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**University of Cape Town  
Faculty of Humanities  
Department of Political Studies**

**Minor Dissertation**

**Settlement and Implementation: A  
Critical Assessment of the Rwandan  
Security Concerns in the Congolese  
Peace Process**

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*A minor dissertation submitted in partial fulfillment of the  
requirements of the award of the Degree of Master of Social Science in  
International Relations*

**Supervisor: Professor Annette Seegers**

*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, and has been cited and referenced.*

Signature:

Signed by candidate

Date 24/04/2007

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# List of Acronyms

**AFDL:** Alliance des Forces Démocratiques pour la Libération du Congo

**DDR:** Disarmament, demobilization and reintegration

**DRC:** Democratic Republic of Congo

**EU:** European Union

**FAC:** Forces Armées Congolaises

**FAR:** Forces Armées Rwandaises

**FDLR:** Forces Démocratiques de la Libération du Rwanda

**ICD:** Inter-Congolese Dialogue

**ICTR:** International Criminal Tribunal for Rwanda (Arusha)

**JMC:** Joint Military Commission

**MLC:** Mouvement pour la Libération du Congo

**MONUC:** United Nations Mission in the Congo (French acronym)

**NRA:** National Resistance Army

**OAU:** Organization of African Unity

**RANU:** Rwandese Alliance for National Unity

**RCD:** Rassemblement Congolais pour la Démocratie

**RPA:** Rwandan Patriotic Army

**RPF:** Rwandan Patriotic Front

**RWWF:** Rwandese Refugee Welfare Foundation

**SADC:** Southern African Development Community

**UN:** United Nations

**UNSC:** United Nations Security Council

**USA:** United States of America

**USCR:** United States Committee for Refugees

## Abstract

*This dissertation provides an explanation of why the peace efforts failed in the Democratic Republic of Congo (DRC) from 1998 to 2005.*

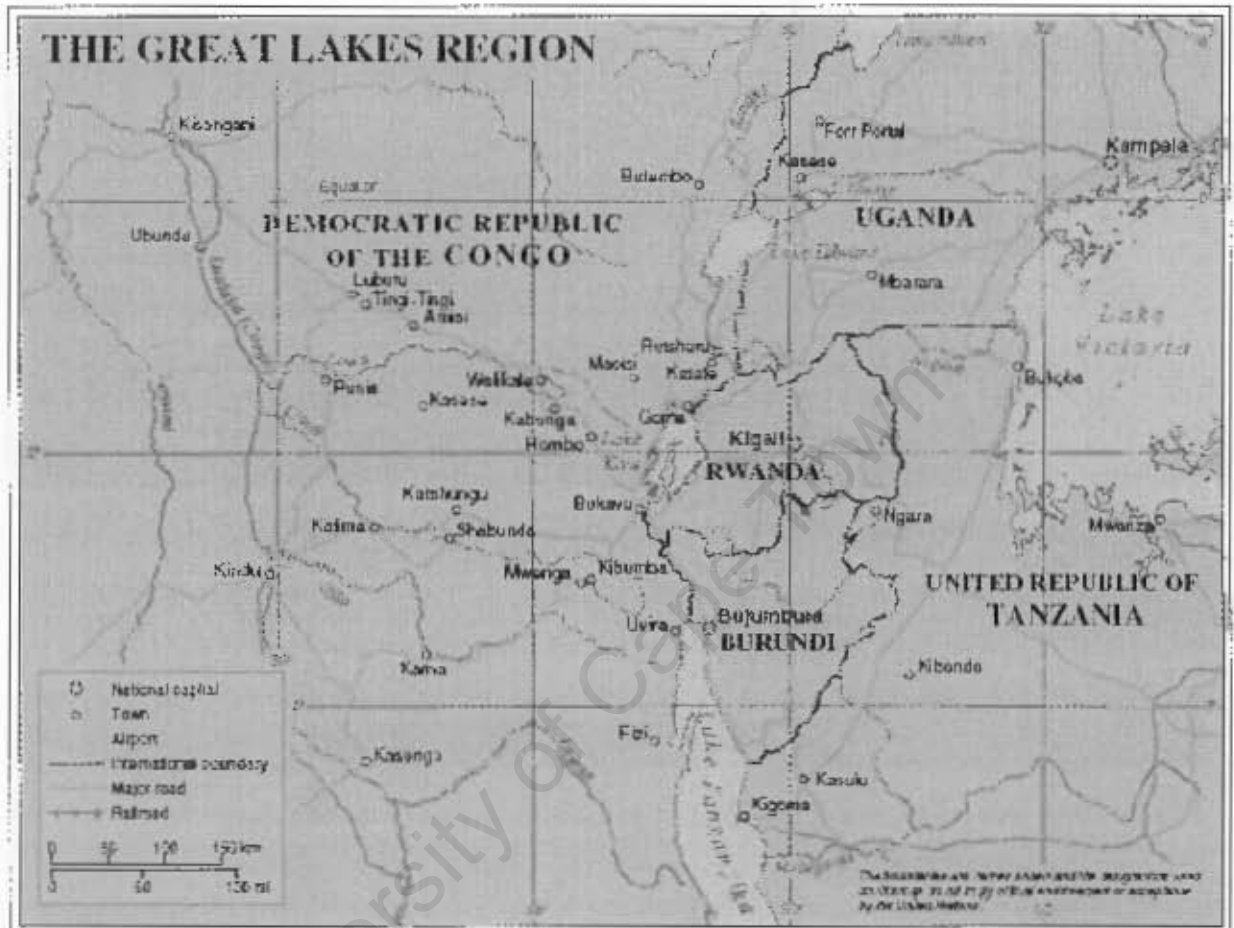
*Though since 1996, the DRC has been characterized by a long period of complex conflicts, this dissertation is concerned with the conflict that resumed on 2<sup>nd</sup> August 1998 initially between the newly established regime of Laurent-Désiré Kabila and his former allies of the Alliance des Forces Démocratiques pour la Libération du Congo.*

*The dissertation takes the form of a theoretical case study. Primary documents and secondary materials are used to research different theories of why peace efforts fail in general and to apply them to the Congolese peace efforts between 1998 and 2005. The analysis focuses particularly on the role of Rwanda in the process and specifically on the Rwandan security concerns during the peacemaking and peacekeeping phases.*

*The argument is that the peace efforts failed to end violence in the Democratic Republic of the Congo because the final peace agreement, the Global and All-Inclusive Agreement, and the Final Act endorsing all previous agreements, did not pay adequate attention to the security concerns of neighbouring states, specifically Rwanda. In general, the peace process had many flaws and faced challenging problems that affected Rwanda's behaviour during both the peacemaking and peacekeeping phases. The inadequate attention to the Rwandan security concerns during both phases is not the only cause of the failed peace efforts in the Congo; however, they present a convincing explanation of why efforts continually failed and violence did not stop between 1998 and 2005.*

*As for its effects on the theory, the outcome of the analysis on this case confirms various explanations of why peace efforts fail in general.*

# The Great Lakes Region: A Map<sup>1</sup>



Map No. 4004.1 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

<sup>1</sup> Through this map, the Congolese strategic eastern areas can be viewed together with Rwanda, Uganda, Burundi and Tanzania. The map is adapted from United Nations, "Map No.4004.1: The Great Lakes Region", United Nations Dag Hammarskjöld Library: Map Library (January 2004), available at <http://www.un.org/depts/dhl/maplib/maplib.htm> (accessed on 6<sup>th</sup> February 2007).

# Chronology of Relevant Events

## Pre-1959:

Well before the creation of the Independent State of Congo in 1885, considerable relocations of people of Rwandan origin (both Tutsis and Hutus) in the Congo were documented. In 1910, the first violent conflict in the Kivu provinces between the Congolese of Rwandan origin and “native” Congolese was documented.

## 1959-1961:

- A social revolution against Tutsis in Rwanda: several Tutsis fled to the Congo and surrounding regions, particularly Uganda, Tanzania and Burundi.
- Congolese independence from Belgium on 30<sup>th</sup> June 1960.

## 1961-1993:

- Massive influxes of Rwandan Tutsis into the Congo as a result of discriminatory and oppressive Hutu regimes in Rwanda.
- Continued conflict in the volatile Kivu provinces: Joseph Mobutu’s rule (from 1965) did not provide a sustainable solution to these conflicts. Civil rights were denied to all Congolese of Rwandan origin and Tutsis emerged as the main target during the violence.
- From 1973: Habyarimana’s regime in Rwanda opposed the return of refugees (mainly Tutsis).
- In 1979, Congolese Tutsis joined in with other Tutsis in the region to transform the Rwandese Refugee Welfare Foundation (mainly Tutsi controlled) into a political movement, Rwandese Alliance for National Unity (RANU).
- In 1986, RANU played a major role in President Museveni’s National Resistance Army’s successful overthrow of President Obote’s regime in Uganda.
- More Congolese Tutsis joined and supported the transformation of RANU into a more militarily and politically ambitious movement, Rwandan Patriotic Front (RPF).
- In October 1990, from Uganda, RPF launched its first offensive against the Habyarimana’s regime in Rwanda.

**1994:**

- 1994: The Rwandan Genocide. RPF took control of Rwanda. Millions of Rwandan Hutus, including the genocide perpetrators (mainly ex-Far/Interahamwe militants) fled into the Congo and surrounding regions. United Nations set refugee camps in Kivu provinces to welcome the new refugees.
- Rapid militarization of Kivu provinces as the ex-Far/Interahamwe militants started to recruit and reorganize against the RPF Rwandan regime and Congolese from the Kivu refugee camps.

**1995:**

- Mobutu's regime passed a new law that forbade all people of Rwandan origin to acquire land, confirming that they were not entitled to civil rights in the Congo (at the time Zaire).
- Zairian army chief of staff incited violence against Congolese of Rwandan origin and demanded that they return immediately to Rwanda: Congolese Tutsis were the main target. Many of these Tutsis fled to Rwanda.

**1996:**

- War against the regime of Mobutu: From Kivu provinces, rebels, under the Alliance des Forces Démocratiques pour la Libération du Congo (AFDL), launched the first offensives against Kinshasa. Rwanda (with Uganda) was the chief supporter of Tutsi-controlled AFDL. Laurent-Désiré Kabila was appointed as the leader of AFDL.

**1997:**

- AFDL overthrew the regime of Mobutu, who fled into exile. Laurent-Désiré Kabila declared himself President. Zaire, the country's name since 1973, changed to Democratic Republic of the Congo (DRC).
- AFDL was the highest decision-making body of the country.
- Ex-Far/Interahamwe militants' bases were dismantled: militants were either repatriated to Rwanda or killed.

**1998:**

- War against the regime of Laurent-Désiré Kabila: Kabila's AFDL's former allies started a rebellion against him. They were mainly Tutsis, regrouped under Rassemblement Congolais pour la Démocratie (RCD) and backed by Rwanda (and Uganda).
- Rebels made major gains. Zimbabwe, Namibia and Angola sent troops to help Kabila and stop rebels take control of Kinshasa.

- First Peace initiatives: various negotiations were attempted.
- Multiplication of rebel groups.

**1999:**

- Six African governments involved in the war signed ceasefire deal in Zambian capital Lusaka (Lusaka Ceasefire Agreement).
- Rebel movements also signed the Lusaka Ceasefire Agreement.
- Violence continued.

**2000-2001:**

- Violence continued between rebel groups and Congolese government forces.
- United Nations' deployed forces found resistance in their mission to help monitor the Lusaka Ceasefire Agreement.
- Kabila's ex-Far/Interahamwe militants attacked Rwanda from Congolese territory.
- Negotiations collapsed and violence resumed to full scale.
- Laurent-Désiré Kabila was assassinated and was replaced by his son Joseph Kabila, who promised to make peace with other belligerents.
- Negotiations continued to fail and violence intensified.

**2002:**

- Foreign governments (excluding Rwanda) officially withdrew their troops from the Congo.
- Presidents Joseph Kabila of DRC and Paul Kagame of Rwanda signed a peace agreement in Pretoria.
- Inter-Congolese Dialogue: belligerents and other Congolese groups signed a Final Peace Agreement in December.
- Rwanda officially withdrew its troops from the Congo.
- Violence continued: Rwanda was reported to be involved.

**2003:**

- Violence intensified: Rwanda, Congolese forces and rebel groups remained involved.
- Congolese belligerents and other groups involved in negotiations signed a final peace agreement endorsing all previous agreements since Lusaka Ceasefire Agreement.
- A power-sharing government was installed in Kinshasa to lead the country's two-year transitional period.

**2004:**

- Violence continued, mainly in the eastern provinces: ex-Far/Interahamwe and Mai-Mai militants organized attacks targeting Congolese Tutsis and aiming to destabilize the Rwandan RPF-led regime.
- Bukavu (capital city of South Kivu Province) and its surroundings fell under the control of a newly emerged Congolese Tutsi rebel group: Rwanda was the chief supporter of the group.
- Violence continued and implementation of the final peace agreement continued to fail: Multiplication of small rebel groups: Rwandan forces and the Congolese soldiers (loyal to pre-2003 government) were involved.
- Threats from Rwanda: delay in implementing the peace agreement with regard to its security concerns.

**2005:**

- Continued threats from Rwandan government seeking rapid implementation of the agreement with regard to its security concerns.
- Violence continued: the eastern provinces remained volatile.
- Transitional period postponed for one year until end of 2006.

# Introduction

In 1996, the Democratic Republic of Congo (DRC)<sup>2</sup> entered a long period of conflict during which several peace efforts to end violence and restore stability were attempted.<sup>3</sup> The fight to overthrow the regime of Joseph Mobutu<sup>4</sup> started in 1996 and ended with the dismissal of President Mobutu in May 1997.<sup>5</sup> On 2<sup>nd</sup> August 1998, the conflict resumed, initially between the newly established regime of Laurent-Désiré Kabila<sup>6</sup> and his former allies of the Alliance des Forces Démocratiques pour la Libération du Congo (AFDL)<sup>7</sup> who turned against him.<sup>8</sup>

Scholarly accounts show, that although negotiations to end the war started weeks after it broke out in 1998<sup>9</sup>, the estimated 3.8 million casualties<sup>10</sup> happened during the period of the negotiations. Furthermore, although the 1998 war is considered to have been ended with the signing of the final peace agreement (Global and All-Inclusive Peace Agreement and Final Act of Endorsement) and subsequent installation of the

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<sup>2</sup> DRC is also known as the Congo or Congo-Kinshasa. It was Zaire from 1973 to 1997. Throughout this work, it is simultaneously referred to as the Congo and DRC (and also Zaire in some Sections).

<sup>3</sup> Hebert Weiss and Tatiana Carayannis, "Reconstructing the Congo", *Journal of International Affairs*, Vol. 58, No. 1 (September 2004), pp. 105-142.

<sup>4</sup> Mobutu ruled the country for 32 years. He took over from Joseph Kasavubu by coup d'état in 1965 and was toppled in 1996.

<sup>5</sup> Filip Reyntjens, "The Second Congo War: More Than a Remake", *African Affairs*, Vol. 98, No. 391 (April 1999), pp. 241-250.

<sup>6</sup> Laurent-Désiré Kabila is a Congolese native. He went into exile in Tanzania after leading several factions against Mobutu in the 1960-70s.

<sup>7</sup> AFDL is the Alliance that toppled the 32-year dictatorial regime of Mobutu in Zaire. Although the military and political power within AFDL was predominantly held by Congolese of Rwandan origin, Laurent-Désiré Kabila was its leader.

<sup>8</sup> This war is usually called the 1998-2003 Congolese War because violence escalated in 1998, and the final peace agreement was signed and endorsed in 2003 in Pretoria. See Emizet Kisangani, "Conflict in the Democratic Republic of Congo: A Mosaic of Insurgent Groups", *International Journal of World Peace*, Vol. 20, No. 3 (September 2003), pp. 51-81; David Shearer, "Africa's Great War", *Survival*, Vol. 41, No. 2 (Summer 1999), pp. 89-106 and Yusuf Bangura, "Comments on Regional Security and the War in Congo" in *Reflections on the Crisis in the Democratic Republic of Congo* (Harare: Ibbo Mandaza, Sapes Books, 1999), p. 25.

<sup>9</sup> Jakkie Cilliers and Mark Malan, *Peacekeeping in the DRC: Monuc and the Road to Peace*, Monograph No. 66 (Pretoria: Institute for Security Studies' Publications, October 2001), pp. 10-66.

<sup>10</sup> The number of casualties was the largest toll of any conflict recorded in African history. See Benjamin Coghlan et al., "Mortality in the Democratic Republic of Congo: A Nationwide Survey", *The Lancet*, Vol. 367, No. 9504, (January 2006), pp. 44-56 and Jeremy Ginifer, "Peacebuilding in the Congo: Mission Impossible?", *International Peacekeeping*, Vol. 9, No. 3 (Fall 2002), pp. 121-128.

power-sharing government in 2003, the fighting did not end.<sup>11</sup> Many more people continued to die until 2005<sup>12</sup>, the date when this study ends.<sup>13</sup>

### ***Problem Statement***

The 1998 war has been at the center of many debates. Scholars and journalists have analyzed the various negotiations leading to the signing of the 2003 agreement.

*Yet we still do not have a convincing explanation of why the peace efforts from 1998 to 2005 failed to end the violence in the Congo.*

Unlike many peace processes around the world, the Congolese peace process was, from its start in 1998, heavily funded and facilitated by several “individuals, organizations and states”<sup>14</sup> with considerable expertise and experience in ending conflicts through peaceful negotiations.<sup>15</sup> For seven years, facilitators ensured that major belligerents, leaders of unarmed political parties and representatives of various social groups were also involved in the peace process.<sup>16</sup> Nevertheless, not only did the violence in the Congo not cease after the negotiations, but when the final 2003 agreement was signed, the world’s largest United Nations (UN) peacekeeping force deployed around the country, and the power-sharing government established, violence in fact increased<sup>17</sup> and new rebel movements established themselves in the eastern regions, which is the area most badly affected by hostilities.<sup>18</sup>

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<sup>11</sup> For an in-depth coverage of the continuation of the conflict, see Séverine Autessere, “Local Violence, International Indifference? Postwar ‘Settlement’ in the Eastern D.R. Congo (2003 – 2006)”, *African Studies Review*, Vol. 49, No. 3 (December 2006), pp. 1-29 and Stephanie Wolters, “Continuing Instability in the Kivu: Testing the DRC Transition to the Limit”, *Occasional Paper*, No. 94, Institute for Security Studies (October 2004), pp. 2-17.

<sup>12</sup> This date is also the year when the transitional period was set to end in the Congo with a provision of postponement for one more year.

<sup>13</sup> See Autessere, “Local Violence, International Indifference?”, pp. 1-29 and Wolters, “Continuing Instability in the Kivu” pp. 2-17.

<sup>14</sup> The process included leading figures of South Africa such as Nelson Mandela, Thabo Mbeki, and Sir Ketumile Masire of Botswana, European Union and United Nations representatives, SADC countries and various African and non-African countries.

<sup>15</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66.

<sup>16</sup> *Ibid.*

<sup>17</sup> For example see Coghlan et al. “Mortality in the Democratic Republic of Congo”, pp. 44-56 and Autessere, “Local Violence, International Indifference?”, pp. 1-29.

<sup>18</sup> *Ibid* and also see Weiss and Carayannis, “Reconstructing the Congo”, pp.105-142.

*This minor dissertation is written in order to provide an answer to the question of what caused the peace efforts in the Congo to fail to end violence from 1998 to 2005.*

The Congolese peace process is a complex case. Both the violence and efforts to bring peace continue. Because the process is still ongoing, it is not possible to establish whether it will ultimately be a success or a failure.

However, using the 2005 cut-off date, an examination of different evaluations and opinions of the 1998 – 2005 period is possible:

First, some scholars understand the continued violence in the Congo as a struggle for political control, stating that the agreement did not provide sufficient security for many of the belligerents. Some belligerents, like those of Congolese or Rwandan origin, wanted to ensure their security, which was something state authority has repeatedly failed to do in the past. For this group, adhering fully to the terms of the peace accord did not secure their safety.<sup>19</sup>

A second interpretation suggests that the efforts have failed because the conflict has not been treated as “a resource war”. There have been networks established for exploiting and exporting minerals.<sup>20</sup> Influential individuals, leaders and armies of governments and multinational corporate groups were involved in these networks.<sup>21</sup> For instance, some companies have signed contracts with rebel movements to exploit resources in the zones that these rebels control. The agreement did not provide a mechanism to deal with this matter in a satisfactory way for all the parties involved.<sup>22</sup>

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<sup>19</sup> See Marina Rafti, “South Kivu: A Sanctuary for the Rebellion of the Democratic Forces for the Liberation of Rwanda”, Discussion Paper, Institute of Development and Management, University of Antwerp (May 2006), pp. 2-36; Crawford Young, “The Heart of The African Conflict Zone: Democratization, Ethnicity, Civil Conflict, and the Great Lakes Crisis”, Annual Review of Political Science, Vol. 9 (June 2006), pp. 302-308 and the reports by Human Rights Watch, “D.R. Congo: War Crimes in Bukavu”, Human Rights Watch Briefing Paper (June 2004).

<sup>20</sup> Stephen Jackson, “Borderlands and the Transformation of War Economies: Lessons from the DR Congo”, Conflict, Security and Development, Vol. 6, No. 3 (October 2006), pp. 425-447 and Kisangani, “Conflict in the Democratic Republic of Congo”, pp. 51-81.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

From the third explanation, two related arguments emerge. The first one has to do with the integrated Congolese national army.<sup>23</sup> The integration of all belligerent groups into a national army has proved to be a complex process requiring more time and solid solutions to other related issues that affected its progress.<sup>24</sup> The second argument is about the lack of a suitable mandate of the United Nations Mission in the Congo (MONUC). As new rebel movements emerged, not only did the Congo have no capable or integrated army to contain them, but the UN mandate did not authorize the peacekeeping forces under MONUC to engage in such missions.<sup>25</sup>

*The analysis in this dissertation focuses on the role of Rwanda in the Congolese peace process from 1998 to 2005 and specifically on the Rwandan security concerns during the peacemaking and peacekeeping phases.*

The approach taken for this research examines the failure of the peace efforts by focusing on “peacemaking” (reaching an agreement peacefully) and “peacekeeping” (implementing and maintaining the agreement)<sup>26</sup>, two key phases of the peace process itself. During these phases, as John Darby and James Rae argue, most peace processes encounter difficulties and in fact more than 80% of them fail, often due to the nature of the negotiated peace agreement itself.<sup>27</sup> The peace agreements<sup>28</sup> are vital because their terms determine whether there is a change in the perceived costs and benefits of returning to violence.<sup>29</sup>

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<sup>23</sup> See Roger Kibasomba, “Post-War Defence Integration in the Democratic Republic of the Congo”, Institute for Security Studies Paper, No. 119 (December 2005), pp. 1-24 and Weiss and Carayannis, “Reconstructing the Congo”, pp. 105-142.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Boutros Boutros-Ghali, “An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping Document”, in United Nations A/47/277 - S/24111 (New York: United Nations Department of Public Information Archives, June 17<sup>th</sup>, 1992).

<sup>27</sup> John Darby and James Rae, “Peace Processes from 1988-1998: Changing Patterns”, Ethnic Studies Report, Vol. 17, No. 1 (January 1999), pp.45-59.

<sup>28</sup> For the purpose of this work “peace agreement” should be understood as “a negotiated settlement in which belligerents retain significant military forces and have somehow the option of rejecting settlement terms if they so choose”. See both writings by Roy Licklider: “What Have We Learned and Where Do We Go from Here?” in Stopping the Killing: How Civil Wars End, Licklider Roy (Ed.) (New York: New York University Press, 1993a), pp. 303-322 and “How Civil Wars End: Questions and Methods” in Stopping the Killing: How Civil Wars End, Licklider Roy (Ed.) (New York: New York University Press, 1993b), pp. 3-19.

<sup>29</sup> Virginia Page Fortna, “Scraps of Paper? Agreements and Durability of Peace”, International Organization, Vol. 57, No. 2 (2003), pp. 337-372.

Unlike the other eastern neighbouring states—Uganda and Burundi—involved in both the conflict and the peace efforts, Rwanda, a major signatory of the negotiated peace agreement, has continually threatened renewed invasion and continued to provide military support to forces trying to bring down the transitional Kinshasa<sup>30</sup> government.<sup>31</sup>

Since the Rwandan Patriotic Front (RPF) gained power in Rwanda in the aftermath of the genocide in 1994, Rwanda has twice invaded the Congo, stating officially that it was doing so because of its security concerns.

As a concept, “security” is very complex and extensively disputed.<sup>32</sup> In old era, the international relations theoreticians looked at it simply as “state’s interests, defined in terms of military power”.<sup>33</sup> The focus was entirely on the state (and its military power) as the referent object of security.<sup>34</sup> The major problem with the old approach is that people’s values, identity, culture and other non-military power aspects such as economy were ignored. Values, identity and culture shape people’s behaviour and the manner in which they determine their state’s interests, concerns and future.<sup>35</sup>

Recently, although a consensus seemed to have emerged on different notions of “security” and on the need to conceptualize it in a broader and a deeper way, disagreement persists about where to draw the line. For this particular work, the assessment of Rwandan security concerns is broadened and deepened. It takes into account the manner in which the past experiences, emotions, values, identity and culture of the RPF members have shaped these concerns.

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<sup>30</sup> Kinshasa is the capital city of DRC and the city where the transitional government was also based.

<sup>31</sup> Hans Hoebeke, “Elections between Hope and Fear: The African Great Lakes in Transitions?”, CRU Policy Brief, No. 4, Clingendael Conflict Research Unit (April 2005), pp. 1-4.

<sup>32</sup> For a review of these debates, see Bjørn Møller, “The Concept of Security: The Pros and Cons of Expansion and Contraction”, Working Paper, No. 11, Copenhagen Peace Research Institute (August 2000), pp. 3-12; Annette Seegers, “The New Notion of Security: A Critical Analysis”, Paper presented at the biennial conference of Inter-University Seminar on Armed Forces and Society, Baltimore MD (October 22<sup>nd</sup>-24<sup>th</sup>, 1999), pp. 2-10 and Stephen M. Walt, “The renaissance of Security Studies”, International Studies Quarterly, Vol. 35, No. 2 (June 1991), pp. 211-239.

<sup>33</sup> Ibid and also see Hans Morgenthau, Politics Among Nations: The Struggle for Power and Peace, 3rd edition (New York: Alfred A. Knopf, 1960), p. 562.

<sup>34</sup> Møller, “The Concept of Security”, pp. 3-8 and Seegers, “The New Notion of Security”, pp. 2-10.

<sup>35</sup> Ibid.

These concerns comprise many related issues, but they primarily stem from two major problems: longstanding targeting of Tutsi communities living in the Congo but denied civil rights there and, secondly, the presence of Rwandan Hutu rebels (ex- Forces Armées Rwandaises/Interahamwe or ex-FAR/Interahamwe militants)<sup>36</sup> in the huge refugee camps just across the borders from Rwanda in the eastern Congo.<sup>37</sup>

The continued violence in the eastern Congo in which Rwanda is reported to have been involved, the presence of the Hutu rebels in the Congo and the threats against Kinshasa from Kigali<sup>38</sup> together created an unstable atmosphere that jeopardized the peace process between 1998 and 2005.<sup>39</sup>

### ***Methodology and Design***

The dependent variable of this dissertation is the peace efforts to end violence in the Congo from 1998 to 2005. The selected independent variable is the Rwandan security concerns in the Congo.

This dissertation uses a theoretical case-study method to provide an explanation of why the peace efforts failed.

A case study provides detailed information about an event or a series of events. It also gives an in-depth understanding of an aspect that has different sets of interpretations.<sup>40</sup> However, although a case study can produce hypotheses, it cannot validate them because exceptions to a theory or a generalization will always exist.<sup>41</sup>

The virtue of linking a case with a theory is that the case becomes meaningful because it illustrates a theoretical issue.<sup>42</sup> André du Toit and Annette Seegers find that a well-

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<sup>36</sup> Made up of Hutu rebels and *génocidaires*, the ex-FAR/Interahamwe militants are currently regrouped under the FDLR.

<sup>37</sup> Hans Romkema, An Analysis of the Civil Society and Peace Building Prospects in the North and South Kivu Provinces of Democratic Republic of Congo ( Uppsala: Life and Peace Institute, November 2001), pp. 13-22.

<sup>38</sup> Kigali is the capital of the Republic of Rwanda.

<sup>39</sup> Romkema, An analysis of the Civil Society, pp. 1-4.

<sup>40</sup> See Earl Babbie and Johann Mouton, The Practice of Social Research, (Cape Town: Oxford University Press Southern Africa, 2001), pp. 269-286 and André du Toit and Annette Seegers, An Introduction to the Study of Politics (Cape Town: University of Cape Town, 1997), p. 33.

<sup>41</sup> Du Toit and Seegers, An Introduction to the Study of Politics, p. 33.

<sup>42</sup> Ibid.

chosen case can be very useful as an illustration and also, through its details, a theory can be refined or weakened.<sup>43</sup>

For this work, the theoretical framework consists of, first, the criteria for judging peace processes as successes or failures and, second, explanations why peace efforts fail. We focus on only two important phases of peace efforts, those of peacemaking and peacekeeping.

Primary documents and secondary materials are used to apply the theories to the peace efforts between 1998 and 2005 and to events in the Congo at the same time as negotiations were in progress. These sources are used because they are complementary in this particular case. However, the dissertation depends entirely on them because the possibility of in-depth interviews with key actors in the region was not accessible due to the time and logistical constraints.

Besides the introduction and the conclusion, the thesis is divided into four chapters:

The first chapter develops an analytical framework. It does this by reviewing different explanations of why peace efforts in general fail, focusing on periods of peacemaking and peacekeeping.

The second chapter provides a comprehensive explanation of the Rwandan security concerns. By outlining the history of Rwandan migrations and the resulting conflict in the eastern Congo, the first section shows the longstanding link between Rwanda and conflicts in the eastern Congolese provinces, which is the substance of Rwanda's first major security concern. Looking at the history of the RPF, the second section shows the connections between Rwanda and the Congolese Tutsi population, showing why the concerns of the Congolese Tutsis had to become RPF concerns. This section also describes the effect of the 1994 Rwandan genocide on relations between the Congo and Rwanda, which is the substance of the second major security concern.

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<sup>43</sup> Ibid.

The third chapter details, stage by stage<sup>44</sup>, the process followed in an effort to end the war and explains the continued violence in the eastern Congo throughout this process with regard to the Rwandan security concerns.

The fourth chapter uses the information from the previous chapters to interpret why the peace efforts failed. This is done through an assessment of the process (with a focus on the final agreement) and how that dealt with the Rwandan security concerns.

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<sup>44</sup> But the emphasis is put on major stages of the process.

# Chapter One

## **1. Analytical Framework: The Failures and Problems of Peacemaking and Peacekeeping**

### **1.1. Introduction**

This chapter reviews different explanations of failures of peace efforts in relation to violence. After a definition of relevant terms, the chapter is divided into three sections.

In the first section, different explanations of why peace efforts fail are considered. The peace efforts themselves have different phases, but for this work, the focus is limited to the peacemaking and peacekeeping phases. This is because in the Congolese case from 1998 to 2005, the peacemaking phase was completed in 2003 and peacekeepers were to be deployed for the implementation phase from 2003 to 2005.

The second section provides an examination of whether or not the Congolese peace efforts to end violence from 1998 to 2005 should be judged a failure.

The last section is a discussion of existing explanations of the problems of the Congolese peace efforts and an explanation of why the focus of this thesis is on the Rwandan security concerns (in looking at the Rwandan role in the peace process from 1998 to 2005) as a prominent cause.

## 1.2. Working Definitions of Relevant Terms

In conflict resolution literature, scholars use the term “failed peace agreement” to refer to failures in the two phases of a peace process: the peacemaking and peacekeeping phases.<sup>45</sup>

The peacemaking phase is simply, “a set of actions to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations”.<sup>46</sup> This is about the many talks in preparation for the negotiations themselves, different actions required (such as reaching a cease-fire agreement, maintenance of cease-fire) to allow the negotiations to happen, and the negotiations themselves until a final document (the peace agreement) is agreed to by the belligerents.<sup>47</sup> This phase of the peace process is particularly difficult when none of the fighting groups has been defeated.<sup>48</sup> In Cambodia, this phase took 6 years before belligerents reached the final agreement.<sup>49</sup>

The peacekeeping phase is “a set of actions taken to implement and maintain the agreement reached by belligerents”.<sup>50</sup> It consists of “the deployment of external parties’ presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations (or regional organizations) military and/or police personnel and frequently civilians as well”.<sup>51</sup> This phase used not to be very complicated. In the case of Cyprus, peacekeeping consisted merely of “patrol lines between parties”.<sup>52</sup> Recently however, the process of peacekeeping has also become complex due to the nature of the peace agreements, the multifunctional peacekeeping mandates (that include seemingly impossible tasks such as disarming, demobilizing

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<sup>45</sup> See Boutros-Ghali, “An Agenda for Peace”, (New York, June 17<sup>th</sup>, 1992); United Nations, “Chapter VI of the UN’s Charter”, available at <http://www.un.org/aboutun/charter/>, (accessed on 15<sup>th</sup> January 2005) and William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford University Press, 1989), pp. 266-273.

<sup>46</sup> Boutros-Ghali, “An Agenda for Peace”, (New York, June 17<sup>th</sup>, 1992).

<sup>47</sup> Ibid.

<sup>48</sup> Stephen Stedman, “Spoiler Problems in Peace Process”, *International Security*, Vol. 22, No. 2 (Autumn 1997), pp. 5-53 and Zartman, *Ripe for Resolution*, pp. 266-273.

<sup>49</sup> See Stedman, “Spoiler Problems in Peace Process”, pp. 5-53.

<sup>50</sup> Boutros-Ghali, “An Agenda for Peace”, (New York, June 17<sup>th</sup>, 1992).

<sup>51</sup> Ibid.

<sup>52</sup> John Theodorides, “The United Nations Peace Keeping Force in Cyprus (UNFICYP)”, *The International and Comparative Law Quarterly*, Vol. 31, No. 4 (October 1982), pp. 765-783.

armed forces and the eventual restoration of political order), and the presence of many undefeated or re-emerging armed groups, which can spoil the process.<sup>53</sup>

Clearly, both these phases of the peace process are crucial to achieving peace. Therefore, in this work, “failed peace agreement” is understood as “failure in both *peacemaking* (reaching an agreement) and *peacekeeping* (implementing the agreement) phases.

### **1.3. The Failures of Peace Efforts: A Brief Review of Explanations in the Peacemaking and Peacekeeping Phases**

After the end of the Cold War, policy makers and international actors increased their efforts to seek peaceful solutions to multiplying intrastate wars.<sup>54</sup> These wars, as Caroline Hartzell finds, are the deadliest and the most pervasive form of conflicts with destructive consequences.<sup>55</sup> Concerned about the high costs such as massive losses of civilian lives, extreme human suffering, economic decline and generalized threats to regional and international stability, the international community started to promote negotiation as alternative means to military ones in order to end these wars.<sup>56</sup>

Negotiations between belligerents and negotiations within a belligerent group, are long and complex processes.<sup>57</sup> Many scholars of conflict resolution have found that the road from war, particularly intrastate war, to peace through negotiated peace agreements is a puzzling and uncertain one.<sup>58</sup>

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<sup>53</sup> See Stephen Stedman, “Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policymakers”, Policy Paper Series on Peace Implementation (New York: International Policy Academy, May 2001), pp. 1-23, see Stedman, “Spoiler Problems in Peace Process”, pp. 5-53 and Zartman, Ripe for Resolution, pp. 8-11.

<sup>54</sup> Caroline Hartzell, “Explaining the Stability of Negotiated Settlements to Intrastate Wars”, Journal of Conflict Resolution, Vol. 43, No. 1 (February 1999), pp. 3-22.

<sup>55</sup> *Ibid*, pp. 4-5.

<sup>56</sup> *Ibid*, p. 3.

<sup>57</sup> See Boutros-Ghali, “An Agenda for Peace”, (New York, June 17<sup>th</sup>, 1992) and Licklider, “What Have We Learned”, pp.303-322.

<sup>58</sup> See James Smith, Stopping Wars: Defining the Obstacles to Cease-Fire (Colorado: Boulders/Westview Press, 1995), p. 3; David Mason et al., “Win, Lose or Draw: Predicting the Outcome of Civil Wars”, Political Research Quarterly, Vol. 52, No. 2 (June 1999), p. 240 and Licklider, “What Have We Learned?” pp. 303-322.

There are problems in efforts to reach a settlement.<sup>59</sup> These include steps in which certain critical choices need to be made about pre-negotiations or, as the phase goes, “negotiations about the negotiations”, and then the negotiations between belligerents to construct a document (called the peace agreement) with terms capable of restoring peace.<sup>60</sup> Combatants need, for instance, to be offered incentives or coerced to maintain a cease-fire that will allow negotiations to start.<sup>61</sup> Impediments to establishing an initial cease-fire include the type and credibility of any third party acting as negotiator, problems of mistrust among combatants, and the actions of spoilers. These need to be addressed successfully in order to bring combatants in each war to negotiation.<sup>62</sup>

Not surprisingly, Hampson finds that more than 80% of peace agreements negotiated since the end of the Cold War have failed to survive and provide the basis for stable societies.<sup>63</sup> Many scholars have found that peacemaking and peace agreements, especially the latter's terms and even the circumstances in which they are reached, are fundamental to understanding why belligerents choose to support a given peace process or resume deadly violence.<sup>64</sup> In fact, more than 80% of the past peace processes have broken down mainly due to the flawed nature of the peace agreements reached between belligerents.<sup>65</sup>

The recurrence of violence, as Stephen Stedman states, places in jeopardy the lives of millions of people.<sup>66</sup> For instance, the two outbreaks of violence that occurred in Angola in 1993 and in Rwanda in 1994, following the failures of the peace agreements designed to end violence, resulted in an estimated 350,000 dead in Angola and 800,000 dead in Rwanda.<sup>67</sup>

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<sup>59</sup> Ibid

<sup>60</sup> Licklider, “What Have We Learned?” pp. 303-322.

<sup>61</sup> Licklider, “How Civil Wars End”, pp. 15-19.

<sup>62</sup> Ibid.

<sup>63</sup> Fen Osler Hampson, Nurturing Peace: Why Peace Settlements Succeed or Fail (Washington, DC: United States Institute of Peace, 1996), pp. 3-22.

<sup>64</sup> See Fortna, “Scraps of Paper?”, pp. 337-372 and Robert Harrison Wagner, “The Causes for Peace”, in Stopping the Killing: How Civil Wars End, Licklider Roy (Ed.) (New York: New York University Press, 1993), pp. 235-245.

<sup>65</sup> Hartzell, “Explaining the Stability”, pp. 4-8.

<sup>66</sup> Stedman, “Implementing Peace Agreements”, pp. 1-23.

<sup>67</sup> Ibid, p. 4.

The list of failed peace agreements and tragic consequences of renewed outbursts of violence is extensive. However, successful cases (such as El Salvador and Mozambique) can tellingly be cited.<sup>68</sup>

*How do scholars evaluate peace agreements and judge them to be successes or failures?*

Two of the most commonly described views can be mentioned:

One view stresses long-lasting stability following a peace agreement as a crucial mark of success. A peace agreement thus should be evaluated in terms of whether it survives and produces a set of arrangements that last for generations or can stand some other test of time, thus demonstrating “robustness and permanence”.<sup>69</sup> Clearly, enduring stability is the desired outcome of a successful process. But the problem with this approach, as Hampson states, is one of “infinite regress”.<sup>70</sup> The approach does not provide a clear time frame within which one can evaluate the agreement. The possibilities of failure remain very high as the agreement can dissolve at time.<sup>71</sup>

In another view, scholars focus on the phase preceding the implementation of the peace agreement. For them, the success of a peace agreement rests on the onset of negotiations, the conclusion of a formal agreement, and the maintenance of a cease-fire.<sup>72</sup> The criticism of this approach is that success is evaluated too soon or on the early stages; the agreement can still break down in the implementation phase.<sup>73</sup> Using this criterion, success is determined on only a part of the process. The implementation phase that really tests the sincerity of the belligerents is not taken into consideration and there is no real evaluation of the quality of the agreement itself.<sup>74</sup>

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<sup>68</sup> Ibid, p. 4.

<sup>69</sup> Hampson, *Nurturing Peace*, p. 9 and Andrew Flippert, “The Art of the ‘Impossible’: Writing Peace Agreements During War”, *Political Science & Politics*, Vol. 36, No. 4 (October 2003), pp. 765-768

<sup>70</sup> Hampson, *Nurturing Peace*, pp. 8-11.

<sup>71</sup> Ibid, pp. 8-11.

<sup>72</sup> Hampson, *Nurturing Peace*, p. 9 and Flippert, “The Art of the ‘Impossible’”, pp. 765-768.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

Rather than debating the methods of evaluating what is a successful or failed peace agreement (and their criticisms), and because the focus of this work is on “failed peace agreement”, the following examines explanations of the failures and problems in the peacemaking and peacekeeping phases.

There are many explanations of why peace agreements fail and subsequently peace processes collapse. These explanations can be grouped into two categories, peacemaking and peacekeeping.

### **1.3.1. Peacemaking Phase: Explanations of the Failures and Problems**

In this category of explanations, the most important is that of William Zartman. He focuses on the balance of forces during the war. William Zartman, in his “ripeness of conflict theory”, suggests that fighting groups need to reach a “mutually hurting stalemate”.<sup>75</sup> In the stalemate situation, each side aims for a negotiated settlement as it believes that it cannot achieve its desired ends by violence at tolerable cost and realizes that its relative position may decline in the future.<sup>76</sup> Zartman’s argument is simply that without a “mutually hurting stalemate”, the peacemaking efforts are likely to collapse or will produce an agreement that the fighting groups will not fully honour.<sup>77</sup>

However the problem with Zartman’s theory is that “mutually hurting stalemate” is only a condition, necessary but not sufficient, for the initiation of negotiations.<sup>78</sup> At the same time, Zartman’s theory generates a set of questions: When does one recognize the “mutually hurting stalemate”? Who is supposed to recognize it? Combatants, outsiders who are trying to intervene, or world opinion? Is it only possible to identify this situation after it has passed in order to explain why certain

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<sup>75</sup> See Zartman, Ripe for Resolution, pp. 8-11. This is also explained in William Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments”, The Global Review of Ethnopolitics, Vo. 1, No. 1 (September 2001), pp. 8-18.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Philip Schrodt et al., “Evaluating ‘Ripeness’ and ‘Hurting Stalemate’”, in Mediated International Conflicts: An Event Data Study of the Middle East, Balkans, and West Africa, Paper prepared for 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), pp. 1-23.

peace efforts have failed or succeeded?<sup>79</sup> Not all “mutually hurting stalemate” moments are thus seized and turned into negotiations.

However, Zartman’s theory is useful, as it identifies the elements necessary (even if not sufficient) for the productive start of negotiations.<sup>80</sup>

Second, some explanations of why peace agreements fail focus on the nature of the agreement itself. Because the agreement is the foundation of the peace process, its nature (in terms of its strengths, weaknesses or insufficiencies) is crucial to understanding the events that occur during the whole process.

According to Suzanne Werner, a comprehensive understanding of and a solid solution to different issues which underlie the conflict are crucial to ensuring a stable settlement and possibly a smooth continuation of the peace process.<sup>81</sup> Nevertheless, as Licklider finds, to point out the root causes of conflicts, especially of intrastate wars, is not always possible.<sup>82</sup> The issues at stake can be too complex to understand and may have different levels of importance among parties involved in the negotiations. For instance, issues of people’s identity or survival may be thought of as complex and important, but a country’s political order or economic policies may be considered by some to be a simpler or less important matter.<sup>83</sup> Scholars of conflict resolution consider identity issues the most difficult to resolve. They argue that identity issues involve deep levels of commitment because people are usually reluctant to compromise on their identity.<sup>84</sup> Other scholars and experts see identity issues as merely an item of manipulation by leaders for political or economic ends.<sup>85</sup>

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<sup>79</sup> Marieke Kleiboer, “Review: Ripeness of Conflict: A Fruitful Notion?”, Journal of Peace Research, Vol. 31, No. 1 (February 1994), pp. 109-116.

<sup>80</sup> Ibid, pp. 109-111 and also see Schrodt et al., “Evaluating “Ripeness”, pp. 2-7.

<sup>81</sup> Suzanne Werner, “The Precarious Nature of Peace: Resolving the Issues, Enforcing the Settlement, and Renegotiating the Terms”, American Journal of Political Science, Vol. 43, No. 3 (July 1999), pp. 912-934.

<sup>82</sup> Licklider, “How Civil Wars End” p. 14.

<sup>83</sup> Ibid, pp. 14-15.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid, p. 15.

Werner herself finds two significant weaknesses in this explanation:

First, she argues that although a comprehensive understanding and resolution of underlying issues guarantee the stability of the agreement, failure to address them has not always resulted in the renewal of violence.<sup>86</sup> The combatants' successful ending of the battle through a cease-fire and a formal agreement, she believes, must also be seen as a strong signal that a solution can be reached even if one of the parties is dissatisfied with certain features of the formal agreement.<sup>87</sup>

Secondly, unaddressed issues frequently reappear as problems later on. Some solutions may appear effective at an early stage of the agreement, but over time, if the solutions are just aimed at ending the violence, the issues and tensions linked to them often reappear and violence is likely to resume.<sup>88</sup>

Furthermore, again with regard to the nature of the agreement itself, Stedman finds that some peace agreements fail simply because they are badly conceived agreements.<sup>89</sup> In these cases, the problem that leads to the failure of a peace agreement lies in the agreement's terms and provisions for future negotiations.<sup>90</sup> The terms and provisions of certain agreements are ambiguous and unrealistic (sometimes they have been imposed upon the parties concerned or signed under pressure)<sup>91</sup>. In order to end violence immediately, they promise to meet every expectation of the belligerents.<sup>92</sup>

This is an approach to resolving the conflict that Stedman, Werner and Licklider all condemn as impossible to implement.<sup>93</sup> The nature of policies that emerge from the settlement affect its duration regardless of whether belligerents will be part of the

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<sup>86</sup> Werner, "The Precarious Nature of Peace", pp. 914-915.

<sup>87</sup> Ibid, p. 915.

<sup>88</sup> Ibid, pp. 915-916.

<sup>89</sup> Stedman, "Implementing Peace Agreements", pp. 1-23 and Stedman, "Spoiler Problems in Peace Process", pp. 5-53.

<sup>90</sup> Ibid, but also see Werner, "The Precarious Nature of Peace", p. 918.

<sup>91</sup> See Peter Wallensteen, Understanding Conflict Resolution: War, Peace and the Global System (London: SAGE Publications, 2002), pp. 13-28.

<sup>92</sup> Ibid and also see Werner, "The Precarious Nature of Peace", p. 918.

<sup>93</sup> See Werner, "The Precarious Nature of Peace", p.918-920; Licklider, "How Civil Wars End", pp. 16-17; Stedman, "Implementing Peace Agreements", pp. 1-23 and Stedman, "Spoiler Problems in Peace Process", pp. 5-53.

implementation phase.<sup>94</sup> In the peacemaking process, each faction primarily seeks to ensure that its interests are first and fully served.<sup>95</sup> Therefore agreements need to be carefully designed so that they are realistic and also carry conditions allowing belligerents to peacefully renegotiate a change to the formal settlement.<sup>96</sup> Such agreements generally last longer and promote the stability of the whole peace process.<sup>97</sup>

In those instances when the negotiating process survives all the obstacles and parties succeed in coming up with an agreement, Hampson finds that an even greater challenge remains. This is to translate the agreement into “a concrete package of mutual commitments and undertakings” that will end the violence and restore order.<sup>98</sup> Hampson believes that poor management of some of the difficulties encountered in the implementation process has often resulted in the break down of the whole peace process.<sup>99</sup>

### **1.3.2. Peacekeeping Phase: Explanations of the Failures and Problems**

Assuming that a peace agreement is reached and its terms and provisions are practically acceptable, the second category of explanations of why peace agreements fail focuses on different problems encountered during the peacekeeping phase.

The first explanation in this category emphasizes the roles of spoilers. Spoilers are those leaders (outside or inside parties) who believe that the terms of the emerging peace agreement endanger their power and interests, and who therefore take action to undermine it.<sup>100</sup> According to Stedman, it is at the implementation stage that peace agreements face greatest threats from the spoilers that each peace process creates.<sup>101</sup> To contain spoilers, as Licklider suggests, requires a deep knowledge of each faction’s internal politics, its internal coalitions and rivalries, and its military

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<sup>94</sup> Werner, “The Precarious Nature of Peace”, pp. 918-919.

<sup>95</sup> Ibid, p. 919.

<sup>96</sup> Ibid, pp. 918-919.

<sup>97</sup> Ibid, p. 918.

<sup>98</sup> Hampson, *Nurturing Peace*, pp. 4-6.

<sup>99</sup> Ibid, pp. 4-6.

<sup>100</sup> Stedman, “Spoiler Problems in Peace Process”, pp. 5-53

<sup>101</sup> Ibid, p. 5.

organization. If factions have allies, it is also necessary to know those allies' interests.<sup>102</sup>

The problem with this explanation is that it is difficult to draw the line between spoiling and one side's legitimate, though little understood, priorities.<sup>103</sup> As one side's "reasonable demands" may be nothing more than spoiling from the other side's perspective, spoiling is clearly a subjective label.<sup>104</sup> Edward Newman and Oliver Richmond argue that spoiling is not always aimed at destroying the peace process.<sup>105</sup> Disputants may become involved in negotiations and agree to a settlement in order to improve their prospects, but not necessarily to compromise further with their adversary.<sup>106</sup> Instead, agreements need to make provisions for eventual "spoiling" (including violence).<sup>107</sup>

The second explanation in this category suggests that the lack of proper mechanisms to monitor and enforce the agreement leads to the breakdown of the agreement. As said earlier, during the implementation phase, the agreement is fragile since signatories can default at any time for any number of reasons.<sup>108</sup> In the absence of effective structures (including human and financial resources) and monitoring mechanisms, while both parties may agree that an agreement is preferred to the continuation of violence, one party (or even both parties) may not observe its terms or fulfill their obligations.<sup>109</sup> These obligations may include paying reparations, withdrawals or demobilization and demilitarization of forces, including handing over arms.<sup>110</sup> Also during the implementation phase, especially at the time of demilitarization, belligerents need an explicit guarantee of their security. Efforts must also be directed toward showing belligerents that any attempt at violation will be detected and will incur high costs.<sup>111</sup> Without monitoring mechanisms and effective

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<sup>102</sup> Licklider, "How Civil Wars End:", pp. 14-16.

<sup>103</sup> Edward Newman and Oliver Richmond, "The Impact of Spoilers on Peace Processes and Peacebuilding", Policy Brief, United Nations University (November 2<sup>nd</sup>, 2006), pp. 1-8.

<sup>104</sup> Ibid, pp. 2-4.

<sup>105</sup> Newman and Richmond, "The Impact of Spoilers on Peace Processes", pp. 6-8.

<sup>106</sup> Ibid, pp. 6-8.

<sup>107</sup> Ibid, pp. 6-8.

<sup>108</sup> Werner, "The Precarious Nature of Peace", pp. 915-916.

<sup>109</sup> Ibid and also see Chester Crocker and Fen Osler Hampson, "Making Peace Settlements Work", *Foreign Policy*, No. 104 (Autumn 1996), pp. 54-71.

<sup>110</sup> Werner, "The Precarious Nature of Peace", p. 916.

<sup>111</sup> Ibid, pp. 916-917.

structure for implementation, spoilers from inside or outside can succeed, with consequences as tragic as they were in Angola in 1992 and Rwanda in 1994.<sup>112</sup>

In the last category, as in the first, many more reasons (such as lack of “political will”)<sup>113</sup> could explain why peace efforts collapse. These explanations in both categories have other weaknesses that fall outside the scope of this paper. In addition, the explanations may not provide all the reasons for which belligerents choose to resume violence.

In other cases, although the agreements addressed the above-mentioned obstacles, conflicting parties simply came to the conclusion that it was no longer in their interests to abide by the agreements they had negotiated and subsequently resumed deadly violence.<sup>114</sup>

Clearly, in the resolution of intrastate wars, there are many interrelated reasons why peace agreements fail and subsequently threaten the whole peace process. Although the explanations discussed above apply to most cases, each of the many failed cases has its particularities and poses distinctive challenges.

These explanations have been developed by examining historical cases; applying them to current ones could confirm or infirm the validity of the theories.<sup>115</sup>

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<sup>112</sup> For detailed explanations, see Crocker and Hampson, “Making Peace Settlements Work”, pp. 54-71; Stedman, “Spoiler Problems in Peace Process”, p. 5 and Werner, “The Precarious Nature of Peace”, pp. 916-917.

<sup>113</sup> “Political will” is rarely defined. Some scholars have defined it as “a commitment from the belligerents or third parties”. As a concept, “political will” has been at the center of many debates for many reasons, especially because one can not measure “political will”. For a brief discussion on the concept, see Emeric Rogier, Rethinking Conflict Resolution in Africa: Lessons from the Democratic Republic of Congo, Sierra Leone and Sudan (The Hague: Netherlands Institute of International Relations/Conflict Research Unit, July 2004), pp. 1-58.

<sup>114</sup> Hampson, Nurturing Peace, p. 3.

<sup>115</sup> For a detailed explanation of the approach taken, see Du Toit and Seegers, Introduction to the Study of Politics, pp. 25-40.

## 1.4. The Congolese Case: Failed Efforts (1998-2005) and Their Explanations

### 1.4.1. A Brief Background of the Congo

*A Map<sup>116</sup> of the Congo*



<sup>116</sup> This map is adapted from CIA, "Democratic Republic of the Congo", in *The World Fact Book*, available at <https://www.cia.gov/cia/publications/factbook/geos/cg.html> (accessed on 23<sup>rd</sup> January 2007a).

## ***Geography***

Covering an area of 2,344,885 sq km (905,365 square miles), the Congo is the third largest African country after Algeria and the Sudan. It is bordered by the Republic of Congo to the northwest, the Central African Republic and Sudan to the north, Uganda, Rwanda, Burundi and Tanzania to the east, and by Zambia and Angola to the south, giving it nine neighbours.<sup>117</sup>

## ***Infrastructure, Population and Resources***

The country has more than four hundred “ethnic” groups, more than two hundred local languages and an estimated population of 70 million, of whom 60% live in rural areas, several non-navigable rivers crossing its internal surface and a non-existent infrastructure, making the Congo an enormous area with major communications problems.<sup>118</sup>

The lack of infrastructure for communications, the population’s lack of access to existing transportation (mainly air), and the difficult operating environment that results from the lack of communications and transportation reinforces the longstanding social, political and economic divisions between the people of the Congo and also between the provinces of the south, north, west and east.<sup>119</sup> This divide between the people was exacerbated when Belgian colonial administrators reinforced differences between Congolese and limited the free circulation of the population around the country.<sup>120</sup> But the situation worsened further in the period after independence on June 30<sup>th</sup>, 1960. Much of Congolese politics and population affiliations to political groups are based on regional loyalties (which in this case goes with geographic divisions within the country).<sup>121</sup> Furthermore, these geographical and social divisions have reinforced many of the conflicts and secessions throughout Congolese history.<sup>122</sup>

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<sup>117</sup> Pierre Gourou, “The Democratic Republic of Congo” in *Africa, South of the Sahara 2003* in Regional Survey of the World (Ed.) (London: Europa Publications, Taylor & Francis Group, 2003a), pp. 245-270.

<sup>118</sup> Gourou, “The Democratic Republic of Congo”, pp. 245-270.

<sup>119</sup> See Didier Gondola, *The History of Congo* (London: Greenwood Publishing Group, 2002), pp. 1-23.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

The Congo is also known for its immense natural resources: it has some of the world's largest forests, an abundance of water with enormous potential for electric power generation, and considerable mineral wealth such as copper, cobalt, tin, manganese, uranium, tungsten, diamonds, gold and coltan.<sup>123</sup> These resources have been the reasons for the world super powers' interests in the country. For many decades in the history of the Congo, these resources have been exploited and exported to serve foreign interests.<sup>124</sup>

#### **1.4.2. Failures and Problems of Peacemaking and Peacekeeping**

In 1998, soon after the fight to overthrow Mobutu's 32 year-regime ended, violence resumed. This time, the objective was to overthrow the newly installed regime of Laurent Kabila. Since then, millions have died as a result of violence (that intensified to include several national armies and armed splinter groups), famine and disease, and about 20% of the population has been forced out of their homes and towns.<sup>125</sup>

As deadly as the violence was when the war started, efforts promptly launched to restore peace failed to stem it.<sup>126</sup>

A series of negotiations was initiated using experienced and reputable individuals and organizations in an effort to peacefully end the violence.<sup>127</sup> Between the negotiations of 1999 in Lusaka where Congolese fighting factions met for negotiations for the first time and the 2002 talks in Pretoria, several agreements were signed and the UN passed numerous resolutions to speed up the process of ending the violence, especially with regard to the withdrawal of foreign forces.<sup>128</sup>

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<sup>123</sup> Gourou, "The Democratic Republic of Congo", pp. 245-260.

<sup>124</sup> See Gondola, The History of Congo, pp. 97-163 and Adam Hochschild, King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa (Boston: Mariner Books/ Houghton Mifflin Company, 1998), part I & II.

<sup>125</sup> See Kisangani, "Conflict in the Democratic Republic of Congo", pp. 51-81; Shearer, "Africa's Great War", pp. 89-106 and Bangura, "Comments on Regional Security", p. 25.

<sup>126</sup> Emeric Rogier, "Introduction: The Labyrinthine Path to Peace in the Democratic Republic of Congo" in The Peace Process in DRC: A Reader, the African Security Analysis Programme (Ed.) (Pretoria: Institute for Security Studies' Publications, 2005), pp. 3-24.

<sup>127</sup> Ibid.

<sup>128</sup> Theodoros Dagne, Democratic Republic of Congo: Transitional Process and UN Mission- Congressional Reports on Foreign Policy and Regional Affairs (Washington, DC: Congressional Research Service, March 22<sup>nd</sup>, 2005), pp. 1-6.

It was only toward the end of 2002 that major fighting groups, representatives of civil society, leaders of political parties of opposition and the government of Kinshasa converted previous agreements into the present peace agreement, known as the “All-inclusive Agreement”. The final endorsement act was signed in mid-April 2003.<sup>129</sup>

The conclusion of this final peace agreement (designated in French, “Accord Global and Inclusif”) could lead some critics to argue that the efforts have in fact been successful. The All-inclusive Agreement set the basis for a two-year transitional power-sharing government (an additional year was granted at the request of the Independent Electoral Commission with a limit set of June 30<sup>th</sup>, 2006) tasked with organizing the restoration of political order through national elections and further, to implement the terms of previous agreements, especially the ones of Lusaka and Pretoria 2002 with Rwanda.<sup>130</sup>

During the peacekeeping phase, failures and problems included the following:

First, during the peacemaking phase itself, although a cease-fire agreement was in place, more than once, factions have failed to honour the terms and violence has resumed.<sup>131</sup>

Second, although belligerents signed the final peace agreement, and the power-sharing government was installed in Kinshasa after June 30<sup>th</sup>, 2003, the violence that continued during the peacemaking phase intensified.<sup>132</sup> The eastern parts of the Congo remained volatile and violent.<sup>133</sup>

Third, the process of integrating the pre-2003 Kinshasa government troops and previous rebel forces into a well-managed national army proceeded more slowly than

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<sup>129</sup> Ibid, pp. 2-3.

<sup>130</sup> See Dagne, Democratic Republic of Congo, pp. 2-4 and All-Inclusive Agreement, Accord Global et Inclusif sur la Transition en République Démocratique du Congo: Full Text in French Version (Bukavu: Editions du Centre d’Etude de Documentation et d’Animation Civique, Janvier 2003), pp. 1-30.

<sup>131</sup> Ibid, pp. 2-3.

<sup>132</sup> See Autessere, “Local Violence, International Indifference?”, pp. 1-29 and Coghlan et al., “Mortality in the Democratic Republic of Congo”, pp. 44-56.

<sup>133</sup> Ibid.

agreed, especially in eastern region.<sup>134</sup> Efforts were made to integrate the *Rassemblement Congolais pour la Démocratie* (RCD)<sup>135</sup> into the Congolese army.<sup>136</sup> Not only did they resist, but many more armed factions continued to emerge and organise opposition to the Kinshasa transitional government, sometimes mixing or colliding with forces of *Forces Démocratiques de la Libération du Rwanda* (FDLR)<sup>137</sup>. Consequently, violence in the eastern Congolese provinces continued.<sup>138</sup> For instance, in 2004, some RCD forces, reported to be dissidents and found to be backed by Rwanda, captured and held for over a week, the town and surrounding areas of Bukavu, the capital of the Congolese eastern province of South Kivu.<sup>139</sup>

Fourth, one could argue, on the other hand, that the deadly violence has been confined to one part of the country, the eastern provinces, and therefore, it should not be claimed that the peace agreement failed. The problem with such an argument is that it ignores the strategic importance of the eastern provinces in the Congo. As mentioned earlier, the country is divided due to the lack of infrastructure. The eastern provinces are far from Kinshasa (in comparison to central or southern provinces of Kasai or the northern province of Equateur), where all public institutions and much of the army operations force is based.<sup>140</sup> Therefore, government service delivery in the eastern parts has been even poorer than elsewhere. This situation created a sense of abandonment among residents of the eastern provinces.<sup>141</sup>

Finally, the eastern provinces, as many other parts of the Congo, are rich in minerals such as gold and coltan.<sup>142</sup> Furthermore, the very rich provinces of Katanga and Kasai (that account for more than 80% of the country's annual income) are more easily reached from the eastern provinces than from Kinshasa as there is still a working

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<sup>134</sup> Moyiga Nduru, "Fresh Fears in Congo: Region Seeks to Avoid Return of Africa's Worst War", *New Internationalist*, No. 371 (September 2004), pp. 4-5.

<sup>135</sup> RCD was a former pro-Rwandan rebel movement which controlled the eastern part of the Congo before the final peace agreement in Pretoria and which was part of the transitional power-sharing government.

<sup>136</sup> Nduru, "Fresh Fears in Congo", pp. 4-5.

<sup>137</sup> These are ex-FAR/Interahamwe militias and newly recruited Hutu rebels, now known as FDLR.

<sup>138</sup> Nduru, "Fresh Fears in Congo", pp. 4-5.

<sup>139</sup> Colum Lynch, "UN Report Denounces Rwanda: Support for Congo Rebels is Called Violation of Sanctions", *Washington Post* (July 17<sup>th</sup>, 2004), p. A16.

<sup>140</sup> Charles Mugiraneza and Karla Levy, *The Case of Eastern Democratic Republic of Congo: Practitioner Handbook and Overview Book* (London: Overseas Development Institute, 2003), pp. 21-35.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

railway system there. From Kinshasa, one has to use costly air transport.<sup>143</sup> These factors contributed to the violence in the eastern provinces.

Clearly, there are many problems illustrating the failures in the Congolese peace efforts and why the process should be regarded as a failure between 1998 and 2005. These failures and problems have been assigned different explanations depending on how researchers view the conflict.

### **1.4.3. Explanations of Failures and Problems of Peacemaking and Peacekeeping in the Congo**

In the literature, three distinctive explanations as to why peace efforts failed to end violence in the Congo can be found:

First, according to scholars who view the continued violence as a struggle for control of political power, the peace efforts failed because of the actions of those who believed that the process took away some of the benefits that the recent situation provided them with.<sup>144</sup> For Congolese of Rwandan origin (mainly Tutsis), peace with other belligerent leaders was not a firm guarantee that their rights and protection of their properties would be lawfully re-established and respected.<sup>145</sup> In the past, such laws had been reviewed and rejected.<sup>146</sup>

War provided many groups of people with privileges that they claimed they lost in adhering to the national transitional power-sharing government scheme.<sup>147</sup> For these groups of dissidents, “war was safer and offered more benefits than peace”.<sup>148</sup>

Second, other scholars, who view the continued violence as a resource war, explain the failure of the peace efforts as a result of a lack of an appropriate mechanism to

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<sup>143</sup> Ibid.

<sup>144</sup> See Rafti, “South Kivu: a Sanctuary for the Rebellion”, pp. 2-36; Young, “The Heart of The African Conflict Zone”, pp. 302-308 and the reports by Human Rights Watch, “D.R. Congo: War Crimes in Bukavu”, (June 2004).

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

deal with different networks established by armed groups to illegally exploit the Congolese natural resources.<sup>149</sup> This was an established network to obtain better deals on exchanges of mineral resources (provided by established warlords) for arms and financial support (provided by individuals, leaders of governments and multinational corporate groups).<sup>150</sup>

Third, there are explanations that stress the lack of adequate military backup to enforce the agreement. The integrated Congolese national army was only slowly established<sup>151</sup> and the mandate of MONUC was ineffective. This mandate did not provide the UN peacekeeping forces with realistic means to fulfil what was expected from them during the final round of negotiations to end the violence in the Congo.<sup>152</sup> This argument simply states that the Congo did not have the military capacity to contain the newly emerged insurgent groups, nor did the MONUC mandate permit it to undertake such operations.<sup>153</sup>

These discussions provide some of the reasons why efforts to restore peace failed. However, a careful examination of the events during the peace process itself shows that there are other factors that have either remained unexamined or have only been partially analysed:

The deadly violence that continued is largely concentrated in the strategic eastern parts of the country. Twice in 1996 and 1998, when violence erupted and spread throughout the country, it started from these zones. These wars were instigated and supported by Rwanda.<sup>154</sup> As said earlier, unlike other external parties involved in the Congolese peace process, Rwanda, one of the major signatories of the final agreement, continued to threaten renewed invasion to address its security concerns.<sup>155</sup> Indeed,

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<sup>149</sup> See Jackson, "Borderlands and the Transformation of War Economies", pp. 51-81.

<sup>150</sup> Ibid.

<sup>151</sup> Kibasomba, "Post-War Defence Integration", pp. 105-142.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid.

<sup>154</sup> Romkema, *An Analysis of the Civil Society*, pp. 1-4.

<sup>155</sup> See Paul Kagame, "Prospects for Peace in the Great Lakes Region: A Perspective from Rwanda", *Speech by the President of the Republic of Rwanda at the National War College*, (Washington D.C., 18<sup>th</sup> April 2005), Available at [http://www.gov.rw/government/president/speeches/2005/18\\_04\\_05\\_war\\_college.html](http://www.gov.rw/government/president/speeches/2005/18_04_05_war_college.html) (accessed on 15<sup>th</sup> January 2007); Nelson Alusala, "Disarmament and Reconciliation: Rwanda's Concerns", *Institute for*

reports continued to allege the implication of Rwanda in the eastern provinces.<sup>156</sup> An examination of the Rwandan security concerns is the one approach that explains the failure of these efforts both at the peacemaking and peacekeeping phase.

### **1.5. Conclusion: A Need for an Assessment of the Rwandan Security Concerns in the Congo**

The many failed peace efforts in the history of conflict resolution provide several explanations to why these efforts fail.

Peace efforts generally fail as a result of failures at different stages of peacemaking and peacekeeping phases. When an agreement has been concluded, its nature may have certain insufficiencies that could also lead to the resurgence of the violence. At the stage of implementation of the agreement, even more challenges emerge because it is during this stage that one can assess whether the terms and provisions agreed upon were ambitious or ambiguous. It is also during this stage that one can test whether belligerents and other parties involved are fully committed to avoid at any cost the resurgence of violence or the collapse of the whole peace process.

Depending on the approach that one takes, any case of failed peace efforts can be assigned different explanations. In the case of the Congo, an assessment of the Rwandan security concerns is essential to explain the 1998-2005 failures and problems in the Congo's peace process. There is no suggestion that the neglect of the Rwandan security concerns is the sole reason for the failures and problems, but its inclusion makes for a far stronger explanation. The fact that the violence occurred mainly in the strategically important eastern provinces means the failures and problems of the peace efforts are *more*—not less—important for peace in the Congo. The recent wars erupted in these provinces. In fact, the county's remaining

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Security Studies Paper No. 108, (June 2005), pp. 1-16; Marcus Curtis, "Raison D'etre Unleashed: Understanding Rwandan Foreign Policy in the Democratic Republic of Congo", Strategic Insights, Vol. 4, No. 7 (July 2005), pp. 1-15 and Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24.

<sup>156</sup> See reports by Human Rights Watch, "D.R. Congo: War Crimes in Bukavu", (June 2004); Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24; Curtis, "Raison D'etre Unleashed:", pp. 1-15; and Alusala, "Disarmament and Reconciliation", pp. 1-16.

infrastructure and natural resources made it easier to launch a successful armed campaign against the central government from these provinces.

It is essential to relate the failures and problems to how Rwandan security concerns were dealt with in the Congolese process (from 1998 to 2005). Rwanda and the Congo have a long history of interaction. Rwanda also played a significant role in the recent Congolese conflicts. Between 1996 and 1996, the Rwandan army twice invaded the Congo in order to address its security concerns. After the war against Mobutu in 1996, Rwanda instigated and supported a war against its former ally Laurent-Désiré Kabila in 1998. Rwanda has repeatedly justified its army's presence in the Congo as an attempt to address its security concerns.

Although, in 2003, the final peace agreement to end the conflict recognized the Rwandan security concerns, Rwanda was reported to be linked to the continued violence. Indeed, the Rwandan government continued to threaten a new invasion to address its security concerns.

It is therefore necessary to assess the Rwandan security concerns and examine how the efforts to end the Congolese war dealt with these concerns from 1998 to 2005. The next chapter is an examination of these security concerns.

# Chapter Two

## 2. Rwandan Security Concerns in the Congo: An Explanation

### 2.1. Introduction

The purpose of this chapter is to provide a comprehensive explanation of Rwandan security concerns in the Congo. This will be done by critically assessing an aspect of the longstanding history of interactions between both countries and clarifying the reason that prompted the post-genocide Rwandan regime to invade the Congo and continue its hostile involvement in the Congo after the final peace agreement of 2003.

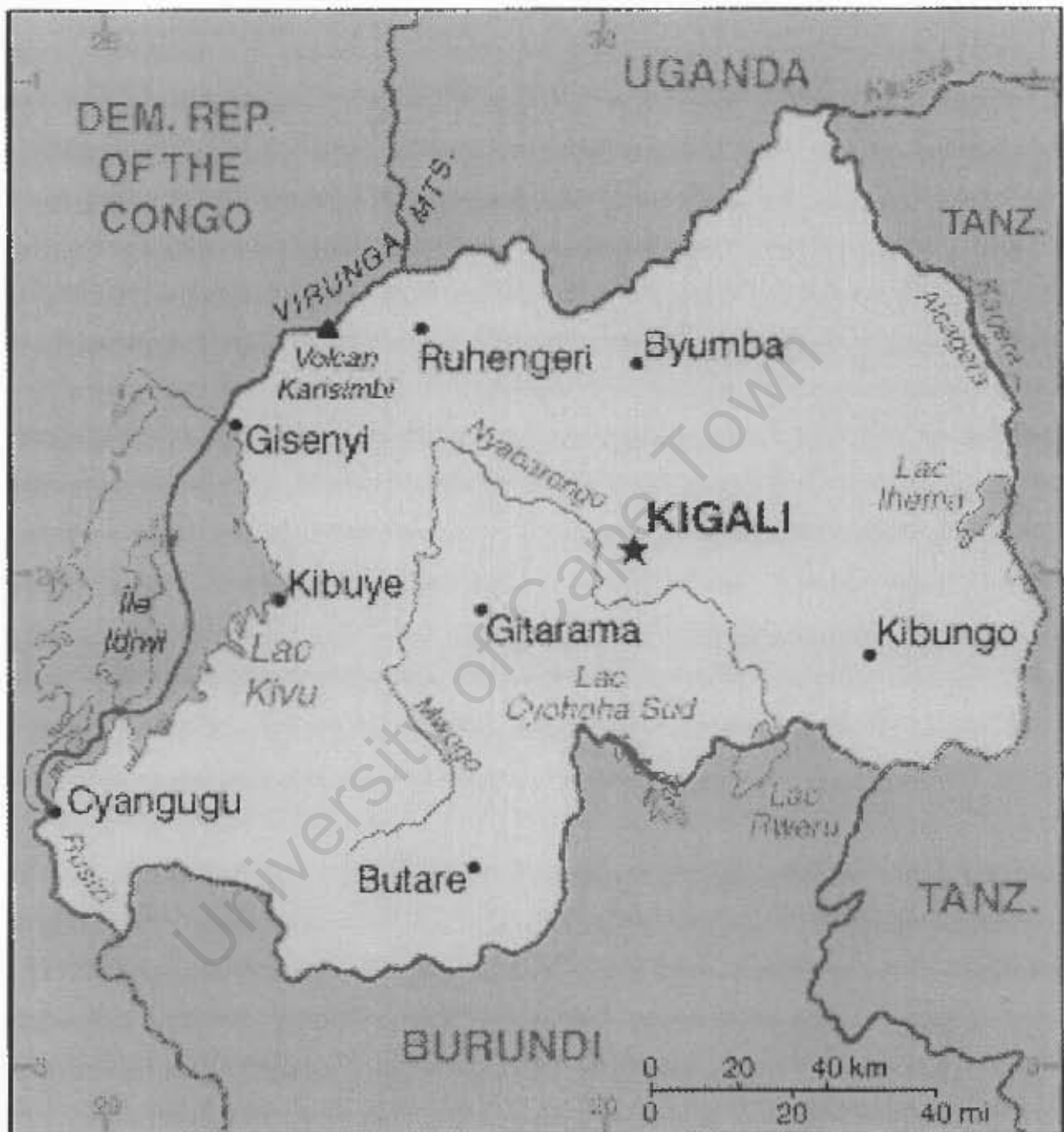
Besides a brief background on Rwanda, the chapter comprises two interconnected sections.

The first section outlines the history of conflicts in the eastern Congo following multiple migrations of Rwandan populations. The periodic attempts and the consequences of the Congolese state's resolutions to these conflicts are also examined within this section. Then, the subsequent decision of Congolese Tutsis to support the setting up of (military) movements for self-defence is explained.

The second section begins with an explanation of the implications of the issues of the first section. A consideration of the 1994 Rwandan genocide and its effect on Rwanda-Congo relations follows. At the end of the section, an explanation synthesizing the reasons why Rwanda continued to be implicated in violent conflicts during the peacemaking and peacekeeping periods is provided.

## 2.2. A Brief Background of Rwanda

*A Map<sup>157</sup> of Rwanda*



<sup>157</sup> This map is adapted from CIA, "Rwanda" in *The World Fact Book* available at <https://www.cia.gov/cia/publications/factbook/geos/rw.html> (accessed on 23<sup>rd</sup> January 2007).

### ***Geography, Infrastructure, Population and Resources***

Covering a land-locked area of 26,338 sq km (10,169 sq miles), the Rwandan republic is different from other nearby African countries both for its small territory and for the density of its population.<sup>158</sup> Located in east-central Africa, Rwanda is bordered on the north by Uganda, on the east by Tanzania, on the south by Burundi, and on the west by the Congo.<sup>159</sup> With a population of 9,038,000 and a density of 343, 2 inhabitants per square kilometres, Rwanda is among the world's most densely populated countries.<sup>160</sup> Its population is divided into two major "ethnic" groups, namely, the Hutu (84%) and the Tutsi (15%), with a small group of Twa (1%).<sup>161</sup> The Rwandan economy is based on the largely rain-fed agricultural production of small, semi-subsistence and increasingly fragmented farms.<sup>162</sup> It has limited reserves of natural resources and a small, uncompetitive industrial sector.<sup>163</sup>

While there has recently been tremendous progress in building the economy, as François Misser writes, the main obstacles to comprehensive economic development in Rwanda remain its long distance from the sea, its high population density and the persistent conflict that opposes Hutus to Tutsis.<sup>164</sup>

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<sup>158</sup> Pierre Gourou, "Rwanda: Physical and Social Geography", in *Africa, South of the Sahara 2003* in Regional Survey of the World (Ed.) (London: Europa Publications, Taylor & Francis Group, 2003b), pp. 926-931.

<sup>159</sup> Ibid, p. 926.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> François Misser, "Rwanda: Economy" in *Africa, South of the Sahara 2003*, Regional Survey of the World (Ed.) (London: Europa Publications, Taylor & Francis Group, 2003), pp. 933-943.

<sup>163</sup> Ibid, pp. 934-940.

<sup>164</sup> Ibid, p. 933.

## **2.3. Rwanda, Congo and Documented Migrations: A History of Conflicts in the Eastern Congo**

Rwanda and the Congo, especially the eastern Congolese regions, have a long history of economic, social and political interactions.<sup>165</sup> As a consequence of these interactions, a large numbers of Rwandan populations (both Hutus and Tutsis) settled in the Congo, especially in the eastern provinces.<sup>166</sup>

### **2.3.1. Rwanda and the Congo: Interactions and Settlements in Eastern Congo**

These settlements are usually categorized into three periods of Rwandese relocation in the Congo:

#### ***First Period: The Relocation of the Periods Prior to 1959***

For this late nineteenth century period, the first set of migrations was documented well before the creation of the Independent State of Congo in 1885.<sup>167</sup> During this period, as Vlassenroot and Huggins write, the settlements of large numbers of Rwandese (both Hutus and Tutsis) in the Congo, especially in the eastern provinces were mostly voluntary.<sup>168</sup>

The second set of important migrations happened after the First World War under the Belgian colonial administration in charge of Burundi, Rwanda and the Congo.<sup>169</sup> Colonial administrators promoted the migration of significant numbers of Rwandan farmers into the Congo.<sup>170</sup> This was in an attempt to counteract population pressure in

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<sup>165</sup> See Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (New Jersey: Princeton University Press, 2001), pp. 158-183; Gerard Prunier, *The Rwanda Crisis: History of Genocide* (New York: Columbia University Press, December 1995), part II and Koen Vlassenroot and Chris Huggins, "Land, Migration and Conflict in the Eastern D.R. Congo", *Eco-Conflicts*, Vol. 3, No. 4 (October 2004), pp. 1-4.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

Rwanda and to provide the necessary labour for the newly created agricultural plantations and mining centres in the eastern parts of the country.<sup>171</sup>

Other mass influxes of people from Rwanda to the Congo during the period prior to 1959 were caused by to periodic of severe famines, land lack of pasture for the cattle in Rwanda.<sup>172</sup>

### ***Second Period: The Relocation (Exiles) of the Periods from 1959***

For the period from 1959, Tor Sellström and Lennart Wohlgemuth describe the large-scale arrivals of Rwandese (largely Tutsis), mainly in the eastern provinces of the Congo as a result of the persistent Rwandan conflict.<sup>173</sup> This is because these arrivals coincided with the so-called Rwandan social revolution of 1959 when there were various campaigns and outbreaks of violence against Tutsis after Rwandan independence, partly because of their policies that had previously sidelined the majority Hutus.<sup>174</sup> As a result, during the 1959-1961, 1963-1964, 1972-1973 and 1990s periods, Rachel van der Meereen reports that an estimated 120,000 Rwandan Tutsis (for the 1959-1963 period alone) became refugees in the Congo because of mounting violence against them at home.<sup>175</sup>

### ***Third Period: The Relocation (Exiles) of the Periods from 1994***

For the period after the 1994 Rwandan genocide, it is usually estimated that more than two million Rwandan Hutus, among whom were many perpetrators of the genocide, fled into the eastern Congo.<sup>176</sup>

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<sup>171</sup> Ibid.

<sup>172</sup> See Johan Pottier, *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century* (Cambridge: Cambridge University Press, 2002), pp. 9-53 and Tor Sellström and Lennart Wohlgemuth, *Joint Evaluation of Emergency Assistance to Rwanda* (Uppsala: The Nordic Africa Institute, 1997), part III.

<sup>173</sup> Sellström and Wohlgemuth, *Joint Evaluation*, part III.

<sup>174</sup> Prunier, *The Rwanda crisis*, part II.

<sup>175</sup> Rachel van der Meereen, "Three Decades in Exile: Rwandan Refugees 1960-1990", *Journal of Refugees Studies*, Vol. 9, No. 3 (1996), pp. 252-267.

<sup>176</sup> Ibid and also See Mamdani, *When Victims Become Killers*, pp. 158-183.

### 2.3.2. Rwandan Immigrants and Congo Natives: Conflicts over Civil Rights

Wildor Makonero states that the influxes of Rwandan immigrants (later known as “Banyarwanda”) into the eastern provinces of the Congo resulted in persistent tensions that escalated into violent conflicts as the immigrants (especially Tutsis) and the native people had not previously reached a basis for peaceful cohabitation.<sup>177</sup> This situation persisted despite some attempts from the state authority to establish order and promote acceptance of the immigrants.<sup>178</sup>

The tensions first erupted into violence in 1910, after Belgium, Germany and the United Kingdom signed the Convention of Brussels to redraw the boundaries<sup>179</sup> of the Independent State of Congo.<sup>180</sup> This Convention provided grounds for the Belgian colonial administration in charge of the Congo to recognize those Banyarwanda who migrated prior to 1910 as indigenous and to provide them with their own customary authority.<sup>181</sup> The native Congolese groups, who feared a reduction of their influence on social issues, land ownership and political power, disputed this decision and mounted campaigns against the Banyarwanda.<sup>182</sup>

After the independence of the Congo in 1960, these immigrants were granted citizenship on an equal footing with the other inhabitants of the eastern Congolese provinces. However, the new influxes of Rwandese in the 60s and 70s aggravated tensions and campaigns to exclude them.<sup>183</sup> Confusingly, the newcomers passed themselves as indigenous because of their physical resemblance to Banyarwanda.<sup>184</sup>

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<sup>177</sup> Wildor Makonero, “Background to the conflict and instability in the African Great Lakes Region” in Whither Regional Peace and Security? The Democratic Republic of Congo after the War, Denis Kadima and Claude Kabemba, eds. (Pretoria: Africa Institute of South Africa, November 2000), pp. 71-77.

<sup>178</sup> Ibid, pp. 71-73.

<sup>179</sup> These boundaries cut through existing local kingdoms and divided ethnic communities.

<sup>180</sup> Vlassenroot and Huggins, “Land, Migration and Conflict”, p. 2.

<sup>181</sup> Ibid, p. 2.

<sup>182</sup> Ibid.

<sup>183</sup> Kendal Nezan, “Power Struggle in Kivus: Congolese Flashpoint”, Le Monde Diplomatique, English Edition (July 1998), pp. 2-7.

<sup>184</sup> Makonero, “Background to the Conflict”, p. 73.

Fearing a growth in the population of Banyarwanda, native ethnic groups intensified campaigns to disenfranchise and deny civil rights to all the people of Rwandan origin.<sup>185</sup>

First, in 1963, a native movement was formed to contest the right of immigrants to be recognized as indigenous and to own land.<sup>186</sup> There were confrontations between the two groups that resulted in large numbers of deaths in the population of the eastern provinces of the Congo.<sup>187</sup>

Second, in 1965, after legislative and municipal elections, another war was declared on Rwandan immigrants as they challenged their exclusion from the elections.<sup>188</sup>

Third, in 1991, new attacks on people of Rwandan origin occurred, causing thousands of deaths in North and South Kivu and eastern Katanga province.<sup>189</sup>

Last in 1993, the natives of the Kivu provinces rose up again against the presence of Banyarwanda, whom they saw essentially as Rwandans, regardless of how long they had been living there.<sup>190</sup>

Wildor Makonero states that the conflicts between immigrants and natives in the eastern provinces are too numerous to be fully documented; furthermore, state officials at national, provincial and local levels showed no interest in finding sustainable solutions to prevent their escalation.<sup>191</sup>

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<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Nezan, "Power Struggle in Kivus", pp. 2-7.

<sup>189</sup> Nezan, "Power Struggle in Kivus", pp. 2-7.

<sup>190</sup> Ibid.

<sup>191</sup> See Colin Waugh, Paul Kagame and Rwanda: Power, Genocide and the Rwandan Patriotic Front (North Carolina: Mcfarland, 2004), pp. 7-27 and Makonero, "Background to the Conflict", p.73.

### 2.3.3. Reaction of Tutsi Communities: A Path to the Formation of RPF

The discriminations and attacks against people of Rwandan origin, particularly Tutsi populations were not confined in the Congo alone. Colin Waugh describes that these practices were extended to other immediate neighbouring countries.<sup>192</sup> These Countries simultaneously received considerable numbers of Rwandese during the same periods, but especially from 1959.<sup>193</sup> One of the most affected countries is Uganda. Uganda is also particularly important because of the strategic role its land and authorities played in the formation of the Rwandan Patriotic Front (RPF)<sup>194</sup> .<sup>195</sup>

In Uganda, as Waugh describes, the life of Rwandese fleeing the persecution of 1959 and of the early 1960s was that of complete isolation, even of persecution.<sup>196</sup> The Ugandan government required that all Rwandese seeking refuge be registered and grouped in controlled refugee camps that were located in isolated rural areas.<sup>197</sup> Those who wanted to study or work faced discrimination and were not allowed to receive any form of grant regardless of their qualifications or achievements.<sup>198</sup>

Accordingly, the first most visible reaction to the growing resentment against Tutsi communities occurred in Uganda where these communities formed the Rwandese Refugee Welfare Foundation (RWWF).<sup>199</sup> RWWF was initially a united voice against open threats from the Obote's regime. However, it grew to include other neighbouring countries' Tutsi communities (such as those in the Congo) and rapidly evolved into the more politically ambitious Rwandese Alliance for National Unity (RANU) in 1979.<sup>200</sup>

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<sup>192</sup> Waugh, Paul Kagame and Rwanda, pp. 7-46.

<sup>193</sup> Ibid.

<sup>194</sup> At the time, RPF was a military-political movement, and currently it is the leading political movement in Rwanda.

<sup>195</sup> See Waugh, Paul Kagame and Rwanda, pp. 7-46 and Mamdani, When Victims Become Killers, pp. 158-183.

<sup>196</sup> Waugh, Paul Kagame and Rwanda, pp. 8-9.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Prunier, The Rwanda Crisis, part II.

<sup>200</sup> Ibid.

### *A Reaction to Persistent Discrimination and International Abandonment*

RANU's development into a military movement came as a result of its alliance with Museveni's 1986 National Resistance Army (NRA) campaign against Obote's regime. Its regional expansion and its rapid transformation into RPF was a function of the following regional (and international) social and political constraints.<sup>201</sup>

First, in Uganda, the years after Museveni's 1986 National Resistance Army's (NRA) rise to power, resulted in little social or political change in the life of Tutsi communities. Although these communities accounted for over 30% of the NRA's membership and, in time, they occupied most of its strategic positions, Native Ugandans resented their presence more than before, especially those Tutsis who occupied high official positions.<sup>202</sup>

Second, in the Congo, especially in the eastern provinces, antipathy against people of Rwandan origin re-emerged at about the same time as the rise of Museveni to power in Uganda. The target was mostly Tutsis for many reasons, but directly because they held more wealth.<sup>203</sup> Some Congolese officials instigated campaigns among the Congolese population to force the entire population of Rwandan origin, especially the Tutsis, to leave the Congo.<sup>204</sup>

Third, in Rwanda, the Hutu regime under Habyarimana was determined to sideline Tutsi populations. Besides continuing its discrimination and persecution of the Tutsis who remained in Rwanda, Habyarimana's regime utilized every means to convince the United Nations and the international community that Rwanda was unable to accept the return of the exiled Tutsis.<sup>205</sup> Habyarimana's regime recommended that the exiled Tutsis and all Rwandese living elsewhere be naturalized in their host

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<sup>201</sup> See Mamdani, *When Victims Become Killers*, pp. 158-183; Waugh, *Paul Kagame and Rwanda*, pp. 27-84; Prunier, *The Rwanda Crisis*, part II and Georges Nzongala-Ntalaja, "Ethnic Identification in the Great Lakes Region", in *Shifting African Identities Volume II* in the series, *Identity? Theory, Politics, History*, Simon Bekker; Martine Dodds and Meshack M. Khosa, eds., (Pretoria: Human Sciences Research Council, 2001), pp. 61-80.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Catherine Newbury, "Background to Genocide: Rwanda", *Journal of Opinion*, Vol. 23, No. 2 (1995), pp. 12-17.

countries.<sup>206</sup> The regime defended its position by arguing that Rwanda was already overpopulated and, with almost no resources, the return of refugees to their home country would cause a humanitarian disaster.<sup>207</sup>

Last, in the region, Tutsis in general had lost faith to an ultimate solution of help from international structures, which seemed to be supportive of Habyarimana's regime.<sup>208</sup>

The immigrant and exiled Tutsis of Uganda, the Congo and other neighbouring countries, were therefore caught up in the situation where they were not able to return to Rwanda nor were they accepted locally.<sup>209</sup>

With the support of Museveni, a RANU's ally, Paul Kagame<sup>210</sup> and Fred Rwigyema<sup>211</sup> launched a widespread campaign to recruit more young Tutsis in order to set up the RPF, a more organized military and political movement of resistance and struggle for rights. The RPF was to be the movement through which they would themselves ensure the return to Rwanda of those Tutsis who wished to go back, while ensuring the safety and addressing the problem of civil rights of the other Tutsi communities in the region.

In the Congo, Tutsi families responded massively with financial support and by sending their sons to the training centers in Uganda in order to support the establishment of RPF.<sup>212</sup> However, unlike Rwandan immigrant and exiled communities living in Uganda, Burundi and Tanzania, who joined in order to return home, the majority of those living in the Congo joined RANU and then the RPF to have a voice, seek protection in the Congo and help to put pressure on Kigali to review its discriminatory policies against Tutsis in general.<sup>213</sup>

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<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Waugh, *Paul Kagame and Rwanda*, pp. 27-84.

<sup>210</sup> Paul Kagame is the current Rwandan President.

<sup>211</sup> He led the first RPF's attacks against the Rwandan Hutu government.

<sup>212</sup> Waugh, *Paul Kagame and Rwanda*, pp. 27-84.

<sup>213</sup> Ibid.

In providing the RPF with human and material support, as did the Tutsis in neighbouring countries, the immigrant and exiled Tutsis living in the Congo believed that military force remained the only means to ensure their survival and put pressure on relevant institutions to recognize the rights they were denied.<sup>214</sup> During the RPF campaign against Habyarimana's regime, more Congolese Tutsis joined the fight. It has been estimated that Tutsi fighters coming from the Congo amounted to more than 40% of the RPF's membership.<sup>215</sup> Subsequently, the problems of Tutsi communities living in the Congo became one of the urgent security concerns of RPF. This would also evolve to become one of the major security concerns of Rwanda, when RPF rose to power in Kigali.

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<sup>214</sup> Waugh, Paul Kagame and Rwanda, pp. 27-84.

<sup>215</sup> See Mamdani, When Victims Become Killers, pp. 158-183; Waugh, Paul Kagame and Rwanda, pp. 27-84; Prunier, The Rwanda crisis, part II and Nzongala-Ntalaja, "Ethnic Identification", pp. 61-80.

## 2.4. RPF, Rwandan Genocide and Implications for Rwanda-DRC Relations

### *Massive Influx of Refugees in Kivu after 1994 Genocide*

A RPF major concern in the Congo emerged as one of the immediate consequence of the 1994 Rwandan Genocide on Kivu crisis and RPF's rise to power in Kigali.

The Rwandan genocide, as Mahmood Mamdani writes, was born out of the civil war in that country, but it also marked a rupture in the civil war.<sup>216</sup> Christian Manahl reports that from April to June 1994 about a million civilians, Rwandan Tutsis and moderate Hutus, were brutally massacred by their Hutu compatriots.<sup>217</sup> The perpetrators undertook multiple killings that ultimately added up to genocide as a part of the civil war.<sup>218</sup>

As the RPF invading forces entered Butare and Kigali in early July, the fear of reprisal, punishment or justice (depending on the point of view taken) sent millions of civilian Hutus together with the majority of the Rwandan national army (*FAR/Forces Armées Rwandaises*), the Hutu leaders and the Interahamwe militants into the neighbouring Congo, Tanzania and Burundi.<sup>219</sup> The speed and the size of the exodus were without precedent. In a matter of days, more than three million people spilled over into the Congo (Zaire), mainly into the eastern provinces of North and South Kivu.<sup>220</sup>

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<sup>216</sup> Ibid.

<sup>217</sup> See Romeo Dallaire and Brent Beardsley, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House Canada, 2003), pp. 328-461 and Christian Manahl, "From Genocide to Regional War: the Breakdown of International Order in Central Africa", *African Studies Quarterly, the Online Journal for African Studies* (May 8<sup>th</sup>, 2003), pp. 5-24.

<sup>217</sup> Manahl, "From Genocide to Regional War", p. 8.

<sup>218</sup> Mamdani, *When Victims Become Killers*, pp. 186-207.

<sup>219</sup> Waugh, *Paul Kagame and Rwanda*, pp. 102-124.

<sup>220</sup> Ibid.

#### 2.4.1. Mobutu's (and Kinshasa) Government Failures and Kivu Crises

The influx of Hutu Rwandese fleeing the RPF takeover in Kigali came as tensions over civil rights and forced expulsion of the immigrant and exiled Rwandese heightened in the Congolese eastern provinces.<sup>221</sup>

In their earlier phase, these tensions merely concerned people of Rwandan origin and were confined to a small area that these people dominated.<sup>222</sup> As involved parties in the disputes failed to settle the problems and the matter escalated into a bloody conflict during which an estimated 20,000 died, the affected Congolese natives requested the Congolese state to clarify the question of citizenship of people of Rwandan origin.<sup>223</sup> It was an issue that persisted and periodically re-emerged, first among the Rwandese themselves (immigrants and exiled) as they argued who was a Congolese citizen and therefore entitled to certain rights, and then between the whole Congolese Rwandan community and the Congo natives, as the latter regarded all the former group as foreigners.<sup>224</sup>

Yet, the many Congolese state attempts to resolve it failed and were instead met with violence from the “native” Congolese.<sup>225</sup>

First in 1981, the Congolese parliament abolished the 1972 citizenship law that Mobutu's office led by Bisengimana (a Tutsi) published. The law was frequently challenged and not applied. The parliament's new law was that immigrants (of Rwandan origin) had to be treated on an individual basis. Citizenship was to be granted to them accordingly. However, the interpretation of this law provided room for some influential local leaders in the eastern provinces to maintain that there were no permanent settlements of Kinyarwanda-speaking people in the western side of the great lakes (Kivu provinces).<sup>226</sup> Other leaders refused to accept these communities arguing that they were confused about who had migrated before and after

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<sup>221</sup> Mamdani, *When Victims Become Killers*, pp. 158-186.

<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> Mamdani, *When Victims Become Killers*, pp. 158-186.

<sup>226</sup> Isidore Ndaywel è Nziem, *Histoire Générale du Congo: De l'Héritage Ancien à la République Démocratique du Congo* (Paris-Brussels: Afrique-Editions/Duculot, 1998), pp. 704-708.

independence. As a consequence, people of Rwandan origin, especially Tutsis were not refused permission to stand as candidates or to vote in the 1982 and 1987 Parliamentary elections.<sup>227</sup>

Second in 1993, when Mobutu visited Kivu, he promised some indigenous chiefs and representatives of Rwandan immigrants that he would make sure that the issues of citizenship and social violence were dealt with immediately.<sup>228</sup> However, when Mobutu was still in power, local and provincial chiefs, acting on orders from the national authorities, incited indigenous people to confiscate land and other belongings of all immigrants from Rwanda and force them to leave the country.<sup>229</sup> Mobutu's government did not intervene in the situation as part of his policy to slow the process of democratization was to encourage hostility between ethnic groups.<sup>230</sup>

In general, not only did any law work, but resentment and violence against Rwandan immigrants consistently mounted. Mobutu's government was unable to control or intervene when local and provincial chiefs instigated acts of violence against these immigrants.<sup>231</sup>

### ***Ex-FAR/Interahamwe Militias against Kigali from Kivu***

Mamdani writes that as the Rwandan Hutus crossed the border to the eastern Congolese side, they did not just come in unprecedented numbers (more than three millions), but they also brought with them post-genocide problems and subsequently added tension to the already existing political and social instability in that part of the Congo.<sup>232</sup> Rapidly, the Rwandan refugee and exiled population grew in size while distorting the distinction between them and earlier Rwandan immigrants.<sup>233</sup> As a result, the tendency on the part of many "native" Congolese to refuse to distinguish

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<sup>227</sup> Ibid.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

<sup>230</sup> Georges Nzongola-Ntalaja, "The Politics of Citizenship in the Democratic Republic of Congo", Annual International Conference, Centre of African Studies, University of Edinburgh (May 2004), pp. 21-29.

<sup>231</sup> Ndaywel è Nziem, *Histoire Générale du Congo*, pp. 704-708

<sup>232</sup> Mamdani, *When Victims Become Killers*, pp.226-241 and Nzongola-Ntalaja, "The Politics of Citizenship", pp. 21-29.

<sup>233</sup> Ibid.

between Congolese Banyarwanda (immigrants) and the mix of new refugees and exiles from Rwanda was also strengthened.<sup>234</sup>

Furthermore, the new set of Rwandan refugees, including a number of those responsible for the genocide in Rwanda, joined together with some of the earlier Hutu immigrants and exiles, and the “native” Congolese against the Tutsi communities in the eastern Congolese provinces.<sup>235</sup> As a consequence, violence stirred up and tension grew in intensity in the eastern provinces.

However, of major importance is that the ex-FAR and the Hutu Interahamwe militants brought with them heavy military equipment and managed to enter the United Nations’ Kivu refugee camps with these armaments.<sup>236</sup> From these camps, not only did they reorganize<sup>237</sup> in order to retaliate against the new Rwandan RPF regime, but they led military and propaganda campaigns aimed at the native Congolese and Hutu immigrants inciting them to demonize and kill all Tutsis.<sup>238</sup> The “native” Congolese joined the Hutu communities (immigrants and refugees), who painted themselves as victims of the Tutsi invasion of their country against Congolese Tutsi communities. A new development in the “natives” increased resentment was that these communities were collaborating with and were attached to the post-genocide Rwandan RPF government to destabilize the entire region.<sup>239</sup>

As their might increased, the ex-FAR/Interahamwe fighters carried out various attacks and raids against Tutsis and certain opposing indigenous Congolese, both in Kivu and in neighboring Rwanda.<sup>240</sup> With the support of the native Congolese, as the United States Committee for Refugees (USCR) in the Congo (Zaire) reports, the ex-FAR/Interahamwe forces succeeded in forcing more than 60 000 Tutsis living in the Congolese eastern provinces to cross the border into the northwestern Rwandan

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<sup>234</sup> Mamdani, *When Victims Become Killers*, pp. 226-241.

<sup>235</sup> Thomas Turner, “Congo War: Is the End in Sight”, *A Global Affairs Commentary in Foreign Policy Focus* (August 8<sup>th</sup>, 2002), p. 1-3.

<sup>236</sup> Waugh, *Paul Kagame and Rwanda*, pp. 102-115.

<sup>237</sup> The Hutu power leaders controlled donors’ food and medical supplies, which they sold to refugees inside the camps and outside to the local population of Kivu provinces. The revenues were used to purchase needed arms. Waugh, *Paul Kagame and Rwanda*, pp. 102-115.

<sup>238</sup> Waugh, *Paul Kagame and Rwanda*, pp. 102-115.

<sup>239</sup> Mamdani, *When Victims Become Killers*, pp. 235-262.

<sup>240</sup> Turner, “Congo War”, pp. 2-3.

provinces, almost completely cleansing some areas of the eastern part of the Congo (Zaire) of its Tutsi population.<sup>241</sup>

#### **2.4.2. RPF in Kigali, Kivu Crisis and Kinshasa: War for Tutsi Survival**

One of the early noticeable repercussions of the Rwandan genocide consequence in the Congo and reaction to the Kivu conflicts was that the Kigali RPF regime redefined Rwandan relations with the Kinshasa regime. During the period of Habyarimana's rule, Kinshasa had been viewed in Rwanda as an ally.<sup>242</sup> President Habyarimana had close personal links with Mobutu, and his regime often turned to Kinshasa to seek direction and support on many challenge, including military matters.<sup>243</sup> The new Kigali government, unlike the previous one, did not see in Kinshasa's politics any possibility of a solid alliance particularly because of few reasons:

First, the Kivu refugee camps were a sore point for the new Kigali RPF government: not only did they shelter many *génocidaires*, but they were a future security threat as the ex-FAR and Interahamwe fighters were reorganizing for a planned attack on Tutsi living in the Congo and inside Rwanda. The camps also emphasized the injustice of the international community's attitude towards the Kigali RPF government.<sup>244</sup> While the new Rwandan government was trying to rebuild the country and support survivors of the genocide, a million dollars per day was pouring into the camps from international donors. The new Rwandan government was also responsible for the debts of the Habyarimana regime, and unable to pay these, was barred from receiving international aid itself.<sup>245</sup>

Second, Kinshasa's regime aggravated and (together with the United Nations) failed to address the threat posed by the Hutu forces in the UN Kivu refugee camps near the Rwandan border and the forced expulsions of discriminated Kivu Tutsis to Rwanda.<sup>246</sup> Kigali leaders formally drew the attention of the Kinshasa government

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<sup>241</sup> U.S. Committee for Refugees in Zaire "USCR", "Ethnic Cleansing and Displacement in Eastern Zaire", *Africa Policy E-Journal*, USCR Issue Brief: 7<sup>th</sup> June 1996 (June 1996), pp. 4-23.

<sup>242</sup> Bruce Jones, *Peacemaking in Rwanda: The Dynamics of Failure* (Colorado: Lynne Rienner Publishers, 2001), pp. 53-56

<sup>243</sup> Ibid.

<sup>244</sup> Waugh, *Paul Kagame and Rwanda*, pp. 102-125.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

(and that of the United Nations Security Council) to the rapid militarization of Kivu refugee camps, the presence of armed ex-FAR and Interahamwe militants in these camps, the violence targeting Congolese Tutsis who sought refuge in Rwanda and various cross-border attacks on civilians in northeast and southwest Rwanda (perpetrated by those protected in the refugee camps).<sup>247</sup>

These concerns, as the Rwanda government later explained, were viewed (as they still are) as a matter of Rwanda's survival.<sup>248</sup> They constituted the core of the security concerns for which the Kigali RPF regime sought immediate and sustainable solutions.<sup>249</sup>

Instead, in an effort to restore order after it became evident that the deployment of troops did not help, the Zairian law makers passed new legislation forbidding Rwandan immigrants to acquire homes or land in their adopted country as from May 1995.<sup>250</sup> This was followed in December 1995 by an announcement from the Zairian army Chief of General Staff, General Eluki, a native of the Congolese eastern provinces, that native ethnic groups had the right to expel the foreigners from the land.<sup>251</sup>

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<sup>247</sup> Ibid.

<sup>248</sup> See Paul Kagame, "Current Prospects for Peace in the Great Lakes Region", Speech by President of the Republic of Rwanda at the U.S. Institute of Peace: 6<sup>th</sup> March 2003 (Washington, DC: U.S. Institute of Peace, 2003) available at [http://www.gov.rw/government/president/speeches/2003/06\\_03\\_03\\_1\\_washdc.html](http://www.gov.rw/government/president/speeches/2003/06_03_03_1_washdc.html) (accessed on 15<sup>th</sup> January 2007). For additional explanations, also see Kagame Paul, "Prospects for Peace in the Great Lakes Region: A Perspective from Rwanda", Speech by the President of the Republic of Rwanda at the National War College: 18th April 2005 (Washington, DC: National War College, 2005) available at [http://www.gov.rw/government/president/speeches/2005/18\\_04\\_05\\_war\\_college.html](http://www.gov.rw/government/president/speeches/2005/18_04_05_war_college.html) (accessed on 15<sup>th</sup> January 2007); Alusala, "Disarmament and Reconciliation", pp. 1-16; Curtis, "Raison D'etre Unleashed", pp. 1-15 and Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24.

<sup>249</sup> Waugh, Paul Kagame and Rwanda, pp. 102-125.

<sup>250</sup> Ngalumulume Tshiyoyo, The Banyamulenge Question and the Conflict in the Democratic Republic of Congo (Johannesburg: University of Witwatersrand, 2001), pp. 1-12.

<sup>251</sup> Hussein Solomon, "Some Reflections on the Crisis in Zaire", Occasional Paper, No.15, Institute for Security Studies (February 1997), pp. 40-82.

### *Rwandan Means of Addressing its Security Concerns*

The failure of the Zairian (and UN) authorities to deal immediately with the intensified Kivu crisis was a serious breach of Rwanda's security interests.<sup>252</sup>

In the light of the experiences of exiles and of the genocide, the Kigali RPF-led government (which included Tutsis from Kivu from its early stages in Uganda) perceived the Kivu provinces as an unstable zone that presented serious threats to the security and peace required for Rwandan economic development, which entailed the safety of all Tutsis in the region.<sup>253</sup> Significantly, Rwanda's new regime understood from exiles' past experiences that reliable protection of Tutsis could only be guaranteed by Tutsis themselves.<sup>254</sup>

As a result, from 1996, Rwanda resolved to put together "Congolese" military movements as a means in order to ensure protection for the Congolese Tutsi population and to pursue the threatening ex-FAR/Interahamwe militias in the UN Kivu refugee camps.<sup>255</sup>

The first movement, AFDL, came out of the renewed alliance with Uganda (which also had security concerns in the Congo). This was a mainly Rwandan-backed coalition, politically led by Laurent-Désiré Kabila, regrouping high-ranking RPF military commanders, newly trained Congolese Tutsis and other *native* Congolese opponents of Mobutu's regime.<sup>256</sup>

As Laurent Kabila's message was that AFDL fought to free the country from Mobutu's oppressive regime, quickly the movement gained Congolese support and grew in numbers.<sup>257</sup> With additional assistance from other countries such as Sudan and Angola, the anti-Mobutu rebel movement rapidly gained control of the entire

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<sup>252</sup> Solomon, "Some Reflections on the Crisis in Zaire", pp. 40-82.

<sup>253</sup> Waugh, Paul Kagame and Rwanda, pp. 102-125.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.

<sup>256</sup> Turner, "Congo War", pp. 6-9.

<sup>257</sup> See René Lémarchand, "Patterns of State Collapse and Reconstruction in Central Africa: Reflections on the Crisis in the Great Lakes", African Studies Quarterly/ the Online Journal for African Studies (January 18<sup>th</sup>, 2003), pp. 12-28.

Congo and eventually on 17<sup>th</sup> May 1997, Mobutu's 32-year regime was ousted. Zaire was renamed Democratic Republic of the Congo with Laurent Kabila as a self-appointed President, the Rwandan colonel, James Kabarebe<sup>258</sup> as the Congolese Army Chief of General Staff and Congolese Tutsis as the most senior national government ministers.<sup>259</sup>

Although AFDL destroyed the Kivu UN refugee camps, carried out a series of attacks against ex-FAR/Hutu militias and ensured the return of and civil rights for Tutsis (now armed to protect themselves) in the Congo, the coalition did not last.<sup>260</sup> Soon, on 2<sup>nd</sup> August 1998, Rwanda put in place a second military movement to fight against its former AFDL ally, Laurent Kabila.<sup>261</sup>

The alliance between Laurent Kabila and his main allies broke down for many reasons and because of many constraints, but particularly because of the following:

On the Congolese side, the perception among the population was that Laurent Kabila had betrayed the country's sovereignty by allowing foreigners to hold strategic state positions.<sup>262</sup> There were regular mass protests in major cities about the Rwandan presence in the new regime.<sup>263</sup> As a result, taking advantage of the intelligence report that Rwandese were preparing a military *coup d'état* against him, Kabila took the decision to replace the Rwandan army Chief of General Staff on July 14<sup>th</sup>, 1998, with a "native" Congolese officer.<sup>264</sup> He also reshuffled his government, replacing most prominent Congolese Tutsis.<sup>265</sup> Two weeks later, on July 27<sup>th</sup>, 1998, Kabila shocked the Kigali regime by instructing all Rwandan soldiers to leave the DRC for Rwanda.<sup>266</sup>

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<sup>258</sup> James Kabarebe is currently General and the Rwandan Army Chief of General Staff. He was Kagame's Chief Military Aid during Uganda backed RPF war against Habyarimana's regime.

<sup>259</sup> Turner, "Congo War", p. 54.

<sup>260</sup> Willie Breytenbach et al., "Conflicts in the Congo: From Kivu to Kabila", *African Security Review*, Vol. 8, No. 5 (1999), pp. 20-43.

<sup>261</sup> John Clark, "Rwanda is the Reason", *The Monitor* (10<sup>th</sup> October 2004), pp. 12-27.

<sup>262</sup> Kisangani, "Conflict in the Democratic Republic of Congo", pp. 51-81.

<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

<sup>265</sup> Ibid.

<sup>266</sup> Willie Breytenbach et al., "Conflicts in the Congo", pp. 25-28.

In the view of Rwanda and Congolese Tutsis, Laurent Kabila had failed to implement their most pressing demands within his first nine months in office.<sup>267</sup> In return for Rwandan support to topple Mobutu, Laurent Kabila was expected to prioritize the efforts to address the Kivu violent crisis and the threat constituted by ex-FAR/Interahamwe militias.<sup>268</sup> Rwanda also expected to keep control of the DRC army in an “attempt to end hostile armed groups” cross-border attacks and ensure the security of the many returned Tutsis throughout the Congo, especially in the Kivu provinces.<sup>269</sup>

### ***Particularity of the Rwandan Second War to the Congo***

As mentioned above, the Rwandan government’s immediate retaliation its former ally visibly occurred on 2<sup>nd</sup> August 1998. This second Rwandan military campaign against the Kinshasa regime had few particular characteristics.<sup>270</sup>

First, the fighting rapidly increased in ferocity, killed a million people in the few first months and drew several regional armies<sup>271</sup> into the fray, plunging the entire region into what has been dubbed “Africa's World War”.<sup>272</sup>

Second, fuelled and sustained by the uncontrolled exploitation of Congolese natural resources, the war provided grounds the rapid multiplication of armed groups such as the Ugandan-backed Mouvement pour la Libération du Congo (MLC).<sup>273</sup> Each of these armed groups fought for different interests according to the support it received.<sup>274</sup>

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<sup>267</sup> Herbert Weiss, “Civil War in the Congo”, *Society*, Vol. 38, No. 3, (March 2001), pp. 67-71.

<sup>268</sup> Willie Breytenbach et al., “Conflicts in the Congo”, pp. 25-28.

<sup>269</sup> Ibid.

<sup>270</sup> Weiss, “Civil War in the Congo”, pp. 67-71.

<sup>271</sup> The Rwandan, Ugandan, Burundian armies backed the rebel movements while the armies of Chad, Namibia, Zimbabwe and Angola fought alongside the Congolese government troops. See Weiss, “Civil War in the Congo”, pp. 67-71.

<sup>272</sup> Weiss, “Civil War in the Congo”, pp. 67-71.

<sup>273</sup> Dani Wadada-Nabudere, *The Political Economy of Conflict and War in the Great Lakes Region* (Cape Town: Institute for Justice and Reconciliation, 2004), pp. 1-2.

<sup>274</sup> Ibid.

## **2.5. Conclusion: How Were These Concerns Dealt With?**

This chapter's objective was to show that the Rwandan RPF regime sought a rapid solution to two major problems in the Congo: the conflicts in the eastern Congo that targeted Tutsi communities, and the threatening presence in that area of those responsible for the 1994 Rwandan genocide. The manner in which the RPF-led regime sought the solution was shaped by the past experiences, values and attitudes of its leaders.

In the light of the perceived threats, the Rwandan government's anxiety over the concentrated presence of the genocide perpetrators near its borders is understandable. The reason for its involvement in the internal matters of Tutsi civil rights claims in the Congo (Kivu provinces), on the other hand, is less obvious. The history of the RPF, however, shows that the Kivu conflicts were one of the pressing issues that the movement sought to address from its start. Although some of Tutsis had lived there for over a century, they were never accepted. These conflicts continued unresolved for many decades and more seriously, they went largely ignored by state officials, as well as regional and later, international organizations. On the few occasions when the central government did give them some recognition and rights, popular campaigns quickly overturning the laws that granted these rights, culminating in the Tutsis being forcibly returned to Rwanda.

The Congolese Tutsis gave strong support to the RPF from its start as they saw it as the only vehicle likely to help them in their struggle. Therefore the RPF that evolved to become the dominant party in Kigali was the fruit of the resolve of Tutsi communities united to take up arms in order to ensure their own safety. Through the RPF, these Tutsis from the Congo wanted to ensure by force that their civil rights were recognized.

At the same time, to understand the threat from the presence of the genocide perpetrators separately from the persistent Kivu conflicts over civil rights of Congolese Tutsis is simply insufficient. The two issues are interlinked. The ex-FAR and Interahamwe militants rebuilt their forces within the United Nations Kivu refugee camps. From these camps, they led successful campaigns against Tutsis and

eventually succeeded in earning support of some armed Congolese native groups against Tutsis. These ex-FAR and Interahamwe militants not only caused the death of many more Tutsis in the Congo, but they also organized cross-border attacks against the RPF-led regime in Rwanda.

These are the concerns that led Rwanda to instigate rebel movements and twice support wars against the governments of Mobutu and Laurent Kabila. Rwanda wanted not only to address its security concerns but also to have an ally in Kinshasa.

The 2003 final peace agreement to end the war that had started initially against Laurent Kabila did not stop the Rwandan military involvement in the continued violence until 2005.

Therefore, the following chapter focuses on the Congolese peace process and includes an assessment of the ways in which the efforts to restore peace in the Congo dealt with Rwandan security concerns as explained in this chapter.

# Chapter Three

## **3. Congolese Peace Process: How did the Peace Efforts from 1998 to 2005 Deal with the Rwandan Security Concerns?**

### **3.1. Introduction**

This chapter assesses the major stages of the Congolese peace efforts between 1998 and 2005. The aim is both to point out different problems and failures encountered at each stage and to track the role of Rwanda in these efforts as a consequence of its security concerns.

The chapter is divided into three major sections. The first section describes the efforts that led to the final peace agreement. At different stages, the section outlines the provisions of the agreements reached and points out the problems and failures of the efforts. The second section of the chapter provides an analysis of the path that led to the final peace agreement and details the provisions of the agreement itself. The last section outlines the failures and problems that have occurred during the implementation of the of the final peace agreement, up until 2005.

### **3.2. Peacemaking Efforts: A Path to the Congolese Final Peace Agreement**

The peace efforts that led to the signing of the Congolese final peace agreement began virtually at the onset of the war against Laurent-Désiré Kabila, long before many of the interlocutors understood the dynamics of the conflict.<sup>275</sup>

#### **3.2.1. Early Peace Efforts to 1999 Lusaka Ceasefire Agreement: Failures and Problems**

The first stage of the early peacemaking efforts comprised several peace initiatives.

The first peace initiative came from South African Development Community (SADC) leaders who convened an emergency summit in Pretoria on 23rd August 1998 in order to try and end the conflict.<sup>276</sup> This was because the Congo became<sup>277</sup> a member of SADC. SADC's first plan was to initiate, through its chairperson (President Nelson Mandela and then President Frederick Chiluba)<sup>278</sup>, negotiations between belligerents aimed at securing a peaceful settlement to the crisis by an immediate ceasefire and a political dialogue.<sup>279</sup>

Other initiatives came from various governments, but especially France, the United States, the United Kingdom and Libya, which all held summit meetings to bring parties together.<sup>280</sup>

However, these initial efforts faced many challenges and subsequently failed to produce a cease-fire, which was a precondition to advance negotiations peacefully

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<sup>275</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

<sup>276</sup> Ibid.

<sup>277</sup> DR Congo had joined SADC about as the conflict started, reportedly in order to gather support against its "aggressors".

<sup>278</sup> At the time, Nelson Mandela and Frederick Chiluba were respectively South African and Zambian Presidents.

<sup>279</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

<sup>280</sup> Ibid.

towards a final peace agreement between belligerents.<sup>281</sup> There were many challenges, but the following problems are relevant:

First, the list of participants in the fighting was not clearly established.<sup>282</sup> For instance, Paul Kagame, then Vice President and Minister of Defence, admitted<sup>283</sup> Rwanda's military involvement in the fighting only on November 6<sup>th</sup>, 1998. Kagame explained that Rwanda had sent its troops to support the rebel movement, the RCD and protect its borders from the ex-FAR and Interahamwe militants.<sup>284</sup> At the onset of the early efforts in August 1998, Rwanda (and Uganda) could not agree to halt fighting and negotiate as it simply denied any involvement in the hostilities.<sup>285</sup>

Second, there were many facilitators involved and each one of them produced an independent initiative. The efforts suffered from internal dissent about the appropriate procedure concerning the participants and the agenda. None of the proposals suggested a negotiation plan that could bring all the belligerents together.<sup>286</sup> Also, facilitators understood the conflict differently and sometimes showed partiality.<sup>287</sup> For instance, the secured first ceasefire signed in the town of Sirte in Libya on April 18<sup>th</sup>, 1999, did not earn credibility because the signatories were only heads of states of Uganda, Chad and the Congo. Rwanda's leader did not attend the meeting in support of RCD, which was not invited and both ignored the terms of the Sirte agreements.<sup>288</sup> In this case, the facilitator, President Muammar Gaddafi, favored Kabila's government. Laurent Kabila refused to negotiate with the rebel movement RCD once the war began claiming that the Congo was under a Rwandan attack and that Rwanda (backed by Uganda) had fomented a rebellion against the people of the Congo.<sup>289</sup>

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<sup>281</sup> Gerrie Swart and Hussein Solomon, "Conflict in the DRC: A Critical Assessment of Whether the Lusaka Ceasefire Agreement has been a Success", *SAIIA Report*, No. 40, (Johannesburg: South African Institute for International Affairs, 2004), pp. 1-64.

<sup>282</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66.

<sup>283</sup> This was due to considerable pressure from Nelson Mandela in order to allow progress in the peace efforts.

<sup>284</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66.

<sup>285</sup> Clark, "Rwanda is the Reason", pp. 12-27.

<sup>286</sup> Swart and Solomon, "Conflict in the DRC", pp. 1-64.

<sup>287</sup> *Ibid.*

<sup>288</sup> *Ibid.*

<sup>289</sup> Swart and Solomon, "Conflict in the DRC", pp. 1-64.

Third, the external government armies involved in the hostilities firmly opposed several calls for an immediate withdrawal of their troops from the Congo.<sup>290</sup> These governments justified their presence in the Congo in accordance with the UN and Organization of African Unity (OAU) charters.<sup>291</sup> For instance, the Rwandan army had gone into the Congo in order to address the state's security concerns, the same reason as it had done so in the 1996 war that led to the overthrow of Mobutu's regime. It did this by also providing needed support to the rebel movement, RCD. In return, Zimbabwe, Angola and Namibia, had sent troops into the Congo in support of Laurent Kabila. These governments claimed that they were providing support to a fellow SADC member facing external aggression.<sup>292</sup>

Last, Kabila's government war strategy against Rwanda and RCD provided other dimensions to the hostilities.<sup>293</sup> As a military move, Kabila's government sought alliance with ex-FAR and Interahamwe militants. Furthermore, in order to earn mass support, especially from the eastern parts of the country that had fallen under control of the Rwandan-backed RCD, the government incited the mass killings of all Tutsis.<sup>294</sup> According to foreign monitors of radio broadcasts in the Congo, some senior Congolese government officials called upon civilians to attack and even kill Rwandan Tutsis in the Congo in order to end what they called "the senseless adventure of the Rwandese in Congo".<sup>295</sup> Similarly, a Congolese Hutu spokesperson during an August 8<sup>th</sup> broadcast on the Congolese radio from Bunia in the part of eastern Congo still controlled by the government, was reported to have said the following:

"People must bring a machete, a spear, an arrow, a hoe, spades, rakes, nails, truncheons, electric irons, barbed wire, stones and the like, in

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<sup>290</sup> See Clark, "Rwanda is the Reason", pp. 12-27; Alusala, "Disarmament and Reconciliation", pp. 1-16.; Curtis, "Raison D'Être Unleashed", pp. 1-15; Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24; Willie Breytenbach et al., "Conflicts in the Congo", pp.25-28 and Kagame "Current Prospects for Peace in the Great Lakes Region", (accessed on 15<sup>th</sup> January 2007).

<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Amnesty International, "Democratic Republic of Congo: Killing Human Decency", [Online Documentation Archive](#), (May 31<sup>st</sup>, 2000), pp. 33-43.

<sup>294</sup> Ibid.

<sup>295</sup> Amnesty International, "Democratic Republic of Congo: War Against Unarmed Civilians", [Online Documentation Archive](#), (November 23<sup>rd</sup> 1998), pp. 1-27.

order, dear listeners, to kill (slaughter) the Rwandan Tutsi, who are currently in Ituri District”.<sup>296</sup>

### 3.2.2. Lusaka Ceasefire Agreement: Provisions and Enforcement Mechanism

#### *External Pressure*

The second stage of the early efforts was characterized by mounting external pressure as a response to the dramatic increase in casualties and threat to regional peace. At the end of March 1999, all initiatives aimed at securing a cease-fire and paving a way for negotiations had failed. Cilliers and Malan report both a major increase in casualties at this point, and an estimate that about 30% of the existing infrastructure had been destroyed as a result of the military action.<sup>297</sup> There was also a rapid multiplication of warring factions. The initial rebel movement split because of differences between its major allies, Rwanda and Uganda. President Museveni created and strengthened other rebel movements (such as MLC, RCD-Kisangani<sup>298</sup>) to operate mainly from the northern and eastern parts of the Congo.<sup>299</sup>

The United Nations Security Council (UNSC) used its resolutions to provide facilitators with grounds for a common approach of the conflict and to pressure belligerents to agree.<sup>300</sup>

The most important UN action was the UNSC Resolution 1234. Under this resolution, the UNSC demanded:

“The immediate signing of a ceasefire agreement allowing the orderly withdrawal of all foreign forces, the re-establishment of the authority of the Government of the Democratic Republic of the

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<sup>296</sup> Ibid, pp. 3-9 and also see Herbert Weiss, “War and Peace in the Democratic Republic of Congo”, *American Diplomacy*, Vol. 5, No. 3 (Summer 2000), part II.

<sup>297</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66.

<sup>298</sup> Situated in the north-eastern Congo, Kisangani is the third biggest Congolese town and the capital of Province Orientale.

<sup>299</sup> Chris Talbot, “Congo Peace Deal Reveals Continuing Instability”, *International Committee of the Fourth International (ICFI)*, World Socialist Web Site (1999), pp. 5-13.

<sup>300</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66 and United Nations, “Resolution 1234 (1999)”, Adopted by the Security Council at its 3993rd Meeting, *United Nations S/RES/1234* (April 9<sup>th</sup>, 1999) available at <http://www.un.org/Docs/scres/1999/sc99.htm> (accessed on 24<sup>th</sup> September 2006), pp. 1-4.

Congo throughout its territory, and the disarmament of non-governmental armed groups in the Democratic Republic of the Congo, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections, and for the provision of arrangements for security along the relevant international borders of the Democratic Republic of the Congo”.<sup>301</sup>

This UNSC resolution helped SADC to bring together the leaders of its 14 member states, as well as leaders from Rwanda, Uganda, Libya, Kenya and the representatives of the UN and OAU in Pretoria in June 17<sup>th</sup> 1999.<sup>302</sup> These leaders agreed that all warring parties needed to be recognized and to participate in negotiations.<sup>303</sup>

The agreements reached in these talks paved the way for the provisions of the Lusaka Ceasefire Agreement, to which Heads of State of the Congo, Namibia, Rwanda, Uganda and Zimbabwe and Angola’s Minister of Defence agreed and signed on July 10<sup>th</sup>, 1999.<sup>304</sup>

### ***Lusaka Ceasefire Agreement: A Summary of the Provisions***

Although large-scale fighting continued in the Congo, the delegates representing the majority of the Congolese rebel movements ratified the Lusaka Ceasefire Agreement on August 1<sup>st</sup>, 1999, and August 31<sup>st</sup>, 1999.<sup>305</sup>

Under the Lusaka Ceasefire Agreement, belligerents and their allies agreed that within 24 hours after all the concerned groups had signed an agreement stating that attacks would cease, foreign troops would disengage and redeploy. Within 90 days, an inter-Congolese dialogue would be held to promote national reconciliation set in place a

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<sup>301</sup> See United Nations, “Resolution 1234 (1999)”, pp. 1-4 and Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

<sup>302</sup> Talbot, “Congo Peace Deal Reveals Continuing Instability”, pp. 4-13.

<sup>303</sup> Ibid, pp. 3-9.

<sup>304</sup> See Talbot, “Congo Peace Deal Reveals Continuing Instability”, pp. 12-13 and Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

<sup>305</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66 and Lusaka Ceasefire Agreement, Lusaka Ceasefire Agreement, “Full Text of the Ceasefire Agreement” (Washington, DC: United States Institute of Peace, 1999) available at [http://www.usip.org/library/pa/drc/drc\\_07101999.html](http://www.usip.org/library/pa/drc/drc_07101999.html) (accessed on 20<sup>th</sup> July 2005).

new political order in the Congo. UN peacekeepers were to disarm remaining negative forces and oversee their orderly withdrawal.<sup>306</sup>

The dispersal of these negative forces, following the provisions of the agreement itself, aimed at facilitating

“the orderly withdrawal of all foreign forces, the re-establishment of state administration throughout the Congolese territory, the formation of the national army through a process of disarmament, demobilization and reintegration (DDR) and the implementation of measures to normalize the security situation along the country’s borders”.<sup>307</sup>

The time frame agreed on for implementing of the Lusaka Ceasefire Agreement was 360 days.<sup>308</sup>

### ***Lusaka Ceasefire Agreement: Enforcement Mechanisms***

The provisions of the Lusaka Ceasefire Agreement provided a double system for its implementation: a Joint Military Commission (JMC) and a peace-support operation led by the United Nations.<sup>309</sup>

Under a neutral chairman appointed by the OAU, the JMC was to be composed of two representatives of each party that had signed the agreement and was accountable to a political committee of foreign and defence ministers of countries involved in the Congolese conflict.<sup>310</sup> The agreement held the JMC responsible for

“monitoring the ceasefire and investigating potential violations, assisting in and checking the disengagement of military forces, working out mechanisms for, and overseeing the DDR process of armed groups, and finally, monitoring and verifying the withdrawal of foreign forces”.<sup>311</sup>

In short, the JMC was made the key verification body of the implementation process.

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<sup>306</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66 and the text of the Lusaka Ceasefire Agreement.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

Under chapter VIII of the Lusaka Ceasefire Agreement, the MONUC was required to perform peacekeeping and peace enforcement functions in collaboration with the JMC. The latter function also involved the support of the DDR process for “the formation of a national army and disarmament of negative forces”.<sup>312</sup>

More importantly, according to the provisions of the Lusaka Ceasefire Agreement, MONUC was also expected “to track down and disarm the ex-FAR and Interahamwe militants and other rebel groups dubbed “negative forces” ”.<sup>313</sup> Once disarmed, those suspected of participating in the Rwandan genocide were to be handed over to the Arusha International Criminal Tribunal for Rwanda (ICTR), while the others would be repatriated to their countries.<sup>314</sup>

Although the agreement did not spell out how MONUC had to “track down and disarm” attacking combatants, it requested that MONUC be allowed under Chapter VII of the UN Charter, to use coercive means to execute their tasks.<sup>315</sup>

### **3.2.3. Enforcement of the 1999 Lusaka Ceasefire Agreement: Failure and Problems**

The merit of the Lusaka Ceasefire Agreement was that it provided ground for further negotiations in order to reach a final agreement between belligerents and other concerned parties. However, the implementation of the ceasefire, an important step towards these negotiations, encountered many problems.

The UN which had accepted the main role of implementing the provisions and enforcing mechanisms necessary to allow a progress in the peace efforts, proved to be ineffective.<sup>316</sup> For the United Nations, owing to the vast geographical area it was to monitor, the intractable nature of some aspects of both the conflict and the conflict’s

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<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

<sup>314</sup> Ibid.

<sup>315</sup> Ibid.

<sup>316</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66 and the text of the Lusaka Ceasefire Agreement.

immediate consequences, the Congo was a “highly complex environment for peacekeeping” in which every step required assessment.<sup>317</sup>

In addition to these problems, the UN understood the agreement to mean that it would “expand the presence of its peacekeepers in the Congo as conditions, as assessed by the UN Secretary-General, allowed it”.<sup>318</sup> This was a more gradual process than other signatories were expecting.

Because of this, the disengagement of foreign troops (planned automatically after the cease-fire), and which depended heavily on the deployment of the UN peacekeepers, took many months to come into effect.

Furthermore, the cease-fire agreement produced spoilers, who worked against its implementation. Noticeable resistance came from Laurent Kabila’s government.<sup>319</sup> Kabila created logistical problems in order to delay the start of the UN work<sup>320</sup> in the area under his control while he tried militarily to regain greater control on the ground.<sup>321</sup> In addition, the government also restricted the freedom of movement of the first contingent of UN forces’. As a matter of disagreement with the UN, Kabila’s government unilaterally decided to suspend the implementation operations.<sup>322</sup> The justification for this move was that the UN peacekeeping personnel had no reason to be deployed in government-controlled territory, but should serve as an interposing force and concentrate exclusively on rebel-controlled areas so that it could escort foreign armed forces (“aggressors”<sup>323</sup>) back to the border assist the Congo to protect its territory from the non-invited forces.<sup>324</sup>

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<sup>317</sup> Ibid.

<sup>318</sup> Colette Braeckman, “Congo: A War without Victors”, *Le Monde Diplomatique* (English edition, April 2001), pp. 2-5.

<sup>319</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66.

<sup>320</sup> The first contingent report was important to the UN for farther decisions. The contingent had the task to observe and assess the situation on the ground.

<sup>321</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-66.

<sup>322</sup> Ibid.

<sup>323</sup> This was in reference to UNSC resolution 1304, which had accused Rwanda (and Uganda) of violating the sovereignty and territorial integrity of the Congo and demanded that they withdraw their forces immediately.

<sup>324</sup> This was Laurent Kabila’s initial stance before the negotiations. See Braeckman, “Congo: A War Without Victors”, pp. 2-5 and Swart and Solomon, “Conflict in the DRC”, pp. 15-23.

Kabila's government's attitude and actions, in addition to UN ineffectiveness, provided a precedent for the Rwandan-backed rebel movement and other groups similarly to restrict the work of the United Nations to limited zones and commit abuses.<sup>325</sup> As a result, the cease-fire agreement was violated and violence continued.<sup>326</sup>

Kabila's assassination and the proclamation of his son, Joseph Kabila,<sup>327</sup> as the Head of State improved cooperation between Kinshasa and MONUC, and subsequently allowed progress in the process.<sup>328</sup>

MONUC was able to deploy its required observers and perform the agreed verification on the relocation of all armed forces to 96 new defensive positions specified in the Harare plan of disengagement<sup>329</sup> by October 2001.<sup>330</sup>

#### **3.2.4. Inter-Congolese Dialogue: Failures and Problems.**

Belgium, the European Union (EU), United States of America (USA), Canada, Japan and South Africa provided the largest financial assistance to ensure considerable representation of concerned parties at the Inter-Congolese Dialogue (ICD) in Sun City (South Africa) between February 25<sup>th</sup> and April 19<sup>th</sup> 2002.<sup>331</sup>

A total of 362 individuals representing five major Congolese groups<sup>332</sup> and a few other representatives of three additional belligerent groups gathered as a result to discuss the terms of the final peace agreement.

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<sup>325</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

<sup>326</sup> Ibid.

<sup>327</sup> General Chief of General Staff of the Congolese Army at the time.

<sup>328</sup> Braeckman, "Congo: a war without victors", pp. 21-25

<sup>329</sup> Under this disengagement plan, foreign forces were called to withdraw all forces to a distance of 15 kilometres from the confrontation line, allowing the creation of a 30-kilometre wide zone of disengagement. See Cilliers and Malan, Peacekeeping in the DRC, pp. 15-66.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid.

<sup>332</sup> The major Congolese groups were the unarmed political parties of opposition, the Congolese civil society groups, the Kinshasa government, the MLC, RCD-Goma and -Kisangani, RCD-ML, RCD-National, and the Mai-Mai. See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

During the talks, agreements were reached relatively faster over issues related to the creation of new institutions of “support to democracy” such as an independent electoral commission, a national watchdog for human rights, a truth commission and a high authority for the media.<sup>333</sup>

However, it soon became apparent that the Kinshasa government and the Rwandan-backed RCD had the veto over the other participants<sup>334</sup> during the negotiations.<sup>335</sup>

Each time, they disagreed over key issues, the process slowed and violence increased.<sup>336</sup>

One of the many key issues of disagreement was the model for power sharing. The Kinshasa government insisted that Joseph Kabila was to remain Head of State and Commander in Chief of the army; the government could be shuffled to include the other groups represented in Sun City and the armed forces of the other parties were to be integrated into the existing *Forces Armées Congolaises* (FAC).<sup>337</sup>

On the other hand, the rebel leaders wanted to seize the opportunity offered by the Congolese dialogue to unseat Kabila. Rebel representatives wanted the presidency to rotate among leaders of major groups (Government, RCD-Goma and MLC) for the period of transition and the national army should come from a merger of the three major armies of the opposing groups, on a quota system and regulated by an inclusive structure.<sup>338</sup>

Other key issues of disagreement were the citizenship crisis of the Kivu provinces, the legality of commercial contracts<sup>339</sup> signed during the wars in areas controlled by rebel

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<sup>333</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 20-66 and Swart and Solomon, “Conflict in the DRC”, pp. 15-23. For related provisions, see the full text of the Lusaka Ceasefire.

<sup>334</sup> The MLC was also considered as one of the major belligerents. However, it became evident that it was only interested in power sharing. It did not matter whether it was in coalition with Kinshasa or the RCD-Goma. The aim was to be in the government in Kinshasa, with some considerable power. See Weiss, “War and Peace in the Democratic Republic of Congo, Chap. 6.

<sup>335</sup> Weiss, “War and Peace in the Democratic Republic of Congo, Chap. 6.

<sup>336</sup> Henri Boshoff and Martin Rupiya, “Delegates, Dialogue and Desperadoes: The ICD and the DRC Peace Process”, *African Security Review*, Vol. 12, No. 3, (2003), pp. 30-36.

<sup>337</sup> Ibid.

<sup>338</sup> Ibid.

<sup>339</sup> During the war, commercial contracts, viewed as “illegal”, were signed in large quantity in the eastern Kivu provinces controlled by the Rwandan-backed RCD-Goma. See Boshoff and Rupiya, “Delegates, Dialogue and Desperadoes”, pp. 30-36.

groups, and the issue of ex-FAR forces and Interahamwe militants. The Rwandan-backed rebel movement demanded an immediate solution.<sup>340</sup>

Furthermore, Kinshasa government and the Rwandan-backed RCD rejected both “Mbeki I” and “Mbeki II” agreement proposals alleging that these proposals were designed in favor of one or the other.<sup>341</sup>

In addition, RCD (backed by Rwanda) demonstrated its upper hand over the other delegates when it vehemently opposed the agreement between the Kinshasa Government, the MLC and the majority of other delegates at the ICD (known as “Sun City Accords”).<sup>342</sup>

Under the Sun City Accords, Joseph Kabila was to be confirmed as president for the transition period. Jean-Pierre Bemba was given the seat of prime minister (and reportedly financial incentives), which would make him one of the most prominent political leaders in the country.<sup>343</sup> These accords were designed to enable the resulting government to symbolically reunify two-thirds of Congolese territory and gain a military advantage over the Rwandan backed-RCD by encircling the zones it controlled.<sup>344</sup>

With increased help from Rwanda, RCD returned to war, captured few more government controlled-areas and demanded other parties return to negotiations in order to reach an all inclusive agreement.<sup>345</sup>

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<sup>340</sup> Boshoff and Rupiya, “Delegates, Dialogue and Desperadoes”, pp. 30-36.

<sup>341</sup> See Cilliers and Malan, Peacekeeping in the DRC, pp. 10-66.

<sup>342</sup> Boshoff and Rupiya, “Delegates, Dialogue and Desperadoes”, pp. 30-36.

<sup>343</sup> Ibid.

<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

### 3.3. Major Peace Agreements

To ease cooperation of the RCD-Goma and to advance the negotiations toward a final agreement, regional (South African government) and international (UN, EU) parties decided to ensure that Rwanda was satisfied. The result sought was that Rwanda would then cooperate and ensure that RCD-Goma was fully involved in the ICD in Sun City. In addition, once satisfied, Rwanda would completely withdraw its troops from the Congo.<sup>346</sup> At the time, MONUC estimated that Rwanda had “approximately 23,000 troops”, among the “foreign troops”<sup>347</sup> based in the Congo in alliance with the warring parties.<sup>348</sup>

#### 3.3.1. Agreement Between Rwanda and the Kinshasa Government

External pressure was put on both Presidents Kagame and Joseph Kabila to negotiate and find an agreement with the help of South Africa and the UN. Eventually, both presidents reached an agreement to resolve the differences between both countries.

Under the bilateral agreement signed in the presence of President Thabo Mbeki and the UN Secretary-General Koffi Annan, the Congolese government committed itself “to continue with the process of tracking down and disarming the Interahamwe and ex-FAR within the territory of the DRC in collaboration with MONUC and JMC”, which until then had seen no progress.<sup>349</sup>

The Rwandan government undertook to “withdraw its troops from the Congo as soon as appropriate and effective measures that address its security concerns, especially the dismantling of the ex-FAR and the Interahamwe forces, are put in place”.<sup>350</sup> MONUC was requested, in collaboration with all relevant UN agencies and in co-ordination

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<sup>346</sup> See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-6.

<sup>347</sup> There were about 10,000 Ugandan troops, 12,000 Zimbabwean, 7,000 Angolan and 2,000 Namibian soldiers. See Cilliers and Malan, *Peacekeeping in the DRC*, pp. 10-6.

<sup>348</sup> Weiss, “War and Peace in the Democratic Republic of Congo”, part II.

<sup>349</sup> See the full text of Pretoria 2002 Peace Agreement, “Peace Agreement between the Governments of the Republic of Rwanda and the Democratic Republic of the Congo” (Washington, DC: United States Institute of Peace, 2002) available at

[http://www.usip.org/library/pa/drc\\_rwanda/drc\\_rwanda\\_pa07302002.html](http://www.usip.org/library/pa/drc_rwanda/drc_rwanda_pa07302002.html) (accessed on 25<sup>th</sup> August 2006).

<sup>350</sup> Ibid.

with the governments of Rwanda and the Congo, to “immediately set up processes to repatriate all ex-FAR/Interahamwe militants to Rwanda, including those in Congolese government controlled areas” such as military training camps in Katanga and Kinshasa.<sup>351</sup>

The provisions of this agreement stipulated that both parties agreed to a 90-day time frame after signing for the process “of tracking and disarming and of withdrawal of Rwandan troops” to be completed in the whole of the Congo.<sup>352</sup> Both parties also agreed on ensuring “security along the common border”.<sup>353</sup>

### **3.3.2. Global and All-Inclusive Agreement and Final Act of Endorsement: The final Results of the ICD in Pretoria**

The return of RCD-Goma to the ICD allowed the Congolese negotiators to reach a Global and All-Inclusive Peace Agreement aimed at ending the war that had started in 1998.<sup>354</sup>

#### ***The Provisions of Global and All-Inclusive Agreement: A Summary***

All the Congolese parties approved and signed this final agreement in Pretoria on July 30<sup>th</sup> 2002.

ICD delegates agreed on the issues related to power-sharing during the transitional period. All the parties were to participate in the transitional efforts aimed at restoring the state’s authority throughout the country and organizing the general election.<sup>355</sup>

It was then agreed that for two years, with a possibility of two extensions of six months, Joseph Kabila would remain Head of State and would lead the transitional government until the elected leaders took office.<sup>356</sup> There would be four Vice-Presidents coming from the RCD-Goma (to head the government commission on

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<sup>351</sup> Ibid.

<sup>352</sup> Ibid.

<sup>353</sup> Ibid.

<sup>354</sup> Boshoff and Rupiya, “Delegates, Dialogue and Desperadoes”, pp. 30-36.

<sup>355</sup> Ibid.

<sup>356</sup> See full text of the Global and All-Inclusive Agreement.

Politics, Security and Defence Affairs), the MLC (responsible for the government commission on Economic and Finance Affairs), the Kinshasa government (reconstruction and development) and the unarmed opposition groups (for the Social and Cultural Commission).<sup>357</sup> Ministerial and parliamentary state enterprise managerial positions and other positions in institutions to support democracy during the transition were to be shared among groups represented at the talks, providing that greater share and priority were given to the major warring parties (the Kinshasa government, the RCD-Goma and the MLC).<sup>358</sup>

During these negotiations, participants also agreed upon a transitional constitution that defined the functions of various institutions. This constitution also recognized, under its Article 14, “all ethnic groups and nationalities constituting Congo at independence were equal before the law as citizens”.<sup>359</sup> Article 14 was a solution to the problem of civil right, part of the Rwandan security concerns, presented at ICD by the Rwandan backed-RCD.

MONUC and the international community were also requested to support these institutions during transition.<sup>360</sup>

#### ***Final Act of Endorsement (Sun City/South Africa)***

After the Global and All-Inclusive Peace Agreement of Pretoria was reached, all Congolese delegates returned once again to Sun City for a final act of endorsement to ratify all agreements signed up till that date — April 2<sup>nd</sup>, 2003.<sup>361</sup>

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<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Boshoff and Rupiya, “Delegates, Dialogue and Desperadoes”, pp. 30-36.

### 3.4. Implementation of the Final Agreement: Failures and Problems

#### *Continued Violence*

During the implementation phase, efforts to address the terms of the final peace agreement as agreed upon were obstructed by the continued violence.<sup>362</sup>

First, the problems at the heart of this violence were those that constituted the Rwandan security concerns.

Tutsi communities were targeted.<sup>363</sup> Previous Kinshasa government forces supported the coalition of Mai-Mai Militias<sup>364</sup> and the ex-FAR/Interahamwe militants against the RCD-Goma (and the Tutsi communities) supported by the Rwandan Patriotic Army (RPA, the Rwandan army).<sup>365</sup>

Although its claim that its 23, 000 troops were pulled out from the Congo after the bilateral agreement between Rwanda and the Congo in Pretoria, Rwanda succeeded in helping the RCD-Goma launch a large scale offensive in the Kivu provinces, northern Katanga province, Maniema province and Kasai provinces and even make advances considerably beyond both its former positions and the disengagement line agreed upon in Harare.<sup>366</sup>

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<sup>362</sup> Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24.

<sup>363</sup> Gerrie Swart, "Peace in Pieces? Violence in the Democratic Republic of the Congo... Again", Electronic Briefing Paper, No. 33 (Pretoria: Center for International Political Studies, 2004), pp. 1-7.

<sup>364</sup> Mai-Mai militias were one of the signatories of the Global and All-Inclusive Peace Agreement. Mai-Mai (also Mayi-Mayi, a loose term) Militias are many small armed groups composed mainly of civilian "Natives" of the eastern Kivu provinces and created with the sponsorship of Kinshasa's governments. Supported by both Kinshasa's government and sometimes the ex-FAR/Interahamwe militants, the Mayi-Mayi's major objective is to resist the invasion of Rwandese forces and all the Rwandan-backed movements. For a background on Mai-Mai Militias, see also Tatiana Carayannis, "The Complex Wars of the Congo: Towards a New Analytic Approach", *Journal of Asian and African Studies*, Vol. 38, No. 2-3 (2003), pp. 232-255.

<sup>365</sup> Swart, "Peace in Pieces?" pp. 1-7; ICG, "The Kivus: The Forgotten Crucible of the Congo", pp.7-12 and Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24.

<sup>366</sup> Ibid.

Second, the ineffective response of the transitional Congolese government and MONUC's peacekeeping forces to the renewed violence provided ground for the emergence of new rebel groups.<sup>367</sup>

Although relative calm returned under the mediation of MONUC, some of RCD-Goma's hardliners (those who opposed the power-sharing peace deal) exploited the situation to support the creation of several Rwandan-backed Congolese Tutsi-led militias in the eastern provinces.<sup>368</sup> Tutsi communities had to arm and organize themselves to ensure their own safety.<sup>369</sup>

Mai-Mai militias and the ex-FAR/Interahamwe militants recruited more militants and expanded their training camps to other provinces with the help of Kinshasa.<sup>370</sup>

The increase in MONUC's peacekeeping forces and a slight change in its mandate authorizing the use of force as a means to neutralize destabilizing armed groups brought little change in the rapidly deteriorating situation in the eastern provinces towards the end of 2003.<sup>371</sup>

Last, when the renewed violence escalated to its full scale<sup>372</sup> in 2004, it provided a scenario similar to the one of 1998 when the war initially started.<sup>373</sup>

Gerrie Swart reports that the battles led to the capital city of South Kivu province, Bukavu's falling under the control of a newly created Congolese Tutsi-led armed group in 2004.<sup>374</sup> The new group was led by General Laurent Nkunda and Colonel Jules Mutebutsi (both Tutsi former combatants of RPF's military branch and former military commanders of RCD-Goma and now seen as dissidents).<sup>375</sup> These leaders justified their actions as a move to prevent an ultimate genocide of the Congolese

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<sup>367</sup> Ibid.

<sup>368</sup> Ibid.

<sup>369</sup> Ibid.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> As the government forces retaliated to re-capture the occupied areas, the violence escalated to what scholars have variously described as "the third Congolese war", "the forgotten wars of Kivu" or "the crisis of Kivu"

<sup>373</sup> Swart, "Peace in Pieces?" pp. 1-7.

<sup>374</sup> See Wolters, "Continuing Instability in the Kivu", pp. 2-17 and Swart, "Peace in Pieces?" pp. 1-7.

<sup>375</sup> Ibid.

Tutsi communities.<sup>376</sup> They alleged that General Mbuja Mabe<sup>377</sup>, the newly assigned military commander for the area (as part of the implementation of the peace agreement) supplied weapons to the Mai-Mai and ex-FAR/Interahamwe militias to use against the Tutsis. He also incited and supported the native population and negative armed groups to commit acts of violence against Congolese Tutsis.<sup>378</sup>

The fall of Bukavu and its surroundings prompted President Joseph Kabila to officially order an immediate deployment of more than 10 000 soldiers in the Kivu.<sup>379</sup> He also launched an appeal to the Congolese population to rise up in support of the government forces against the new Rwandan-backed rebel group.<sup>380</sup> The Congolese minister of communication and press, speaking on behalf of the coalition government, stated that this was another act of war and violation of the Pretoria agreement by Rwanda.<sup>381</sup>

### ***Rwandan Continued Involvement in the Congo***

Although the Rwandan government officially denied any fresh involvement in the Congo, it reiterated that the Congolese government had to carry out its part of the peace agreement by disarming the ex-FAR/Interahamwe militias and allied Congolese groups.<sup>382</sup> The transitional government remained suspicious that Rwanda was continuing its support of rebel groups in the Congo and its military backing of the forces of General Nunda in eastern Kivu.

A relative calm returned to these areas when MONUC eventually negotiated a cease-fire and the withdrawal of General Nkunda's troops. However, tension was permanent and violence continued, mainly between government forces and this rebel group. Besides having an unofficial rear-base in the western province of Rwanda, the

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<sup>376</sup> Ibid.

<sup>377</sup> He was part of the forces loyal to Kabila's government prior to the final agreement.

<sup>378</sup> See Wolters, "Continuing Instability in the Kivu", pp. 2-17

<sup>379</sup> Ibid.

<sup>380</sup> Ibid.

<sup>381</sup> Swart, "Peace in Pieces?", pp. 1-7.

<sup>382</sup> See Alusala, "Disarmament and Reconciliation", pp.1-16; Curtis, "Raison D'Etre Unleashed", pp. 1-15; Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24; Clark, "Rwanda is the Reason", pp. 12-27; Willie Breytenbach et al., "Conflicts in the Congo", pp. 25-28 and Kagame "Current Prospects for Peace in the Great Lakes Region", (accessed on 15<sup>th</sup> January 2007).

rebel movement had official bases in both Kivu provinces (with a known military command base in North Kivu) and enjoyed support from RCD-Goma members and the targeted people of Rwandan origin.<sup>383</sup>

Reports claim that Rwanda helped the new rebel group to train and equip more than 15 000 fighters.<sup>384</sup> The Rwandan government was openly concerned that the ex-FAR/Interahamwe militias, who had regrouped into the political-military movement known as the FDLR, were still operating on Congolese territory in spite of MONUC and the Congolese government's empty commitments to disarm them.<sup>385</sup>

Consequently, the Rwandan government repeated its threat to invade the Congo in order to forcibly disarm these negative forces (FDLR).<sup>386</sup>

### **3.5. Conclusion: How Do We Assess These Efforts?**

Following much effort from SADC, consistent pressure and support from South Africa, the United Nations and the international community, the agreement reached with the Rwandan government facilitated the progress of the Inter-Congolese dialogue. At the end of the negotiations with the ICD, a Global and All-Inclusive Peace Agreement (final peace agreement and the final Act of Endorsement) was reached to end the 1998 war.

Many participants, including governments of states which had armies in the Congo (such as Zimbabwe, Namibia, Angola and Uganda) were involved in the efforts that led to this final peace agreement. There were also other states (such as South Africa, the USA, Libya) and high profile individuals involved as facilitators.

During the various negotiations, it became clear RCD-Goma, Rwandan and the Congolese governments were not prepared to end violence unless they were satisfied by the provisions of every clause under negotiation, all efforts continually failed.

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<sup>383</sup> Ibid.

<sup>384</sup> Ibid.

<sup>385</sup> Ibid.

<sup>386</sup> Ibid and also see Henri Boshoff and Stephanie Wolters, "The Impact of Slow Military Reform on The Transition Process in The DRC", in Situation Report: 10<sup>th</sup> July 2006, (Pretoria: Institute for Security Studies' Publications, July 2006), pp. 1-10.

Besides the issues related to sharing of power during the transitional period, RCD-Goma and Rwanda expected a clear and sustainable solution over the citizenship crisis (and subsequently protection of Congolese Tutsi communities) and the threat posed by the perpetrators of the 1994 Rwandan genocide, then based in the Kivu provinces.

Even though when these two problems were acknowledged in the final agreement reached in Pretoria, peace efforts continued to fail. The fighting, which had never stopped, once again increased in the parts of the eastern provinces controlled by the Rwandan-RCD-Goma, although the power-sharing transitional government (in which RCD had representatives) had been installed.

The continued fighting was largely linked with the emergence of new Tutsi-led armed groups (backed by Rwanda) throughout the eastern provinces as a result of MONUC and the Congolese ineffectiveness to implement the resolutions addressing the core issues of the conflict. At the same time, the Rwandan government once again renewed its threats (and had contingents of soldiers ready) to invade the Congo in order to address its security concerns and secure its border.

The renewed violence resulted in general instability and escalated to full scale violence when the Congolese government retaliated.

The question that arises with the critical account of different stages of the Congolese peace efforts (from 1998 to 2005) is the one of interpretation. The following analysis demonstrates that the Rwandan security concerns are the essential explanation of why peace efforts failed in the Congo.

# Chapter Four

## 4 Continued Violence, Rwanda, Peace Efforts: An Interpretation

### 4.1. Introduction

This chapter is designed to connect details and facts presented in previous chapters in order to demonstrate that the scant attention paid to the Rwandan security concerns is indeed the reason why the peace efforts failed between 1998 and 2005.

The chapter comprises two sections. The first section consists of an analysis the nature of the peace agreement (a stage of the peace process) and shows how the Rwandan security concerns were not given appropriate attention. The second section is an attempt to examine the problems with the Rwandan security concerns.

### 4.2. Peace Efforts and Nature of the Final Peace Agreement: An Interpretation of the Focus

The Pretoria agreement between the Rwandan and the previous Congolese governments was essential because the two major belligerents in the war had gone so far as to sign an agreement, the first agreement between these two powers after the Lusaka Ceasefire Agreement. This agreement contained assurances that the pressing demands made by Rwanda (and RCD-Goma) would be dealt with. The Rwandan government thus expected that those clauses would be implemented in an effective manner by the transitional government.

#### *Core Issues Neglected*

However, the transitional government's work focused largely on problems related to national politics such as the drafting of the constitution, the organization of national elections, and the sharing of national power during the transitional period.<sup>387</sup>

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<sup>387</sup> See Alusala, "Disarmament and Reconciliation", pp. 1-16; Curtis, "Raison D'Etire Unleashed", pp. 1-15; Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 3-24 and ICG, "The Kivu: The Forgotten Crucible of the Congo", pp. 1-32.

The resolutions to deal with the Rwandan security concerns were not given priority during the implementation phase as agreed upon. This is an effect of the handling of the inter-Congolese final negotiations (that led to the Global and All-Inclusive Peace Agreement).

This was because delegates at the ICD treated the war only as a national political crisis. The common cause of the armed groups, which was to force a national political change through elections, found wide support among the unarmed Congolese opposition groups represented. For instance, the MLC resorted to arms against Kinshasa because of its ineffective economic policies and dictatorial measures banning political parties and for inciting social exclusion and violence.<sup>388</sup> The RCD-Goma too, wanted a new regime that would effectively address the threat of the Rwandan ex-FAR/Interahamwe militants and would recognize the civil rights (especially the citizenship claims) of the people of Rwandan origin, particularly Tutsis.<sup>389</sup> The unarmed opposition's group objective at the ICD was to reverse Laurent Kabila's early ban on political parties and to organize free and fair general elections.<sup>390</sup>

#### **4.2.1. Peacemaking Efforts: Inadequate Attention to Rwandan Security**

##### **Concerns**

The emphasis on national political crisis during, first, the ICD and then the implementation phase reinforces the argument that negotiators did not adequately understand the Rwandan security concerns (the role of Rwanda) in the Congo and subsequently neglected to examine their ramifications.<sup>391</sup>

Because the negotiators at the ICD were largely those who were expected to become transitional leaders and the result of these talks was the transitional programme, one would anticipate that every core issue would receive sufficient attention. Instead, for

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<sup>388</sup> For a detailed explanation of the belligerents' concerns, see Weiss, "Civil War in the Congo", pp. 67-71

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

<sup>391</sup> Review Chapter Three of this thesis and See the Full Text of Global and All-Inclusive Peace Agreement.

some core issues of the conflict, particularly the civil rights of Congolese Tutsis and the question of Ex-FAR/Interahamwe militants, consensus was reached in haste and under external influence. For instance, delegates agreed to consider the eastern provinces conflict solely as an internal Congolese matter. They renewed their commitment to the resolution granting citizenship and related rights to Congolese of Rwandan origin who had arrived in the Congo before 1960.

However, there is no evidence in the agreement that the delegates understood that these same measures had not led to peace in the past and this shows a fatal lack of understanding of the situation in the eastern provinces.<sup>392</sup>

Delegates also resolved that MONUC and the Congolese army would address the threat posed to Rwanda by the ex-FAR/Interahamwe's presence and activities in the eastern provinces. This was an expression of an over-reliance on MONUC and the Congolese army. Under the final agreement, these two bodies were still to be constituted. The task was, however, expected to be carried out immediately.<sup>393</sup> In fact, these were a mere endorsement of previous agreements.

Ironically, some of these previous agreements, such as the one with Rwanda in 2002, had been negotiated by the previous Kinshasa government. At the final inter-Congolese dialogue, all the belligerents—the previous Kinshasa government, the representatives of other groups—were on an equal footing as they debated national issues. One would expect then that each side would champion its cause, see that it received careful re-examination and would not simply accept resolutions that perpetuated the crucial problems they had gone to war to fight against. However, the outcomes of the ICD talks and a review of the two-year implementation period show that the negotiators merely stamped previous resolutions on Rwandan security concerns at the ICD without understanding that they, as a transitional government, would have to deal with them immediately.

Also, the focus of the ICD and the nature of the final peace agreement with regard to the Rwandan security concerns consolidated the insufficiencies of previous

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<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

agreements. This resulted from the continuing negligence of the historical and regional context of the problems for which Rwanda waged war against the Congo. For instance, the 2002 Pretoria agreement more than the provisions of the Lusaka Ceasefire Agreement obtained commitment from the pre-transitional government to work with the military assistance of MONUC and closely with JMC in order to “track down and disarm” the Ex-FAR/Interahamwe militants.

However, one of the problems was that of the time frame with reference to the Congolese state capacity. Within 90 days after both Rwandan and Congolese governments had signed the agreement, MONUC was requested to assist the Congolese government to “track and disarm” all the ex-FAR/Interahamwe militants, not only in the eastern Congolese provinces where they regrouped, but throughout the entire Congolese territory.

The implementation phase shows not only that the Congolese government lacked financial and military capacity but that it was focused on trying to implement its part of the Inter-Congolese Dialogue, which required putting in place a transitional government.<sup>394</sup> The fact that the Congo did not have a reliable and accepted army (as agreed, this had to come from the DDR process of all belligerent groups) and MONUC understood its role differently, the Rwandan security concerns were not dealt with in the “effective manner” which both governments had agreed to do.

The change in the MONUC mandate and the enlargement of its troops, together with some “successfully”<sup>395</sup> integrated brigades of the Congolese national army, were incapable of tracking and disarming the negative forces threatening the Rwandan national security.<sup>396</sup> MONUC approached the disarming of the negative forces differently from what the agreement stated. While recognizing that the problem of negative armed groups lay at the core of the conflict, from the outset both the Secretary-General and the Security Council discarded the idea that the peacekeepers would undertake the forcible disarmament of soldiers as envisaged by the Lusaka

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<sup>394</sup> Amnesty International, “Democratic Republic of Congo”, [Online Documentation Archive](#), (July 5<sup>th</sup>, 2005), pp. 24-54.

<sup>395</sup> Several reports show that these are mostly former presidential guards (for Joseph Kabila) rather than integrated units of the Congolese national army as required in the final Congolese peace agreement. For a review of these reports, see Amnesty International, “Democratic Republic of Congo”, pp. 24-54.

<sup>396</sup> Amnesty International, “Democratic Republic of Congo”, pp. 24-54

signatories.<sup>397</sup> Instead, MONUC in consultation with both the Rwandan and the Congolese governments had to set up a strategy to encourage the negative combatants to surrender willingly.<sup>398</sup>

However, the voluntary disarmament had little success. In the case of the ex-FAR/Interahamwe militants, the voluntary disarmament proved completely unsuccessful. To start with, they were not informed of the voluntary disarmament process.<sup>399</sup> This was a major communications breakdown. The joint efforts by the Congolese government and MONUC to use force as a last resort against the ex-FAR/Interahamwe militants failed and resulted instead in serious casualties.<sup>400</sup> There was also a problem in identifying the negative forces personnel. The ex-FAR/Interahamwe combatants were well integrated into Congolese society and local communities.<sup>401</sup> Some were reported to be among presidential guards while others had some community role, were married to local women and had children.<sup>402</sup>

As a result, many from the integrated forces defected and joined these negative forces or mounted new negative armed groups.<sup>403</sup> The offer of amnesty and other benefits to these negative forces failed to bring many of them to give up their arms.

Another problem was that although the 2002 Pretoria agreement also recognized the threat posed to Rwanda by the presence of negative forces based in the eastern Congo, it failed to indicate the existing linkages that the eastern Congo crisis (raised by RCD-Goma in the Inter-Congolese Dialogue) had with Rwanda.<sup>404</sup> There was no evidence in the resolutions that negotiators had taken into account the lengthy attachment of

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<sup>397</sup> See Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 12-20 and United Nations, "Report of the Secretary-General to UNSC on the United Nations Preliminary Deployment in the Democratic Republic of the Congo" (July 15<sup>th</sup>, 1999) available at <http://www.un.org/News/Press/docs/1999/19990806.sc6711.html> (accessed on 24<sup>th</sup> September 2006).

<sup>398</sup> Rogier, "Introduction: The Labyrinthine Path to Peace", pp. 12-20.

<sup>399</sup> Ibid.

<sup>400</sup> Ibid.

<sup>401</sup> Rafti, "South Kivu: a Sanctuary for the Rebellion", pp. 2-36.

<sup>402</sup> Ibid.

<sup>403</sup> Ibid.

<sup>404</sup> See Curtis, "Raison D'Etire Unleashed" pp. 1-15.

Congolese Tutsis to RPF and the implications of the 1994 Rwandan genocide in the eastern Congolese provinces.<sup>405</sup>

As shown earlier, the longstanding connection between the eastern Congo crisis and Rwanda constitutes the key context to understanding the vicious conflicts in the Kivu provinces. Besides its general flaws, the final agreement was further weakened by the failure to adequately deal with this aspect and the final resolutions treating the two concerns as separate matters, one of which would be resolved without reference to Rwanda. As mentioned earlier, Rwanda had a vested interest in both the safety and political status of the people concerned. As a consequence, efforts to restore peace continued to fail. Simultaneously, lethal violence increased, involving Mai-Mai militias, the ex-FAR/Interahamwe militants, factions of RCD-Goma and newly emerged groups supported by both the Rwandan and Congolese governments.<sup>406</sup>

#### **4.2.2. Implementation Phase: Inadequate Attention to Rwandan Security Concerns**

During the two-year implementation phase considered for this study, as the above examples show, the transitional leaders once installed in Kinshasa in 2003 were faced with persistent violence and a multiplication of newly emerged armed groups in the eastern provinces. These provinces remained volatile and slipped from the control of the transitional government. Paradoxically, these transitional leaders still gave little attention to the crisis and its connection to Rwanda.

As mentioned above, the Congolese transitional government's implementation efforts were committed to political matters (such as writing of the country's constitution, organizing elections and power sharing in state institutions) in order to resolve the national governance crisis and as demanded by many delegates at the Inter-Congolese Dialogue.<sup>407</sup>

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<sup>405</sup> See the full text of Global and All-Inclusive Peace Agreement and Review Chapter Three of this thesis.

<sup>406</sup> Amnesty International, "Democratic Republic of Congo", pp. 24-54.

<sup>407</sup> Ibid, pp. 45-54.

By the end of 2005, efforts to track and disarm the ex-FAR/Interahamwe militants and repatriate them to Rwanda to face charges of genocide had failed. These militants continued to recruit members and illegally used Congolese natural resources to finance the purchase of weapons. As a result, lethal violence continued and Rwanda remained implicated.<sup>408</sup> The Rwandan government's continued involvement in the Congo heightened resentment of the local populations towards the Congolese Tutsi population. Although at the national level, Congolese Tutsis participated in state affairs, in the eastern Congolese provinces they were isolated in relatively safe areas. Congolese Tutsis continued to be perceived as "foreigners, invading Rwandese who had to be expelled".<sup>409</sup>

### 4.3. Rwandan Security Concerns: A Few Problems

As mentioned at the beginning, the aim of this work is not to prove that the inadequate attention to the problems identified as the Rwandan security concerns was the sole reason why the Congolese peace efforts failed between 1998 and 2005. Reasons for the failures are numerous. In fact, some of them have been mentioned earlier. Each of these reasons poses some problems.

As for the Rwandan security concerns, the first problem is the difficult task to prove the Rwandan involvement in the Congo at various stages of the peace process, especially after 2002. Rwanda continually denied its involvement in the Congo after it officially pulled out its troops in 2002.<sup>410</sup>

Although the Rwandan government continued to deny its involvement and simply reiterated the need to address its security concerns, there are various reports of continued Rwandan military, political and economic involvement in the Congo after the Pretoria agreement of 2002.<sup>411</sup> Rwandan forces were visible in the Kivu provinces.

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<sup>408</sup> See Curtis, "Raison D'Étre Unleashed", pp. 1-15.

<sup>409</sup> See Amnesty International, "Democratic Republic of Congo", pp. 24-54

<sup>410</sup> See the Rwandan government response to accusations of its continued involvement in the Congo in Human Rights Watch, "D.R. Congo: War Crimes in Bukavu", (2004a).

<sup>411</sup> See Amnesty International, "Democratic Republic of Congo" pp. 24-54; Curtis, "Raison D'Étre Unleashed", pp. 1-15, and Human Rights Watch, "Democratic Republic of Congo - Rwanda Conflict", Human Rights Watch Briefing Paper (December 2004b).

<sup>412</sup> Amnesty International, "Democratic Republic of Congo", pp. 24-54.

On April 21<sup>st</sup> 2004, a MONUC patrol in North Kivu was stopped by well-equipped battalions of the Rwandan army and was asked to withdraw to its base.<sup>413</sup> Later in May-July 2004, the activities of the dissident elements of RCD-Goma raised the question once again of the extent of Rwandan political and military involvement in the Congo through its support for groups in eastern Kivu provinces. In South Kivu, local sources alleged that elements of the Rwandan military were present during the fighting that led to the fall of Bukavu and its surroundings under the control of General Nkunda's<sup>414</sup> troops who were estimated at 25 000 soldiers.<sup>415</sup> These sources claimed to have identified commanders they knew from the previous Rwandan occupations and also claimed to distinguish vehicles, weapons and uniforms as those of the Rwandan army.<sup>416</sup>

In the same way, the findings of the UN panel of experts show the continuing presence of the Rwandan army in the Congo.<sup>417</sup> The Panel found that the Rwandan government continued shipping arms and ammunition to the Kivus and Ituri, provided training, exercised command, and supported the creation of small pro-Tutsi militias to ensure protection of the widely-resented people of Rwandan origin.<sup>418</sup> The then North Kivu Governor, Mr. Serufuli, an influential deputy president of RCD-Goma, reported that Rwanda supplied them with arms to ensure that the threatened population was able to defend itself from the attacks of Mai-Mai militias and ex-FAR/Interahamwe militants.<sup>419</sup> By infiltrating its military officers and intelligence advisors, the Rwandan government also created a rapid reaction force within the eastern Congo after it officially withdrew its troops in 2002.<sup>420</sup> Some of these Rwandan military officers reportedly were integrated into the Congolese national army for the quota reserved for

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<sup>413</sup> Amnesty International, "Democratic Republic of Congo", pp. 24-54.

<sup>414</sup> General Nkunda served with the RPF against Habyarimana. He joined RCD-Goma from Rwanda during the second Congolese war. After 2003, he "defected" from it to lead a different Tutsi-led rebel group.

<sup>415</sup> Amnesty International, "Democratic Republic of Congo", pp. 24-54.

<sup>416</sup> Ibid.

<sup>417</sup> Filip Reyntjens, "Rwanda, Ten Years On: From Genocide to Dictatorship", *African Affairs*, Vol. 103, No. 411 (April 2004), pp. 177-210 and also see United Nations, "The Report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of Congo", (I, II&final), *UN Security Council* (2002-2003) available at <http://www.zwnews.com/UNDRCreport2.doc> (accessed on 5<sup>th</sup> September 2006).

<sup>418</sup> Reyntjens, "Rwanda, Ten Years On", pp. 177-210.

<sup>419</sup> Amnesty International, "Democratic Republic of Congo", pp. 24-54.

<sup>420</sup> Ibid.

the RCD-Goma and others were integrated with new Rwandan-backed rebel groups.<sup>421</sup>

Another problem with the Rwandan security concerns is that these concerns often lose credibility when the conflict is approached as a “resource war”.

Rwandan continued involvement is explained as a military protection of networks that exploited and controlled the agricultural and mineral-rich Kivu provinces and whose income in return financed the Rwandan military and other Rwandan state sectors.<sup>422</sup> This explanation draws on the UN experts’ report on the illegal exploitation of Congolese natural resources, a previous issue of which accused the Rwanda government and the armed groups it supported of looting the Congo.<sup>423</sup>

However, the problem with this criticism of Rwanda is that it fails to look at Rwandan involvement in terms of the alliance between the Congolese Tutsis and the current Rwandan RPF-led regime. It also disregards the threat to the Rwandan government and state posed by the ex-FAR/Interahamwe militias which reorganized and profited from the rich Congolese mineral areas and local support. The continued presence of Rwandan forces in the Kivu provinces should instead be primarily understood as a non-negotiable desire to forcibly dismantle the bases of the ex-FAR/Interahamwe militants and to protect the Congolese Tutsis in the Congo.

#### **4.4. Conclusion: Neglect of Rwandan Security Concerns**

The resurgence of deadly violence after the final agreement, especially the fall of Bukavu and its surroundings to the control of newly merged rebel groups, evidently signified that the peace efforts had failed.

Clearly, the reasons for this failure are numerous and each of these reasons comprises strengths and weaknesses. An assessment of the Congolese peace process shows that the inadequate attention to both major problems (protection and civil rights for Tutsi

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<sup>421</sup> Ibid.

<sup>422</sup> Ola Olsson and Congdon Heather Fors, “Congo: The Prize of Predation”, *Journal of Peace Research*, Vol. 41, No. 3 (May 2004), pp. 321–336.

<sup>423</sup> Ibid, pp. 321-336 and also see United Nations, “The Report of the UN Panel of Experts on the Illegal Exploitation”, (I, II&final).

communities in the Congo and “the tracking and disarming” of the Rwandan Hutu rebels or ex-FAR/Interahamwe militants largely based in the eastern Congolese provinces) illustrated above as the Rwandan security concerns, comprehensively explains why these efforts failed from 1998 to 2005. As the early stages of the negotiations showed, the recognition of these problems by the previous Congolese regime and an assurance that these problems would be on the agenda of all talks were critical to allowing the continuation of the negotiations.

However, a lack of attention to the regional and historical context in which these concerns took place led to ambiguous and unrealistic measures to successfully deal with them. Besides other general flaws of the process that affected the Rwandan behavior throughout, the final talks at ICD and the final agreement show that negotiators failed to understand these concerns in the appropriate context and subsequently underestimated the possible consequences of such moves. The negotiators at ICD signed that these concerns be dealt with within 90 days in an effective manner as agreed by the Rwandan and the previous Congolese governments.

As a result, the two-year implementation phases, peace efforts continued to fail, and violence in which Rwanda was involved increased disastrously while the transitional government devoted all its efforts to resolving the national governance crises (such as distribution of national power and the organization of democratic elections).

## Conclusion

This dissertation was concerned with providing an explanation of why the peace efforts failed in the Democratic Republic of Congo from 1998 to 2005.

For much of the past decade, the Congo has been the scene of devastating wars and wars within wars that have partitioned the country into several broad spheres of influence. However, this paper is concerned with the peace efforts initiated in order to end the war that broke out on 2<sup>nd</sup> August 1998. The war primarily opposed the newly established regime of Laurent Kabila and his former allies of the Alliance des Forces Démocratiques pour la Libération du Congo (AFDL) who turned against him.

An analysis of the available documents and literature on the Congolese peace process confirms that the inadequate attention to the Rwandan security concerns is the essential explanation of why the efforts to restore peace and stability in the Congo failed between 1998 and 2005. Inadequate attention to the Rwandan security concerns, as an argument on the Congolese peace process case, also strengthens various theories on why peace efforts fail. In general, the resolution of the conflict had many flaws and faced challenging problems that affected Rwanda's behavior during negotiations and the implementation of the agreement. The poor handling of the Rwandan security concerns in both peacemaking and peacekeeping phases convincingly explains why efforts continually failed and violence did not stop between 1998 and 2005.

These concerns include many issues with regional aspects but they stem from two major problems: longstanding targeting of Tutsi communities in the Congo where these communities were denied civil rights (a concern brought to the negotiating table by the Rwandan-backed RCD-Goma), and secondly, the presence of Rwandan Hutu rebels (ex-FAR/Interahamwe militants) in the huge refugee camps in the eastern Congo just across the borders from Rwanda (brought to the table by the Rwandan government).

Twice since 1996, Rwanda instigated organized armed movements against the Hutu rebels and the Kinshasa Government, and then invaded the Congo through its strategic eastern provinces, officially in order to address the above concerns. The lack of adequate attention to the above problems, the major reasons for which Rwanda waged war against the Kinshasa government, explained why the peace efforts did not end the violence.

During the major stages of these peace efforts (specifically peacemaking and peacekeeping), insufficient attention was devoted to understanding both problems, although it quickly became obvious during the early stage of the negotiations that special attention to these problems was needed in order to reach an agreement between the belligerents. At the talks, no binding consensus could ever be reached unless these two issues were given priority on the agenda and Rwanda (or RCD-Goma) was satisfied. For instance, Rwanda withdrew from the early negotiations when the government of Laurent Kabila refused to recognize RCD-Goma. In the same way, Rwanda refused to be bound to any agreement that did not take into account its concern over the civil rights of the Congolese Tutsi communities.

An analysis of the important agreements reached (such as the 1999 Lusaka Ceasefire Agreement, the 2003 Sun City agreement and eventually the 2003 Pretoria final agreement) also shows that this lack of adequate attention to those two concerns persisted. Although the final agreement (which resulted in a transitional power-sharing government unifying almost all the belligerents, certain groups of unarmed opposition and representatives of civil society) recognized these two concerns, its resolutions which deal with both concerns are flawed.

Considering that both issues were at the heart of the conflict, one would expect a settlement that showed negotiators comprehensively understood the problems and came up with solid solutions in order to ensure a smooth unfolding of the peace process. However, the terms agreed upon in order to resolve these concerns indicate that the negotiators simply did not thoroughly analyze the historical and regional context in which both issues originally evolved.

For instance, the ongoing conflict in the strategic eastern provinces (in which the civil rights of Tutsi communities was also an important cause) is long-standing. The terms agreed upon in the final agreement as its cure show that the resolutions did not provide adequate solutions. The failures of the previously attempted solutions to it were ignored.

As such, the conflict goes back to before 1885 when the first Rwandans are known to have migrated to the Congo. As more Rwandan migrants settled in the Congo over decades, they clashed with the local population who resented their increasing presence in their country. Subsequently, local and national campaigns were persistently mounted against the recognition of their Congolese civil rights after the Congo acceded to independence in 1960. More importantly, this conflict has persisted and turned into a complex series of violent attacks, especially after the arrival of more Rwandese as a result of the 1994 Rwandan genocide.

The granting *en bloc* of civil rights to all Rwandans living in the Congo since before the country's independence clearly denotes that the negotiators ignored the fact that this same measure was met with violent opposition in the past and repeatedly failed. In addition, the superficial step of granting constitutional civil rights to these Tutsi communities does not defuse the life-threatening attitudes that face them. At the same time, these continuing threats solidify their resolution to form armed groups to protect themselves and strengthen their claims to civil rights.

Furthermore, the final resolution approach agreed upon in Pretoria separates the major issues that constitute the Rwandan security concerns in the Congo. This approach might be justified as the one issue (civil rights of Tutsis living in the Congo) is internal to the Congolese state and the other issue (the threatening presence of the Ex-FAR/Interahamwe militants in the Kivu provinces) visibly involves Rwanda. However, trying to resolve the issues by separating them was disastrous. Again, the resolutions do not give evidence that the regional and historical context in which both issues arose was seriously taken into account. Both issues are interlinked, and the Rwandan government committed itself to seeking the immediate solution of both of them.

The history of the RPF, the ruling party in Rwanda since 1994, shows that it was formed in response to the oppression experienced by exiled and migrant Tutsis living in neighbouring countries (mainly Uganda, Burundi, the Congo and Tanzania). The Congolese Tutsis actively supported the movement in its early days and contributed to the 1994 victory of the RPF over the Habyarimana regime. This means that the Rwandan government (whose army is made up of more than 40% Congolese Tutsis) considered itself responsible for the security of the Congolese Tutsi population; consequently, it has politically supported their claims for rights in the Congo, armed them and trained them to fight.

The weakness of the resolutions in the Congolese final agreement which deal with the Rwandan security concerns in the Congo caused the implementation efforts to fail. The enforcement measures agreed upon to address these concerns urgently were ineffective until the end of 2005. The nature of a peace agreement (which is subject to the terms agreed upon) affects its duration regardless of whether belligerents will be part of the implementation phase. Therefore, a comprehensive understanding of and a solid solution to different issues which underlie the conflict are crucial to ensuring a stable peace agreement and a smooth continuation of the peace process.

The Congolese final peace agreement came out of a long, complex process. The terms of the agreement (with regard to the Rwandan security concerns) were negotiated in haste with insufficient consideration of the politics of the African Great Lakes region, the historical context in which these problems arose. Sometimes these terms were imposed upon the parties concerned or signed under external pressure. As a result, the final resolutions agreed upon in order to urgently solve the Rwandan security concerns were ambiguous and impossible to implement practicably within the two-year period.

For instance, the resented and targeted Congolese Tutsi population refused to disarm as they chose to ensure their own safety, thus causing a delay in the DDR process. This had been agreed upon as the starting point towards building the Congolese national army. The delay in the DDR process hampered “tracking and disarming” the ex-FAR/Interahamwe militants and allies and their repatriation to Rwanda.

Not only did this delay cause major problems for the peace efforts, but the 90-day time frame that both Rwandan and Congolese governments agreed upon in order to address Rwanda's vital concerns was really insufficient. The negotiators did not take into account that these several thousands of ex-FAR/Interahamwe militants had been well integrated into the former Congolese army (the FAC, even to the point of becoming special presidential guards) and had strong roots within Congolese society and could not be removed in 90 days. In addition, negotiators did not carefully consider the possible difficulties related to the DDR process, the most important step to set up a Congolese national army, needed for the next process of "tracking and disarming".

Furthermore, the assistance of the United Nations on the question of ex-FAR/Interahamwe militants provided none of the results the Rwandan government expected. This was because the UN authorized only voluntary disarmament of these negative forces, who refused to comply. When the UNSC changed MONUC's mandate to allow peacekeepers to use force against the ex-FAR/Interahamwe militants, this was restricted to special cases such as the protection of civilians. The ex-FAR/Interahamwe were neither disarmed nor repatriated.

Also, the lack of resources and interest in local politics led the Congolese transitional authorities to concentrate on national political matters (such as the organization of general elections) rather than finding alternative ways to address the problem of ex-FAR/Interahamwe militants.

The failures in both the peacemaking and peacekeeping phases negatively affected the Rwandan behavior and made the peace efforts continue to fail while the deadly violence continued in the strategic eastern provinces, where recent wars had started. The ex-FAR/Interahamwe militants continued to recruit new fighters and reorganized in alliance with local militia groups against Tutsi communities and Rwanda. The Rwandan government, a major signatory of the Congolese peace agreement, also continued to threaten a new invasion should its security concerns not be addressed immediately.

This is not to say that the two major Rwandan security concerns are the only cause of the failed peace efforts. Nevertheless through an assessment of these concerns in the major stages of the Congolese peace process, especially the 2003 final peace agreement, a comprehensive explanation to why the peace efforts have failed is provided.

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