, Vol. 26, No. 1, January, 1936, 83

²⁵⁵ Alvin W. Wolfe, "The African Mineral Industry: Evolution of a Supranational Level of Integration," *Social Problems*, Vol. 11, No. 2, Autumn 1963, 153

(UMHK), Tanganyika Concessions, British South Africa Company, Anglo American Corporation of South Africa, De Beers Consolidated Mines, Johannesburg Consolidated Investment Company, Rhokana Corporation, Mufulira Copper Mines, and the Rhodesian Selection Trust.²⁵⁶

These corporations and states have long been closely interconnected.²⁵⁷ In particular, the role of the South African government in the Cape-to-Katanga Miners was exceptional:²⁵⁸ minerals “made South Africa, minerals maintain[ed] South Africa, and South Africa [was] the axle on which [fit] the hub of the mineral industry of all southern Africa.”²⁵⁹ The South African government and mining industry, in collaboration with the United States and United Kingdom, established the base for a new industry, supplied the capital and guaranteed to purchase the product in order to receive reasonable profit.²⁶⁰ In addition to mining, South African transport industries also created deep roots in Katanga since colonial times.²⁶¹

Among these Cape-to-Katanga Miners corporations, UMHK was the largest mining company. The British and South African partners were involved in its establishment in the Katanga Province.²⁶² It not only produced copper, cobalt, zinc and various precious metals whose assets were valued at US\$ 430 million, but it also provided 50 percent of Zaire’s state revenue and 70 percent of its foreign exchange.²⁶³ By the middle of the Second World War, UMHK had become the world’s chief supplier

²⁵⁶ Alvin W. Wolfe, “The African Mineral Industry,” 154

²⁵⁷ Ibid, 156

²⁵⁸ Ibid, 157

²⁵⁹ Ibid, 157

²⁶⁰ Ibid, 158

²⁶¹ Prunier, *Africa’s World War*: 202

²⁶² Nzongola-Ntalaja, *The Congo from Leopold to Kabila*, 32

²⁶³ Young, “Zaire: the Anatomy of a Failed State,” 114. Half of the internationally traded cobalt was from UMHK.

of cobalt and uranium, and one of the ten largest suppliers of copper and tin.²⁶⁴ Due to these mineral interests, the United Kingdom and South Africa supported the Belgians during the Katanga secession between 1960 and 1963.²⁶⁵ During the same time, UMHK also “bankrolled the Katanga rebellion... in exchange for future mineral rights.”²⁶⁶ In 1966, President Mobutu transformed UMHK into a state-owned firm, Gécamines.

Between 1967 and 1974, Zaire became one of Africa’s main economic powers.²⁶⁷ Despite Zaire’s official condemnation of apartheid,²⁶⁸ trade relations continued between the two countries. One half of Zaire’s mineral exports were shipped through Zimbabwe to Durban until the 1990s.²⁶⁹ De Beers’ presence and privilege in the DRC was due to favourable relations between the apartheid and Mobutu regimes for an extended period of time.²⁷⁰

4.3 South Africa’s Arms Industry and its Response to the Genocide

While the genocide raged in Rwanda, the first democratic presidential election took place in South Africa in April 1994, followed by President Mandela’s inauguration in May. President Mandela made the first statement about Rwanda on 13 June 1994 at the OAU meeting in Tunis. He said “Rwanda stands out as a stern and severe rebuke

²⁶⁴ Raymond Dummett, “Africa’s Strategic Minerals during the Second World War.” *Journal of African History*, Vol. 26, no. 4, 1985, 402-403

²⁶⁵ Nzongola-Ntalaja, *The Congo from Leopold to Kabila*, 101

²⁶⁶ World Bank Research Report, *Breaking the Conflict Trap: Civil War and Development Policy*, (Washington, World Bank and Oxford University Press, 2003), 128

²⁶⁷ Ingrid Samset, “Conflict of Interests or Interests in Conflict? Diamonds and the War in the DRC,” *Review of African Political Economy*, 93/94 (2002), 463-480

²⁶⁸ However, Zaire often abstained on UN resolutions condemning the Pretoria government and did not support the move to expel South Africa from the organisation in 1975. See F. Scott Bobb, *Historical Dictionary of Congo*. (Maryland, London, Scarecrow, Press, 1999), 393

²⁶⁹ *Ibid*, 394

²⁷⁰ Claude Kabemba, “South Africa in the DRC: Renaissance or Neo-Imperialism?,” Sakhela Buhlungu, John Daniel, Roger Southall and Jessica Lutchman (eds.), *State of the Nation: South Africa 2007*, (Pretoria, HSRC Press, 2007), 540

to all of us for having failed to address these inter-related matters...we are ready to contribute what we can to help end the genocide that is taking place in Rwanda and bring peace to that troubled sister country.”²⁷¹ South Africa, however, had already contributed to setting the stage for the genocide since 1990. It had also prolonged the genocide through its arms supply and fueled post-genocide conflict, despite the arms embargo to Rwanda and Zaire.

President Mandela acknowledged that South Africa’s democratic transition was violent mainly due to the proliferation of small arms throughout southern Africa.²⁷² But this same problem was transferred to the Great Lakes region following the RPF’s invasion in 1990, when South Africa started selling arms to Rwanda and Zaire. The UN Panel of Experts pointed out that the proliferation of arms was part of the vicious cycle of the Congo conflict²⁷³ (see Chapter 6). A brief historical overview of the South African arms industry will be described to understand this significance.

During the 1960s and 1970s, apartheid South Africa’s defense manufacturing arm, Armscor, was forced to become self-sufficient by producing a great deal of local armament following UN sanctions.²⁷⁴ However, the arms industry drastically lost its demand at the end of the Cold War. Accordingly, the new government in 1994 reduced the defense budget by 40 percent while reducing the arms procurement by 60 percent.²⁷⁵ This forced the arms industry to restructure.²⁷⁶ Some became global arms

²⁷¹ “Statement of the President of the Republic of South Africa, Nelson Mandela, at the OAU Meeting of Heads of State and Government,” Tunis, 13-15 June 1994, www.anc.org.za/ancdocs/history/mandela/1994/sp940613.html, accessed on 13 February, 2007

²⁷² Mandela, “South Africa’s Future Foreign Policy,” 89

²⁷³ UN Panel of Experts, 23 October, 2003 (S/2003/1027)

²⁷⁴ Roger Southall, “Introduction: South Africa, an African peacemaker?,” Southall (ed.), *South Africa’s Roles in Conflict Resolution and Peacemaking in Africa: Conference Proceedings* (Pretoria, HSRC, 2006), 22

²⁷⁵ Sanusha Naidu, “The South African Arms Industry: Redefining the Boundaries,”

sellers, which were facilitated by the posture of the market economy in the post-Cold War period.²⁷⁷ This was when the genocide in Rwanda took place, and when South Africa was involved in an arms supply to Rwanda and Zaire. In other words, South Africa found suitable clients to keep its arms industry thriving.

This arms proliferation did not coincide with the Mandela government's policy on human rights. Two weeks after his inauguration, President Mandela stated that he saw "nothing wrong" with arms sales "for the purpose of defending the sovereignty and the integrity of a country."²⁷⁸

Following criticism of the arms sale, the government established the National Conventional Armaments Control Committee (NCACC) in 1995²⁷⁹ and acceded to the Convention on Inhumane Weapons of 1995.²⁸⁰ The objective of the NCACC was to "ensure transparency in the procurement process and compliance with official policy and the country's obligations under international law and agreements."²⁸¹ Under the guidelines on arms exports, the NCACC sought to avoid:

- contributing to the escalation of conflicts and to regional instability by negatively influencing the balance of power;

Southall (ed.), *South Africa's Roles in Conflict Resolution and Peacemaking in Africa: Conference Proceedings*, 256

²⁷⁶ Ibid

²⁷⁷ Ibid

²⁷⁸ James Hamill, "South Africa's Regional Security Dilemmas," Jim Broderick, Gary Burford and Gordon Freer (eds.), *South Africa's Foreign Policy: Dilemmas of a New Democracy*, (Hampshire, Palgrave, 2001), 34

²⁷⁹ HRW, "South Africa, A Question of Principle: Arms Trade and Human Rights," Vol. 12, No.5 (A) October 2000 www.hrw.org/reports/1995/Rwanda1.htm#P21048609, accessed on 15 February 2007

²⁸⁰ Geldenhuys, "South Africa's Role as International Norm Entrepreneur," *In Full Flight: South Africa's Foreign Policy after Apartheid*, (Institute for Global Dialogue, Midrand, South Africa, 2006), 103

²⁸¹ Southall, "Introduction: South Africa, an African peacemaker?," 22

- arming oppressive regimes;
- contributing to countries' illegitimate defense and security needs;
- endangering peace by introducing destabilising military capabilities²⁸²

The NCACC had, nonetheless, violated these principles by exporting arms to war-torn countries, including Rwanda and Zaire. Rather than becoming a “responsible” arms producer, South Africa allowed its arms exports to fuel conflicts, even though the arms industry simultaneously developed its capacity to support peacebuilding efforts, notably through mine clearance.²⁸³ This act of arms sales seemed to be driven by the marketisation of the arms industry, or in other words, war profit. The Commonwealth Human Rights Initiatives’ report also claimed that the government was more concerned with maintaining employment in the arms industry than its commitment to human rights principles.²⁸⁴ Some also argued that President Mandela’s intention to promote democracy and human rights was hugely ambitious and could undermine South Africa’s economic interests.²⁸⁵

4.4 South Africa’s Supply of Arms to Rwanda and Eastern Zaire

It is worthwhile to note that Rwanda, one of the poorest countries in the world, became the third largest importer of weapons in Africa.²⁸⁶ FAR purchased arms and

²⁸² For detail, see Naidu, “The South African Arms Industry,” 257

²⁸³ Naidu, “The South African Arms Industry,” 260

²⁸⁴ Commonwealth Human Rights Initiatives, “Over a Barrel: Light Weapons and Human Rights in the Commonwealth,” 1999, 192-195, www.humanrightsinitiative.org/publications/default.htm, accessed on 13 November 2006

²⁸⁵ Pfister, “Studies on South Africa’s Foreign Policy after Isolation,” 28

²⁸⁶ Melvern, *Conspiracy to Murder*; 56-57

ammunition worth US\$5.9 million from France, South Africa and Egypt,²⁸⁷ as Egypt had arranged foreign contracts with France in 1990.²⁸⁸ This already took place in the period after Mandela's liberation when demand by the South African arms industry started to decrease domestically. At the time, there was no international arms embargo on Rwanda, as the UNSC had imposed an arms embargo on Rwanda only on 17 May 1994--40 days after the genocide began.²⁸⁹ The three formal ceasefire agreements signed between 1991 and 1992 prohibited the infiltration of war material,²⁹⁰ but all had been violated by one signatory or the other.

Rwanda was attracted to South Africa's arms manufacturing and standardised its infantry forces with South African arms by late 1993.²⁹¹ Eventually, South African manufacturers became the top arms suppliers to Rwanda.²⁹² Despite the arms embargo on Rwanda, arms purchases from South Africa continued. These purchases were made despite UNSC Resolution 558 of December 1984, which prohibited arms imports from South Africa due to apartheid.²⁹³

South Africa continued its arms supply to Zaire, despite the fact that the South African armaments industry was forbidden to supply lethal weapons beginning in 1993.²⁹⁴ According to Human Rights Watch, Willem Ehlers, the private secretary of

²⁸⁷ Prunier, *The Rwandan Crisis*, 113

²⁸⁸ Stephen D. Goose and Franc Smyth, "Arming Genocide in Rwanda," *Foreign Affairs*, Vol. 73, No.5, September/October 1994, 89-90. See also Augusta Muchai, "Arms Proliferation and the Congo War," John Clark (ed.), *The African Stakes in the Congo War*, (New York, Palgrave Macmillan, 2002), 190

²⁸⁹ HRW, "Rwanda/Zaire: Rearming with Impunity International Support for the Perpetrators of the Rwandan Genocide," Vol. 7, No. 4, May 1995, www.hrw.org/reports/1995/Rwanda1.htm, accessed on 1 September, 2006

²⁹⁰ The N'Sele ceasefire agreement of 29 March 1991, Art. II (7), as amended at Gbadolite 16 September 1991 and at 12 July 1992

²⁹¹ Goose and Smyth, "Arming Genocide in Rwanda," 90

²⁹² Lemarchand, "The Crisis in the Great Lakes," 345

²⁹³ HRW, "Rwanda/Zaire"; Goose and Smyth, "Arming Genocide in Rwanda," 90

²⁹⁴ Goose and Smyth, "Arming Genocide in Rwanda," 90

former president PW Botha, was involved in arms sales to Rwanda's Hutu forces in June 1994. They were transported from Seychelles to eastern Zaire.²⁹⁵ Between February and March 1995, "several planeloads of arms were flown directly from South Africa to an airstrip in the Kivu region."²⁹⁶ South Africa, China and France allegedly continued to supply Rwandan soldiers in Zaire.²⁹⁷ On 9 June 1995, the UNSC added another embargo on arms transferred to Zaire, Uganda, Tanzania and Burundi if the arms were to transfer through Rwanda.²⁹⁸

The UN Commission's second report in March 1996 criticised the South African government for not having provided information on Ehlers and other apparent violations of the embargo, which implicated South Africa.²⁹⁹ Furthermore, while South Africa's arms industry was brought under increasing government control, "individuals involved in the arms trade during the apartheid era were still active in an individual capacity or in private industry."³⁰⁰

Summary

South Africa had a strong desire to be an economic and military powerhouse in Africa. South Africa's isolation from the world during the apartheid era compelled the country to strengthen its mining and defense industries for its own security.

²⁹⁵ Stefaans Brummer, "How Ehlers sold arms to the Hutus," *Mail & Guardian*, November 15-21 1996, 6

²⁹⁶ HRW, "Rwanda/Zaire." The airstrip is suspected to be in Goma, which has the only international airport in eastern Zaire.

²⁹⁷ Stedman, "Conflict and Conciliation in Sub-Saharan Africa," 250

²⁹⁸ AI, "Democratic Republic of Congo: Arming the east," 5 July 2005, 21, <http://www.amnesty.org/en/library/info/AFR62/006/2005>, accessed on 8 September 2007

²⁹⁹ Brummer, "How Ehlers sold arms to the Hutus"

³⁰⁰ Ibid

South Africa's long history with the mineral business, an important pillar of its foreign policy, was found in the whole of southern Africa, particularly in the cobalt-belt Congo since the 1900s. South African government and South African mining corporation also supported Katanga secession in exchange of mineral rights.

In the late 1960s, some countries in southern Africa that gained independence became highly antagonistic toward apartheid South Africa. The SADC aimed to reduce decolonised African states' dependence on the South African economy. However, South Africa preferred to maintain the decolonised states' economic and military dependence on South Africa for its own security. This bred resentment toward South Africa among SADC countries, which continues today.

South African foreign policy experienced many changes in the post-Cold War and post-apartheid eras. South Africa reestablished its relationship with the international world. As soon as South Africa joined the SADC, Presidents Mandela and Mugabe, the two leading regional statesmen, encountered a political rivalry.

South Africa sustained its arms industry by expanding its business opportunities outside the country, notably to war countries, including Rwanda and Zaire. South African manufacturers became the top arms suppliers to the Habyarimana regime and FAR. This arms sale took place in spite of South Africa's human rights principles, an arms embargo against these countries, and the establishment of the NCACC. South Africa therefore became a significant contributor to the instigation and continuation of the Rwandan genocide.

Chapter 5

South Africa's Debut as a Peacemaker after the First Congo War in 1996

*"The big hole in the middle of Africa has been filled up and now we can build roads from east to west.
We want a common market from east to west and from South Africa to the west."*

--Ugandan President Yoweri Museveni speaking after the downfall of Mobutu Sese Seko of Zaire

This chapter analyses South Africa's initiatives as a peacemaker following the First Congo War from October 1996 to May 1997. The first section focuses on the background of the rebellion's invasion in eastern Zaire. The second section examines South Africa's peacemaking initiatives, followed by the failure of these initiatives in the third section. The fourth section analyses South Africa's behaviour and questions the country's neutrality based on three acts: South Africa's close relationship with the rebellion, its arms sales to Rwanda, and its amoral approach toward the rebellion and Rwanda as reflected by its gross human rights violations. The fifth section illustrates South Africa's economic interests behind its peacemaking efforts.

5.1 Rebellion's Invasion in Eastern Zaire

By early 1995, the conflict in the Kivus rekindled between ex-FAR, their allies of the Forces Army of Zaire, the Mai Mai³⁰¹ and the Zairean Tutsi population.³⁰² In May 1995, new legislation was passed that forbade Tutsis from acquiring homes and land in Zaire.³⁰³ The Army Chief of Staff then announced in December 1995 that the local

³⁰¹ They are the local militias in eastern Zaire.

³⁰² UNHCR, *The State of the World's Refugees*, 258

³⁰³ Willie Breytenbach et al, "Conflicts in the Congo: From Kivu to Kabila"

ethnic group had the right to expel Tutsis from the land.³⁰⁴ In September 1996, the Commission on Refugees and Internally Displaced Persons of the Zairean parliament concluded that Rwanda had forged an alliance to create a Tutsiland that would cover the two countries, including parts of Uganda and eastern Zaire.³⁰⁵ Thus, the Commission recommended the unconditional expulsion of all Rwandaphones from Zaire.³⁰⁶

On 8 October 1996, the governor of South Kivu warned the Banyamulenge to leave in seven days or face expulsion.³⁰⁷ The Head of the Zairean armed forces declared war on them, whom he claimed were backed by Rwanda, Uganda and Burundi.³⁰⁸ The constant harassment of the Banyamulenge compelled them to join the Alliance des Forces Democratiques pour le Liberation du Congo-Zaire (AFDL), or the Alliance of Democratic Forces for the Liberation in Congo-Zaire, the rebellion established in October 1996 in South Kivu. The AFDL was supported by the Rwandan and Ugandan governments as the Banyamulenge's presence provided Rwanda "the excuse it needed to intervene in Congolese affairs with the pretext of trying to prevent another genocide."³⁰⁹ The AFDL was headed by Laurent-Désiré Kabila, a Lumumbist³¹⁰ and Congolese revolutionary leader since the mid-1960s, so that the movement would not be seen as an invasion from neighbouring countries.³¹¹

The motives of the war were supposedly to defend Tutsis who were fighting for

³⁰⁴ Breytenbach et al, "Conflicts in the Congo"

³⁰⁵ Tatiana Carayannis and Herbert Weiss, "The Democratic Republic of Congo, 1996-2002," Jane Boulden (ed.), *Dealing with Conflict in Africa*, (New York, Palgrave Macmillan, 2003), 259

³⁰⁶ Ibid

³⁰⁷ Adelman, "The Use and Abuse of Refugees in Zaire," 120

³⁰⁸ Ibid

³⁰⁹ Nzongola-Ntalaja, "The Politics of Citizenship in the DRC," 6

³¹⁰ Lumumbist is a supporter of Patrice Lumumba in the civil war that took place during Lumumba's prime ministry of the Republic of the Congo.

³¹¹ Kevin Dunn, "A Survival Guide to Kinshasa: Lessons of the Father, Passed down to the Son," John Clark (ed.), *The African Stakes of the Congo War*, 56

their nationality,³¹² overthrow the 32-year Mobutu regime, and fight against the ex-FAR/Interahamwe.³¹³ In addition to Rwanda and Uganda, other neighbouring countries including Angola, Burundi, and to some extent Tanzania, Zambia, the Republic of Congo, Eritrea, Sudan and Zimbabwe were also motivated to take part in overthrowing President Mobutu, who destabilised their own countries and the region.³¹⁴ The AFDL was also diplomatically supported by the United States.³¹⁵

Rwandan Vice President Paul Kagame declared in 1995 that “we should prepare ourselves for any kinds of events, given the fact that there is the presence of these guys outside the country, who [have] intention to destabilise Rwanda...we have to study their political voice to solve the problem and at the same time, continue to prepare ourselves militarily. This is what we are doing now.”³¹⁶ However, it became apparent at a later stage that there was an economic interest behind this rebellion (see Chapter 4.5). Rwanda also aspired to annex a portion of the Kivus.³¹⁷

The AFDL first attacked the Burundian refugee camps in South Kivu, which was infiltrated by Hutu guerrillas.³¹⁸ A similar act ensued northward in the camps of Rwandan refugees, who were forced either to move to the interior of Zaire or return

³¹² Hussein Solomon, “From Zaire to the DRC: Towards post-Mobutism,” *Africa Insight*, Vol. 27, no.2, 1997

³¹³ Ibid; Dunn, “A Survival Guide to Kinshasa,” 56

³¹⁴ Saidi Koko, “The ‘One-Plus-Four’ Formula and Transition in the Democratic Republic of Congo,” *African Security Review*, Vol.16, No.1, ISS, 2007, 36; see also Annex 3 for interview with a Congolese government official. According to Prunier, President Museveni called a meeting in November 1994 to discuss the idea of overthrowing President Mobutu. In early 1995, former Tanzanian President Nyerere relaunched the idea but did not ask South Africa to join as he assumed its relationship with Zimbabwe and Angola might be difficult. Prunier, *Africa’s World War*: 68

³¹⁵ Colette Braeckman, “Congo: a War without Victors,” *Le Monde Diplomatique*, April 2001. In total, 12 countries were involved in the First Congo War.

³¹⁶ Hugo, *La République démocratique du Congo*, 47-48

³¹⁷ Weiss and Carayannis, “Reconstructing the Congo,” 105-142. Hugo also argues that an independent “Republic of Volcano” was to be created with this annex. Hugo, *La République démocratique du Congo*, 48-49

³¹⁸ UNHCR, *The State of the World’s Refugees*, 263

home to Rwanda.³¹⁹ AFDL and Rwandan allies continued launching a seven-month military campaign across the country.³²⁰ Kinshasa eventually fell to the AFDL in May 1997, who assumed control over the government from President Mobutu.

During the AFDL's advance, the Mobutu regime tried to compromise with the Tutsis by recognising the right of nationality for all people within its borders, beginning in December 1996.³²¹ The Banyamulenge, however, already had high expectations for Kabila.³²² Kabila, having appointed the commander of the Rwandese army as the commander of the Congolese National Army, allowed the Rwandese army to intervene directly in the affairs of the Congolese state.³²³

5.2 South Africa's Debut to Initiate Peacemaking Efforts

South Africa launched a "peace offensive" in Africa after undertaking the SADC's chairmanship role in 1996.³²⁴ Peacemaking had become Pretoria's favourite phrase to apply to regional conflicts.³²⁵ South Africa's peacemaking efforts started with Deputy President Mbeki's visit to President Mobutu in France, which was followed by a telephonic discussion between Presidents Mandela and Mobutu on 14 November 1996.³²⁶

Just before South Africa launched peacemaking initiatives, the SADC's Summit introduced the Organ on Politics, Defense and Security (the Organ) in September 1996

³¹⁹ UNHCR, *The State of the World's Refugees*, 263-264

³²⁰ *Ibid*, 268

³²¹ Breytenbach et al, "Conflicts in the Congo"

³²² *Ibid*

³²³ Mamdani, *When Victims Become Killers*, 259

³²⁴ Landsberg, "Promoting Democracy: The Mandela-Mbeki Doctrine," 111

³²⁵ Malan and Boshoff, "A 90-Day Plan to Bring Peace to the DRC?," 2

³²⁶ SAGI, "Press Release by the Office of the Executive Deputy President TM Mbeki: Pretorian News Report of the Visit to Mobutu"

with President Mugabe as its chair.³²⁷ Although the Organ's objective was to strengthen regional solidarity and provide for mutual peace and security, its functional system brought confusion and tension in the years that followed.³²⁸ The decision that the Organ would function at the SADC's summit, ministerial and technical levels independently of other SADC structures meant that two separate forums for heads of state had been created to address conflicts in the region.³²⁹ President Mandela, who was irritated by President Mugabe's rival authority, threatened to withdraw from the SADC in 1997 if the Organ was not made accountable to the Summit.³³⁰ This incident, as well as South Africa's launch of bilateral negotiations with President Mobutu, contributed to dissent within the SADC.³³¹

Apart from this visit to France, South Africa tried to join three Great Lakes summits between November 1996 and January 1997. Two of the summits took place in Nairobi and were attended by neighbouring countries and the OAU. The summits aimed to propose a neutral peace force to protect millions of refugees.³³² Despite its attempt to participate, South Africa's envoy was excluded at one of the meetings.³³³

Nevertheless, starting in early 1997, South Africa displayed a greater commitment to negotiations. The South African government and its business community hosted numerous political delegations from the region. In January 1997, a meeting on the

³²⁷ For more detail on the Organ, see Mark Malan and Jakkie Cilliers, *SADC Organ on Politics, Defence and Security: Future Development*, ISS, Occasional Paper No.19, March 1997

³²⁸ Nathan, "SADC's Uncommon Approach to Common Security, 1992-2003," *Journal of Southern African Studies*, Vol. 32, No.3, September 2006, 609

³²⁹ Ibid

³³⁰ Ibid, 610

³³¹ Chris Alden and Garth le Pere, "South Africa, SADC and the Great Lakes: the Challenge of Conflict," Alden and le Pere (eds.), *South Africa's Post-Apartheid Foreign Policy: from Reconciliation to Revival?*, (Oxford, Oxford University Press of the International Institute for Strategic Studies, 2003), 39

³³² "SA takes back seat in Zaire crisis," *Mail & Guardian*, November 8-14 1996, 6

³³³ Ibid

Great Lakes region crisis was held in Pretoria with the Foreign Ministers of Cameroon, Kenya, South Africa, Tanzania, Zaire and Zimbabwe.³³⁴ The meeting reaffirmed its full support for the national sovereignty and territorial integrity of Zaire and welcomed Zaire's assurance to grant full citizenship rights to all of its nationals.³³⁵ In February 1997, President Mandela invited Kabila to South Africa, where Kabila said that direct negotiations with the government could soon be possible.³³⁶ Deputy President Mbeki's visit to Kinshasa in March 1997 led to President Mobutu's proposal for negotiation with the AFDL.³³⁷ Five days later, South Africa confirmed the opposing Zairean parties' willingness to again facilitate the proposed negotiations.³³⁸ In April 1997, Kabila and President Mobutu finally accepted South Africa's mediation.³³⁹

5.3 The Failure of South Africa's Peacemaking Attempts

Despite several talks and visits, South Africa's efforts were not successful. Pretoria's limited leverage revealed itself during President Mandela's mediation on 4 May 1997, which took place on the South African warship, *Outeniqua*, off international waters outside Pointe Noire.³⁴⁰ On 17 May, just two weeks after South Africa's oceanic diplomatic efforts, President Mobutu relinquished his power. After Kabila declared himself to be the head of state, the country was renamed the DRC.

³³⁴ SAGI, "Press Release on the Meeting of the Foreign Ministers of Cameroon, the Congo, Kenya, South Africa, Tanzania and Zimbabwe on the Current Crisis in the Great Lakes Region, 27-28 January 1997"

³³⁵ Ibid

³³⁶ Chris McGeal, "Zaire rebels hint at Peace," *Mail & Guardian*, February 28-March 6 1997, 11

³³⁷ Chris McGeal, "Rebels set to reject Mobutu ploy," *Mail & Guardian*, March 27-April 3 1997, 12

³³⁸ DFA, "Regarding the announcements by the opposing parties in eastern Zaire on the Commencement of Negotiations to Bring an End to the conflict," 28 March 1997, www.info.gov.za/speeches/1997/060314797.htm, accessed on 2 February, 2007

³³⁹ Landsberg, "South Africa," 125

³⁴⁰ Ibid, 126

South Africa's mediation failure stemmed from the poor timing of its intervention. South Africa started its peacemaking mission in November 1996, a few weeks after the AFDL's invasion, which according to the South African government "contributed to conflict resolution in eastern Zaire."³⁴¹ However, while all the meetings such as the Great Lakes region summit and bilateral talks with stakeholders were taking place, the AFDL's military campaign spread rapidly from eastern Zaire to Kinshasa. The speed at which the rebellion expanded destroyed the opportunity for a lengthy peacemaking process.

By the time President Mandela tried to convince Kabila in May 1997 to acquiesce to a President Mobutu-led transitional authority,³⁴² it was obvious that Kabila would assume control over the regime. The timing of South Africa's intervention was therefore neither appropriate nor logical, as the power relations between the two actors were unequal and the issues that needed mediation were unclear. As discussed in Chapter 1, it is unlikely that parties will negotiate a compromise when one side is on the verge of victory and the other on the edge of defeat.

The delayed preventive tactics made both parties lose their motivation to engage in dialogue. Due to his health, President Mobutu was ready to give away power to the Council of the Republic Transitional Parliament, which Kabila rejected.³⁴³ On the other hand, Kabila apparently accepted an invitation to attend the talks merely because of President Mandela's international stature. Pushing belligerents towards an agreement against the tide of political will inevitably led to negative results; Kabila did

³⁴¹ SAGI, "Press Release by the Office of the Executive Deputy President TM Mbeki"

³⁴² Kagwanja, "Power and Peace," 163

³⁴³ Landsberg, "South Africa," 126

not take President Mandela's "assertive"³⁴⁴ leadership seriously and was unyielding in his insistence to become the Congo's president.³⁴⁵

Mahmood Mamdani also argues that South Africa failed at its mediation efforts due to the following reasons:

"South Africa emerging from apartheid is not the same as Congo emerging from Mobutuism. At least two political differences are worth noting. The South African transition was a compromise between forces for and against apartheid; the Congolese transition is marked by military victory of the anti-Mobutu forces. Whereas the South African transition was worked out mainly through an internal engagement, with foreign influence limited to an indirect role, the transition in Congo was being worked out through a much more direct regional involvement. These differences explain why South African diplomacy failed to achieve its intended objectives over the past few weeks. South African diplomats publicly sought a transitional authority led by forces other than Laurent Kabila and the Alliance, and tried to convince Kabila to acquiesce in this. The initiative asked Alliance forces to turn from the brink of victory and sign a compromise! Was this breathtakingly naïve because South African diplomats read the Zaire situation through South African lenses?"³⁴⁶

During the peacemaking process, South Africa did not consider the issue of extensive regionalised dynamics of the Great Lakes conflict (See Chapter 6). South Africa simply exported its own mediation skills outside the country without analysing the local dynamics. South Africa needed to acknowledge the significant differences

³⁴⁴ Millers, "South Africa's Foreign Policy," 2

³⁴⁵ Landsberg, "South Africa," 126

³⁴⁶ Mahmood Mamdani, "Naïve SA must not adopt missionary position," *Mail & Guardian*, May 23-29 1997, 10

between South Africa and the Great Lakes region in regard to their potential for conflict resolution; unlike the DRC, peacemaking in post-apartheid South Africa was based on the willingness of all parties in the conflict, as well as the international community's exceptional attention and involvement during the country's transition. South Africa, however, did not acknowledge the fact that its model of peacemaking could not necessarily be applied to the Great Lakes region.³⁴⁷ South Africa also maintained a superior tone in its mediation in Zaire and could have been seen as a bully.³⁴⁸ President Kabila consequently began to accuse South Africa of generally promoting its democratisation style in the Great Lakes.³⁴⁹

5.4 South Africa's Behaviour: Questioning its Neutrality and Morality

South Africa's neutrality while it played its peacemaking role has been questioned. South Africa had a serious moral problem since it had a close political partnership with Rwanda and the AFDL throughout the regime-making process and arms sales; South Africa also overlooked the AFDL and Rwanda's gross human rights violations in eastern Zaire when it played the role of the peacemaker.

South Africa's Ties with the AFDL

Deputy President Mbeki had prior knowledge of Zaire's political transformation in early 1997. The following speech, which he made in the United States on 19-22 April 1997 to address the Corporate Council on Africa's Attracting Capital to Africa summit on the "New Birth of Zaire," clearly illustrates this fact:

³⁴⁷ Mills, "SA Foreign Policy and Africa: Where to at the Millennium?," 6

³⁴⁸ Dlamini, "Assessing South Africa's Diplomacy in Conflict Resolution," 63

³⁴⁹ Landsberg, "The Impossible Neutrality?," 173

“We are privileged to be witness to a gripping and epoch-making contest which assumes many forms and involves all layers among the people of Zaire, to give a new birth to their country.

As Africans we have a vision, a hope, a prayer about what will come in the end. We see a new Zaire, perhaps with a new name, a Zaire which shall be democratic, peaceful, prosperous, a defender of human rights, and exemplar of what the new Africa should be, occupying the geographic space that it does at the heart of our Africa.

...And yet, as Africans, we would like to believe that we know that, at the end, what all of us see, thanks to the wisdom of the people of Zaire themselves, is not the heart of darkness, but the light of a new African star. Once more out of Africa, out of these towns which have joined the vocabulary of places that are part of our common knowledge- Goma, Kisangani, Lubumbashi and Kinshasa- a new miracle slouches towards its birth.”³⁵⁰

This speech, which was made before President Mandela’s oceanic diplomacy and the AFDL’s arrival in Kinshasa, demonstrates the AFDL’s connection with South Africa. This explains two facts: first, Deputy President Mbeki was aware that Zaire would be newly named, and second, he and some cabinet ministers were able to visit Zaire on the day following Kabila’s regime takeover on 17 May 1997 to discuss the “democratic transformation process” with Kabila.³⁵¹ South Africa was deeply involved in Zaire’s new regime-making process alongside other influential countries including the United States. It had provided extensive military support to the Rwandan military since 1995.³⁵² By September 1996, one month before the AFDL’s

³⁵⁰ Thabo Mbeki, *Africa: The Time has Come*, (Johannesburg, Mafube, 1998), 200-201

³⁵¹ SAGI, “Statement on Visit to Zaire”

³⁵² Renton et al, *The Congo: Plunder and Resistance*. 182

invasion in Zaire, the UN lifted its arms embargo on Rwanda as a result of pressure by the United States.³⁵³

South African Arms Sales to Rwanda

Apart from the United States, South Africa also assisted Rwanda with arms sales. Deputy President Mbeki stated in July 1997 that South Africa would review its 1996 policy to suspend weapons sales to Rwanda following the raid by Rwanda's troops in Zaire, as he feared that South African arms might be used by Rwandan forces to commit abuses.³⁵⁴ This 1996 policy also helped to restore the country's image of neutrality. However, despite continued conflict in Zaire, Deputy President Mbeki authorised the transfer of 87 million rand worth of light arms and armored personnel carriers soon after.³⁵⁵

The government justified the sale by declaring that "1) a void would have been more dangerous, 2) Rwanda was a legitimate and internationally recognised government, and 3) that South Africa's ultimate goal in the Great Lakes region was complete demilitarisation."³⁵⁶ Deputy President Mbeki was "very concerned" with the Rwandan government's capacity to protect itself against attacks by the returning Rwandan Hutu refugees from Zaire.³⁵⁷ According to him, these refugees had resumed their fight against Kagame's government.³⁵⁸

³⁵³ Renton et al, *The Congo: Plunder and Resistance*, 179

³⁵⁴ "Mobutu fell to US-trained troops," *Mail & Guardian*, July 18-24, 1997, 14; HRW, "A Question of Principle: Arms Trade and Human Rights," October 2000, www.hrw.org/reports/2000/safrica, accessed on 3 September, 2006

³⁵⁵ Stefaans Brummer, "SA takes back seat in Zaire crisis," *Mail & Guardian*, November 9-14, 1996, 6

³⁵⁶ HRW, "A Question of Principle: Arms Trade and Human Rights"

³⁵⁷ *Mail & Guardian*, "Mobutu fell to US-trained troops," 14

³⁵⁸ Ibid

South Africa's Response to AFDL and Rwanda's Human Rights Violations

In June 1998, the UN Secretary General concluded that the RPA committed large-scale war crimes and crimes against humanity against tens of thousands of Rwandan and Burundian Hutu refugees and Congolese civilians from late 1996 to May 1997.³⁵⁹ The report reads: "the systematic massacre of those remaining in Zaire was an abhorrent crime against humanity, but the underlying rationale for the decision is material to whether these killings constituted genocide, that is, a decision to eliminate, in part, the Hutu ethnic group."³⁶⁰ One of the Rwandan refugee survivors, Marie Béatrice Umutesi, also confirmed this massacre in *Surviving the Slaughter: the Ordeal of a Rwandan Refugee in Zaire*.³⁶¹

Moreover, "two of the main players in the 1996 war, Laurent Kabila and Paul Kagame, were implicated in war crimes and possibly genocide by a UN investigating team in 1998."³⁶² Kabila, who had a Swahili or Kinyarwanda-speaking Tutsi entourage, evidently received orders from Kigali, as the RPA was far more involved in the massacres than the AFDL.³⁶³ The United States chose to publicly downplay the situation, having reportedly instructed Kabila not to cooperate with the UN

³⁵⁹ Filip Reyntjens, "Post-1994 Politics in Rwanda," 1111

³⁶⁰ UNSC, "Report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of Congo," S/1998/581, 29 June 1998, Chapter 96. However, the Permanent Representative of the DRC rejected that the AFDL had pursued an official policy of genocide against the Rwandan Hutus. See UN Press Briefing, "Press Conference by Permanent Representative of DRC," 1 July 1998

³⁶¹ Published by University of Wisconsin Press, 2004, 196-232

³⁶² Filip Reyntjens, "Briefing: The Democratic Republic of Congo, From Kabila to Kabila," *African Affairs* (2001), 100, 317; UNSC, "Report of the Secretary-General's Investigative Team"

³⁶³ Lemarchand, "The Crisis in the Great Lakes," 339. Kagame also told the *Washington Post* not only that RPA had participated in the civil war against the Zairean army, the ex-FAR/*Interahamwe*, and local population alliance, but also that his army had done most of the fighting. See John Pomfret, "Rwandans led revolt in Congo," *Washington Post*, 9 July 1997, A1

investigations over the massacres.³⁶⁴

Although human rights were the central pillar of President Mandela's foreign policy, South Africa as a peacemaker decided not to criticise Kabila and Rwanda on their gross human rights violations. On the contrary, Deputy President Mbeki strengthened existing bilateral relations with Rwanda by inviting Vice President Kagame to South Africa in September 1997 to "bring about lasting peace and stability in the region."³⁶⁵ This type of South African peacemaking involved South Africa acting superficially as a communicator, but in effect, it was a negative manipulator behind the scenes.

South Africa's attitude during peace negotiations stands in stark contrast to President Mandela's aggressive threats toward Nigeria, which executed nine Ogoni minority-rights activists in November 1995. President Mandela campaigned for Nigeria's expulsion from the Commonwealth and called on Western states to boycott Nigerian oil. No states responded to President Mandela's invitation due to Nigeria's elevated status as a continental leader and major contributor to the OAU.³⁶⁶ Eventually, African states accused President Mandela of breaking African unity.³⁶⁷

Following this experience, President Mandela might have hesitated to accuse a new generation of African leaders, including those in Rwanda and Uganda, who were supported by the United States. Besides that, due to the international community and the OAU's failure to stop the genocide in Rwanda in 1994, they presumably became more tolerant of Rwanda's interventions in eastern Zaire given the pretext of its

³⁶⁴ Kevin Dunn, "A Survival Guide to Kinshasa," 58-59

³⁶⁵ SAGI, "Statement on the Visit of Rwandan Vice President Paul Kagame to South Africa: 9-11 July 1997"

³⁶⁶ Barber, "The New South Africa's Foreign Policy," 108-4

³⁶⁷ Ibid

domestic security.

5.5 South Africa's Economic Interests

It became apparent that the Great Lakes region was crucial to South Africa, which was one of the few countries that demonstrated a strong commitment to resolve regional issues. The South African task team, led by then Deputy Minister of Foreign Affairs (DMFA) Aziz Pahad, made the following statement on 26 June 1997 on a visit to the DRC, one month after Kabila took over the regime: "The South African government regards the DRC as key in Central Africa, the stability of which is important, not only for the region, but for our entire continent."³⁶⁸ What was South Africa's interest in the region?

Behind the peace process, South Africa had a clear economic ambition to proactively pursue mining deals in the DRC, as it had since the 1900s. This was part of the reason why South Africa insisted that it be included as a member of the SADC in September 1997.³⁶⁹ South Africa claimed that it would have better control over President Kabila inside the SADC for its central foreign policy pillars, reconstruction and democracy.³⁷⁰ However, this justification was not acceptable because the DRC's problem did not only lie internally, but also with Rwanda (see Chapter 6). Rwanda should therefore have been included as a member of the SADC if South Africa had been highly committed to the peace process in the region.

There was also another argument that Zimbabwe approached the DRC to join the SADC, as it wanted to use the SADC as an ally in order to help balance South Africa's

³⁶⁸ SAGI, Statement on visit by South African Task Team to the DRC, 26 June 1997"

³⁶⁹ Landsberg, "The Impossible Neutrality," 173; Alden and le Pere, "South Africa, SADC and the Great Lakes," 44

³⁷⁰ Landsberg, "South Africa," 127-8

regional dominance.³⁷¹ Zimbabwe was keen to sign mining contracts and supply the DRC with basic commodities.³⁷² In addition, there was a political incentive to use the DRC for revenge on Zimbabwe's rival, South Africa, in order to snatch the Mozambique market.³⁷³

As Deputy President Mbeki made the "new birth of Zaire" speech in the United States toward the end of April 1997, he urged American and South African companies not to make deals with the AFDL, but instead to await the creation of a transitional authority.³⁷⁴ He feared "the scramble by outside mining interests could trigger dormant secessionist tendencies,"³⁷⁵ like those that occurred in Katanga in 1960. Much of Zaire's vast mineral wealth was concentrated in the Katanga Province under AFDL's control.

In reality, as the AFDL advanced towards Kinshasa from the east, Kabila signed contracts with a number of foreign companies.³⁷⁶ As reported, "Numerous accounts and documents suggest that by 1997 a first wave of new businessmen speaking only English, Kinyarwanda and Kiswahili had commenced operations in eastern DRC."³⁷⁷ On 16 April, the AFDL made a few million dollar deals with the American Mineral Field³⁷⁸ in Katanga, which also received a monopoly over the diamond-buying counters of Kisangani to finance the war.³⁷⁹ By the time Kabila arrived in Kinshasa, he

³⁷¹ Coleman, *International Organisations and Peace Enforcements*, 136-137

³⁷² Braeckman, "Congo: a War without Victors"

³⁷³ Ibid

³⁷⁴ Stefaans Brummer, "Business at war for Zaire's wealth," *Mail & Guardian*, April 25-May 1, 1997, 11

³⁷⁵ Ibid

³⁷⁶ UN Panel Report, 12 April 2001 (S/2001/357), paragraph 26

³⁷⁷ Ibid

³⁷⁸ US-Canadian Corporation was based in Arkansas, former U.S. President Bill Clinton's home statetown.

³⁷⁹ Colette Braeckman, "The Looting of the Congo," *New Internationalist*, May 2004, http://findarticles.com/p/articles/mi_m0JQP/is_367/ai_n61434115/pg_2?tag=artBody;col,

reportedly arranged \$500 million worth of deals.³⁸⁰ Rwanda and Uganda's deep involvement in mining and other economic activities in the Congo since 1996³⁸¹ coincided with the re-entry of South African businesses into the country. South Africa was the first country that the new DRC government called upon to assist it in the economic reconstruction of the country.³⁸² Pretoria offered President Kabila some post-conflict reconstruction aid, provided that the Congo began a process of democratisation, which would have naturally served South Africa's economic interests.³⁸³

South African companies, including Anglo-American, De Beers, Spoornet, Genscor and Iscor had particularly strong interests in the Congo.³⁸⁴ Colette Braeckman views "a new development in Congo's mining sector in 1996-7, namely the emergence of minor firms (including South African) acting as fronts for the majors, such as ...(South African) Ashanti Goldfields..."³⁸⁵ This shift reflected the fact that war societies tend to become opportunistic, which "affects business practices, so that some firms will thrive through sharp practices while others become their victims."³⁸⁶ Paul Collier also argues that "if economic agendas are driving conflict, then it is likely

accessed on 2 August, 2008

³⁸⁰ Paul Colliers, *The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About it*, (Oxford, Oxford University Press, 2007), 21

³⁸¹ Nzongola-Ntalaja, *The Congo from Leopold to Kabila*, 237

³⁸² SAGI, "Statement on visit by South African Task Team to the DRC, 26 June 1997"

³⁸³ Landsberg, "The Impossible Neutrality?," 173

³⁸⁴ Mamdani, "Native SA must no adopt missionary position," *Mail & Guardian*, May 23-29, 1997, 10; Braeckman, "The Looting of the Congo"

³⁸⁵ Guy Martin, "Review Essays: Conflict in the Congo, Historical and Regional Perspectives," *African Studies Review*, Vol.48 No.1, April 2005, 133

³⁸⁶ Paul Collier, "Doing well out of war: An Economic Perspective," Mats Berdal and David M. Malone (eds.), *Greed and Grievance: Economic Agendas in Civil Wars*, (Colorado, Lynne Rienner, 2000), 102

that some groups are benefiting from conflict and that these groups therefore have some interest in initiating and sustaining it.”³⁸⁷

Behind these mining deals, South Africa’s Department of Foreign Affairs (DFA) had helped set up a meeting between a South African businessperson and an AFDL delegation, which was headed by Kabila’s foreign minister, Bizima Karaha.³⁸⁸ According to the DFA, there was a clear distinction between South Africa’s involvement in the peace talks and “normal bilateral relations” with Zaire.³⁸⁹ The former entered in the context of a UN peace plan, while the latter included contact with the AFDL.³⁹⁰ Then DMFA Pahad, co-chair of the peace initiative, said “we act as a facilitator and cannot be partial in the matter. But if we receive requests from South African businesspeople to talk to Kabila’s people, we pass them on.”³⁹¹ This shows that South Africa had no coherent policy except to pursue its own economic ambitions.

Summary

The Banyarwanda and Banyamulenge’s pending nationality issue was undoubtedly one of the trigger factors of the 1996 War. Besides that, the objectives of the Rwandan and Ugandan invasion included liberation from President Mobutu, defense from Hutu extremists, and the exploitation of natural resources. The invasion could have also allowed Rwanda to a possible annex land.

Despite its earlier efforts, South Africa failed as a peacemaker due to its mediation between President Mobutu and Kabila. While several lengthy peacemaking meetings

³⁸⁷ Collier, “Doing Well out of War: An Economic Perspective,” 91

³⁸⁸ “Business at war for Zaire’s wealth,” *Mail & Guardian*, April 25-May 1, 1997, 11

³⁸⁹ Ibid

³⁹⁰ Ibid

³⁹¹ Ibid

took place, the AFDL's military campaign spread rapidly from eastern Zaire to Kinshasa. Therefore, the timing of South Africa's mediation was illogical, largely due to the unbalanced power relationship between the two actors and subsequent lack of issues to discuss. South Africa also applied a mediation form that was appropriate within the South African context upon a regionalised conflict in the Great Lakes. The creation of the Organ inside the SADC brought confusion over the functions of the Summit and the Organ. President Mandela's bilateral negotiation with Zaire also exacerbated tensions between Presidents Mandela and Mugabe, who acted as Chairs of the SADC and the Organ respectively.

South Africa's neutrality was also questioned during the peace process. It had a close political and economic relationship with the AFDL, which was supported by Rwanda and Uganda, through a regime-making process and the exploitation of resources. It was accused of favouring Rwanda through arms provisions during the war, and it did not condemn Rwanda and the AFDL's gross human rights violations. Presumably, South Africa and other states also tolerated Rwanda's interventions in the name of ensuring its domestic security after the international community failed to stop the Rwandan genocide. South Africa's lack of neutrality led to its amoral approach to peacemaking.

Ultimately, South Africa was committed to the peace process insofar as it was able to obtain easier access to mining. Mining deals were subsequently made with South African enterprises, as well as with the governments of Rwanda and Uganda. Zimbabwe also entered the mining market due to the political incentive to use the DRC to seek revenge against South Africa. Gradually, natural resources became the centre of the conflict.

As Landsberg argues, Deputy President Mbeki's approach to the Congo involved a combination of a "stick and carrot." It included armed support to Rwanda (this time to the RPF government), brokered peace deals and assistance for post-conflict reconstruction for South Africa's benefit in exchange for acceptance of these peace pacts.³⁹²

University of Cape Town

³⁹² Landsberg, "Promoting Democracy," 111

Chapter 6

South Africa's Continued Peacemaking Efforts in the Second Congo War in 1998

"If you can mobilize resource for war, why can't you mobilize resources for life?"

--Graça Machel, Mozambican educationist as quoted by Kofi Annan on 9 December 2002

This chapter provides an analysis of South Africa's in-depth peacemaking efforts in the aftermath of the Second Congo War, which started in August 1998 and gave rise to the establishment of the DRC transitional government in 2003. The first section describes the background of the Second Congo War with Rwanda and Uganda and the SADC's military intervention. The second section deals with the split within the SADC between South Africa and Zimbabwe's groups following the Second Congo War. The third section examines the agenda behind Zimbabwe, Angola and Namibia's interventions. The fourth section illustrates South Africa's initiatives in the peacemaking process, which produced several dialogues and agreements. The fifth section analyses South Africa's contradictory behaviour during the peace process, while the final section focuses on economic interests regarding mining, arms and telecommunication support to the DRC.

6.1 Background of the Second Congo War

In return for Rwanda's support to topple former President Mobutu, President Kabila was expected to prioritise efforts to address the Kivu insecurity caused by ex-FAR/Interahamwe.³⁹³ President Kabila's appointment of some Tutsi AFDL leaders

³⁹³ Breytenbach et al, "Conflicts in the Congo"

to key government positions increased anti-Tutsi feeling among the population, who suspected that President Kabila had betrayed the country's sovereignty by allowing "foreigners" to hold strategic positions.³⁹⁴ In order to gain popularity, President Kabila replaced his chief of staff, James Kabarebe, on 14 July 1998 with a Congolese officer.³⁹⁵ The subsequent departure of all Rwandan soldiers from the DRC was announced on 27 July.³⁹⁶

Rwanda and Uganda's Intervention

Rwanda and Uganda felt deceived by a non-compliant President Kabila after having assisted him to remove former President Mobutu in 1996-1997. They therefore decided to launch an attack against the DRC government on 2 August 1998.³⁹⁷ The Rassemblement Congolais pour la Démocratie (RCD), or the Rally for the Congolese Democracy, was formed to overthrow and replace President Kabila with a reliable and submissive authority that could meet the RCD's financial interests.³⁹⁸ The RCD included Congolese politicians and soldiers, in particular Banyamulenge, and former anti-Mobutu alliance leaders. Backed by the Rwandan and Ugandan government and military forces,³⁹⁹ the RCD quickly took control of the main towns in the Kivu Provinces.

³⁹⁴ Timothy Longman, "The Complex Reasons for Rwanda's Engagement in Congo," John Clark (ed.), *The African Stakes of the Congo War*, 134

³⁹⁵ John Clark, "Museveni's Adventure in the Congo War," *The African Stakes of the Congo War*: 146

³⁹⁶ Ibid

³⁹⁷ Osita Afoaku, "Congo's Rebels: Their Origins, Motivations and Strategies," *The African Stakes of the Congo War*. 115

³⁹⁸ Brackman, "The Looting of the Congo"

³⁹⁹ Longman, "The Complex Reasons for Rwanda's Engagement in Congo," 129

The two countries justified their intervention to secure their national borders.⁴⁰⁰ Reportedly, at the request of President Mandela, Vice President Kagame admitted Rwanda's involvement to advance peace talks.⁴⁰¹ However, the fact that they penetrated beyond the borders and into the DRC territory implies that South Africa had a different agenda related to its economic interests,⁴⁰² including the exploitation of natural resources⁴⁰³ as part of a "long-term, rational process of state-building."⁴⁰⁴ The Rwandan army was in fact in Mbuji Mayi, the major diamond town, which is located in the middle of the country.⁴⁰⁵ Arguably, both countries were motivated to build a Tutsi empire and to Anglicise the Great Lakes region with Anglo-American interests in mind.⁴⁰⁶ Another justification, according to Rwandan priest Alexis Kagame, was that a large portion of the North Kivu Province was previously under Rwandan territory, as stipulated at the Treaty of Brussels of 1910.⁴⁰⁷ Therefore, Rwanda's invasion sought to redraw the boundary.⁴⁰⁸

⁴⁰⁰ On 6 November 1998, Vice President Kagame admitted that Rwandan troops were helping the DRC rebels. Jakkie Cilliers and Mark Malan, "Peacekeeping in the DRC: MONUC and the Road to Peace," Monograph No.66, (Pretoria, ISS, October 2001)

⁴⁰¹ "DRC: IRN Chronology of the Rebellion"

⁴⁰² Braeckman, "Congo: a War without Victors,"

⁴⁰³ Clark, "Museveni's Adventure in the Congo War," 152.

⁴⁰⁴ William Reno, "Stealing Like a Bandit, Stealing Like a State," paper presented to the Department of Political Science, Makerere University, 14 April 2000

⁴⁰⁵ Braeckman, "Congo: a War without Victors"

⁴⁰⁶ Longman, "The Complex Reasons for Rwanda's Engagement in Congo," 139 and Clark, "Museveni's Adventure in the Congo War," 147

⁴⁰⁷ Turner, *The Congo War*, 62; Mel McNulty, "From Intervened to Intervenor: Rwanda and Military Intervention in Zaire/DRC," Oliver Furley and Roy May, *African Interventionist States*, (Aldershot, Ashgate, 2001), 173. However, this argument has no conviction from Rwandan historical point of view. Shinichi Takeuchi, "The Peace Process in the DRC: International Community's Initiatives and Issues," Shinichi Takeuchi (ed.), *Senso to Heiwa no Aida: Funso-boppatsu-go no Afurika to Kokusai-shakai (Between War and Peace: The International Society in African Peace Process)*, (Chiba, Institute of Developing Economies), 2008, 160.

⁴⁰⁸ Turner, *The Congo War*, 62.

to two summit-level bodies with no clear delegation of authority between them.⁴³⁰ Tension also increased due to the legal framework in which the Organ operated, as well as hegemonic power struggles between Presidents Mugabe and Mandela in the postliberation, post-apartheid era.⁴³¹

Both Presidents Mandela and Mugabe continued to lead separate initiatives through dialogue and military intervention. In 1999, Angola, the DRC, Namibia and Zimbabwe signed a mutual defense treaty without notifying the SADC.⁴³² According to Nathan, “the lack of an agreed set of norms, strategies and procedures for addressing high intensity conflict contributed to a collective inertia, divergent and parochial approaches by individual states, ill-conceived interventions and a confused mixture of peacemaking and peace enforcement.”⁴³³ It also contributed to a split within the SADC, which led to the SADC’s poor peacemaking record.⁴³⁴ Obviously, this heavily influenced South Africa’s peacemaking process in the Great Lakes conflict.

6.3 The Interests of Zimbabwe, Angola and Namibia for their Intervention

Patrick Bonds argues that the rationale for these SADC countries’ support for the unelected DRC government was based on the “mercenary-type looting of minerals.”⁴³⁵

Therefore, there was an economic interest on both sides: the side of the three SADC

⁴³⁰ Nathan, “SADC’s Uncommon Approach to Common Security, 1992-2003,” 608

⁴³¹ Landsberg and Baregu, “Introduction,” Bageru and Landsberg (eds.), *From Cape to Congo*, 7; Coleman, *International Organisations and Peace Enforcements*, 119

⁴³² Nathan, “SADC’s Uncommon Approach to Common Security, 1992-2003,” 615

⁴³³ Ibid, 612

⁴³⁴ Ibid

⁴³⁵ Bond, Fanons Warning, 127. Zimbabwe was also heavily involved in the diamond trade in Mbuji Mayi, the major diamond mining town via the Osleg company (Operation Sovereign Legitimacy). Braeckman, “Congo: a War without Victors.” However, Michael Nest argues that in the case of Zimbabwe, economic involvement was the result of military involvement, and not vice versa. Nest, “Ambitions, Profits and Loss: Zimbabwean Economic Involvement in the Democratic Republic of the Congo,” *African Affairs* (2001), 100,” 490

Zimbabwe, Angola and Namibia's Intervention

President Kabila appealed for assistance from the SADC after Rwanda and Uganda's invasion.⁴⁰⁹ As the chair of the SADC, South Africa initially supported the need for dialogue.⁴¹⁰ South Africa presumably took a cautionary lesson from the diplomatic failure and personal affront to President Mandela during the mediation between President Mobutu and Kabila in 1997, as well as his failed diplomacy in Nigeria and East Timor.⁴¹¹ On 8 August, the presidents of Zimbabwe, Zambia, Tanzania, Namibia, the DRC, Uganda and Rwanda met in Victoria Falls.⁴¹² President Mandela was excluded because of the tension over the Organ.⁴¹³

Then chairperson of the SADC Organ, President Mugabe, announced that the SADC had come to a "unanimous" decision to assist the DRC while speaking at the SADC Defense Ministers Meeting in Harare on 18 August.⁴¹⁴ Zimbabwe, Angola and Namibia, later joined by Chad, Sudan and Libya,⁴¹⁵ justified their military interventions on behalf of the Organ. In total, there were at least 18 nations involved in this war as

⁴⁰⁹ Patrick Bond (ed.), *Fanon's Warning*, (New Jersey, Africa's World Press, 2002), 127

⁴¹⁰ Malan and Boshoff, "A 90-day plan to bring peace to the DRC?," 2

⁴¹¹ David Black, "Lever or Cover? South Africa, Multilateral Institutions and the Promotion of Human Rights," Philip Nel, Ian Taylor, and Janis van der Westhuizen (eds.), *South Africa's Multilateral Diplomacy and Global Change*, (Aldershot, Ashgate, 2001), 79. President Mandela failed to hold a meeting between his close friend, then-Indonesian President Suharto and East Timorese leader Gusmao. Geldenhuys, "South Africa's Role as International Norm Entrepreneur," 99-100

⁴¹² Nathan, "SADC's Uncommon Approach to Common Security, 1992-2003," 613

⁴¹³ Ibid

⁴¹⁴ Mark Malan, "Regional Power Politics Under Cover of SADC: Running Amok with a Mythical Organ," Occasional Paper No.35, ISS, October 1998, 4

⁴¹⁵ Sudan has accused Uganda of supporting the southern Sudan rebel group, the Sudan People's Liberation Army. Therefore, the alliance between Uganda and Rwanda could have negated the joint strike in southern Sudan. Since Chadian President Idriss Deby obtained power with a coup d'etat that was launched from Sudan, President Deby was afraid that the strike in southern Sudan may eventually lead to rebel invasion of Chad. Chad and Libya are allies. Gerry Cleaver and Simon Massey, "DRC: Africa's Scramble for Africa," Olive Furley and Roy May (eds.), *African Interventionist States*, 200, 204, 205

countries, and the side of Rwanda and Uganda. Besides the economic motive, there was also a political incentive for the SADC countries.

The SADC's military interventions and South Africa's refusal to join must be understood within the context of the SADC's history. As discussed, the SADC succeeded the SADCC, which was originally built upon the liberation struggles of the FLS.⁴³⁶ At the same time, the SADCC was founded to fulfill economic objectives, which included reducing decolonised African states' dependence on South Africa's economy. Therefore, the SADC had a "double heritage," having been sandwiched between "being defensive toward South Africa and seeking closer cooperation with it."⁴³⁷

The three SADC countries' solidarity may have stemmed from the fact that they were the most recently liberated southern African states, besides South Africa and Mozambique.⁴³⁸ Their strong resentment towards their regional enemy, hegemonic South Africa, may still have remained due to the history of apartheid and alleged military incursions into neighbouring African states. This alliance of three countries reminded South Africa of the liberation struggle in the past with images of "total onslaught," to which the Pretoria regime responded with a "total strategy."⁴³⁹

There were also economic factors. South African corporations had aggressive foreign investments in African states that benefited the South African government.⁴⁴⁰ Among the three SADC countries that intervened in the DRC, Angola and Zimbabwe

⁴³⁶ Baregu, "Economic and Military Security," *From Cape to Congo*, 20

⁴³⁷ Ibid

⁴³⁸ Geldenhuys, "South Africa's role as International Norm Entrepreneur," 101

⁴³⁹ Baregu, "Economic and Military Security," 20; Agostinho Zacarias, "Redefining Security," *From Cape to Congo*, 34

⁴⁴⁰ Walter Carlsnaes and Philip Nel (eds.), *In Full Flight: South African Foreign Policy after Apartheid*, 19

were the two most economically important countries in the region after South Africa.⁴⁴¹ South Africa accounted for 80 percent of the SADC's gross national product, and had a six-to-one trade balance with its neighbouring countries.⁴⁴² Such economic dominance by one country constituted a threat.

President Mugabe therefore wished to demonstrate the SADC's integrity, his prominence and leadership by sending troops to the DRC with the intention to upstage President Mandela who was half-way through his term (1994-1999).⁴⁴³ This was why he had to persuade the rest of the SADC that the SADC's military intervention was legitimate.⁴⁴⁴ In addition, President Mugabe had a personal and economic interest. He financed President Kabila US \$200 million during the 1996 war; and President Mugabe's second commitment in the 1998 war was "to defend the integrity of the country, support his old friend Kabila and, not least, protect his investments."⁴⁴⁵

Zimbabwe's presence was most visible in the mining industry in the DRC. President Kabila appointed Zimbabwean entrepreneur, Billy Rautenbach, as the head of Gecamines mining company and several other large concessions; the Zimbabwean company received a 37.5 percent share of the DRC state mining company.⁴⁴⁶ This took place in exchange for an arms sale to the DRC by the Zimbabwe Defense Industry.⁴⁴⁷ By 1999, South Africa and Zimbabwe exhibited increased military and economic polarisation.⁴⁴⁸

⁴⁴¹ Dlamini, "Assessing South Africa's Diplomacy in Conflict Resolution," 68

⁴⁴² Adebajo and Landsberg, "South Africa and Nigeria as Regional Hegemons," 187

⁴⁴³ Nest, "Ambitions, Profits and Loss," 470-471

⁴⁴⁴ Coleman, *International Organisations and Peace Enforcement*, 140

⁴⁴⁵ Braeckman, "Congo: a War without Victors"; Swart and Solomon, "Conflict in the DRC," 15

⁴⁴⁶ Ibid; Gerrie Swart and Hussein Solomon, "Conflict in the DRC: A Critical Assessment of the Lusaka Ceasefire Agreement," SAIIA Report, No.40, 2004, 15

⁴⁴⁷ Swart and Solomon, "Conflict in the DRC," 15

⁴⁴⁸ Landsberg and Baregu, "Introduction," *From Cape to Congo*, 7

Angola intervened in the DRC for security considerations, while it was at war against the National Union for the Total Independence of Angola (UNITA) on DRC soil.⁴⁴⁹ Distrust remained between Angola and South Africa, which was suspected to support UNITA.⁴⁵⁰ Similarly, Namibia doubted South Africa's continuing domination in the country.⁴⁵¹ The country also had its historical alliance with Angola and feared that UNITA would destabilise Angola.⁴⁵² President Kabila was a long-standing ally of Namibian President Sam Nujoma, whose brother-in-law was awarded a stake in the MIBA Diamond Mining Company.⁴⁵³

6.4 South Africa's Greater Involvement in Peacemaking Efforts

Since the outbreak of the Second Congo War, South Africa held many meetings and discussions to resolve the conflict. The first visit was made by the Minister of Foreign Affairs (MFA) Alfred Nzo and the Minister of Defence to Lubumbashi on 7 August 1998 to meet with President Kabila, followed by a visit to Rwanda and Uganda 10 days later.⁴⁵⁴ The aim was to seek a political solution as opposed to a military victory.⁴⁵⁵

Following these visits, at least twenty efforts by the UN, OAU, the SADC and individual mediators to stop the Congo war failed.⁴⁵⁶ Military engagement only ended when a stalemate emerged, as each party realised that war was not the best solution.⁴⁵⁷

⁴⁴⁹ Malan, *Regional Power Politics Under Cover of SADC*, 4

⁴⁵⁰ Zacarias, "Redefining Security," 41

⁴⁵¹ Ibid

⁴⁵² Coleman, *International Organisations and Peace Enforcement*, 127

⁴⁵³ Swart and Solomon, "Conflict in the DRC," 16

⁴⁵⁴ SAGI, "Crisis in the DRC" to the National Assembly issued by the DFA,"

⁴⁵⁵ Ibid

⁴⁵⁶ Carayannis, "The Complex Wars of the Congo," 96

⁴⁵⁷ Weiss and Carayannis, "Reconstructing the Congo," 105-142

The Change of Foreign Policy under President Mbeki

Newly inaugurated president Mbeki accelerated the peacemaking process in May 1999, as he was eager to resolve the conflict in the Great Lakes region.⁴⁵⁸ This included Burundi's peace process, whose mediator was replaced with former President Mandela after the death of former Tanzanian President Julius Nyerere at the end of 1999.⁴⁵⁹ President Mandela shied away from imposing a Pax Pretoria on the conflict not only due to his failed diplomacy between President Mobutu and Kabila and elsewhere, but also due to South Africa's historic use of power for the sake of destruction.⁴⁶⁰ As a result, President Mandela assumed a cautious and diplomatic peacemaking posture.⁴⁶¹

However, President Mbeki's administration demonstrated a radical change in foreign policy compared to President Mandela. President Mbeki supported military deployment or peacekeeping⁴⁶² with an emphasis on African unity with his slogan "Africa Renaissance" and "NEPAD." He also became the founding father and first chairperson of the AU in 2002. He started to use a mixture of UN and Western powers, as well as regional and domestic (DRC) levels, to facilitate diplomatic persuasion and dialogue.⁴⁶³

More importantly, while human rights were central to President Mandela's policy, South Africa learned from the human rights fiascos in Nigeria and East Timor that these idealist principles were difficult to implement in a free world.⁴⁶⁴ President Mbeki

⁴⁵⁸ Landsberg, "South Africa," 129

⁴⁵⁹ Ibid, 125

⁴⁶⁰ Adebayo and Landsberg, "Pax Africana in the Age of Extremes," 16

⁴⁶¹ Landsberg, "The Impossible Neutrality?," 178-9

⁴⁶² Ibid

⁴⁶³ Dlamini, "Assessing South Africa's Diplomacy in Conflict Resolution," 68;

Geldenhuys, "South Africa's Role as International Norm Entrepreneur," 101

⁴⁶⁴ van Nieuwkerk, "Foreign Policy-Making in South Africa: Context, Actors, and Process," 41

therefore gradually shifted the emphasis on human rights, stating that “where appropriate, South Africa’s advocacy of and support for human rights should occur through multinational institutions and quiet bilateral diplomacy.”⁴⁶⁵ The 1998 foreign policy review identified “wealth creation” and “security” as a promotion of South African national interests.⁴⁶⁶ This heavily influenced South Africa’s peacemaking process in the Great Lakes region.

The Lusaka Agreement

The political deadlock led to a meeting in Pretoria on 17 June 1999 with Rwanda, Uganda, Libya and Kenya and 14 members of the SADC.⁴⁶⁷ This paved the way for a DRC summit on 25 June in Lusaka; a ceasefire agreement was signed on 10 July 1999 by the governments of the six states who were party to the conflict.⁴⁶⁸ The signature was witnessed by the Zambian government, the OAU, UN and the SADC but not by the South African government.

The agreement included a ceasefire among all forces in the DRC, the deployment of a UN peacekeeping force and the withdrawal of foreign forces from the DRC.⁴⁶⁹ Herbert Weiss and Tatiana Carayannis lauded the agreement, stating that “the genius of the Lusaka Agreement [was] that it recognised the overlapping layers of interstate and intrastate actors involved in the war, and it legitimated the serious concerns of Rwanda, Uganda and Angola regarding insurgency movements aiming to overthrow their

⁴⁶⁵ van Nieuwkerk, “Foreign Policy-Making in South Africa,” 41

⁴⁶⁶ Geldenhuys, “South Africa’s Role as International Norm Entrepreneur,” 100

⁴⁶⁷ Malan and Boshoff, “A 90-day plan to bring peace to the DRC?,” 3

⁴⁶⁸ Ibid

⁴⁶⁹ Lusaka Agreement, www.iss.co.za/AF/profiles/DRCongo/cdreader/bin/2lusaka.pdf, accessed on 24 May 2008

governments based in the Congo.”⁴⁷⁰ However, the agreement was merely a ceasefire signed only by the governments without involving the rebel groups.

MFA Dr. Dlamini-Zuma announced in 1999 that “securing peace in the DRC would rank as [her] top foreign policy priority,” dealing with all sides to the conflict, including rebel leaders.⁴⁷¹ Following the signing of the Lusaka agreement, she met with the leadership of Uganda, Rwanda and the RCD to stress the need for a negotiated settlement and persuade the rebels to sign the agreement.⁴⁷² It was signed later by two primary armed rebel movements, the Mouvement pour la Liberation du Congo (MLC) or the Movement for the Liberation of Congo,⁴⁷³ and the RCD.

Despite this effort, there was very little progress on the peace front following the agreement. The Mai Mai and Interahamwe, who were and still are involved in the conflict, were branded as “negative forces” and were unable to participate in the peace process. The agreement, which was hastily prepared for immediate cessation, focused only on conflict resolution and neglected preventive diplomacy; suspicion among the parties remained as they showed no political will to implement the ceasefire.⁴⁷⁴ As a result, it did not lead to a ceasefire or a state of peace.

The fact that South Africa intervened militarily in Lesotho in September 1998 without having done the same in the Second Congo War made President Kabila suspicious of South Africa’s neutrality and double standards.⁴⁷⁵ President Kabila may

⁴⁷⁰ Weiss and Carayannis, “Reconstructing the Congo,” 105-142

⁴⁷¹ Landsberg, “South Africa,” 136

⁴⁷² Ibid; Malan and Boshoff, “A 90-day plan to bring peace to the DRC?,” 3

⁴⁷³ MLC was created in September 1998, backed by Uganda, led by Jean-Pierre Bemba.

⁴⁷⁴ Swart and Solomon, “Conflict in the DRC,” 19

⁴⁷⁵ Landsberg, “South Africa,” 128

have also felt hostility toward the UN based on its experience in the 1960s in Katanga. Therefore, he may not have favoured the arrival of UN peacekeepers in the DRC.⁴⁷⁶

More rapid progress toward peace developed after Joseph Kabila's inauguration as the DRC President in January 2001 following the assassination of his father, Laurent Kabila. The change in leadership created ripeness for negotiation. President Mbeki was the first head of state to visit the DRC on 30 January after President Kabila's inauguration.⁴⁷⁷ He opened markets to foreign investors with mining and logging concessions⁴⁷⁸ and bilateral relations between South Africa and the DRC improved tremendously from that point forward.⁴⁷⁹

Inter-Congolese Dialogue (ICD)

The ICD, which emerged from the Lusaka Agreement, was conducted against the background of continued war in eastern DRC.⁴⁸⁰ Its purpose was to end the war and serve to establish a transitional authority as a process of democratisation.⁴⁸¹ There was little progress during the ICD at the Gaborone pre-dialogue meeting in August 2001, the Addis Ababa meeting in October 2001 and the Abuja meeting in December 2001. This was due to the parties' desire to maintain the war option as well as political and logistical reasons at the Addis Ababa meeting.⁴⁸² The process then moved to South

⁴⁷⁶ Turner, *The Congo Wars*, 149

⁴⁷⁷ SAGI "President Thabo Mbeki to meet Joseph Kabila of the DRC"

⁴⁷⁸ Braeckman, "The Looting of the Congo"

⁴⁷⁹ The Presidency, "President Thabo Mbeki arrives in the Democratic Republic of Congo state Visit, Tuesday-Wednesday, 13-14 January"

⁴⁸⁰ Henri Boshoff and Martin Rupiya, "Delegates, Dialogue and Desperadoes: The ICD and the DRC Peace Process," *African Security Review*, Vol.12, No.3, 2003, 32

⁴⁸¹ Swart and Solomon, "Conflict in the DRC,"20

⁴⁸² ICG, "The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff?," Africa Report No.37, 16 November 2001, 7,9

Africa between February and April 2002, as South Africa agreed to host the next session and pay 50 percent of the envisaged costs.⁴⁸³

Discussion focused only on position and authority. Former President Mbeki presented two plans. Mbeki Plan I proposed a GNU with Kabila holding the post of interim president.⁴⁸⁴ The RCD and the leading Congolese party believed the plan favoured Kabila.⁴⁸⁵ Mbeki Plan II included offering the RCD a first vice-presidency, putting it in charge of the ministries of defense and the interior, the security services and the organisation of elections.⁴⁸⁶ The second vice-presidency for MLC was in charge of economy, finance and reconstruction.⁴⁸⁷ President Mbeki simply used the same model from South Africa's GNU in 1994. As this plan was clearly advantageous to the RCD's demands, it was rejected by the government and the MLC, who were eager to avoid power-sharing solutions dictated by the RCD and above all, its ally Rwanda.⁴⁸⁸

An amended Mbeki Plan for power-sharing during the DRC transition was presented in August 2002. This plan formula, "one-plus-four," outlined a presidency including President Kabila and four vice presidents (the RCD, MLC, Government, and an unarmed opposition group).⁴⁸⁹ Each vice president would supervise several government commissions, parliament and a number of institutions.⁴⁹⁰ This new Mbeki Plan was accepted by the DRC government, but the formula was not suitable for the

⁴⁸³ Boshoff and Rupiya, "Delegates, Dialogue and Desperadoes," 33-34

⁴⁸⁴ Mbata Mangu, "The Conflict in the Democratic Republic of Congo and the Protection of Rights under the African Charter," *African Human Rights Law Journal*, 2003, 248-249

⁴⁸⁵ *Ibid*, 249

⁴⁸⁶ ICG, "Sun City Clouds Storm: The Urgent Need to Recast the Congolese Peace Process," Africa Report, No.44, Brussels/Nairobi, 14 May 2002, 5

⁴⁸⁷ Koko, "The 'One-Plus-Four' Formula and Transition in the DRC," 40

⁴⁸⁸ ICG, "Sun City Clouds Storm," 5-6

⁴⁸⁹ Koko, "The 'One-Plus-Four' Formula and Transition in the DRC," 42

⁴⁹⁰ *Ibid*

Congolese political experiences.⁴⁹¹ Since the DRC and neighbouring countries used only war or repression, “the notion of power-sharing was foreign to the parties and the prospect of a national unity government in the DRC [did] not appeal.”⁴⁹² Moreover, the plan was unfamiliar in the context of Congolese post-colonial history, which was characterised by political agreements and constitutions that were never respected by the signatories.⁴⁹³

The Pretoria Agreement

In July 2002, President Mbeki arranged a meeting with Presidents Kabila and Kagame and the UN Secretary General Kofi Annan. This resulted in an agreement to withdraw Rwandan troops from the DRC, disarm the ex-FAR forces and the Interahamwe by the DRC and repatriate them to Rwanda with a 90-day implementation programme.⁴⁹⁴ The agreement placed most of the responsibility for the Pretoria peace deal’s implementation and verification on the Third Party Verification Mechanism, the UN Secretary General and South Africa.⁴⁹⁵ South Africa had a dual role as the Chair of the AU and facilitator of this process. Deputy President Jacob Zuma was appointed as the facilitator to promote peace between the DRC and Rwanda.⁴⁹⁶

⁴⁹¹ Koko, “The ‘One-Plus-Four’ Formula and Transition in the DRC,” 34

⁴⁹² ICG, “The ICD: Political Negotiation of Game of Bluff?,” 23

⁴⁹³ Mangu, “The Conflict in the Democratic Republic of Congo and the Protection of Rights under the African Charter,” 254, 257

⁴⁹⁴ Malan and Boshoff, “A 90-day plan to bring peace to the DRC?” 1-2. There was still a presence of Rwandan military in eastern DRC, witnessed by the author during her assignment in 2007-2008. HRW also states that “while timely intervention from the UK, USA and South African governments twice pulled Rwanda back from new military operations in Congo, such efforts were sporadic and in the end, Rwanda temporarily sent its troops back across the border in November 2004.” HRW, “The Curse of Gold,” 118

⁴⁹⁵ See paragraph 8.6 of Pretoria agreement, www.state.gov/t/ac/csbn/rd/22637.htm, accessed on 12 August, 2006

⁴⁹⁶ Adebajo and Landsberg, “South Africa and Nigeria as Regional Hegemon,” 189

The Institute of Security Studies praised the agreement, stating “the agreement brings Rwanda back in the peace process and appears to open the door to the severing of the linkages between the RCD-Goma⁴⁹⁷ and Rwanda.”⁴⁹⁸ However, this agreement focused only on the military and physical issues (withdrawal, disarmament and repatriation), and did not address the main causes of conflict. Mirroring the failed Lusaka Agreement, the Pretoria agreement focused only on conflict resolution, neglected preventive diplomacy, and was therefore destined to fail. Moreover, Rwandan militias, who were to disarm and repatriate to Rwanda within a 90-day timeframe, were not part of the discussion. This timeframe was also unrealistic, as the problem had existed since 1994. Imposing time limits for agreements had risks, which could have worked to the disadvantage of the party that determined them.⁴⁹⁹

Between August and October 2002, after Angola facilitated talks between the DRC and Uganda, most of the Ugandan, Zimbabwean, Angolan and Burundian troops began to withdraw from the DRC.⁵⁰⁰ On 5 October 2002, Rwanda announced the complete withdrawal of its 23,000 troops, which was witnessed by the UN Monitoring Mission in the DRC (MONUC) and South African observers.⁵⁰¹

The Global and All-Inclusive Agreement

Under President Mbeki’s facilitation, Pretoria’s Global and All-Inclusive Agreement on power sharing, the creation of a GNU, and the conclusion of the four-year war was

⁴⁹⁷ RCD was split in 1999 into a few factions, one of which was RCD-Goma. Rwanda became its primary supporter. Another faction is RCD· Mouvement de Libération (RCD·ML), assisted by Uganda.

⁴⁹⁸ Malan and Boshoff, “A 90-day plan to bring peace to the DRC?,” 10

⁴⁹⁹ Swart and Solomon, “Conflict in the DRC,” 31

⁵⁰⁰ Landsberg, “South Africa,” 130

⁵⁰¹ Ibid

formed on 17 December 2002.⁵⁰² South Africa was to support the DRC's transitional government until elections, government members, five rebel groups (including the Mai Mai), members of the political opposition and civil society.⁵⁰³

After reaching an agreement, all Congolese delegates returned to Sun City in February 2003 to ratify all accords within 52 days.⁵⁰⁴ On 29 June 2003, the Chair of the AU and President Mbeki welcomed the signing of the agreement on the DRC's GNU and transition, commenting that "the final obstacle to movement towards peace in the DRC has been removed."⁵⁰⁵ However, despite the disarmament efforts, rebel groups continued to operate while the illegal exploitation of minerals by foreign forces remained unchecked in eastern DRC.⁵⁰⁶

6.5 South Africa's Continued Neutrality and Morality Problems

As South Africa supposedly brought stability and development to the DRC, Claude Kabemba noted that South Africa was widely considered to be the "godfather" of the Congolese transition.⁵⁰⁷ However, many analysts note that South Africa was in fact an unsuccessful, partial and amoral peace-broker for the following reasons: 1) South Africa's sold arms to Rwanda and Uganda since 1996;⁵⁰⁸ 2) the government failed to condemn the entry of these two countries into war;⁵⁰⁹ and, 3) South Africans served as

⁵⁰² Ibid, Landsberg, "South Africa," 131

⁵⁰³ Ibid, 132

⁵⁰⁴ Boshoff and Rupiya, "Delegates, Dialogue and Desperadoes," 29

⁵⁰⁵ SAGI, "Statement on the Agreement between the Government and Rebel Groups on the DRC"

⁵⁰⁶ Patricia Daley "Challenges to Peace: Conflict Resolution in the Great Lakes region of Africa," *Third World Quarterly*, Volume 27, Number 2, 2006, 312

⁵⁰⁷ Claude Kabemba, "South Africa in the DRC: renaissance or neo-imperialism?" Sakhela Buhlungu et al, *State of the Nation: South Africa 2007*, (Pretoria, HSRC Press, 2007), 533

⁵⁰⁸ For the case of Rwanda, the arms sales started in 1990.

⁵⁰⁹ The aim of this fighting in Kisangani in 1999 and in 2000 was diamond exploitation.

mercenaries on both sides of the conflict⁵¹⁰ despite the fact that South Africa was a leading contributor to an anti-mercenary declaration at NAM's summit in 1998, and steered the Regulation of Foreign Military Assistance Act of 1998 through parliament.⁵¹¹

South Africa's Reinforcing Relationship with Rwanda and the RCD

Following their intervention in 1998, Zimbabwe, Angola and Namibia criticised South Africa for promoting "regional apartheid policies"⁵¹² and siding with Uganda, Rwanda and the RCD in their efforts to topple Kabila.⁵¹³ President Mugabe refused to allow the DRC government to hold any negotiations in South Africa. He feared that this would give an unfair advantage to the RCD, which had a close relationship with South Africa.⁵¹⁴ In June 2003, a preparatory meeting for the first summit on peace and development in the Great Lakes region was held in Nairobi.⁵¹⁵ Burundi, the DRC, Kenya, Rwanda, Tanzania and Uganda attended the summit, but South Africa did not

Hugo, *La République démocratique du Congo*, 38

⁵¹⁰ See MacLean "New Regionalism and Conflicts in the DRC," 117; Talyor and Williams, "South African Foreign Policy and the Great Lakes Crisis" 281; Landsberg, "Promoting Democracy," 111. South African Executive Outcome's involvement in petrol exploitation in Lake Albert and in Semliki valley is mentioned in Hugo's *La République démocratique du Congo*, 80. Like the mining industry, the change of regime in South Africa in 1994 led to decreased need of National Force. As a result, a high number of manpower moved to private company. Gerry Cleaver, "Interventionist Companies: Privatising the Military Option," *African Interventionist States*, 271

⁵¹¹ Geldenhuys, "South Africa's Role as International Norm Entrepreneur," 103

⁵¹² Landsberg, 'South Africa,' 128

⁵¹³ Ibid

⁵¹⁴ Nest et al, *The DRC*, 93

⁵¹⁵ Jean-Jacques Cornish, "Great Lakes security summit: SA given the cold shoulder," *Mail & Guardian*, 27 June to 3 July 2003, 9

attend.⁵¹⁶ Since it had a tendency to use its own brokering skills for other settlements, South Africa caused resentment and suspicion among other states.⁵¹⁷

During their illegal occupation into eastern DRC, Rwanda and Uganda continued to commit gross human rights violations including their involvement in the illegal exploitation of natural resources, mass killing of civilians and fighting.⁵¹⁸ RPA and its proxy, the RCD-Goma, have attacked and killed tens of thousands of Congolese civilians in many areas rich in minerals.⁵¹⁹ Instead of receiving any condemnation by the great powers let alone the peacemaker, South Africa, then United States President Bill Clinton praised the two countries as leaders in bringing about an “African Renaissance.”⁵²⁰ Uganda continued receiving important international aid, including approximately US\$800 million per year, and benefited from a Debt Reduction Initiative.⁵²¹

South Africa also reinforced its relations with Rwanda, with President Mbeki’s visit to Rwanda in October 2000, which was the first official visit to Rwanda by a South African Head of State.⁵²² Accompanied by a large delegation of cabinet ministers and the business community, including Eskom, the largest electricity utility in Africa, President Mbeki sought to increase bilateral trade and enhance economic and political

⁵¹⁶ Ibid

⁵¹⁷ Ibid

⁵¹⁸ Landsberg, “South Africa,” 128.

⁵¹⁹ See HRW, Short Report, “Rwanda: the Search for Security and Human Rights Abuses,” Vol.12, No.1 (A), April 2000 www.hrw.org/reports/2000/rwanda/, accessed on 14 November 2006; HRW, “Uganda: Hostile to Democracy-The Movement System and Political Repression in Uganda,” New York, 1999; AI, “Democratic Republic of Congo. Rwandese-controlled East: Devastating Human Toll,” (London, 19 June 2001), 3, <http://www.amnesty.org/en/library/info/AFR62/011/2001>, accessed on 15 September 2007

⁵²⁰ Janet Fleischman, “Time for a new Africa policy,” *The Washington Times*, March 2, 1998, 2

⁵²¹ Hugo, *La République démocratique du Congo*, 55

⁵²² SAGI, “Statement on the Official Visit to Rwanda by President Mbeki”

development of the region.⁵²³ On 5 July 2004, South Africa and Rwanda also signed a memorandum of understanding to facilitate military cooperation in joint training, exchanges of experience in peacekeeping operations and procurement of military equipment.⁵²⁴ Taylor and Williams argue that “whether alone, or in a strategic partnership with the United States, only South Africa is capable of exercising the leverage over Rwanda and Uganda to convince them to reign in the Congolese rebels.”⁵²⁵

South Africa’s Manipulating Agreements

South African leadership, particularly President Mbeki, demonstrated its amorality by manipulating some agreements. Although South Africa was not a signatory to the Lusaka Agreement, “Pretoria... played more than a cameo role in shaping it.”⁵²⁶ According to Ludo Marten’s analysis, this agreement was “drafted by South Africa with Ugandan assistance and on U.S. instructions...[it] was a legal trap that sealed the political fate of Laurent Kabila and his regime.”⁵²⁷

RCD, which was the ally of South Africa, had an overall objective in the ICD to establish a local government that was favourable to Rwanda and the legalisation of Rwandan influence in the Kivus.⁵²⁸ This included identifying an economic partnership to exploit the resources, and obtaining dual citizenship for the Rwandaphones in the Kivus.⁵²⁹ This was to help strengthen their presence by allowing Rwandans or

⁵²³ SAGI, “Statement on the Official Visit to Rwanda by President Mbeki”

⁵²⁴ AI, “DRC: Arming the East,” 5 July 2005, 24

⁵²⁵ Taylor and Williams, “South African Foreign Policy and the Great Lakes Crisis” 266

⁵²⁶ Malan and Boshoff, “A 90-day plan to bring peace to the DRC?,” 3

⁵²⁷ Guy Martin, “Review Essays,” 135

⁵²⁸ ICG, “Sun City Clouds Strom,” 12

⁵²⁹ Ibid

Rwandan allies to hold local government positions.⁵³⁰ Former President Mbeki's plan contained the RCD's ambitions by providing for an all-powerful vice presidency similar to that of Rwanda (i.e. Vice President Kagame under President Pasteur Bizimungu).⁵³¹ Not only did former President Mbeki submit the proposed second draft agreement to the Rwandan government for approval in Sun City, he also "tried to manoeuvre the negotiations ... in order to place the priority on Rwanda's security interests."⁵³² Luanda claimed that South Africa imposed a Rwandan solution to the conflict.⁵³³ Former President Mbeki, who failed to create a feeling of equality and confidence between parties, lost some of his credibility through this act.

6.6 South Africa's Economic Interests

At the opening of Sun City, President Mbeki clearly stated the country's motivations to host and finance a major portion of the ICD.⁵³⁴ The International Crisis Group argues that the ICD's objective was merely to recognise President Kabila as Head of State.⁵³⁵ The intention of Western governments, including that of South Africa, was to "resume normal diplomatic and economic relations with the DRC ...to resurrect international aid that had been suspended under [Presidents] Mobutu and Kabila the elder."⁵³⁶ This was certified by a loan agreement between the World Bank and the DRC government, which amounted to US \$450 million immediately after the ICD.⁵³⁷

Some South African investors were standing by to enter the country as soon as the

⁵³⁰ ICG, "Sun City Clouds Storm," 12

⁵³¹ Ibid, 15

⁵³² Ibid

⁵³³ Ibid

⁵³⁴ Ibid

⁵³⁵ Ibid, 7

⁵³⁶ Ibid

⁵³⁷ Ibid

political future of the DRC was certain.⁵³⁸ One of the investors included the telecommunications company Vodacom, which was launched in May 2002. President Mbeki made a statement that “you (Vodacom) have made a significant contribution to the realisation of the dream of an African Renaissance and the implementation of NEPAD.”⁵³⁹ It was clear that former President Mbeki’s vision of the African Renaissance and NEPAD depended on stability in the DRC in order to facilitate Western investment.

Braeckman argues that “the current Western strategy, in which the ‘rebellions’ replace the ‘secession’ of the 1960s, aims to use liberalisation, privatisation and structural adjustment to create a weak and powerless central government, making it easier for Western (rather than Belgian) multinational firms to freely and cheaply exploit Congo’s vast mineral wealth.”⁵⁴⁰ Influential states and their private sectors, including South Africa with its closely linked private sector, used the rebellion as a new strategy to benefit from the war economy. Apart from minerals, this war economy also included arms sales and the installation of a telecommunications network.

South Africa’s Interest in Minerals

Collier argues that “conflicts are far more likely to be caused by economic opportunities (greed) than by grievance (political interest).”⁵⁴¹ According to a UN Panel Report, fifteen South African companies, such as Anglo-American, were involved in the exploitation of the resources during the 1996 and 1998 Wars.⁵⁴² South Africa was the

⁵³⁸ ICG, “Storm Clouds Over Sun City,” 15

⁵³⁹ SAGI, “Message from President Thabo Mbeki on the Launch of VODACOM in the DRC”

⁵⁴⁰ Guy Martin, “Review Essays,” 132

⁵⁴¹ Collier, “Doing Well out of War,” 91

⁵⁴² UN Panel Report, 23 October 2003, Annex I (S/2003/1027)

second greatest violator after Belgium.⁵⁴³ South Africa failed to act in spite of UNSC Resolution 1457's demand that all states conduct investigations.⁵⁴⁴

On the contrary, some of these enterprises accompanied former President Mbeki on a business trip to Kinshasa in January 2004.⁵⁴⁵ Tokyo Sexwale was one of the delegation members, and signed two memoranda of understanding with investments of more than US \$100 million, including the Kilomoto Gold Project.⁵⁴⁶ Presidents Mbeki and Kabila signed Bilateral Commission agreements to promote political, economic, security, cultural and other ties between the two countries.⁵⁴⁷ This Commission represented a new strategy for South Africa to engage with the DRC for the first time since 2004.⁵⁴⁸ Business Unity South Africa's signature of cooperation allowed South African companies to boost black economic empowerment.⁵⁴⁹ This visit was reported as "one of Mbeki's most significant diplomatic achievements on the continent."⁵⁵⁰

⁵⁴³ UN Panel Report named 21 Belgian companies.

⁵⁴⁴ UNSC Resolution 1457 (S/RES/1457/2003), 24 January, 2003, 3, [//daccessdds.un.org/doc/UNDOC/GEN/N03/222/55/PDF/N0322255.pdf?OpenElement](http://daccessdds.un.org/doc/UNDOC/GEN/N03/222/55/PDF/N0322255.pdf?OpenElement), accessed on 6 January, 2008.

⁵⁴⁵ Patrick Bond, *The George Bush of Africa: Pretoria chooses Subimperialism*, July 13, 2004, Foreign Policy in Focus. www.fpif.org, accessed on 3 February, 2007. The author asked Mr. Bond the names of those companies, but he was unable to provide the details. The author also contacted a South African diplomat in Kinshasa for the details but was unsuccessful.

⁵⁴⁶ Julie Bain, "Sexwale strikes gold in mining deal in Congo," *Business News/Company News*, 15 January, 2004, 6. HRW reports that "As of September 2004, eleven mining companies had signed contracts with Kilomoto to explore or mine the gold in northeastern Congo, the majority of them from South Africa. One of them, AngloGold Ashanti, provided both financial and material support to the Nationalist and Integrationist Front, an armed group responsible for widespread human rights abuses." HRW, "The Curse of Gold," 82.

⁵⁴⁷ "Mbeki in Congo to consolidate peace," *Business News*, 14 January 2004, 3

⁵⁴⁸ Landsberg, "South Africa," 132

⁵⁴⁹ Patrick Wadula, 'SA, Congo in business pact' *Business News*, 16 January, 2004

⁵⁵⁰ "Mbeki stands tall in Congo peace success" *Business News*, 16 January 2004, 4

Coltan Exploitation

To provide one example of mineral exploitation, coltan, a metal essential for making mobile phones and computers, was the largest export by the late 1990s. In 1999 and 2000, tantalum's sharp rise in world prices led to a large increase in coltan production in eastern DRC.⁵⁵¹ The illegal exploitation allowed the Rwandan army, rebel groups and businessmen to force farmers to work as artisans in the mines.⁵⁵²

As soon as the RCD took over eastern DRC, they took control of most of the concessions that belonged to the Societe Minière du Kivu (SOMINKI)'s,⁵⁵³ or Kivu's Mineral Society.⁵⁵⁴ In November 2000, the RCD created a new mining firm called the Societe Minière des Grands Lacs (SOMIGL), or the Great Lakes' Mineral Society, which received an export monopoly on all coltan produced in RCD territory.⁵⁵⁵ SOMIGL exported all of the ore to Rwanda, which channeled it to Europe and the United States through three different companies, one of which was South African Cogecom.⁵⁵⁶

South Africa had another link to RCD through a South African smelting company, the Metal Processing Association (MPA), which was founded in 2001 in Gisenyi across the border in Rwanda.⁵⁵⁷ This city used to be the rebel RCD-Goma's headquarters. The MPA had a sister company in Goma, called Mining Processing Congo (MPC),

⁵⁵¹ UN Panel of Experts (S/2003/1027), 23 October 2003, 5

⁵⁵² Ibid

⁵⁵³ SOMINKI is a Belgian-Zairean firm, formed in 1976 as a result of a merger between several Belgian mining firms whose origins go back to a major concession granted to the Belgian Baron Empain by the Belgian King Leopold II in 1902. SOMINKI owned most of the extensive mining concessions in eastern DRC with gold mining. Pole Institute, "The Coltan Phenomenon in War-Torn North Kivu Province," *Revue Trimestrielle*, September 2002, No.007, 9-10

⁵⁵⁴ Pole Institute, "The Coltan Phenomenon in War-Torn North Kivu Province," 11

⁵⁵⁵ Ibid, 14

⁵⁵⁶ Braeckman, "Congo: a War without Victors"

⁵⁵⁷ Stefaans Brummer, "South Africa's War Vultures," *Mail & Guardian*, 16 January 2005, 4-6

which was the main exporter of cassiterite and a major buyer of artisanal mining products in Kivu.⁵⁵⁸ Reportedly, the MPA signed contracts with RCD rebels in 2003, monopolising cassiterite that was produced by artisanal miners.⁵⁵⁹ South African investors used their connection with the RCD to obtain a mining contract for the 37 concessions in 2001.⁵⁶⁰

South Africa's Arms Sale in the Region

South Africa pursued initiatives in arms control, non-proliferation and disarmament. It also banned anti-personnel landmines through a variety of multilateral organisations with the clear objective to play "a leading role internationally."⁵⁶¹ However, as the sole major arms producer on the continent, South Africa also sold arms to any profitable countries. These countries included both pro- and anti-Kabila Governments,⁵⁶² which may have contributed to mistrust among the stakeholders.

South Africa approved the sale of military equipment for Rwanda in 2002, justifying it as unspecified, "non-sensitive" military equipment.⁵⁶³ After the UNSC imposed a mandatory arms embargo in eastern DRC in July 2003,⁵⁶⁴ the UN Group of Experts reported in July 2004 that a "newly manufactured South African R-5 rifle" was discovered in the DRC.⁵⁶⁵ This was discovered among a weapons cache that belonged

⁵⁵⁸ Stefaans Brummer, "South Africa's War Vultures,"; Dominic Johnson and Aloys Tegera, *Digging Deeper: How the DR Congo's Mining Policy is Failing the Country*, Revue Trimestrielle No.15, (Pole Institute, Goma, December 2005), 52, www.pole-institute.org, accessed on 1 August, 2007

⁵⁵⁹ Johnson and Tegera, *Digging Deeper*, 69

⁵⁶⁰ Ibid, 62-63

⁵⁶¹ DFA, *Thematic review: Strategic plans*, Pretoria, 1998

⁵⁶² Landsberg, "The Impossible Neutrality?," 174

⁵⁶³ AI, "DRC: Arming the East," 24

⁵⁶⁴ This was considerably applied to the whole country in April 2005. AI, "DRC: Arming the East," 51

⁵⁶⁵ UN Group of Experts established by paragraph 10 of resolution 1533, dated 15 July

to RCD-Goma, which was "part of an inventory previously supplied to Rwanda by means of a licensed purchase from South Africa."⁵⁶⁶

South Africa's Telecommunication Support to the Rebel Force

Apart from Vodacom, which had the widest network coverage in the DRC since it opened in May 2002, the South African business community assisted the rebel group with telecommunications equipment. In 2002, the president of the RCD-Goma reportedly inaugurated Supercell himself.⁵⁶⁷ This was the sister cell phone company of Rwandacell, which was "licensed" by the RCD-Goma's president to operate a network in eastern DRC.⁵⁶⁸ Rwandacell was South Africa's own MTN group, which won the first cell phone network license in Rwanda in 1999.⁵⁶⁹ Rwandacell's partner, Tristar Investments, was reportedly founded and owned by the RPF.⁵⁷⁰ This was why MTN Rwandacell was able to do business in a RCD area, as it was backed by the Rwandan government and operated in an area where a number of Tutsi Congolese reside.

The Exporter, a South African company, also shipped 50 two-way radios via Uganda to the RCD-Goma Vice President and the Governor of North Kivu, Eugène Serufuli.⁵⁷¹ Hand-held Motorola radios, which were supplied by South Africa in 2003, were allegedly used to recruit members of Seufuli's Local Defense Force.⁵⁷²

2004 (S/2004/551)

⁵⁶⁶ Ibid UN Group of Experts, resolution 1533, dated 15 July 2004 (S/2004/551)

⁵⁶⁷ Stefaans Brummer, 'South Africa's war vultures,' 5-6

⁵⁶⁸ Ibid

⁵⁶⁹ Ibid

⁵⁷⁰ Ibid

⁵⁷¹ Ibid

⁵⁷² Ibid

Summary

The fact that President Kabila ordered the Rwandans holding strategic government positions as well as foreign soldiers to leave the country led to the Second Congo War. The rebel force called RCD was born, which was comprised of locals, in particular Banyamulenge, and backed by Rwanda and Uganda forces. It fought against President Kabila, who deceived Rwanda and Uganda after having assisted him to remove former President Mobutu.

Rwanda and Uganda stated that their intervention in the war was due to security concerns. Zimbabwe, Angola and Namibia became involved in the war not only to protect the DRC, but also to show defiant behaviour toward South Africa. However, it became apparent that this war essentially centred on access to mineral resources not only by these African and other states, but also by a number of foreign companies. This was exactly the reason why many states and organisations were eager to establish the ICD to have easier access to resources.

South Africa was also part of these greedy states. While promoting peacemaking efforts, it was involved in the exploitation of resources and fueled conflict by trading arms to irresponsible states, including both pro- and anti-Kabila governments and rebel forces. President Mugabe also had a personal and economic interest to protect his own investment from the First Congo War.

Following its failed diplomacy in 1997, South Africa tried to prioritise dialogue at the onset of the Second Congo War. However, without South Africa's previous knowledge, President Mugabe, who was Chair of the SADC's Organ, decided to intervene militarily with his allies. This split of peacemaking and military groups within the SADC, as well as the question of authority on the SADC and the Organ, must

be understood from the SADC's history, which affected the peacemaking in the DRC. At a later stage, President Mandela condoned military intervention, ostensibly to show unity within the SADC. As soon as President Mbeki was inaugurated, he, unlike his predecessor, started to use coercive diplomacy and put less emphasis on human rights in foreign policy.

The political deadlock in the DRC led to the Lusaka Agreement. However, since it was hastily prepared for the immediate cessation without using any methods of preventive diplomacy, it produced neither a ceasefire nor a state of peace. President Laurent Kabila also failed to be cooperative in the peace process, as he doubted South Africa's neutrality and the UN mission's performance. Most importantly, both President Kabila and the RCD stood to gain from their war profit.

With the change of leadership in the DRC in 2001, the time was ripe for negotiation. President Mbeki accelerated the peace process by facilitating dialogue that produced two agreements. Yet the peace process was not highly respected by stakeholders who continued to benefit from the war economy.

Apart from illegal arms sales and the exploitation of resources, South Africa's actions raised serious doubts about its morality and the sincerity of its peacemaking efforts. These actions included its failure to condemn Rwanda and Uganda for its continually poor human rights records; its support to Rwanda to strengthen economic, military and political relationships; President Mbeki's imposition of South Africa's own style of GNU, in addition to Rwanda's solution that was based on the manipulation of ceasefire and peace agreements. The South African government also protected those companies that were involved in the illegal exploitation of resources in the DRC by taking them on a business trip to the DRC and not conducting any investigation after the

publication of the UN Report. These acts caused resentment and mistrust by the SADC and other African states as South Africa's neutrality was questioned.

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Chapter 7

Major Failures in South Africa's Peacemaking Efforts in the Great Lakes Region

"Africa's civil wars are really political conflicts. All the civil wars in Africa erupted as a result of dispute over some aspect of the electoral process-or a struggle for power."

--George BN Ayittey, Ghanaian economist, *Africa in Chaos*, 1998

Based on my main argument that South Africa was not a successful peacemaker due to four main factors, this chapter examines exactly how South Africa failed to play this role. The first section deals with three major problems related to South Africa's mediation style: its application of its own mediation model, its timing of intervention and its failure to identify and manage the spoiler. The second section deals with nature, main causes and aggravating factors of the conflict, such as the conflict's extensive regionalised dynamics, nationality and land issues, and the link between conflict, the exploitation of natural resources, arms trafficking and international business. The third section describes South Africa's questionable neutrality, which led the country to neglect Rwanda's problems; this includes Rwandan government's tension with the FDLR and the DRC government. The fourth section reviews the development of the SADC's internal politics since the pre-apartheid era.

7.1 South Africa's Mediation Style

Mediation is a specialised activity based on several techniques and regulations, but the principles of effective mediation are often undermined. South Africa demonstrated three major problems in its mediation style: South Africa applied its own mediation

model to the DRC peace process, it did not choose an appropriate time of intervention, and failed to identify and manage the main spoiler of the DRC peace process.

The Application of South Africa's own Peacemaking Model

Following its transitional success in 1994, or Pax Pretoria, South Africa had a tendency to generalise and apply its peacemaking model to different situations.⁵⁷³ Pax Pretoria cannot necessarily be applied to other situations since each case is different and requires distinct mediation approaches and solutions. For the mediation following the First Congo War, South Africa did not examine the extensive regionalised dynamics of the DRC conflict (see section 6.2 for details). Even during the post-Second Congo War period, President Mbeki continued to recognise the DRC conflict as a civil war. Therefore, the ICD and the Global and All-Inclusive Agreement were established, which were both Congolese-inclusive and did not involve the rest of the region.

At the ICD, a power-sharing, one-plus-four formula GNU government was imposed by President Mbeki despite a lack of consent among the belligerents. President Mbeki did not take local dynamics into consideration and did not facilitate problem-solving by the concerned parties themselves. He was a negative and biased manipulator, acting as a bully through his use of coercive diplomacy. President Kabila consequently accused South Africa of generally promoting its democratisation style in the Great Lakes region.

⁵⁷³ Curtis, "The South African Approach to Peace-building in the Great Lakes Region of Africa," 155

The Timing of South Africa's Intervention

Early intervention has significant advantages in regard to motivating parties, its effectiveness and the likelihood that there will not be a relapse of conflict. South Africa was not able to grasp the right moment to intervene due to several reasons; by the time it intervened, a “we-they” enemy structure was created between the two actors in the First and Second Congo Wars, which became too complex for the mediator to move the peace process forward.

Once it assumed the SADC's chairmanship role in 1996, South Africa started to launch peacemaking initiatives in the aftermath of the First Congo War. Nevertheless, South Africa failed in its peacemaking role due to its inadequate mediation efforts between President Mobutu and Kabila. The peacemaking process that began in November 1996 was initially led by Kenya and South Africa, but was very lengthy and slow. By the time the two actors agreed to meet in May 1997, the AFDL was nearly ready to capture the capital. Thus, the timing of this mediation was illogical due to the unbalanced power relationship (victory vs. defeat) politically and economically between the two actors, and the absence of issues to discuss.

For the Second Congo War, South Africa tried to facilitate an early political solution (five days after and again 15 days after the RCD launched an attack) with stakeholders. Soon after, and without South Africa's prior knowledge, South Africa's rival, Zimbabwe and its SADC allies decided to stage a military intervention. At this point, South Africa's legitimacy as a peacemaker was severely questioned. South Africa also lost its trust due to its intervention in Lesotho while it refused to join SADC troops in the DRC.

In 1999, the change of South African leadership that focused on coercive diplomacy, as well as the development of a political hurting stalemate among stakeholders, seemed to present an appropriate opportunity for new negotiation. As a result, the Lusaka Agreement was established under external pressure, but ultimately, it did not produce any results. According to Zartman's argument, this was because both sides faced no prospects of either victory or defeat, and the conflict was not costly to the DRC government or the RCD.⁵⁷⁴ On the contrary, the war option was beneficial for both adversaries. There was therefore no incentive to negotiate due to the absence of a painful deadlock.

Ripe timing for another negotiation arrived in 2001 with a change of Congolese leadership. From that point onward and with the collaboration of President Joseph Kabila, President Mbeki was able to fully implement his peacemaking initiatives. However, negotiation at the ICD proved difficult due to continued war profit made by the stakeholders.

Identification and Management of the Main Spoiler

Handling spoilers based on an analysis of their problems is crucial for mediators because a spoiler's presence can enormously complicate the peace process. Previously, the major spoilers for the DRC peace process were considered to be former ex-FAR/Interahmawe, which is branded as a "negative force," as well as Laurent Kabila,⁵⁷⁵ but Kabila was merely a puppet of the Rwandan government. Particular attention should be paid to the Rwandan government, which was one of the key actors

⁵⁷⁴ Zartman, "Bargaining and Conflict Resolution," 276

⁵⁷⁵ Swart and Solomon, "Conflict in the DRC," 13

in the three inter-related wars and one of the main spoilers in the DRC peace process apart from the Rwandan militia.

Rwanda and its government are understood to have been the epicentre of the Great Lakes conflict. A massive displacement of Rwandans was observed in eastern Zaire, where Rwandan genocidaires controlled the refugee camps. The Rwandaphones' nationality had been the main issue in eastern Congo and Uganda. Rebel groups, such as the AFDL, the RCD, and the Forces Democratiques de Liberation du Rwanda (FDLR),⁵⁷⁶ or the Democratic Forces for the Liberation of Rwanda (former ex-FAR/Interahmawe), were all created by Rwanda and heavily influenced the DRC's politics. The RCD only "replaced" the AFDL, with the exception of the AFDL's leader, Laurent Kabila. The Rwandan army invaded the Congo twice and committed war crimes against civilians during the First and Second Congo Wars. It maintained its presence in eastern DRC through illegal occupation, fighting and the illegal exploitation of resources. To date, the Rwandan government refuses to establish a dialogue with the FDLR, who wish to return to Rwanda.

In the First and Second Congo Wars, the Rwandan government initially denied its involvement in fighting in eastern DRC. Eventually, it admitted to its presence in the DRC and justified it on security grounds. Rwanda maintained that it had ceased arming and aiding rebel groups following the signing of a peace agreement in December 2002.⁵⁷⁷ In February 2003, the former governor of North Kivu, Serufuli, acknowledged that he had received arms and uniforms directly from Rwanda in an

⁵⁷⁶ The FDLR, comprised of ex-FAR, Interahamwe and post-genocide recruits, has claimed to be a military-political group since 2000. Marina Rafti, "South Kivu: a Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda," Discussion Paper, 2006.05, Institute of Development Policy and Management, University of Antwerp, 1

⁵⁷⁷ AI, "DRC: Arming the East," 49

apparent breach of the UN arms embargo.⁵⁷⁸ Several thousand Rwandan soldiers were integrated into RCD-Goma and the militia under Serufuli.⁵⁷⁹

7.2 The Nature, Major Causes and Aggravating Factors of the Conflict

Pretoria has been accused of a tendency to oversimplify and was criticised for its lack of analytical skills in the peacemaking process.⁵⁸⁰ Conflict is a matter of perception, which should be changed by mediators to reach a better understanding of the conflict's dynamics and find an acceptable solution. Thus, the key issues listed below should be well understood and analysed by South Africa. These points were not well cited in the ceasefire and peace agreements. Instead, the signatures on the agreements were prioritised over the content of the agreements themselves.

Extensive Regionalised Dynamics of Congo's War

The ICD, which was not genuinely "Congolese," may have arisen from a critical misinterpretation of the nature of the conflict. The Congo War was neither a civil war nor an inter-state conflict.⁵⁸¹ It should be acknowledged as "regionalised," and a joint solution should be sought among regional actors. To provide one example, although the FDLR is mostly comprised of Rwandan nationals,⁵⁸² the Rwandan government insisted that Kinshasa assume responsibility for its Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR), which is considered a

⁵⁷⁸ AI, "DRC: Arming the East," 49

⁵⁷⁹ ICG, "Rwandan Hutu Rebels in the Congo: A New Approach to Disarmament and Reintegration," Africa Report No.63, 23 May 2003, 2

⁵⁸⁰ Solomon, "The Poverty of Pretoria's Preventive Diplomacy in the Great Lakes Region," 141-143

⁵⁸¹ Carayannis, "The Complex Wars of the Congo," 102

⁵⁸² Some Congolese nationals have joined the FLDR as well. The author received such reports from the local population during her assignment in eastern DRC.

Congolese affair.⁵⁸³ However, this is a regional problem, as the FDLR was formed following the genocide in 1994 and the conflict's spillover into Zaire.

To complicate these regionalised dynamics, Carayannis highlights the diversity of actors in the Congo War, particularly the non-state actors including international companies.⁵⁸⁴ External patrons also assist spoilers with arms, capital and sanctuary.⁵⁸⁵

This complex network can be described as follows:

“The external dimension of the conflict has seen multiple invasions of the territory of a sovereign state by various coalitions of African states claiming security threats, while the internal dimensions of the wars involve multiple internal rebellions with competing agendas and foreign sponsors, and with varying degrees of local mobilisation and support. It also includes more localised conflicts that involve indigenous militias, non-Congolese insurgency groups operating out of the Congo, and competing ethnic groups fighting over control of local resources and population. There is no neat dividing line, however, between the external and internal dimensions of this conflict, because while they may be discrete systems of conflict, they contain financial, political, and ideological factors that cut across conflict boundaries and link them together in global networks of war. The frequency in realignments among the numerous state and non-state actors in these wars, sometimes resulting in unpredictable and surprising bedfellows, can best be understood when they are analysed within the context of the social networks in which they operate.”⁵⁸⁶

⁵⁸³ Rafti, “South Kivu,” 20; ICG, “Rwandan Hutu Rebels in the Congo: a New Approach to Disarmament and Reintegration,” Africa Report No.63, 23 May 2003, 3

⁵⁸⁴ Carayannis, “The Complex Wars of the Congo,” 102

⁵⁸⁵ Stedman, “Spoiler Problems in Peace Processes,” 51

⁵⁸⁶ Carayannis, “The Complex Wars of the Congo,” 84

Therefore, the recognition of the Congo War merely as regionalised does not reflect the extraordinary depth and complexity of the conflict; it should be perceived as an extensive regionalised war. Considering the degree of internal, external and global influence these actors have over producing and prolonging the Congo War, I argue that Stedman's definition of spoilers should be broadened in the Congo War context to include "states and non-state actors, who directly or indirectly contribute in conflict, and make no efforts to attain positive peace." With this extended definition, more spoilers can be identified and punished accordingly. While international approaches have tended to view the conflict through conventional lenses, recognition of the Congo War with a diversity of actors, is therefore critical to create a different peacemaking approach.

Rwandaphones' Nationality and Land Issues

The Great Lakes meeting in Pretoria in January 1997 welcomed Zaire's assurance to grant full citizenship rights to all its nationals. The Lusaka agreement recalled that "all ethnic groups, nationalities whose people and territory consulted what became Congo at independence (in 1960) must enjoy equal rights and protection under the law as citizens."⁵⁸⁷ However, the nationality issue of the Rwandan community, which was discussed again at the ICD, was left to debate within the transitional national assembly.⁵⁸⁸ Similarly, the ICD examined the land right approved in the Final Acts as "rights to ancestral territory,"⁵⁸⁹ but future transitional bodies were ultimately left to

⁵⁸⁷ Lusaka Ceasefire Agreement, Preamble, www.usip.org/library/pa/drc/drc_0710999.html, accessed on 6 August, 2006

⁵⁸⁸ ICG, "Storm Clouds over Sun City," 5

⁵⁸⁹ The Inter-Congolese Political Negotiations, The Final Act, 64, www.reliefweb.int, accessed on 15 August, 2006

address this matter.⁵⁹⁰ A 1973 land law has not been well practised and most land transactions or arrangements have been settled through customary law.⁵⁹¹ Very few records exist to confirm land ownership.⁵⁹²

The law of 12 November 2004 on Congolese nationality specifically states in its preamble that “(translation) this Act aims to address the provisions of ...the Transitional Constitution as well as the pertinent criticism of Congolese legislation on nationality expressed by the delegates who sit on the ICD, particularly Order of 28 March 1971, Article 15 of Law of 5 January 1972, and Decree-Law of 29 January 1999, which amends and completes Law of 29 June 1981 (DRC 12 November 2004, i).” Article 6 of the 2004 law continues that Congolese nationality can be obtained by “any person belonging to an ethnic group or nationality whose people and land were part of the territory that became the Congo (on 30 June 1960).”⁵⁹³

As this law did not permit dual nationality,⁵⁹⁴ Rwandaphones must automatically regain Congolese nationality. Their status, however, is still precarious and they remain as stateless persons. Issues are still pending regarding the extent to which the Nationality Act’s provisions will be implemented at a local level and whether concerned persons will be able to effectively exercise their right to nationality.

⁵⁹⁰ ICG, ‘Storm Clouds Over Sun City,’ 5

⁵⁹¹ UN-HABITAT, Draft Concept Note, “Addressing Land and Property Issues in Eastern DRC,” 2008

⁵⁹² Ibid

⁵⁹³ UNHCR, Working Paper on the Problematic of DRC Kinyarwanda Speaking Populations’ rights to the Congolese Nationality, June 2007

⁵⁹⁴ AI, “DRC: North Kivu,” 8

The Link between the Conflict, Exploitation, Arms and Business

Following the publication of the UN Panel of Expert reports in 2001, 2002 and 2003, many governments acknowledged the relationship between the illegal exploitation of natural resources, arms trafficking and conflict.⁵⁹⁵

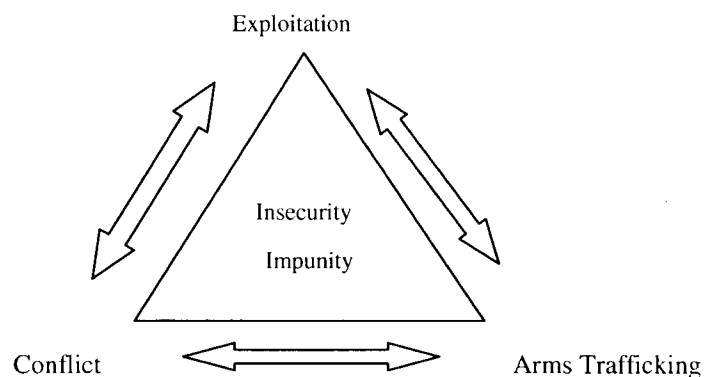
“Without the wealth generated by the illegal exploitation and the continuation of natural resources, arms cannot be bought, hence the conflict, which almost always involves grave human rights abuses and large-scale population displacement, cannot be perpetuated. Without arms, the ability to continue the conflict, thereby creating the conditions for illegal exploitation of resources, cannot be sustained.”⁵⁹⁶

Internal exploitation of resources in the DRC is viewed as a contributing factor to major causes of conflict, and arms trafficking, which comes from external sources, exacerbates and prolongs elements of the conflict.⁵⁹⁷ These three factors are chained in a vicious cycle as depicted in the following diagram:

⁵⁹⁵ HRW, “The Curse of Gold,” 118

⁵⁹⁶ UN Panel of Experts (S/2003/1027), 23 October 2003, 19

⁵⁹⁷ Ibid, 15



Source: *UN Report on Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC*, 23 October 2003

As discussed in Chapter 1, it is unlikely that parties will negotiate a compromise when the conflict is not costly to either of them. The exploitation in the DRC has been “systematic and systemic” and has flourished because of the pre-existing structures developed with the arrival of the AFDL.⁵⁹⁸ The massive flow of arms into the region in the context of “deliberate state diversion, weak state control and lack of transparency of arms stocks” has threatened to undermine the peace process.⁵⁹⁹

South Africa claims a high degree of responsibility by having maintained the conflict in these two domains. Being the sole arms producer on the continent, it began selling arms to war countries in the post-Cold War and post-apartheid eras when the South African arms industry lost its domestic demands. This included Rwanda and Zaire after the spillover of the Rwandan conflict. It continued doing so to all sides of the conflict and thereby fueled conflicts in the Great Lakes region. This was carried out against South Africa’s human rights principles, NCACC principles and UN embargos. South Africa has also been active in the mining industry in the Congo since

⁵⁹⁸ UN Panel of Experts (S/2001/357), 12 April 2001, para. 6

⁵⁹⁹ AI, “DRC: Arming the East, 68”

the 1900s. The practice of using the rebel groups in exchange for mineral rights continued and became more common during the First and Second Congo Wars.⁶⁰⁰ More attention should be paid to economic factors that contribute to war, which matter more than other issues such as ethnicity and religion.⁶⁰¹ This is because rebellions have gradually changed their character, “becoming less political and more commercial.”⁶⁰²

Human Rights Watch draws a further connection between the exploitation of resources and international business.⁶⁰³ This is related to a violation of business norms and the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises.⁶⁰⁴ The OECD Guidelines are the first international instrument on corporate social responsibility to provide a government-supported mechanism for monitoring and influencing corporate behaviour, such as respect for human rights and supporting sustainable development.⁶⁰⁵

In this regard, the UN Human Rights Commission Resolution on Human Rights and Transnational Corporation and Other Business Enterprises was signed on 15 April 2005. The resolution outlined global human rights standards for corporate responsibility and accountability.⁶⁰⁶ This resolution intended to “recognise that business could contribute to the enjoyment of human rights...through investment,

⁶⁰⁰ According to World Bank, this approach of using rebel groups to raise finance by selling the future mineral rights is not new, but it is becoming more common in Africa. World Bank Policy Research Report, *Breaking the Conflict Trap*, 128

⁶⁰¹ Ibid, 4

⁶⁰² Ibid, 82

⁶⁰³ OECD Guidelines for Multinational Enterprises (Paris: OECD), 2000; and HRW, “The Curse of Gold,” 118

⁶⁰⁴ OECD Guidelines for Multinational Enterprises, 119

⁶⁰⁵ Ibid

⁶⁰⁶ Forbes, “UN Resolution Mixes Human rights and Business,” 5 June, 2005, www.forbes.com/2005/05/06/cz_0506oxan_UNhumanrights.html, accessed on 14 February, 2007

employment creation, and the stimulation of economic growth.”⁶⁰⁷ However, South Africa, as well as the United States and Australia, voted against the resolution and accused it of being “too weak”⁶⁰⁸ and of having an “anti-business agenda.”⁶⁰⁹

7.3 South Africa’s Neutrality: Neglecting Rwanda’s Problems

As a mediator, South Africa failed to play a neutral role by not creating a feeling of equality and confidence. Rather, a “we-they” enemy structure between the two actors was aggravated by President Mbeki’s favouritism toward Rwanda and the rebel groups. He not only failed to identify Rwanda as one of main spoilers, but he was a major patron to Rwanda economically, politically and militarily by using manipulation. To recall, South Africa’s foreign policy shifted its emphasis from human rights to security and wealth creation with the inauguration of President Mbeki; this foreign policy coincided with that of Rwanda.

With this background, President Mbeki overlooked the regional dimension of the DRC conflict, including Rwanda’s internal and external problems, which required closer attention.

⁶⁰⁷ Forbes, “UN Resolution Mixes Human rights and Business”

⁶⁰⁸ Ibid

⁶⁰⁹ Global Policy Forum “UN and Business,” www/globalpolicy.org/reform/indxbiz.htm, accessed on 13 February, 2007

The FDLR's Tension with the Rwandan Government

The “gachacha”⁶¹⁰ process was implemented to address Rwanda’s internal post-conflict issues, but another reconciliation problem outside the country remains unsolved. Despite the Lusaka and Pretoria Agreements, which cited the FDLR’s disarmament and repatriation to Rwanda, many FDLR members are still not willing to do so and remain in eastern DRC. According to Zartman, while the FDLR’s problem has been neglected for almost 15 years, the FDLR “consolidate[ed] its political organisations, challenge[d] the legitimacy of the state, [and] look[ed] for neighbours’ (the DRC) support and sanctuary.”⁶¹¹ In addition to the Rwandan government, the FDLR, another main spoiler, should be closely examined in solving the Congo problem.

After a series of meetings, FDLR President Ignace Murwanashyaka pledged on 31 March 2005 that the FDLR would end hostilities and become a political organisation.⁶¹² The FDLR was to be disarmed and repatriated to Rwanda according to the Pretoria Agreement. In early 2005, using the mediation of the Sant’Egidio community,⁶¹³ President Kabila agreed to begin negotiations to repatriate the FDLR to Rwanda.⁶¹⁴ The “Rome Declaration” of 2005 called to create an international follow-up committee

⁶¹⁰ It is a traditional, local form of justice in Rwanda, meaning green grassy knoll in Kinyarwanda language. The gachacha system has been upgraded to meet international human rights standards, and the requirements of a fair trial, and has been adapted for use in dealing with the huge number of genocide detainees. Christopher Miller and Mary King, *A Glossary of Terms and Concepts in Peace and Conflict Studies*, (Geneve, University for Peace, 2004), 44

⁶¹¹ Zartman, “Bargaining and Conflict Resolution,” 284

⁶¹² FDLR: Déclaration des Forces Démocratiques de Libération du Rwanda (Rome, March 31, 2005)

⁶¹³ Sant’Egidio is a Rome-based Catholic Church organization, created in 1968, which has been involved in peace mediation and reconciliation of parties in conflict. In 1992, Sant’Egidio mediated the peace agreement that ended the conflict in Mozambique. See Rafti, “South Kivu,” 20

⁶¹⁴ Ibid

to monitor the disarmament and repatriation.⁶¹⁵ The FDLR advocated that they should be included in the Inter-Rwandan Dialogue with the Rwandan government for reconciliation.⁶¹⁶ Kigali announced that it would receive and reintegrate the combatants into Rwandan society, but bluntly rejected discussions with the FDLR.⁶¹⁷

The Rwandan government marginalised the FDLR since it was treated as a “negative force” by the UN and AU and was not perceived as a political actor in any agreement.⁶¹⁸ They were consequently viewed as unable and unwanted to embark on meaningful political dialogue. The international community (UNSC’s five permanent members and the Group of Eight),⁶¹⁹ which accepted the Rwandan government’s position regarding the FDLR, did not pressure Kigali to negotiate with them.

Nevertheless, as mentioned earlier, apart from the FDLR, the Rwandan government’s army also participated in extensive killing in Rwanda and eastern Congo. Labeling only one party as a negative force was therefore illogical as it assigned an already unequal status between the FDLR and the Rwandan government. It hindered any actors from participating in the peace process and decreased the likelihood of creating a moment that was ripe for mediation.

⁶¹⁵ Rafti, “South Kivu,” 20

⁶¹⁶ Ibid, 9-10. This was also confirmed during my meeting with the FDLR leader in Walikale, North Kivu on 2 February, 2008

⁶¹⁷ Letter dated April 4 2005 from the Permanent Representative of Rwanda addressed to the UN Security Council President, S/2005/223.

⁶¹⁸ Moreover, the Pretoria Agreement identifies ex-FAR and Interahamwe as groups to be disarmed, but does not mention the newly named FDLR.

⁶¹⁹ The Group of Eight is an international forum for the governments of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States.

Regional Tension between Rwanda and the DRC

A regional tension between the governments of Rwanda and the DRC has intensified, especially since the aftermath of Rwandan genocide. The only regional agreement between the two governments under the leadership of President Mbeki was that of Pretoria in 2002. This touched merely on military issues, and not on important political (nationality of Rwandaphones) and economic (exploitation of resources) questions that were central to conflict in the Great Lakes region.⁶²⁰

The objective of mediation is not only to end civil war or simply attain negative peace through a military solution. Mediation should focus primarily on building confidence between the parties (the DRC and Rwanda) in order to create conditions that are likely to prevent new conflicts. This is why a political dialogue, or an Inter-Regional Dialogue, is required.⁶²¹ To date, no diplomatic relationship between the DRC and Rwanda, nor any solid conflict prevention and resolution mechanism has been established in the region.

7.4 The SADC's Internal Politics

The SADC's politics since the days of apartheid reveal the reason why the DRC peace process has been crippled by political and economic rivalries among SADC members. Due to the southern African countries' resentment toward South Africa during the apartheid era, the South African government has been extremely wary of adopting a prominent political posture. Apartheid and the liberation movement created a balance of power based more on history than on formal power, which has prevented Pretoria

⁶²⁰ Curtis, "The South African Approach to Peacebuilding in the Great Lakes Region of Africa," 153

⁶²¹ This was also emphasised by one traditional leader in the DRC during the meeting in Ruthsuru, North Kivu on 18 July 2007.

from playing a hegemonic role and enabling Zimbabwe to pose a rival source of influence.

Due to President Mandela's international stature and South Africa's continued economic dominance in the post-apartheid era, Zimbabwean President Mugabe intensified his rivalry with President Mandela. Both countries benefitted from mining contracts during the First and Second Congo Wars. Zimbabwe, however, was a regional economic powerhouse at the time and had a political incentive to use the DRC to seek revenge against South Africa.

During the Second Congo War, the SADC was split into two groups, including South Africa's peaceful dialogue group and Zimbabwe's military intervention group. Disputes over the status and structure of the SADC Organ between the SADC Chair (President Mandela) and the Organ chair (President Mugabe) continued because of lack of common values among SADC states. In addition, competition for mining contracts contributed to difficulties and delays in the ICD. This "we-they" enemy structure inside the SADC exacerbated and prolonged similar structures in the DRC between the Mobutu government and the AFDL, and between the Kabila government and the RCD.

Summary

By analysing the key issues of the DRC conflict, it is understood that the DRC was pivoted on access to resources. South Africa's peacemaking initiatives were implemented to achieve the same objective and gain access to resources in the Great Lakes region. This is why both adversaries in the Second Congo War, as well as the AFDL who profited from war economy during the First Congo War, felt no need to

negotiate. Economic issues were not mentioned at the ICD and within other agreements.

The South African government did not know how to mediate effectively and failed to understand the dynamics of the DRC conflict. The morality of South Africa's peacemaking approach was also questionable. South Africa kept and reinforced a close political (the facilitation of regime-making processes and the prioritisation of Rwanda's economic and security concerns), military (arms sales) and economic (the exploitation of resources) relationship with the AFDL, RCD, and most importantly with one of the main spoilers, the Rwandan government. This relationship continued by ignoring human rights principles, the NCACC, various embargoes and principles of neutrality, while South Africa manipulated ceasefire and peace agreements. South Africa used a coercive approach only for the DRC regarding transitional authority, but not for Rwanda in regard to its gross human rights violations. South Africa's morality in this process fueled the war in order to meet its economic interests, instead of facilitating a meaningful and lasting peace.

Chapter 8

How can South Africa be a Better Peacemaker in the Great Lakes Region?

“It is easy enough to shout slogans, to sign manifestos, but it is quite a different matter to build, manage, command, spend days and nights seeking the solution of problems.”

--Patrice Lumumba, former Prime Minister, My Country, 1961

“Armchair conflict-resolution experts from the developed world tend to see only primary colors and get partisan pretty fast in African conflicts.”

--Farah Maalim Mohamed, Kenyan member of parliament, 22-24 March 1996 during a colloquium on security in Burundi (Daily Nation, Kenya, 28 March 1996)

This dissertation presents a critical analysis of South Africa's peacemaking experiences in the Great Lakes conflicts since the 1990s. In order to prevent the recurrence of conflict in the region, peacemaking needs to be thoroughly reviewed as the basis of peace settlement. Using primary and secondary sources, as well as my observation as a humanitarian worker in eastern DRC and interviews with key opinion makers, this study provided a critical analysis. Although the study has several limitations, it may make a positive contribution to South Africa's future peacemaking efforts.

My argument about South Africa's unsuccessful peacemaking efforts centres on South Africa's inadequate knowledge of mediation skills, its contradictory foreign policy, insufficient understanding of the nature, major causes and aggravating factors of the Great Lakes conflict, and the SADC's paradoxical policies.

South Africa did not fully respect its key guidelines regarding effective mediation. The objective of mediation is to create the conditions that lead to conflict de-escalation. However, agreements and dialogue that were formed under President Mbeki's

leadership only focused on conflict resolution and immediate cessation. They did not employ principles of preventive diplomacy, which would have recognised the nature and key issues of the conflict. Since South Africa failed to identify the root causes and nature of conflict, it simply applied its own successful peacemaking model from 1994 to the DRC without fully analysing and understanding the extensive regionalised dimension of the DRC conflict. This is probably part of the reason that South Africa failed to understand the degree to which the Rwanda was involved in the DRC conflict. As a result, South Africa did not identify Rwanda as one of main spoilers and thereby failed to manage it accordingly.

The timing of South Africa's intervention was not appropriate or logical. During the First Congo War, the lengthy and slow peacemaking process, which was initially led by South Africa and Kenya, did not coincide with the speed at which the AFDL expanded. And during the Second Congo War, the rivalry between South Africa and Zimbabwe and the unclear authority of the SADC's Organ, interfered with South Africa's attempted peacemaking initiatives. Stakeholders' access to war profit contributed to the unripe conditions for negotiation.

South Africa's neutrality as a peacemaker and the consistency of its foreign policy has been severely questioned. South Africa neglected to create a feeling of equality between the Rwandan government and the FDLR, and between the rival governments of Rwanda and the DRC. As South Africa favoured Rwanda, it did not condemn or instigate a formal inquiry against Rwanda and Uganda's gross human rights violations, which would have been an appropriate mediation tactic. On the contrary, South Africa violated human rights, NCACC principles and UN embargos, manipulated the

agreements and the ICD, and thereby reinforced its economic, political and military relationship with Rwanda.

Similar behaviour was also observed among South African companies, which fueled the conflict and violated human rights by expanding economic opportunities in arms and minerals. Direct business deals with the AFDL and the RCD, which were supported by Rwanda, became a norm for the South African government and its business community. This important economic dimension of the extensive regionalised war, as well as Rwandaphones' nationality and land issues, was not adequately addressed in any agreements or dialogues, as South Africa prioritised signatures over the content of the agreements themselves.

Finally, the SADC's internal politics also prevented South Africa from playing an effective peacemaking role. This includes the history of apartheid and the SADC's establishment, an ongoing rivalry between Presidents Mandela and Mbeki over regional leadership, a dispute over the function of the SADC's Organ, mining interests in the DRC by SADC members, especially South Africa and Zimbabwe, and disagreement within the SADC over peaceful dialogue and military intervention in the Second Congo War.

In whole, South Africa demonstrated an amoral approach as a peacemaker. While it promoted its peacemaking efforts, it was involved in the exploitation of resources and fueled the conflict by trading arms to the irresponsible states.

Throughout the peacemaking process, President Mbeki acted as an unbiased and powerful manipulator and therefore lost his credibility as a mediator. Peacemaking processes were carried out in order to fulfill South Africa's ambitious economic interests; the Congo Wars essentially centred on access to mineral resources by states

and non-state actors. The peacemaker's amorality also led to a relapse of conflict, which took place within one month after the DRC's presidential election in late 2006. Using the "within five-year timeframe" argument to measure the success of peace implementation, the DRC's peace process completely failed.

Based on the lessons learned from South Africa's peacemaking experiences since 1996, what can South Africa do to act as a better peacemaker in the Great Lakes region? This dissertation concludes with the following suggestions.

8.1 Understanding and Managing Main Issues and Spoilers of the DRC Wars

In order for South Africa to develop peacemaking strategies based on local dynamics, a full analysis of the DRC wars should be conducted. This will allow South Africa to properly identify key issues and spoilers of the conflict at the earliest stage and to take appropriate, coercive or non-coercive approaches toward concerned parties.

Arms Control and Resources Management

The economic dimension of the conflict, which is the key to solving the conflict, should be well stipulated in agreements or dialogue. South Africa has a major responsibility toward the domain of illegal exploitation of natural resources, arms trafficking, international business and the DRC's conflict. South Africa should aim to become a responsible arms seller based on NCACC principles and thereby prevent further threats to peace. At the same time, a practical agenda for economic development and the effective regulation of the mining markets needs to be respected and implemented, including the Extractive Industries Transparency Initiative.⁶²² South Africa took a

⁶²² For detail, please see <http://eitraparency.org/eiti/benefits>, accessed on 5 January

leading role in the development of the Kimberley process, which aimed to halt the international trade in illegal diamonds in 2000. This is the most important example of international action to reduce rebels' access to commodity markets.⁶²³ A similar process can be initiated in the DRC with other commodity markets as well.

Respect of Human Rights in Business

In order to ensure that South African corporations' business activities do not have detrimental consequences for human rights in the DRC, the South African government must respect OECD Guidelines and the UN Human Rights Commission Resolution on Transnational Corporations and Other Business Enterprises. The South African government, together with the DRC government, can actively monitor and evaluate the activities of South African multinationals, while they ensure the development of local communities.

Instead of focusing only on its own economic development, South Africa is encouraged to create win-win situations on a fair commercial basis, which benefit both South Africa and the Congolese people and have the potential to lead to regional peace and development. The same practice should be applied within the SADC states.

Enactment of Rwandaphones' Nationality and Land Ownership Laws

The issues surrounding Rwandaphone nationality and land ownership have been pending for a long time. South Africa needs to ensure a thorough analysis of this issue and its enactment by the DRC government.

The Use of Coercive Skills to Spoilers

South Africa needs to recognise both the Rwandan government and the FDLR as main spoilers of the Congo Wars. Naming other spoilers based on my wider definition of spoilers is also important, such as those mentioned in the UN Reports. All the spoilers should be seriously condemned and punished accordingly using sanctions, penalties and other means. A formal inquiry on gross human rights violations committed by the Rwandan government and its army in the DRC needs to be conducted as soon as possible.

8.2 Establishment of a Confidence-Building Mechanism

The objective of mediation is to build trust through a political solution and create conditions that lead to conflict de-escalation. South Africa should make an effort to reach a better understanding of the conflict dynamics and ultimately an agreed upon solution.

Inter-Rwandan Dialogue

It is necessary to eliminate the “we-they” enemy structure, create a feeling of equality between the parties and gain each party’s trust. South Africa should therefore refrain from naming and labeling the FDLR as “negative force,” which implies that the others are “positive forces.” This suggests an unequal relationship between the different parties.

Since it is also vital that all stakeholders participate in decision-making so that they can own and respect the agreements, South Africa should invite the FDLR in discussion. South Africa needs to be engaged in shuttle diplomacy between the

Rwandan government and the FDLR (Inter-Rwandan Dialogue), as the former refuses dialogue while the latter is ready.

Inter-Regional Dialogue

Similarly, Inter-Regional Dialogue between the governments of the DRC and Rwanda should be conducted. Prior to it, there must be a formal inquiry on human rights violations committed by Rwanda in the DRC. This can lead to greater chances of reconciliation. The DDRRR process should also be a joint operation between the two states.

Confidence-Building within the SADC

Another confidence-building process is crucial within the SADC in order to mitigate the animosity between South Africa and Zimbabwe. Mechanisms for peacemaking, security and economic cooperation should be thoroughly discussed and agreed upon by SADC members. Consensus over the SADC Organ's function is also required.

South Africa needs to ensure that it should only facilitate problem-solving for the concerned parties. If all of the above-mentioned actions are implemented as soon as possible, the present danger that threatens future peace in the DRC and the entire Great Lakes region can be reduced.

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Annex 1

Question List for Interview

1. Mining in Kivu

When was the first time that the mining started in the Kivus? What kinds of minerals were mined? Since when do South African companies have a presence in the Kivus?

2. South Africa's Mediator Role in DRC

Why was President Mandela selected to be the mediator between Kabila and Mobutu in the South African warship? Why does the South African government appoint incumbent government officials, who are already occupied with their own work, as mediators?

3. SADC

Who encouraged the DRC to join SADC? Upon which motive did they join? If it was to bring regional peace and development under SADC, why was Rwanda not included?

4. Intervention in 1998 DRC War

Why did South Africa not intervene verbally or by action in the DRC while intervention was done rapidly in Lesotho?

5. Inter-Congolese Dialogue

ICD started in Addis Ababa in October 2001, and was taken over by South Africa. How much has South Africa spent in ICD? Why has South Africa spent so much time and money for ICD?

The peace problem in the Congo is connected with Rwanda. Do you think there is a need to organize *Inter-Regional Dialogue* and *Inter-Rwandan Dialogue*. If not, why?

Many Congolese whom I interviewed and many authors say that President Mbeki is not a neutral mediator. What is your opinion?

6. UN Panel Report

In the UN Panel Report on the Illegal Exploitation of Natural Resources of the DRC, fifteen South African companies were accused in the illegal exploitation. Why has the South African government not taken any appropriate action to address this? Which

South African companies listed in the same UN Report accompanied President Mbeki's delegation to the DRC in January 2004?

7. Number and Type of South African companies' presence in DRC

How many South African mining companies have been working in the Congo? What are their locations and the duration of their stay? Has South Africa have renewed interest in DRC's minerals since the fall of Mobutu/arrival of Laurent Kabila?

8. Human rights and transnational corporations

UN Commission for Human Rights adopted a resolution in 2003 on 'Human rights and transnational corporations and other business enterprises.' Only South Africa, Australia, and the U.S. voted against the resolution on the grounds that it was too weak or it had an 'anti-business agenda.' What is your opinion on this matter?

9. Main Cause of Great Lakes Conflict

Do you consider the natural resources as the main cause of the Great Lakes conflict or merely an aggravating factor that has contributed to conflict?

10. South Africa's Conflict Prevention Strategy in Great Lakes Region

What can South Africa do to prevent another deadly conflict and to bring long-lasting peace in the region?

Annex 2
List of Interviewees

Date	Place	Nationality	Profession
6 March, 2007	Kinshasa (DRC)	South African	Diplomat
18 July, 2007	Rutshuru (DRC)	Congolese	Traditional leader
2 February, 2008	Walikale (DRC)	Rwandan	FDLR leader
1 June, 2008	Goma (DRC)	Congolese	Government official

University of Cape Town

Annex 3

Interview with one Congolese Government Official, 1 June 2008

Question: There were several waves of Great Lakes region conflict, but how did these conflicts start?

I think that the Great Lakes region has seen several such events and to not go too far into these long stories, I would like to note that at this time in Zaire there was President Mobutu, that in Rwanda there was President Habyarimana in the 90s, we also saw General and Marshal Idi Amin in Uganda, in Sudan there was the rebellion in the south with John Garang and there you have the situation as it was, and in Burundi there was also the Tutsi regime of Colonel Micombero.

That was the situation in the Great Lakes area in the 80s and 90s. At that time the DRC, which was very powerful and known as Zaire, played an important role in maintaining and supporting the regimes which were in Rwanda with President Habyarimana, there was also an expectation with President Micombero, who would become the victim of a coup d'état because he was considered not very radical, there were already conflicts between Hutus and Tutsi and before we speak of the genocide in Rwanda, there were already precursor ethnic conflicts in Burundi where several people were massacred.

I forgot to mention that in the region, at that time, there was also Emperor Bokassa in the CAR, because that too is still in the region, and also remember that in the Congo there was President Marian Nguabi and in Angola there was opposition between President Dos Santos and the Savimbi rebels, the two being supported by Marshal Mobutu against the communist powers in Luanda. Zambia and Tanzania remain the two most stable countries in this context. Then, very rapidly and at that time practically our country, Zaire, supported the liberation movements in southern Africa be they the ANC in South Africa, SWAPO in Namibia, ZANU in Zimbabwe, because all this will be important in the future development of relations in the DRC. And then first there was the death of Congo Brazzaville President Nguabi, who was killed and replaced by General Yombi Opango, who was in turn replaced by another, General Dennis Sassou Ngesu, who, to summarise, had both good and bad relations with Mobutu's Zaire and who ended by himself when Perestroika was introduced and ended up democratically overthrown in favour of a civilian president Pascal Lisouba, but this one too as time went by had to face civil wars with President Sassou Ngesu and the influx of Congo Brazzaville refugees into the DRC.

In Bangui, in CAR, the French played an important role in overthrowing General Bedel Bokassa, brought in a member of his family to replace President David Dacko, but this one too ended up being overthrown by General Kolingba, and we saw military authority replace civilian authority and then, at what I think is the culmination, the replacement of President Felix Patasse by the actual president, the General Bozize and who at that time was in war with Jean Pierre Bemba's MLC.

In South Sudan, we saw its evolution first because it was a rebellion, which occupied the north-eastern part of the DRC, John Garang's SPLA troops were in Uganda but also occupied parts of Haut-Uelé and Ituri, and thus the conflicts in Sudan had repercussions on the situation in the eastern DRC.

In Uganda we had Milton Obote, who, with support of Tanzanian President Julius Nyerere, overthrew Marshal Idi Amin, and there were many Ugandan refugees on Zairean soil. Milton Obote was not able to stay in power long because he had too many conflicts with those accused of being partisans of Idi Amin and so Uganda also had a coup d'état in which Museveni took power, which he still holds today.

The rise to power of Museveni is an important event because in Uganda, we will find those Rwandan refugees who came to Uganda starting in '58, '59, and '60 up until independence and among whom we will find the leaders of RPF who occupied important positions in the country. And you know that the Arusha Agreements, negotiation between the Hutu authority of President Habyarimana and the Rwandan Tutsi RPF's rebellion, in fact the Rwandan refugees who had grouped into the RPF under the drive of General Paul Kagame, it is this movement that will begin attacks and who, through the Arusha negotiations in which President Habyarimana accepted a power sharing arrangement between the Hutu and the Tutsi. We know that the RPF march starting in Uganda practically caused the death of President Habyarimana and Burundi's Hutu President, and the tragic event of the genocide of the Tutsi and moderate Hutu in 1994 in Rwanda.

It is in this environment, also, that we will see two Hutu presidents die in Burundi and so there is also the return of Tutsi power of President Buyoya in Burundi confronted by the RPF victory in Rwanda, but there also were interventions by several other powers, who enabled elections to be held in that country with the arrival of a Hutu party to

power. And we also know that this created the population displacements with Burundi Tutsi refugees, who ended up either in Rwanda or in Tanzania and also in other countries.

One cannot understand this situation in Rwanda with the RPF forces against President Mobutu who was considered a Hutu ally and of Habyarimana, thus a very strong opposition point and as you know the link between Mobutu and Museveni in Uganda with the RPF who had just come into power in Rwanda, these two countries considered that Mobutu supported the opposition forces and thus these countries sought all possible opportunities to overthrow President Mobutu who, in those 2 years, was the powerful master of central Africa and was considered as someone who had stayed too long in power. As if that weren't enough, President Dos Santos of Angola, in the west, considered that the support President Mobutu of Zaire gave to Savimbi with the support of the Americans had done a lot of harm to Angola and so we saw progressive encircling measures which would include the regimes of Rwanda, Uganda, and to a lesser extent also the Tanzanian regime who considered Mobutu the enemy of all central African countries and also of Angola in the west, but even further there was South Africa who, with the rise to power of the ANC, also considered that if Mobutu had helped it, he had also worked closely with the Americans against the revolutionary movements in southern Africa.

So we end up with neighbouring countries that wanted to overthrow President Mobutu and countries in southern Africa who thought that his continuing power had slowed the African opposition. This is why with western support it was decided in '96 that Congolese opposition movements should be organised, for instance in taking the RPF which was the party of Mzee Laurent Désiré Kabila, long-time opponent since the assassination of Prime Minister Lumumba in 1961, and it is at this time that he finally decided to oppose, we will see also the Congolese Tutsi movement who were refugees in Uganda and will also become a part of this coalition, we will see also Kiasu Ngandu, who was our Lumumbiste in the resistance, and of course also the Banyamulenge of South Kivu filled this on the side of the Massasu Shi group, Nindanga and Tutsi group of North Kivu with Deogratias Bugera.

This was the group who was first contacted by Rwanda and Uganda by putting them in contact with the Kigali power the PRF people to plan a regime change in Congo Zaire, it is for this that the Hewa Bora events in South Kivu will in 1996 mark the start of what

has been called the AFDL march, but we know that there was in fact intervention by the two neighbouring countries, Rwanda and Uganda, who supplied arms and munitions with western support, but also with the support of another country, South Africa, who supported the regimes of those two countries, and at that time the long march of the AFDL will begin in November 1996 to end on the 17th of May 1997 with President Mobutu fleeing the country and the declaration by the AFDL that they had taken power.

While combat occupies the eastern parts of Zaire at that time, the last resistance to power in Kinshasa will crystallise in Bandundu province, more specifically in Kenge some 200km from Kinshasa. The battle of Kenge was a very difficult battle and it was at that moment that Angola, seeing that Savimbi continued to help President Mobutu and if the AFDL troops did not prevail in Kenge, Savimbi would become even more powerful and create the problem and Angola would intervene militarily especially since they had saved the regime of President Sassou Ngwesou in Congo Brazzaville, they will thus intervene in the west and will come to take the coalition troops of President Mobutu and UNITA so the battle of Kenge was won thanks to the intervention of Angola who will accompany the Rwanda and Uganda coalition in taking Kinshasa.

So on this evening of May 17th, President Mobutu's regime had just ended and the new AFDL regime began, taking as its first decision a change in name to the DRC to remove the name Zaire which had been chosen by President Mobutu and thus we see that the regional power of Rwanda, Uganda, Angola and to a certain extent South Africa was strong at that time.

At first it was thought that things would calm down, only to discover that each country who had helped in Kinshasa had its own agenda, and there was no further mention of the Lemera accords which the Congolese never saw and for which Rwanda and Uganda claimed that they should be compensated first, 1) for the harm Mobutu had caused to their countries, and 2) for the war effort they had provided. This is where the difficulties between Laurent Désiré Kabila and his allies begin. As President Kabila realises that it will be difficult to explain to the Congolese people that the Rwandans or the Ugandans should manage the entire entity to exploit the mines, in 1998 he decides to solemnly thank the powers which helped him into power but also practically sent them packing back to their own countries.

This will surely have severe repercussions, which we are still experiencing today. At

that time Rwanda and Uganda decided to make their allies pay for the support they had provided, and so they react in two ways: first there was the attempt at a military coup that we know by Rwandan troops in the east of the country and the west in Kitona in the province of Bas Congo.

In 1998, especially in August, on the 2nd of August, there came the surprise attack by Rwandan troops led by the actual leader of the country, Rwandan Major James Kabarebe in Kitona and the march of troops, which will reach Kinshasa after destroying the Inga Dam. At this point President Kabila appealed to the SADC because the DRC was a member of SADC, and saw the ambiguous attitude of South Africa. South Africa, who chaired the political commission, practically blocked its ears in order to avoid helping Mzee Laurent Désiré Kabila.

Kabila's luck was that the military commission was presided over by Zimbabwe and President Robert Mugabe said that it was not normal that member states of SADC should be able to attack other member states without SADC reacting. Thus, Zimbabwe will designate other countries, namely Zimbabwe, Angola and Namibia for a military intervention, and so on Mzee Laurent Kabila's side we had troops from Angola, Zimbabwe and Namibia and on the other side we had troops from Rwanda, Uganda and we know that there were elements of support from South Africa and elements from Somalia, Eritrea and Ethiopia in this movement, and that is why it was referred to as the First African World War, because armies from more than seven countries confronted each other along with troops from the United Nations' MONUC whose attitude was also considered ambiguous because in the end these things developed and the battles were very hard.

South Africa was strongly reproached for having played a role which wasn't very clear, because South Africa's support of the Rwandan regime was known, but other people mentioned to the South African powers that they had godfathered the negotiations between Mobutu and Kabila and that what should be remembered is the meeting on the South African military warship *Outeniqua* was that President Mandela and Thabo Mbeki, Mandela had come together with President Mobutu and his Vice President at the time, Thabo Mbeki who had come with L.D. Kabila and this was the country which had hosted these negotiations which came to nothing and that this country was thus not competent to mediate or advise or support the new power in Kinshasa. And thus this war between African armies on Congolese soil resulted in many million deaths. The

International Rescue Committee first drew attention to the death toll, caused directly by war and indirectly by disease. The question also arose because one knew, for example, that the attack on Goma when the DRC was starting, we know that it was South Africa working with Rwandan troops, we were wondering how this small country was able to enter. South Africa also needed resources to develop itself.

Q: So there was a South African presence among the Rwandan army?

Yes, there was South African equipment and South African instructors on Congolese soil to support foreign troops.

Q: Which year was that?

96, 97 and 98, and during the war, the South Africans remained on the Rwandan side. SADC and other countries drew the attention of Thabo Mbeki who became the president at the time to the bad role South Africa was playing. This was the country, which had ended the war. But it became clear that he either closed his ears or closed his eyes, especially since we also had proof that in the zones controlled by Rwandan and Ugandan troops raw materials were being extracted and passed through South Africa coming from Kigali like the west.

South Africa also profited from the illegal extraction and commerce of raw materials. I think there was enough genuine proof to show that South Africa benefited directly or indirectly from the presence of Rwandan and Ugandan troops in the DRC.

I think the real change in direction was the confrontation between Rwandan and Ugandan troops in Kisangani and I think that the international community and the Security Council did not want to qualify this as an act of aggression. Because as I said, Rwanda and Uganda attacked with technical assistance first the military attack by General Kabarebe in Kitona, and then in Kinshasa and the second part was to create political prolongations like the RCD which was created in Kigali and that was created after the attack of Rwanda. These were in fact the political mouthpieces who were used to continue attacking and exploiting the DRC also because in the zones that were occupied by the RCD it was in fact to further the Rwandan interests of South Africa and especially from the Ituri zone to Equateur where petrol was extracted for Uganda and the two presidents of Rwanda and Uganda had very good relations with President Thabo Mbeki.

As I said, the turning point was the battle between the Rwandan and Ugandan armies in Kisangani after the destruction of the Tshopo Dam, and where a large cholera epidemic had erupted and this was started in broad daylight with children killed in the schools, and at that time so many people were killed that it gave the impression of a Congolese civil war but in fact the confrontation in Kisangani was very important to demonstrate the International community's hypocrisy, the hypocrisy of SADC and South Africa who cried that this was a Congolese civil war with no participation from foreign countries.

It is at this time also that Congolese diplomacy finally started with Mzee Laurent Kabila, who told his partners, "make war if you need the resources, but it would be better to give peace to this country and see how one could accept the resources for development so that you may benefit from them, but you cannot kill the Congolese," but the war in Kisangani was an important event to show that you could not continue to pretend that these were Congolese fighting among themselves. Here also we found South Africa in her habitual role as intermediary as a country with a vocation to be a larger region, as we know in Africa there are three larger regions namely sub-Saharan Africa, South Africa, the DRC in the centre and Nigeria outside of Algeria and the Maghreb and I remember also that President Obasanjo contributed as much as the AU president, attracted the attention of South Africa on the role that should be one of facilitating the negotiations among the parties rather than to continue trying to make believe that there are no conflicts between African countries.

So South Africa will find itself on the morrow on this country as mediator, we had refused that it should be directly the country that designates the mediator, but the Americans after South Africa's consultation with Rwanda and Uganda will always designate that country.

Kitumire Masire appeared as the facilitator, but the truth is that he also was someone who had been chosen to close his eyes because after that South Africa demanded negotiations between Congolese parties when we well know that the aggression was carried out by foreign nations and that is how the negotiation process started by Lusaka and this showed in fact that the RCD and the MLC were mouthpieces of Rwanda and Uganda.

The Lusaka agreement is in fact Rwanda and Uganda with the Americans and the English made. Kabila, very patriotic, was going to refuse the agreement but to their

surprise although the agreement was unfavourable to the DRC, Kabila accepted it, so how does one remove someone who didn't refuse to accept the agreement from the start? And so we end up with the RCD and the MLC as "political parties" when in truth they were puppets paraded by Rwanda and Uganda, this is why there will be Gaborone, there was Rome but in the end the famous Inter-Congolese Dialogue which took place in Sun City in South Africa. There I think there were three important points: South Africa continued its intermediary role between the powers in Kinshasa and the Congolese rebels, but the first documents to be presented for the negotiation were documents which came from Kigali and elsewhere. As the situation worsened, clearly President Thabo Mbeki came to speak not as mediator but instead merely to put forth the position of Kigali, of Washington and even of London.

The death of Mzee Laurent Kabila finally made it easier for the westerners to make South Africa appear like a great peace broker, but we know that South Africa at that point, from within there were people who said why do you continue to ignore the DRC and limit yourselves only to little Rwanda because here as peacemaker in fact you should be great beneficiaries of any peace in the DRC. South Africa hosted inter-Congolese discussions in Sun City and the final agreement was signed in Pretoria.

South Africa was, after that, the first African nation to send several delegations and businessmen to start obtaining its share of the pie and today it is this African nation who is trying to be in almost every sector – mining, agriculture, petroleum, wood, tourism, while continuing to maintain an ambiguous position given the strain which exists between the DRC and Rwanda through the Interahamwe groups and CNDP rebels, but you know the difficult role South Africa has with Burundi and the FNL. So this country is certainly the key for all southern and central Africa, and we also saw the role South Africa is playing with the Ivory Coast. But one must think that if the South African regime hadn't been so ambiguous, maybe it could have contributed more rapidly to the return of peace in the DRC and probably also to the other countries in the Great Lake region.

Q: Therefore, the Great Lakes region conflict started because of Mobutu?

Yes, Mobutu in his support of Habyarimana was the enemy so Habyarimana was for them the friend of Mobutu and of France. Therefore, RPF considered Mobutu as a great obstacle to take the power in Rwanda.

With the regime change in Burundi with Micombero, Mobutu sent para-commandos to

Burundi to put Micombero in power, so there also the opponents of Burundi thought that Mobutu was acting a lot in the region.

In fact, Mobutu was absolute evil for whom if the westerners considered that he had helped them but it was time for him to leave and that is how we had what has been called the First War of Shaba in Katanga in 1977-1978, but this came from Angola with practically all those who were enemies of Mobutu who encouraged that, and so as President Museveni was affirmed as leader with prime ministers of Ethiopia and Eritrea these were the three who were called the young leaders who would change Africa, and it is to the Ugandan regime that westerners will ask something for this Mobutu affair. First the Rwandan Tutsi regime had started to be a thorn in Museveni's side in Kampala, and was planning to enter and take over power in Rwanda with RPF. So both countries were supported by westerners and the Americans and they said that we could not leave Mobutu isolated and so AFDL was created against Mobutu. It was not the Congolese who took the initiative of saying we are going to get rid of Mobutu, and so it was the western determination to do this without appearing in the spotlight but rather by using African countries in the war against Mobutu which eventually transforms into a war between neighbouring countries against all those who in Kinshasa considered that Rwanda and Uganda should not exploit the resources and this is how they used political partners with the RDC and the MLC.

Q: But was the AFDL goal only to expel Mobutu, or was it also for economic interests? And also to take over one part of territory from Zaire?

Eh, I think that one should always remember that westerners have always said that the DRC is part of the countries, who have many unique riches and during the disorganisation under Mobutu in 1991-93 they thought that it was difficult to exploit these resources and they should first clean up Mobutu in order to have free reign over the Congo's riches. So the political classes, using Tshisekedi, also made an internal mobilisation to overthrow Mobutu, he had already been weakened in 1990 during the liberalisation of the political parties but with the national sovereign conference Mobutu managed to regain power and so it came to a radical solution which was to go to war against Mobutu. But the West didn't want to be seen as part of this war and therefore African countries were used as cat's paws, that is to say Uganda and Rwanda. But if we use these countries their population will be opposed to it and we must say that these are Congolese who started the revolutionary war of Masisi, Kabila, who came from Katanga, Kiasu Ngandu of Kasai Oriental, Masasu Nindanga from South Kivu, and

Deogratias Bugera from North Kivu. And they said if you want to return to your country we will help you and we know it was Rwanda who carried out the war with the support of Washington and the South Africans also had a share in it and they supported this rebellion by the West and thus an African decision is an American decision supported also by the British to chase him out. And all this to come and exploit the Congo's wealth because they realised that it is a rich country but poorly governed and you can imagine that these people who supported Mobutu for 32 years then changed face, Museveni, Kagame..., the Somalis and Ethiopians and Eritreans were on the side of AFDL Kinshasa to chase Mobutu out. The so-called young African leaders were the product of America.

Q: So it was for economic interests

Yes, it was for economic interests, and, geostrategically, to control central Africa and a part of southern Africa.

Q: At the time, did Rwanda also have a hidden agenda to come take part of the land here in Kivu?

Yes, the government or political leadership of the RPF, which comprised the FPR management, the RPF knew that they were Tutsi of Rwandan origin and that they were not numerous, they needed reinforcements and since here there was an operation in 1990 in which when one said that there should be elections, the Congolese Tutsi were refused voter cards as Mobutu said they were Rwandan, so the young Congolese Tutsi left for Uganda and went to help the RPF to take power in Kigali, and this was a chance for them also to gain lands. The Congolese Tutsi held key posts and it was they who committed massacres of many leaders and businessmen in all Congolese. It was not the Tutsi Rwandan soldiers massacred in 1996-1997 but it was Congolese Tutsi who came from AFDL to kill many people, there is a lot of proof and it was therefore Rwanda which was the right arm of the West to create national space. Because it was said that in Rwanda they chased Hutu with Operation Turquoise when in fact it was to chase Congolese Hutu to diminish their numbers and create space for the Tutsi, and RCD was there to create a Tutsi land. Someone was saying that the idea was that from Kalehe up to Kanyabayonga will be the space for Rwandan and Congolese Tutsi to feel at home.

Q: Why did Mobutu favour the Tutsi and why did he give the Tutsi great power?

I think there is one thing one must recognise about President Mobutu, that he was an agent of security before becoming one of the most important CIA agents in Africa, the

power Mobutu had was American power. Mobutu was a Western element, a strong element in the fight against the communists during the Cold War, but in the same way, he was also someone who had to surround himself with people from the entire DRC community.

It was his quality and initiative and the foreign services who worked with him and Bisengimana who began his studies in the DRC as a Rwandan refugee and who became probably the most powerful Congolese officer who designated people and we will see that Bisengimana will begin to place Tutsi in very strategic posts at GECAMINES, telecommunications, commerce, and we learned later that these elements gave part of the money to International Tutsi Power and they contributed financially to the creation of RPF.

Q: What was International Tutsi Power doing? Was it a movement?

It was a movement in liaison with the Americans and the Israelis, which in fact, lobbied for and financed the power grab in Uganda. Kagame was the leader of all the operations to support Tutsis in asylum situations. Finally, it wasn't the choice of Mobutu but of those who financed him who put someone next to him because one must admit that while Madeleine Albright said that the Tutsi are like apple of their eyes and if one touches them it is like touching her own eyes. Coming from the mouth of the American Secretary of State, this means that Mobutu probably didn't see anything coming. But Mobutu appointed strategic posts which enabled the others. These Tutsi cadres made by Mobutu were used like a spider's web by Bisengimana who financed FPR a lot to prepare to buy weapons, to position armed people under the Habyarimana regime in Rwanda, to provoke massacres of people and accusing Habyarimana of killing people, and so the Americans I think played a large role through Bisengimana.

Q: Therefore, there has been a long relationship between Americans and Tutsis?

This is clear.

Q: Because of this, was the nationality law of 1973 also made to favour Tutsis?

Yes, the law on nationality always considered that there were two categories, there were the Tutsi and the Hutus. The Belgians saw that there were good lands in Masisi but that the local population was not very active. They created the MIB (Movement Immigration Banyarwanda) and brought Hutu from Rwanda, Burundi and the Katanga region of Congo to work, and they are the majority population today. The Belgians were very powerful and owners of the lands and they created this movement and while

Bisengimana said that there were problems each time elections were discussed, that is how he got Mobutu to create a law on nationality which gave the nationality to everyone and which was attacked and changed. The western partners are aware of this. It is an obvious conclusion given the support of the Tutsi by western powers, especially the Americans and the British.

Q: But after the Cold War, Mobutu decided to keep his power by encouraging ethnic tension.

Yes, to keep power after Perestroika and Gorbachev delivering USSR to the west, Mobutu at that time was told “watch out, the world is changing, and you have to change as well” and he was sure that westerners would never abandon him. When he realised that the west were in fact starting to abandon him, he encouraged to start eliminating his principal rivals, namely certain Kasaians with Tshisekedi and the Katangans, and here in the east of the country he was not able to support the Tutsi. Bisengimana has meanwhile inherited the leadership, and so people thought that they could attack the Tutsi. Unfortunately the people here decided to attack the Tutsi and this is what will in fact lead to what has been called the Kanyaewanda.

At that point President Mobutu in what was to be called Operation Mbata would send the DSP (Division Spéciale Présidentielle) which did not attack the Tutsi but the Hutu and will attack other tribes who were fighting the Tutsi. This gave the pretext that there was genocide. Today some Tutsi who stood up and made statements on the radio and the Governor of South Kivu who gave the order within 48 hours to all Rwandaphones to evacuate as they will be eliminated from the province, that gave the pretext that this ethnic conflict had so great a dimension that disorder became uncontrollable. President Mobutu, who in addition was ill, no longer truly wielded power and everyone was starting their own little rebellion according to their tribe. One should also not forget history, that when the Belgians began the 1990 campaign to ask all countries to sever diplomatic or cooperative relations with the DRC. For a long time they have been beneficiaries of GECAMINES and more than 80% of their activities came from the resources of our country.

Mobutu, leaving from Belgium, was about to get support from France and during the incidents at the University of Lubumbashi was taken by the Belgians to ask all countries to sever relations. In fact, the embargoes were decided at that time. The Americans did not appear but they quickly supported it and so Mobutu found himself under embargo.

On top of that the opposition will be created including the current Senate president they flew to the western capitals to tell the campaigns that they should sever relations with the DRC and the opposition was paid to go ask that aid to the country be cut also. Mobutu reacted in 1991 by asking the DSP to attack Kinshasa but what happened was, the soldiers pillaged televisions in the Portuguese shops, so they targeted and the population did not follow orders and pillaged everything in 1991. Sadly this affected the Portuguese and the Greeks who were very important in commerce and so I think in that Mobutu had decided on Zaireanisation and this was a coup that had opposed the others, but with the pillaging that was the end. The country was in total disorder.

Q: After the liberation in 1990, Mandela left for his African tour. He selected DRC as his first country to visit, and went to Goma and Kinshasa. Why DRC?

Because Mobutu was also a good player, he was with the CIA to hunt down the liberation movement, it was his right hand, but on the left hand Mobutu also financed the ANC. Mandela knew the criticisms of him but knew that Mobutu aided the ANC. That is why he came to thank Mobutu, who helped the ANC a lot. Mandela wanted to find a starting point for unity because he did not forget that this man had much helped the ANC. Mobutu was ready to accept to leave and his wife also, but his entourage told him not to give up power in the South African warship, *Outeniqua*.

Q. In 1995, new legislation was passed forbidding ethnic Tutsis from allocating homes and land in Zaire.

I think 1995 was the period during which the extremists in Kinshasa pushed by those of the South were busy saying that the Tutsi were Kigali rebels and that they were trying to create a Tutsiland and we were talking of ITP (International Tutsi Power). Mobutu sent the DSP to punish not the Tutsi, but others, and this annoyed a lot of people who said there, Mobutu has been bought by the Jews. That was also the time that Mobutu bought Jewish bankers. This all created movements inside the country and this will increase the departure of young Congolese Tutsis to the Rwandan and Ugandan armies on the other side.

Q. Even in September 1996, the Commission of IDPs and refugees of the Zairean parliament concluded that Burundi and Rwanda had forged an alliance to create a Tutsiland.

It's because there was what was called the Vangu Mambweni commission which was very severe and which accused Tutsi and Rwandaphones. This is really the parliament

commission crystallised which showed that there was a plan of International Tutsi Power which says that if there are large farms in the east of the country they are for the Tutsi, the ministers and vice-ministers are Tutsi, that most of the second wives of the great functionaries are always Tutsi. So you see that 1995-96 characterised by the RPF were an explosive situation in North and South Kivu.

Q. Also, the arrival of Interahamwe changed this situation?

The arrival of Interahamwe in 1994 reinforced the anti-Tutsi sentiment, saying that they came to say that the Tutsi were killing them.

What is true is that both Tutsi and Hutu were teachers and preachers so they were in leading positions in the community. For much of the population these were the first religious leaders they met, and the first politicians they met, and this crystallised the others also.

I think therefore that not everything should be linked to Interahamwe because they only came to worsen a situation that existed well before between the communities.

Q. In 1997, DRC joined the SADC. Was this the choice of Kabila or that of Mandela and if so, for what reason?

It is very difficult to answer this precisely, but I think that Mandela favoured the joining because I know that at the time he had refused Rwanda, but facilitated things for the Congo. Mandela had a vision with the Congo, depending heavily on its resources, so he preferred that Congo be in the same bloc instead of being in the other Francophone groups.

Q. Therefore, once again, due to the same reason of economic interest...

Yes.

Q. The role of mediator is to create an atmosphere of confidence and to treat all parties equally; however for the DRC, FDLR is called a “negative force” which already gives an unequal relationship. What do you think of this?

Already, we are not in accord when we speak of negative forces, this appellation was requested by Rwanda and not by DRC and so one should also not forget that Rwanda has killed so many unfortunate people who were civilians. I can affirm that the Western people are more dangerous, they also contributed to the massacre of people and even the others were dying in the forests, there was Hutu genocide in Rwanda and in DRC, there was common grave in DRC by troops coming from Rwanda. Now these people are

trying to defend their populations who were massacred all the way down to Equateur where there was common grave.

I tell you that in DRC we saw cases here, but it was from Kibumba on the hill that shells were fired to disperse people and many of them started to walk to Congo Brazzaville, to Angola, to CAR on foot. Today under the RCD, the Rwandan army continues to hunt these people but I think also that we cannot stop people from defending themselves, so the bad guys were the Germans and the good guys were the Parisians but how many massacres did the westerners do and this different weights and measures and I hope that in life we will one day be able to put things into perspective, there are those who fought to defend themselves and those who fought only to kill and this can be linked to negative forces and I think that it is not that they are called negative forces.

Q. What is your opinion of President Mbeki, who receives criticisms directed at him saying that he protected Rwanda and Uganda, and never criticised them during their invasion and the fighting in the DRC.

I can tell you that Mbeki even in the Sun City negotiations tried to put forward his point of view of Rwanda. Although it was an Inter-Congolese Dialogue, Rwanda was present there following up. He took this cause for Rwanda and was not in the middle and that is why even at the closing signature, President Joseph Kabila did not come because he was imposed on us. For the peace, President Kabila only said all right, I accept. One does not understand his reaction but it was to show the way in which things were imposed on him, in other countries, have you ever seen a government 1 + 4 it was really imposed because we had clearly asked the question of where in the entire world one had seen power shared in this way where everywhere governments have only one head and not five.

Q. And you were there at Sun City at that time, weren't you?

Yes, I was one of the chiefs of DRC delegation.

Q. Regarding the Inter-Congolese Dialogue, is it only so-called Inter-Congolese because the conflict is more regionalised?

That's hypocrisy, it wasn't a dialogue between Congolese but rather a dialogue imposed upon us with Rwanda and the countries supporting it, when things got blocked they would come tell us the American State Department is warning you, or we send Mustafa Niasse, the former Senegalese Prime Minister, to show you that it really is only an Inter-

Congolese Dialogue, they give us an English-speaking intermediary and it is France who managed to impose that Niassa should be the mediator. France had helped the country a lot and all this shows that everything was done in order to eliminate one or the other who opposed it not out of love for the Congolese, but in order to put someone else in place who could help exploit the natural resources and from all this a clear-sighted Congolese must draw many things because when there was the First World War with its many dead (1,800,000) nobody said anything about their number which was the highest number since the end of World War II. But when it comes to Rwanda it's everyone's business and yet I have the impression that there were many more Hutus killed than Tutsis.

Q. Here in the DRC, we often hear saying that we should also do an Inter-Rwandan dialogue between the Government and FDLR, what do you think?

As for that question, we saw even here in the DRC that when we thought we were in a position of strength a dialogue was imposed on us and in fact we ended up in difficulties and the RCD accepted the dialogue, but it was also they who started to block it. You are so convinced that there was legitimacy of the people and they said one couldn't impose anything from the outside. Today it's what Kagame says that one cannot impose a regime on him and one can see that the Tutsi only represent 10% of the Rwandan population and the number of Hutus increases every day through their children who increase daily, and I think that later the Tutsi will see a dialogue imposed upon them so that the Hutu majority protects the Tutsi minority, and so for the good future of Rwanda this dialogue must take place even if today the West continues to close its eyes. And if this dialogue does not take place, there will be a second genocide in Rwanda. There is no other solution but dialogue. I think it is a mistake for Rwanda to keep refusing the dialogue for the future of Rwanda.

Q. Similarly, do you think there is a need to organise Inter-Regional Dialogue between the DRC and Rwanda, as these two countries don't have any diplomatic relations, which is a key to the peace process?

No, I think that the determination of the president, he wants a genuine peaceful cohabitation and in that sense he accepted the Nairobi accord, it is always to show his good will, so the President wants the actions of the international community especially HCR and MONUC and in that sense, the president has accepted that one should negotiate with the CNDP which is practically the open door to Rwanda, thus on the side of the DRC I think all the elements are present to show a real will for peaceful

cohabitation.

But we think that Rwanda continues to believe that the DRC shelters terrorists, the Rwanda accumulates all for and always to the Interahamwe “the terrorists” and I think that this is the mistake of the leadership in Kigali especially as in the facts, the populations are having no problems and this shows a bad political perception at the top in Rwanda do not have the will to contribute to the peace of the population.

But we would have wished that the population had been left to coexist, to trade with each other, to visit each other and I can see marriages which continue to take place, the politicians should come to that level of the population, and as we are seeing now they have agreed to open two embassies, have set a date for the tripartite, and have seen that we have entered into the framework of the Nairobi programme and will make a joining to contribute either to the return of Rwandan refugees to their home or that we was inside and I think on the side of the DRC there is enough will to do this.

Q. South Africa spent a lot of effort and money for the Inter-Congolese Dialogue in Sun City and sent many peacekeepers to the DRC. What is their reason for this?

In fact South Africa didn't have much choice, it is known as the West's policeman in the central and southern African nations and we don't think that this funding was from South Africa itself because we know that the United States were in support and Germany, the European Union, and there were ambassadors who came to stay there while South Africa spent its own money alone. If you see today South Africa has five flight rotations per week with even landings in the interior, it is the very first foreign company to be allowed to land in Lubumbashi and I think soon even in Mbuji Mayi and when you see the South African citizens who are in the underground and today we see what is happening with Rwanda and Uganda, I have the impression that the same operation is ongoing with South Africa.

Q. Between 2000 to 2003, the UNSC published a report on the exploitation of natural resources in DRC and cited 15 South African companies who were pillaging these resources, has the Congolese Government taken action in this regard?

Yes, I think that it did take action and the number of those pillaging went up and if I take as an example the east of the country, Walikale and all its coltan, we know that minerals went towards Kigali, towards Bujumbura, towards Entebbe and I think others

went directly to South Africa, I think that a number of South African companies worked in fraudulent and non-fraudulent natural resource exploitation and even in Katanga it is always fraudulent and I think the pillaging issue continues and until we find ourselves theoretically in a reinforcement of relations and also to the east of the country. The war is supported by this exploitation and we know that those Congolese that one sees are intermediaries and that the real masters of the lands for all these minerals are the South African companies.

Q. What do you think are the causes of these conflicts in the Great Lakes region?

I think that the poor management of the country has embarrassed the Westerners who saw only their own interests and forgot that the country should be managed so that all these riches profit its own population.

And the western countries and Asian countries who have joined the dance have understood that they must continue to feed the disorder so that they may rapidly exploit the natural resources and you can imagine, a plane that leaves Goma and goes to Walikale takes and goes directly to Kigali without paying any kind of tax. For the capitalist, this is the best system. To know how many tons, with what packaging, and so this situation has made many Congolese enter this business world by using unfortunately certain political, military and traditional Congolese authorities.

Q. And the circulation of illegal arms is an aggravating factor?

Because of the coltan, why do we like weapons? It is to increase the perimeter and so that the population does not realise. And for these armed groups, where do their weapons come from? One must especially not lose sight that Mobutu's Zaire and Kabila's Congo have been under embargo since 1998, under embargo! And we must always remember that the embargoes on Rwanda and Uganda have been lifted. How can you explain this difference? This explains the incredible militarization and circulation of arms. This is why it is not easy to end this conflict.

Q. What can South Africa do to prevent new conflicts in the region?

I think that if what we call, as the Chinese say, the win-win, I think that if we could respect the discussions on human rights, this could contribute be it for the American or British partners who can contribute to the peace, or so that the exploitation of resources be done, that one create jobs or build basic infrastructures and this money will fall back onto the population while contributing to the development of the rest of the world.

Should we casually continue to kill populations and make blood flow and should people continue to drink champagne will telling each other they are rich? So today the question of human rights becomes a scarecrow which is bandied about while in reality we do otherwise and if we could put two things in place: win-win and the issue of real human rights, recognise that the population has a right to life, to live in their homes, I think that South Africa and other countries can contribute to this.

Thank you very much for your useful information.

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