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South Kivu: June 2004

**Situation report and
recommendations for engagement**

EXECUTIVE SUMMARY

The fall of Bukavu, the Democratic Republic of Congo's fourth city, on June 2 has highlighted the underlying problems of the local and national peace process. Tensions have been mounting in the region since October 2003. Bukavu has existed in a state of armed peace since a dispute in February between former partisans of the Rally for Congolese Democracy (RCD) and the pro-Kinshasa commander of the 10th military region. Peace is not static and in the face of potential overrun of violence to other armed groupings it is imperative that the DRC's Transitional Government and the international community at large immediately engage.

Whilst the trigger of recent events in Bukavu is contestable, it is clear that they have not occurred in isolation, or without forewarning. With the international community focussing on forthcoming national elections in the DRC, the root causes of conflict throughout the country, but particularly in the Kivus, have largely gone ignored. This approach is myopic – elections cannot be held until issues revolving around security sector reform and the demobilisation, disarmament and reintegration (DDR) of armed groups have been addressed. The following issues must be urgently resolved:

- According to government estimates, there are up to 300,000 Congolese combatants in the DRC (government estimate), in addition to thousands of Rwandan FDLR, and Burundian FNN, FNL in the Kivus. Progress towards the integration and operationalisation of the army (FARDC) must speed up. Currently, the army is poorly coordinated, marked by non-payment of troops, and insufficient capacity to defend the population or enforce border security.
- Mistrust amongst different parties involved in integrating the national army translates into parallel command structures which continue to undermine the establishment of a functioning national army.
- Delays in the national DDR programme have implied that former soldiers are currently lacking both an identity and assistance. Whilst they are no longer fighters, they cannot yet be treated as civilians. Since their needs (economic, social, and political) are not being provided for, they continue to terrorize local populations. They have not yet been bought into the peace. This black hole in current policy implementation is risking the national peace process. The spectre of spontaneous regroupement and remobilisation of soldiers looms large.
- As long as questions of inter-communitarian cohabitation remain unresolved, ethnic divisions will harden, leaving groupings readily mobilised along ethnic lines.

The current crisis is symptomatic of continued deficiencies in the peace process. Disgruntled politicians and militia leaders abound. Parallel administrative and military authorities serve to subvert the process of national integration at all levels. The crisis in Bukavu should serve to highlight three key stumbling blocks which will need to be addressed for the transition to

proceed: (1) the military calendar must move ahead of the political calendar and ensure the demobilisation of former combatants and the integration of soldiers into a *unified* army; (2) spoilers to the peace process must be dealt with swiftly, and neutralised. 3) Peace-building needs to accompany state-building at the local and national level.

South Kivu: June 2004

Situation report and recommendations for engagement

This paper focuses on current events in South Kivu placing them in the framework of the national peace process in the Democratic Republic of Congo (DRC). This document is one of a series of occasional papers produced by the Africa Initiative Program (AIP) and the Forum on Early Warning and Early Response (FEWER) Africa.

I. CONTEXTUAL OVERVIEW

The fall of Bukavu, the DRC's fourth city, on June 2 to renegade troops led by Brig Gen. Laurent Nkunda should not have come as a surprise.¹ Tensions in South Kivu province have been simmering since the Transitional National Government, headed by Joseph Kabila, was sworn in a year ago. Rumours of a third rebellion have been widely circulated.² The Kivus, "the forgotten crucible of the conflict" in the DRC since 1996, are once again threatening to drag this nation back down the slippery slope to war.

Bukavu itself has existed in a state of uneasy peace since February 2004, when a major dispute erupted between former officers from the Rally for Congolese Democracy (RCD), the principal rebel group during the 1998-2003 war currently incorporated into the new government and army, and the "pro-Kinshasa" commander of the 10th military region, Prosper Nabyolwa.

Tensions between the RCD and Transitional Government authorities in Bukavu have been mounting since the appointment of Gen. Nabyolwa in October/November 2003. This appointment effectively placed a Kinshasa ally at the helm of soldiers drawn largely from the RCD, and reportedly infuriated Rwanda. With rumours of a third rebellion flying, Gen Nabyolwa and MONUC conducted a number of raids, seizing several arms' caches. The Transitional Government's Council of Ministers subsequently decided on February 7 to suspend South Kivu's Governor, Xavier Chiribanya, believed to be a close ally of Rwanda. Chiribanya publicly surrendered his personal guard and a cache of weapons, although officials deemed these to represent but a small proportion of his supply.³

There are varying assessments of the current crisis, ostensibly sparked by an incident on May 26 in Bukavu - itself subject to differing interpretations. Soldiers loyal to Col. Jules Mutebutsi,

¹ This report draws on interviews in Bukavu in May and June. For an analysis of the events leading up to the conflict see Romenka, Hans. *Update on the DRC Transition, Case of the Kivus*. Institute of Security Studies, May 2004; as well as complete background information from International Crisis Group report, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January, 2003.

² Interviews with Congolese stakeholders, MONUC officials and aid workers. Many say the rumours have been deliberately fuelled by the government in Kinshasa.

³ Among the arms collected, all of which were somewhat dilapidated, were 21 light automatic rifles (FAL), 14 FA, 3 heavy automatic rifles (FAL), 2 RPG N° 2, 7 gas machine-guns (MAG), 1 section machine-gun (MISEC), 1 Gun (Canon Sans Recul). As far as ammunition is concerned, the MONUC recovered 22 new bombs without weapons, and 7 boxes of ammunition (MAG). Interview MONUC, Bukavu February 2004

suspended in March, attacked troops of Gen. Mbuza Mabe, standing in for Gen. Nabyolwa who had been temporarily recalled to Kinshasa after three people were killed in fighting in Bukavu in February. Col. Mutebutsi's officers say they were trying to rescue a colleague who had been arrested by Gen. Mabe's forces, and thrown into a pit latrine⁴. Gen. Mbuza Mabe claims the fighting was triggered by soldiers loyal to Col. Mutebusi who wanted to cross into Rwanda through the border post manned by Mabe's loyalists who had earlier received instruction not to let any soldiers cross into Rwanda. While trying to force their way through, the scuffle erupted and one of Mutebusi's loyalists was arrested.⁵

As the violence spread, Gen. Nkunda began marching towards Bukavu with an unidentified number of men, purportedly to prevent the implementation of a pre-planned genocide against Bukavu's Banyamulenge (related to Rwanda's Tutsi population).⁶ Banyamulenge who fled to the Rwandan town of Cyangugu, or were wounded in the attacks and hospitalised there, testify that they were victims of targeted attacks by both civilians from other ethnic groups and by Gen. Mabe's troops: "The civilians would show the soldiers where we lived, then they would come in and beat us shouting, 'Go back to Rwanda'", said one refugee.⁷ Many said there had been punishment beatings meted out on Banyamulenge men, women and children over the last three months.

Today, Gen. Nkunda appears to be finally abiding by a MONUC-brokered deal to pull his troops, estimated to be up to 4,000-strong,⁸ out of Bukavu. In a dramatic u-turn on June 7, he dropped his principal demand (the removal of Gen. Mabe) and conceded he had been 'misled' over reports of a planned genocide against the Banyamulenge. Within the last few days, as the situation calms, normal life is beginning to resume in Bukavu and more complete information can be gathered on the events that not only took the lives of at least 50 people and wounded more than a hundred others, but have also threatened to derail the DRC peace process at large.

2. LOCAL STAKEHOLDERS

Colonel Mutebuzi (Ex RCD-G)

Mutebuzi rejected the offer of a post in the national army, refusing to accept the authority of government appointed commander, Nabyolwa. Subsequently suspended, he retained a large degree of autonomy and continued to view South Kivu as his 'responsibility'.⁹ The appointment of a Governor from the political opposition left him in isolation from both the political and

⁴ Interview with Mutebutsi loyalists, 4 June, 2004.

⁵ Interview with Mabe Loyalists June 2, 2004

⁶ Interviews with Gen. Nkunda, 4-6 June, 2004. It should be noted that, while Col. Mutebutsi is a Banyamulenge, Gen. Nkunda is a Munyarwanda from Masisi.

⁷ Interviews with refugees at Nyagatare transit camp, Cyangugu and at Cyangugu hospital, 3 June, 2004. Jereme Nsengiyumua, chairman of the camp, said 2,174 Banyamulenge refugees were receiving aid at the camp, while an unknown number were staying with friends in the town.

⁸ MONUC figure

⁹ During his time with the RCD, Mutebuzi was in command of Uvira-Fizi-Baraka.

military Governors in South Kivu. In March, it was estimated that he had no more than 400 troops under his command.

General Nkunda (Ex RCD-G)

Gen. Nkunda is among a group of leading ex-RCD officers who have refused to take up positions in the new national army. Some of them, such as Major Joseph Kasongo, and Gen. Bora Uzima were among 30 suspects sentenced to death for the January 2001 assassination of President Laurent Kabila.¹⁰ Gen. Nkunda himself has been accused of serious human rights abuses in the quelling of an anti-Rwanda popular uprising in Kisangani, May 2002.¹¹ Theoretically, he will not face prosecution under an amnesty for political crimes agreed by the Transitional Government. However, Gen. Nkunda is suspected of possible involvement in the Kabila assassination – which has not been included in the amnesty.

Consequently, an extremist wing of the RCD remains largely opposed to the Transitional Government, in part stemming from concerns for self-preservation. Most were Rwanda-trained officers who owed allegiance to Kigali and are now particularly vulnerable to criticism by the Transitional Government and dependent on old command structures from Kigali. Until these figures, including Bora and Mutebutsi, are effectively co-opted or neutralised, they will remain a potential source of violence in the East.

FARDC- 10th Military Region

General Mbuza Mabe is officially in charge of the tenth military region in South Kivu, having replaced Nyabolwa in February. Mabe is originally from Equateur province and was a commander in Mobutu's army. In theory, FARDC is the unified army. However, the 10th military region principally made up of Mai-Mai and the former FAC (Forces armées du Congo), while former RCD soldiers in the Kivus do not recognise his command.¹² Banyamulenge representatives claim that "Mabe's troops attacked civilians, were speaking Kinyarwanda and were former Interhamwe." There is no confirmation of this.

It is unknown how many soldiers are actually under Mabe's command, nor their ranks, or weapons capacity. For example, the High Plateau of Itombwe is controlled by Colonel Masunzu as a separate entity in South Kivu, independent of the command structure in Bukavu. In practice, the old military structure remains to the extent that only the commanders have been changed in each province – a symbolic gesture at best

¹⁰ Several of those tried and sentenced to death were done so in absentia. The trial was widely viewed as a scam. See, among others, Democratic Republic of Congo : From assassination to state murder ? Amnesty International report, 12 December 2002.

¹¹ See various Human Rights Watch reports.

¹² Romenka, Hans. Update on the DRC Transition, Case of the Kivus. Institute of Security Studies, May 2004.

Ruberwa (VP, Ex RCD Commander)

In an interview in early June, Nkunda stated, “Ruberwa is well aware of what I’m doing”¹³ [sic.]. Mr. Ruberwa has publicly spoken out against the Nkunda mutiny and flew to Goma to try to intercede. He had minimal success in both distancing himself from his former colleagues, or in quelling the fighting.

Regarded as having sold out to Kinshasa by hard-line elements within the RCD movement for joining the government, criticised by the moderate elements within the ranks of the RCD and increasingly at odds with President Joseph Kabila, Ruberwa and the RCD, have never enjoyed much popular support, but the recent incidents in Bukavu have further isolated the RCD.

The RCD’s lack of popular support, coupled with increasing rapprochement between the MLC and PPRD leaders, seems to indicate that the RCD’s political existence may be approaching its end. As the election calendar draws close, different factions within the RCD may attempt to abandon the political process and play the military card. Ruberwa, with little popular support in Kinshasa or from his own movement, and associated with fighting in the East, will find himself increasingly marginalized in the political process.

Banyamulenge Community

According to their representatives, the term “banyamulenge” was coined in 1967 to differentiate Ethnic Tutsi of Congolese origin, and newly arrived refugees from Rwanda.¹⁴ Tensions between the Banyamulenge and the Bafulero and Babembe have risen sharply since 1992.¹⁵ These tensions have been manipulated by local, national, and regional actors. The massive influx of refugees from Rwanda in 1994 served to polarise different communities, often resulting in violent confrontations. The Banyamulenge were criticised for not being Congolese: “We saw all the Tutsis in 1994 running back to Rwanda ripping up their identity cards, and now they want to be Congolese.”¹⁶

The Bafulero and the Babembe blame the Banyamulenge for starting the two DRC wars and resent the fact that the Banyamulenge became a “privileged minority” during Rwanda-backed RCD occupation of the town. In the past, many of the Banyamulenge depended on privileged ties with Kigali for their security. This has increased the anti-Tutsi sentiment which exists at almost all levels Congolese society.

¹³ RFI June 2, 2004.

¹⁴ For a more complete assessment see notably William, Jean Claude. Banyamulenge and Banyarwanda. Cahiers Africains. Paris 1996, Vlassenroot, Koen. The Ethnogenesis of the Banyamulenge,. <http://www.life-peace.org/ctp/peacedrc.htm>, as well as www.pole-institute.org

¹⁵ This includes the forced migration of Rwandaphones in North Kivu in 1992, and the call from Kivu representatives during the CNS to rescind the Congolese citizenship of Rwandaphones in accordance with the 1981 Nationality Act.

¹⁶ This is repeated ad-inifinitum. This has been exploited by different parties on all sides to further political agendas.

Most Banyamulenge leaders recognise that their association with Kigali has resulted in greater rejection of their community by the Congolese and have chosen to distance themselves from Kigali. In February of 2002 this exploded into open conflict between the RCD and the forces of FRF (*Forces Républicaines et Fédéralistes*), led by commandant Masunzu. In Kinshasa, the perception of these events was accurately captured by one civil society leader, “Finally, the Banyamulenge are acting like real Congolese.”¹⁷ However, current Banyamulenge opinion is not united, and recent acts of targeted violence against the Banyamulenge, have made reconciliation between communities even more difficult. The continued intervention of Kigali will negatively impact the security of this community.

The statement of Mutebusi and Nkunda that they were acting to prevent the Banyamulenge from “genocide” has little credence. Given the use of the protection of Rwandaphone communities as a pretext for other countries to intervene in the DRC, it will be necessary for the government to enact measures that show that this minority¹⁸ is protected by the laws and institutions of the transitional government.

Perceptions of privilege and exclusion continue to be a root cause of conflict in eastern DRC. Without local authorities that are accountable to their constituents, these tensions will continue to undermine efforts of reconciliation as well as pose a challenge for peace and security in the region.

Eugène Sérufuli (Governor, North Kivu)

North Kivu Governor, Eugene Serufuli, was once a key ally of Rwanda. He has now repositioned himself towards the Transitional Government, earning Kigali’s ire and, in consequence, an attempt to remove him.¹⁹ Nonetheless, if a third rebellion were to flare up, he would not want to risk isolation through his association with Kinshasa. There are reports that vehicles from the parastatal NGO, Tous Pour le Développement (TPD), were used to transport Gen. Nkunda’s men and equipment on the march to Bukavu.²⁰

Mr. Serufuli’s local defence force, although now hypothetically integrated into the 8th military region, could play a role were a proper rebellion to break out. There is also suspicion that the

¹⁷ Interviews Congolese civil Society Forum, 2002

¹⁸ During an interview in June 2004, a government official stated, “We should equally pay attention to the Kaonde, Ndembo from Katanga or the Balualua from Kasai, or the Basakata from Bandundu who are not even represented in the high ranking posts of the Government.” However given the polarisation of the question of Rwandaphone Congolese, the justification of regional powers for intervention in the DRC, and the spark of the war in the Kivus, it is of our opinion that the government and the International Community must urgently support a dialogue between Rwanda-phone and other communities to avoid instrumentalisation of the issue by extremists on all sides.

¹⁹ Interviews with government officials in Rwanda and the DRC.

²⁰ MONUC officer said he had received this from two credible sources.

commander of the 8th military region, Obedi Rwibasira (Gen. Nkunda's brother-in-law) supported the recent uprising. Some of his soldiers and senior officers deserted and joined Gen. Nkunda on the trek to Bukavu.²¹ It should be noted that North Kivu is the only province in the Eastern part of the country with a military and political governor from the same movement (RCD-G)

FLEC (Forces for the Liberation of Eastern Congo)

In recent months, rumours have abounded in Kinshasa and the Kivus that Gen Nkunda, Mr. Chiribanya and cohorts have formed an organisation called Forces for the Liberation of Eastern Congo (FLEC), whose apparent aims include the possible use of force to create an independent state in the Kivus (North Kivu, South Kivu and Maniema) with close links to Kigali. There is no evidence of this. The continued threat of a third rebellion serves to reinforce the image of Kabila loyalists as peace-makers, and to further agendas of spoilers who wish to de-rail the peace process. Gen. Nkunda himself denied involvement; "FLEC does not exist and anyway it is a political organisation", he said.²²

3. NATIONAL AND INTERNATIONAL STAKEHOLDERS

The DRC Transitional National Government. (TNG)

Although the Transitional Government was officially set up in June of 2003, there is still no unified political or military structure. Outside of the capital, areas are still administered by former rebel movements. In Kinshasa, parallel command structures direct the police, the army, the security services, and income generating activities. The nomination of governors and military commanders in May was the first step of the transitional government to establish its authority in the Eastern part of the country. It was also the end of the hegemony of the RCD in the Kivus.

North Kivu remains under the complete administrative and military control of the RCD, while the military command in South Kivu was allotted to the former government representative, and the governor issued from the political opposition and the vice-governor from local civil society. President Kabila warned embassies that this nomination could result in violence. Former Mai-Mai and FAC soldiers will most likely regain control of the town again and claim the territorial unification of the country. However, RCD soldiers in South Kivu will continue to take orders from their own command structure, while Mai-Mai and FAC soldiers will take orders from the presidency.

²¹ There were also defections from Mabe's 10th military region. Gen. Nkunda particularly mentioned Col. Masudi Esperant and his men from the first brigade.

²² Interview with Nkunda. It should be noted that such a movement is in no way organised and would enjoy very little popular support in the Kivus, where many would perceive it as an attempt at secession led by the Banyamulenge minority, or by neighbouring Rwanda.

As the RCD becomes increasingly isolated and splintered, and military forces loyal to the government take control of areas in the Eastern part of the country, the potential for continued low-level conflict is high.

Rwanda

Rwanda has denied allegations of supporting the rebels in Bukavu. Nevertheless, Rwandan involvement, particularly during the recent crisis has been questioned, including an open accusation by President Kabila, which amounted to a virtual declaration of war. There is no firm evidence to support Rwanda's immediate backing for Gen. Nkunda's uprising. However, the enormous amount of support the rebels were able to garner does suggest foreign assistance. International agencies noted heavy river traffic during the nights of March 25, 26, and 27, whilst MONUC declared, 22 April, to have sighted Rwandan soldiers in North Kivu.

Relations between the Rwandan and DRC government are at their lowest point since the signing in of the Transitional Government. However, given the continuing presence of large numbers of ex-FAR, and Interhamwe in Eastern DRC, the ongoing strategic and economic interests of Rwanda, and the incapacity of the FARDC to protect the borders, it is likely that Rwanda will continue to be heavily involved in Eastern DRC over the medium term. Given the international community's support for the Transitional Government and increasing criticism of Rwanda's interventions²³, heavy-handed diplomatic pressure can help to limit negative involvement in the Kivu Provinces.²⁴

United Nations Mission (MONUC)

MONUC is currently overwhelmed and overstretched. A UN force properly mandated and equipped, deployed with a peace agreement in place, can stare down potential spoilers reneging on their agreements. MONUC officials have argued that they lacked both the mandate²⁵ and the manpower/equipment to stop Gen. Nkunda's invasion.

Given these limitations, MONUC will continue to face criticism from the DRC population even when it is fully upholding its mandate. Certain MONUC personnel should be praised for outstanding courage during the events in Bukavu. Some peacekeepers parked Armoured Personnel Carriers in front of firing mutineers. MONUC soldiers and civilians rescued over 1,300 vulnerable civilians and transported them to areas under MONUC protection. They worked until the early hours of the morning on a daily basis. Anti-looting patrols stemmed some

²³ Rwanda's involvement in the DRC has been both direct and indirect; i.e. by illicit exploitation of natural resources and by the management of para-statal companies (i.e. water, electricity and transportation). *United Nations Security Council. Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. 2002 Para 2.*

²⁴ In 2002, Rwanda was threatened with suspension of IMF loans following the crisis in Kisangani and convinced Rwanda to pursue a political approach rather than a military one. During the recent events in Bukavu, the possible threat of Operation Artemis in the Kivus was a strong signal to deter intervention. (interviews ICG)

²⁵ "The mandate of the MONUC is to protect civilians, not to fight to protect the peace process." Interviews DPKO

of the pillaging; although, over all efforts could have been more effective if MONUC personnel had more sufficient knowledge of local languages and of the geography of the town

Given the lack of confidence in their own authorities (military and political), the local population place hope in MONUC. Consequently, MONUC is blamed for set-backs in the peace process. Violent protests early June, involving the destruction of over 100 vehicles and the looting of UN offices are testament to this. The UN cannot fight hot wars. As the head of DPKO recently stated, “peace-keeping operations are not possible if there is no peace to keep.”

4. THE FALL OF BUKAVU: SYMPTOMS OF A TROUBLED PEACE PROCESS

Recent events in South Kivu, irrespective of their triggering factors, have not occurred in isolation or without forewarning. The international community must take its share of the responsibility. So much emphasis has been placed on the successful outcome of the elections, scheduled for the end of 2005, that the root causes of conflict in the DRC, and particularly in the Kivus, have been largely ignored. However, elections cannot be held until issues surrounding the consolidation of the national army and demobilisation, disarmament and reintegration (DDR) of former combatants have been addressed.

- Progress towards **integration of the army** (FARDC) has been slow. Although the national forces are “theoretically integrated”, this is marked by poor coordination and poor and non-transparent payment of soldiers.²⁶ The Belgian-funded pilot programme in Kisangani is an indicator of the enormous challenges facing the creation of a functioning army. Under this programme, troops who submitted to a national army reintegration programme, many of whom could barely fire a gun or perform basic military tasks, were given military training. However, lack of human capacities aside, the government has not yet been able to equip these soldiers with proper weapons, uniforms or salaries.
- **Continued mistrust** amongst different parties involved in integrating the national army (military, militias, political leaders) translates into a total lack of coordination on the field. This is evident from parallel command structures that exist beside those established by the Transitional Government. For example, the *Maison Militaire*, a unit in the President’s office, gives parallel orders to ex-government soldiers and several Mai Mai groups. Meanwhile, RCD-Goma, RCD-K-ML, MLC and other Mai Mai groups follow their own command structures which do not necessarily follow orders given by the recognized hierarchical structures.²⁷
- **Delays in DDR:** the national DDR plan has yet to be operationalised by authorities in Kinshasa. For as long as this remains the case, the peace process will remain on tenterhooks, with a potentially volatile mass of ex-combatants facing a dubious future and

²⁶ Soldiers are paid \$10 per month. However, they actually receive only a proportion of this after top commanders have “skimmed off” this salary. This contributes to the continued plundering of the Congolese population. See Romenka, Hans. Update on the DRC Transition, Case of the Kivus. Institute of Security Studies, May 2004.

²⁷ Idem

not yet bought into the peace process. If DDR had reached a more advanced stage, the recent conflict in Bukavu may have been avoided.²⁸ The current status of former soldiers from belligerent groups is unclear. They have not yet been incorporated into a national army structure, but are not considered civilians either. This quagmire can only be addressed once the screening process has been conducted.

- Linked to delays in DDR is the current **spontaneous re-groupment** of soldiers: former militias waiting to be screened cannot be aided by international humanitarian agencies.²⁹ However, since there are no national structures or mechanisms to provide for their basic needs via a cantonment process, soldiers have continued to loot from and exploit local populations as well as engage in acts of violence. It is evident, given events in Bukavu, that the potential for re-mobilisation of this dissatisfied and disillusioned group is running high.
- **Inability to establish administrative or military control in Eastern DRC:** attempts should have been made to disarm Col. Mutebutsi in March or April. If the military had a coordinated command unit, they could have acted in concert with MONUC in application of its mandate; “Even the use of limited force could have caused the renegades to rethink.”³⁰
- **Renewed instability and insecurity:** pro-Kinshasa troops were pulled out of many positions, particularly around Uvira and on the Ruzizi Plains during the first week of June. Given this security vacuum, FDLR insurgents swept in; taking at least 60 civilians hostage since June 5.³¹ Locals in the area had been providing information to MONUC and government officials, identifying FDLR hideouts. They are unlikely to be so cooperative again given the evident lack of security.
- The lack of a functioning local administration to address the questions of **land ownership, justice, citizenship, and intercommunitarian cohabitation** are still possible sparks to violent conflict in the east. There are still little means of resolution of these issues in Eastern DRC. Bearing this in mind, it is imperative to couple “state-building” at a national level with “state-building” and “peace-building” at a local level.

²⁸ One clear example of this is an offer from Mudundu 40, to disarm and demobilise late last year. It took such a long time to make a decision that the opportunity was lost. “There is no proper framework for DDR”, said one MONUC DDR official in Bukavu. “It took six months to decide who was a combatant, although when you are out in the bush like we are, it is fairly clear. HQ navel gazing and the unbelievable bureaucracy of the UN, diplomatic missions and the Congolese government is partly responsible for this current crisis.” After Gen. Nkunda’s withdrawal, Mudundu 40 were involved in fighting on the outskirts of Bukavu on June 7-8.

²⁹ In the absence of demobilisation cards from the government, these soldiers cannot be treated by humanitarian agencies (at the risk of violating the humanitarian principle of not privileging military personnel over civilians). There is little doubt that the re-grouped soldiers are (and will continue to) resort to the same survival techniques they have been pursuing for the last several years, including pillaging, looting, and ransoming the population of nearby villages.

³⁰ Interviews Kinshasa MONUC, Bukavu. This would apply to article 25 of Resolution 1493 which gives MONUC the right ensure the security and freedom of movement of its personnel, including in particular those engaged in DDRRR; which could be performed in collaboration with a unified national army.

³¹ Based on MONUC MILOBS and civil society figures from Uvira , 6 June, 2004.

- **Spoilers.** The acts of Nkunda and Mutebusi do much more to endanger the security of the Banyamulenge community and to further ethnic hatred than to protect the interests of the community. Many Congolese Tutsis retain both perceived and real fears for their security. Divisions along such ethnic lines are far from history given the ease with which anti-Tutsi violence was aroused during the recent events in Bukavu.

5. POSSIBLE SCENARIOS

Worst Case Scenario: the Transition Government completely fails and fractures due to continued mistrust and infighting amongst the different groups. Consequently, there is widespread fighting in the East as former belligerents resume war.

Middle Case Scenario: leaders of different movements continue to pursue their own military options while they claim to support the institutions of the transition [which they are undermining]. The RCD splinters, Rwanda's strategic hold on Eastern DRC is lost and fighting begins in North Kivu. The integration of FARDC continues to be slow and MONUC is unable to respond adequately to all crises. Elections are delayed until the government is able to restore order in the East.

Best Case Scenario: the Transitional Government, national forces (FARDC) and MONUC are able to take control of the situation. The international community works to assist the integration of current politico-military actors into the institutions of the transition and neutralise spoilers. Although violence continues, conflicting parties start to think in terms of politics, rather than war.

6. CONCLUSION

It is possible that a “behind-the-scene” deal was reached between Gen. Nkunda and the Transitional Government. The unexpected virtual apology of the former, coupled with his admission that he was wrong to invade Bukavu, suggests a face-saving deal with the transitional government that itself was deeply humiliated by how easily its forces were routed.

This, at best, leaves the Kivus in a state of armed peace. There remains a strong possibility that both parties will renege their agreement, despite any bargain struck.³² DDR has suffered a serious blow, leading to renewed rearmament and insecurity in the region. Tensions between the Banyamulenge and other communities may continue to rise, although different voices of the Banyamulenge community have emerged, separating themselves from the rebellion.³³

The rebellion's success or failure is not as significant as the fact that the current crisis has highlighted the underlying problems of the peace process. Disgruntled politicians and militia leaders abound, and parallel administrative and military authorities serve to subvert the process of national integration at all levels. The crisis in Bukavu has put the spotlight on two current stumbling blocks which must be addressed for the transition to proceed: 1) the military calendar

³² It is likely that once the government has the necessary military strength, it will act to neutralize Nkunda.

³³ See notably “We don't need war criminals to protect us.” Statement by Enoch Seberinza on June 3, 2004.

must move ahead of the political calendar and ensure the demobilisation of former combatants and the integration of soldiers into a *unified* army; 2) spoilers to the peace process must be dealt with swiftly and neutralised.

7. RECOMMENDATIONS

To the Transitional Government of the DRC and the CIAT

- Immediately define the role of military command within the different military regions, and disband parallel structures.
- Fast-track the screening of combatants and support intensive labour projects for demobilised soldiers.
- Prioritise the implementation of a plan to construct a DRC army.
- Start urgent mediation efforts for the Kivus (Tracks 1 and 2).
- Work on rebuilding relations between Rwandaphone and other communities, through confidence building measures, and dialogue to avoid ethnic mobilisation for political gains (Track 3).

To the United Nations Security Council and the international community

- Order an immediate investigation into the events surrounding the fall of Bukavu and MONUC's reaction during the fighting.
- Supply the MONUC force with necessary equipment and soldiers to monitor the flow of arms and ammunition into eastern DRC in accordance with UNSC resolution 1533
- Support the implementation of a plan to construct a DRC army with the necessary resources and technical expertise.
- Ensure that the DRC is not sidelined on the international agenda. Continued, heightened and unwavering engagement is critical to prevent a slide towards conflict.